GENERAL AND SPECIAL LAWS
OF THE
STATE OF IDAHO

PASSED BY
THE FIRST REGULAR SESSION OF THE
FORTY-THIRD IDAHO LEGISLATURE
Convened January 5, 1976
Adjourned March 19, 1976

Idaho Official Directory and Roster of State Officials and Members
of State Legislature Follows the Index.

PUBLISHED BY AUTHORITY OF THE
SECRETARY OF STATE

P E T E T . C E N A R R U S A
Secretary of State
Boise, Idaho

Printed by The Caxton Printers, Ltd.
Caldwell, Idaho
CHAPTER 1
(H.B. No. 326)

AN ACT
RELATING TO CREDITS AND REFUNDS OF TAXES; PROVIDING A STATEMENT OF LEGISLATIVE POLICY AND INTENT RELATING TO CHAPTER 138 AND CHAPTER 170, LAWS OF 1975; AMENDING SECTION 63-3024, IDAHO CODE, TO STRIKE REFERENCES TO CREDITS AND REFUNDS; AMENDING CHAPTER 30, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-3024A, IDAHO CODE, TO PROVIDE FOR CREDITS OR REFUNDS TO RESIDENT INDIVIDUALS; AMENDING CHAPTER 30, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-3024B, IDAHO CODE, TO PROVIDE FOR A CREDIT FOR POLITICAL CONTRIBUTIONS; DECLARING AN EMERGENCY AND PROVIDING FOR RETROACTIVE APPLICATION.

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

SECTION 1. Section 63-3024, Idaho Code, relating to taxes on income of individuals, trusts and estates, and credits and refunds to resident individual taxpayers, has been amended continuously since it was first enacted in 1959. Section 63-3024, Idaho Code, was most recently amended by this legislature by Chapter 138 (House Bill No. 286) and Chapter 170 (Senate Bill No. 1054), Laws of 1975, wherein this legislature provided for certain credits or refunds to resident individual taxpayers. It was the intention of this legislature to provide for a credit against taxes and a refund of the balance of the unused credit if the credit exceeds the tax liability. A question has arisen, however, whether the text of Chapter 138, Laws of 1975, clearly expresses the intention of this legislature in this regard, and it is prudent that this legislature make its intention perfectly clear. The legislature by this act does not alter the original intent of the 1975 amendments to Section 63-3024, Idaho Code, but wishes to state the law contained in that section clearly and free of ambiguity or misinterpretation.

SECTION 2. 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 (1/2) 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 (1/2) 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 dollars ($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)—Any-resident-individual-who-is-required-to-file-by
lawn--and--who--has--filed--an-- Idaho--income--tax--return--shall--be
allowed--a--credit--er--refund--equal--to--the--amount--of--fifteen
dollars--(§15+00)--er--the--balance--of--his--unused--credit, which
whichever--is--greater,--fer--each--personal--exemption--for--which
a--deduction--is--permitted--by--section--151(b) and (e)--of--the
Internal--Revenue--Code,--as--that--section--appeared--en--December
31,--1964,--if--such--deduction--is--claimed--en--the--taxpayer--'s
Idaho--income--tax--return,--if--the--credit--er--refund--is--net
claimed--fer--the--year--for--which--the--individual--income--tax
return--is--filed,--the--right--thereafter--to--claim--such--credit
er--refund--shall--be--perfeited.--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--birthday--before--the--end--of--his
taxable--year--shall--be--entitled--to--a--credit--er--refund--equal
to--the--amount--of--twenty--dollars--(§20+00)--er--the--balance--of
his--unused--credit,--whichever--is--greater,--fer--each--personal
exemption--for--which--a--deduction--is--permitted--by--section
151(b) and (e)--of--the--Internal--Revenue--Code,--as--that--section
appeared--en--December--31,--1964,--and--upon--making--application
therefor--at--such--time--and--in--such--manner--as--may--be--prescribed
by--the--state--tax--commission.

*(f)*--A--resident--individual--of--the--state--of--Idaho--who--is:

(i)--blind,--er

(ii)--a--disabled--American--veteran--of--any--war--engaged--in
by--the--United--States,--whose--disability--is--recognized--as--a
service--connected--disability--er--a--degree--of--ten--per--cent
(10%)--er--merry,--er--who--is--in--receipt--of--a--pension--fer
nenservice--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--veteran
administration.--er

(iii)--over--sixty--two--(62)--years--of--age,
and--has--been--allowed--nere,--er--less--than--all,--er--the--credit
provided--by--subsection--(d)--er--subsection--(e)--of--the
section,--shall--be--entitled--to--a--payment--fer--the--refund--fund
in--an--amount--equal--to--fifteen--dollars--(§15+00),--er--the--bal
ance--of--his--unused--credit,--whichever--is--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--tot--a--credit--er
refund--under--this--section--shall--receive--a--proprietary
credit--er--refund,--in--the--manner--above--provided,--reflecting
the--part--er--the--year--in--which--he--was--demobilized--in--this
state.
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 63-3024A, Idaho Code, and to read as follows:

63-3024A. CREDITS AND REFUNDS. (a) Any resident individual not entitled to the credit allowed in subsection (b)(1), who is required to file by law and who has filed an Idaho income tax return, shall be allowed a credit against taxes due under the Idaho income tax act equal to the amount of fifteen dollars ($15.00) 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 taxes due are less than the total credit allowed, the taxpayer shall be paid a refund equal to the balance of the unused credit. 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. The state tax commission shall prescribe the method by which the refund, if any, is to be made to the taxpayer.

(b) (1) A resident individual who has reached his sixty-fifth birthday before the end of his taxable year, who is required to file by law and who has filed an Idaho income tax return, shall be allowed a credit against taxes due under the Idaho income tax act equal to the amount of twenty
dollars ($20.00) for each personal exemption representing himself, a spouse over the age of sixty-five (65), or a dependent over the age of sixty-five (65), but shall be allowed a credit against taxes due under the Idaho income tax act equal to fifteen dollars ($15.00) for each personal exemption representing a spouse or dependent under the age of sixty-five (65). If taxes due are less than the total credit allowed, the taxpayer shall be paid a refund equal to the balance of the unused credit. 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. The state tax commission shall prescribe the method by which the refund, if any, is to be made to the taxpayer.

(2) A resident individual who has reached his sixtieth birthday and is not required by law to file an Idaho income tax return and who has received no credit or refund under any other subsection of this section, shall be entitled to a refund of twenty dollars ($20.00). Any refund shall be paid to such individual only upon his making application therefor at such time and in such manner as may be prescribed by the state tax commission.

(c) 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 (a) or subsection (b) of this section, shall be entitled to a payment from the refund fund in an amount equal to fifteen dollars ($15.00), 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.

(d) 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.

(e) 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 (1) subsection of this section.

(f) The refunds authorized by this section shall be paid from the state refund fund in the same manner as the refunds authorized by section 63-3067, Idaho Code.

SECTION 4. 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 63-3024B, Idaho Code, and to read as follows:

63-3024B. POLITICAL CONTRIBUTIONS. 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 (1/2) 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 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 January 22, 1976
AN ACT

RELATING TO A STATE EMPLOYEES AWARD SYSTEM; AMENDING TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 61, TITLE 67, IDAHO CODE; STATING LEGISLATIVE INTENT; CREATING A STATE EMPLOYEES INCENTIVE AWARD COMMITTEE; PROVIDING MEETING REQUIREMENTS OF THE COMMITTEE; PROVIDING FOR THE ADOPTION OF RULES AND REGULATIONS FOR THE IMPLEMENTATION OF THE ACT; EMPOWERING THE COMMITTEE TO GRANT MONETARY AWARDS OR CERTIFICATES OF MERIT; PROVIDING LIMITATIONS ON THE AWARDS PROGRAM; AND REQUIRING FUNDING OF THE PROGRAM TO BE BORNE BY INDIVIDUAL STATE AGENCIES.

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

SECTION 1. That Title 67, Idaho Code, be, and the same is hereby amended by the addition of a NEW CHAPTER to be known and designated as Chapter 61, Title 67, Idaho Code, and to read as follows:

CHAPTER 61

STATE EMPLOYEE INCENTIVE AWARDS

67-6101. LEGISLATIVE INTENT. It is hereby declared to be the policy of the state of Idaho to further encourage state employees to develop new concepts for the improvement of efficiency and economy in state government through certificates of merit or monetary awards for suggestions, concepts and ideas that will directly conserve man-hours, supplies, equipment, operating costs or that contribute directly to carrying out the mission of a department of state government.

67-6102. AWARDS COMMITTEE -- CREATION -- MEMBERSHIP. There is hereby created in the office of the governor the state employees incentive award committee. The committee shall consist of the governor, or his representative, who shall serve as chairman, the legislative auditor, and three (3) private citizens who represent business, management or industry. The three (3) citizen members shall be appointed by the governor to serve two (2) year terms.
67-6103. MEETINGS. The committee shall meet twice annually, or at such other times as the chairman may determine, in the office of the governor. At such time, the committee shall consider nominations submitted to the committee by the various directors of the executive agencies. A quorum shall consist of three (3) members. All committee meetings shall be open to the public.

67-6104. RULES AND REGULATIONS. It shall be the duty of the committee to administer the provisions of this act and to promulgate rules and regulations for the successful implementation of this act. Such rules and regulations shall include, but are not limited to, the following:

(1) the establishment of a procedure for submission, screening and eligibility of all suggestions, ideas, and concepts;

(2) the approval of those suggestions which will produce economies or improvements in the operations of an agency;

Rules and regulations promulgated by the committee shall not be subject to the provisions of chapter 52, title 67, Idaho Code.

67-6105. AWARDS. Upon approval of a concept, idea, or suggestion, submitted to the committee pursuant to adopted rules or regulations, the committee is hereby empowered to grant monetary awards or certificates of merit for the submission of ideas by state employees which would:

(1) implement a cost savings,

(2) increase efficiency,

(3) better utilize resources.

The committee is not bound at any time to make an award, nor is a minimum number of awards to be made to each state department. The amount of the award shall be dependent upon the value and benefit of the suggestion as determined by the committee. The committee may request outside expertise in the judging of awards and may request additional information from the applicant or the department, as to the design, function, and applicability of the suggestion.

A monetary award or a certificate of merit made by the committee shall entitle the state of Idaho to full rights to utilize the suggestion; however, it shall not constitute a purchase of any property right of the employee in the idea or suggestion.

67-6106. PARTICIPATION LIMITATIONS. Employees of the state of Idaho are eligible to participate in the suggestion
awards program, pursuant to the terms of this act; however, no award shall be made:

(1) for suggestions which represent a part of the normal duties of the employees, or over which the employee has the sole authority to implement the suggestion

(2) for suggestions made by employees whose normal duties are research or planning, unless the subject matter is unrelated to normal work assignments

(3) which shall exceed three hundred dollars ($300).

67-6107. FUNDING. The director shall submit in writing a statement, accompanying each proposal, in such form as may be required by the committee, stating that the expense of any award up to the maximum amount permitted, shall be borne by the department suggesting the award.

Approved February 3, 1976.
CHAPTER 3
(H.B. No. 369)

AN ACT
RELATING TO THE INTERNAL REVENUE CODE; AMENDING SECTION 63-3004, IDAHO CODE, BY STRIKING THE FIGURE 1975 AND INSERTING IN LIEU THEREOF THE FIGURE 1976; DECLARING AN EMERGENCY AND PROVIDING FOR A RETROACTIVE EFFECTIVE DATE.

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:

63-3004. INTERNAL REVENUE CODE. The term "Internal Revenue Code" means the Internal Revenue Code of 1954 of the United States, as amended, and in effect on the 1st day of January, 1976.

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, 1976.

Approved February 3, 1976.
CHAPTER 4
(S.B. No. 1291)

AN ACT
RELATING TO PERIODS FOR REGISTRATION OF MOTOR VEHICLES; AMENDING SECTION 49-126, IDAHO CODE, PROVIDING FOR VEHICLES REGISTERED FOR A CALENDAR YEAR TO EXPIRE MIDNIGHT DECEMBER 31, PROVIDING FOR TEN REGISTRATION PERIODS INSTEAD OF TWELVE, PROVIDING FOR THE LAST DIGIT OF THE NUMBER PLATE ALONG WITH THE REGISTRATION CARD TO FIX THE REGISTRATION PERIOD UNDER THE "STAGGERED PLATE SYSTEM" OF IDAHO AND THAT THEY WILL EXPIRE MIDNIGHT ON THE LAST DAY OF THE REGISTRATION PERIOD, PROVIDING FOR THE MONTHS OF NOVEMBER AND DECEMBER TO BE EXCLUDED FROM THE MONTHLY SYSTEM; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 49-126, Idaho Code, be, and the same is hereby amended to read as follows:

49-126. OPERATING FEES FOR PASSENGER CARRYING MOTOR VEHICLES AND PICKUP TRUCKS NOT IN EXCESS OF 8,000 LBS. GWT.
(1) All vehicles required by this section to be registered shall be registered for a period of twelve (12) consecutive calendar months. All vehicles required by any other section of this chapter to be registered shall be registered for a calendar year, expiring midnight December 31 of each year.
(2) There are twelve--ten (10) registration periods, each of which shall start on the first day of a calendar month and end on the last day of the twelfth month from the date of beginning. The months of November and December are excluded from the monthly series registration system. The periods shall be designated, in accordance with the ending date, as follows:
   (a) January 31, first period; designated by the ending numeral 1.
   (b) February 28 or 29, second period; designated by the ending numeral 2.
   (c) March 31, third period; designated by the ending numeral 3.
   (d) April 30, fourth period; designated by the ending numeral 4.
   (e) May 31, fifth period; designated by the ending
numeral 5.
(f) June 30, sixth period; designated by the ending
numeral 6.
(g) July 31, seventh period; designated by the ending
numeral 7.
(h) August 31, eighth period; designated by the ending
numeral 8.
(i) September 30, ninth period; designated by the
ending numeral 9.
(j) October 31, tenth period; designated by the ending
numeral 0.
(k) November 30, eleventh period.
(l) December 31, twelfth period.
Registration periods shall expire midnight on the last day
of the registration period in the year designated by the
registration sticker or year embossed on the plate. The last
numeral digit on the number plate or plates shall, as does
the registration card, fix the registration period under the
"staggered plate system" of Idaho for the purpose of regegis-
tration and notice of expiration.

(3) A vehicle that has once been registered for any of
the above designated periods shall, upon reregistration, be
registered for the period bearing the same number, and the
registration card shall show and be the exclusive proof of
the expiration date of registration and licensing.

(4) The annual fee for operating each pickup truck and
each other motor vehicle having a maximum gross weight not
in excess of 8,000 pounds, designed for the purpose of
carrying passengers, and not used for hire shall be as fol-
lows:

Vehicles one (1) and two (2) years old ............. $18.00
Vehicles three (3) and four (4) years old .......... 15.00
Vehicles five (5) and six (6) years old ............ 12.60
Vehicles seven (7) and eight (8) years old ........ 9.60
Vehicles over eight (8) years old ................... 7.20

In addition to the annual fee prescribed in this section
any such motor vehicle designed for the purpose of carrying
passengers and not used for hire which is propelled by spe-
cial fuel as defined in section 49-1230, Idaho Code, shall
pay a fee of $3.75 per month for each month of a registra-
tion period, which fee shall be considered in lieu of ordi-
nary motor vehicle fuels tax levied upon fuels used by other
motor vehicles enumerated in this section.

(5) For the purpose of this section, the age of a motor
vehicle shall be determined by subtracting the
manufacturer's year designation of such vehicle from the
year in which the fee herein provided is paid; provided that
if any such vehicle has the same manufacturer's year designation as the year in which the fee herein provided is paid, and if any such vehicle has a manufacturer's year designation later than the year in which the fee herein provided is paid, such vehicles shall be deemed to be one (1) year old for the purposes of this section; provided further that the term "manufacturer's year designation" as herein used, shall mean the model year designated by the motor vehicle manufacturer, and not the year in which such vehicle is in fact manufactured.

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 9, 1976.
CHAPTER 5
(S.B. No. 1292)

AN ACT
RELATING TO REGISTRATION OF MOTOR VEHICLES; AMENDING SECTION 49-113, IDAHO CODE, PROVIDING FOR ONE NUMBER PLATE FOR A TRUCK-TRACTOR, PROVIDING FOR EXTENSION OF LIFE OF CURRENT SERIES AND SUBSEQUENT SERIES, PROVIDING FOR SEMI-PERMANENT LICENSE NUMBER PLATES FOR AN INDEFINITE PERIOD BUT NOT LESS THAN FIVE YEARS, PROVIDING THAT A SERIES OF NUMBER PLATES MAY BE REPLACED OR CANCELED BY THE DIRECTOR, PROVIDING FOR REGISTRATION STICKERS ISSUED TO NUMBER PLATES ISSUED IN ACCORDANCE WITH SECTION 49-126, IDAHO CODE, SHALL SHOW THE YEAR OF REGISTRATION ONLY AND PROVIDING FOR THE LAST DIGIT OF THE NUMBER PLATE TO DESIGNATE THE REGISTRATION PERIODS JANUARY THROUGH OCTOBER, PROVIDING THAT ALL OTHER VEHICLES SHALL BE ISSUED STICKERS AND/OR NUMBER PLATES FOR A CALENDAR YEAR EXPIRING DECEMBER 31; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 49-113, Idaho Code, be, and the same is hereby amended to read as follows:

49-113. NUMBER PLATES TO BE FURNISHED BY DEPARTMENT -- FORM AND CONTENTS. a. The assessor shall also furnish to every owner whose vehicle shall be registered by him that office one (1) number plate for a motorcycle, trailer, truck-tractor, or semi-trailer and two (2) number plates for every other motor vehicle. The department may extend the life of the current series of license number plates outstanding since January 1973 and each subsequent year and may hereafter issue a new series of semi-permanent license number plates for an indefinite period of time, but in no event for a period less than five (5) years. Any such series of license number plates may be replaced or canceled by the director anytime after five (5) years from the year of issuance of such series.

During intervening years in which license number plates are not issued, replaced, or canceled, license number plates shall be retained by the owner until lost, stolen, mutilated, or illegible. At such time and under such circumstances, the owner shall then apply for a duplicate or sub-
stitute therefor as provided in section 49-121, Idaho Code.

The assessor shall furnish such number plates for a five-year period commencing with the year 1968 and each fifth year thereafter. In any year during which number plates are not furnished, the assessor shall furnish for each registration, and to validate the number plate, a pressure-sensitive registration sticker to designate the year or period of registration. This registration sticker shall be serially numbered, shall show the calendar year or registration period for which it is issued, and shall be valid only for that year or registration period. Providing that number plates issued for state, county and city motor vehicles shall be permanent and remain on the vehicle for which issued from year to year, and need no renewal or validation sticker.

Number plates issued to vehicles required to register in accordance with section 49-126, Idaho Code, shall be issued registration validation stickers showing the year of registration only and the last digit of the number plate will designate the registration period to fulfill the purpose of the monthly series registration system in that particular year. Number plates ending in 1 through 0 shall be the registration periods January through October and the registration period shall expire midnight on the last day of the registration period in the year designated by the registration sticker. All vehicles required by any other section (other than 49-126) of this chapter to be registered shall be issued number plates and/or validation stickers for a calendar year and shall expire midnight December 31.

b. Every number plate shall have displayed upon it the registration number assigned to the vehicle and to the owner thereof, also the name of this state which may be abbreviated and the year number or registration period for which it is issued whenever replacement plates or a series of replacement plates are issued. In years that validation stickers are issued, the year number need not be shown on the number plate. Such plate and the required letters and numerals thereon, except the year number or registration period for which issued, shall be of sufficient size to be plainly readable from a distance of one hundred (100) feet during daylight, and each number plate and each registration sticker during daylight, and each number plate and each registration sticker shall be treated with a fully reflectorized material according to specifications prescribed by the director and the plates shall have green numerals and letters on a white background. Each passenger number plate must bear upon its face the inscription "Famous Potatoes."
c. The director shall furnish to every owner whose vehicle shall be registered by him, number plates and registration stickers the same as if such vehicle had been registered by a county assessor and in addition thereto shall furnish to every owner whose vehicle is subject to the payment of the use fee provided by subdivision (e) of section 49-127, Idaho Code, a use fee number plate. Said use fee number plate shall be similar in form to the registration plate and shall contain such information as the director may by rule or regulation provide.

d. The director shall have authority to require the return to the department of all number plates and registration stickers upon termination of the lawful use thereof by the owner, under this chapter.

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 9, 1976.
C. 6 '76

CHAPTER 6
(H.B. No. 431)

AN ACT
AMENDING SECTION 2, CHAPTER 102, LAWS OF 1975, BY INCREASING THE APPROPRIATION FROM THE GENERAL FUND BY THE AMOUNT OF $100,000 TO THE DEPARTMENT OF AGRICULTURE TO BE EXPENDED FOR DESIGNATED PROGRAMS, ACCORDING TO DESIGNATED EXPENSE CLASSES FOR THE PERIOD JULY 1, 1975, THROUGH JUNE 30, 1976; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 2, Chapter 102, Laws of 1975, be, and the same is hereby amended to read as follows:

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:
### A. ADMINISTRATION PROGRAM:

<table>
<thead>
<tr>
<th></th>
<th>FROM GENERAL FUND</th>
<th>FROM DEDICATED FUND</th>
<th>FROM FEDERAL FUND</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel Costs</td>
<td>$149,200</td>
<td>$19,700</td>
<td></td>
<td>$168,900</td>
</tr>
<tr>
<td>Operating Expenditures</td>
<td>77,300</td>
<td></td>
<td></td>
<td>77,300</td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>1,200</td>
<td></td>
<td></td>
<td>1,200</td>
</tr>
<tr>
<td><strong>TOTALS</strong></td>
<td><strong>$227,700</strong></td>
<td><strong>$19,700</strong></td>
<td></td>
<td><strong>$247,400</strong></td>
</tr>
</tbody>
</table>

### B. ANIMAL INDUSTRY PROGRAM:

<table>
<thead>
<tr>
<th></th>
<th>FROM GENERAL FUND</th>
<th>FROM DEDICATED FUND</th>
<th>FROM FEDERAL FUND</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel Costs</td>
<td>$621,200</td>
<td>$351,200</td>
<td>$388,000</td>
<td>$1,350,400</td>
</tr>
<tr>
<td>Operating Expenditures</td>
<td>532,900</td>
<td>308,200</td>
<td>99,900</td>
<td>931,000</td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>210,000</td>
<td>30,500</td>
<td>3,100</td>
<td>243,600</td>
</tr>
<tr>
<td><strong>TOTALS</strong></td>
<td><strong>$1,364,100</strong></td>
<td><strong>$689,900</strong></td>
<td></td>
<td><strong>$2,054,000</strong></td>
</tr>
</tbody>
</table>

### C. FEDERAL-STATE INSPECTION PROGRAM:

<table>
<thead>
<tr>
<th></th>
<th>FROM GENERAL FUND</th>
<th>FROM DEDICATED FUND</th>
<th>FROM FEDERAL FUND</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel Costs</td>
<td>$2,553,800</td>
<td>$311,500</td>
<td>$311,500</td>
<td>$3,176,800</td>
</tr>
<tr>
<td>Operating Expenditures</td>
<td>311,500</td>
<td>28,400</td>
<td>28,400</td>
<td>368,300</td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>166,000</td>
<td></td>
<td></td>
<td>166,000</td>
</tr>
<tr>
<td><strong>TOTALS</strong></td>
<td><strong>$3,059,700</strong></td>
<td><strong>$491,700</strong></td>
<td></td>
<td><strong>$3,551,400</strong></td>
</tr>
</tbody>
</table>

### D. PLANT INDUSTRY PROGRAM:

<table>
<thead>
<tr>
<th></th>
<th>FROM GENERAL FUND</th>
<th>FROM DEDICATED FUND</th>
<th>FROM FEDERAL FUND</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel Costs</td>
<td>$204,900</td>
<td>$172,500</td>
<td>$14,600</td>
<td>$392,000</td>
</tr>
<tr>
<td>Operating Expenditures</td>
<td>91,400</td>
<td>92,000</td>
<td>6,400</td>
<td>189,800</td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>14,900</td>
<td>16,100</td>
<td></td>
<td>31,000</td>
</tr>
<tr>
<td>Trustee and Benefit Payments</td>
<td>15,000</td>
<td></td>
<td></td>
<td>15,000</td>
</tr>
<tr>
<td><strong>TOTALS</strong></td>
<td><strong>$311,200</strong></td>
<td><strong>$280,600</strong></td>
<td></td>
<td><strong>$591,800</strong></td>
</tr>
</tbody>
</table>

### E. MARKETS PROGRAM:

<table>
<thead>
<tr>
<th></th>
<th>FROM GENERAL FUND</th>
<th>FROM DEDICATED FUND</th>
<th>FROM FEDERAL FUND</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></td>
<td><strong>$669,200</strong></td>
</tr>
</tbody>
</table>

### GRAND TOTALS:

- **FROM GENERAL FUND**: $1,777,500
- **FROM DEDICATED FUND**: $4,230,600
- **FROM FEDERAL FUND**: $599,800
- **TOTAL**: $6,607,900

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 16, 1976.
AN ACT
AMENDING SECTION 2, CHAPTER 123, LAWS OF 1975, RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF REVENUE AND TAXATION, BY INCREASING THE APPROPRIATION FROM THE GENERAL FUND BY $34,000; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 2, Chapter 123, Laws of 1975, be, and the same is hereby amended to read as follows:

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>I. ADMINISTRATION &amp; SUPPORT PROGRAM:</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>$328,500</td>
<td>$123,200</td>
<td>$3,800</td>
<td>$455,500</td>
</tr>
<tr>
<td>Highway Fund</td>
<td>$17,600</td>
<td>$9,200</td>
<td>$300</td>
<td>$27,100</td>
</tr>
<tr>
<td>Miscellaneous Receipts Fund</td>
<td>$200</td>
<td></td>
<td></td>
<td>$200</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$346,100</strong></td>
<td><strong>$132,400</strong></td>
<td><strong>$4,100</strong></td>
<td><strong>$482,800</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>II. TAX COLLECTION &amp; AUDIT PROGRAM:</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>$2,004,800</td>
<td>$622,900</td>
<td>$3,400</td>
<td>$2,629,200</td>
</tr>
<tr>
<td>Highway Fund</td>
<td>$116,000</td>
<td>$70,300</td>
<td>$200</td>
<td>$186,500</td>
</tr>
<tr>
<td>Miscellaneous Receipts Fund</td>
<td>$2,000</td>
<td></td>
<td></td>
<td>$2,000</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$2,120,800</strong></td>
<td><strong>$693,200</strong></td>
<td><strong>$3,600</strong></td>
<td><strong>$2,851,600</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>III. AD VALOREM PROGRAM:</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>$381,500</td>
<td>$90,000</td>
<td>$2,500</td>
<td>$474,000</td>
</tr>
<tr>
<td>Miscellaneous Receipts Fund</td>
<td>$2,000</td>
<td></td>
<td></td>
<td>$2,000</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$383,500</strong></td>
<td><strong>$92,000</strong></td>
<td><strong>$2,500</strong></td>
<td><strong>$478,000</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>IV. MULTI-STATE TAX COMPACT:</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>$11,000</td>
<td></td>
<td></td>
<td>$11,000</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$11,000</strong></td>
<td></td>
<td></td>
<td><strong>$11,000</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>V. TAX APPEALS:</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>$25,200</td>
<td>$11,000</td>
<td></td>
<td>$36,200</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$25,200</strong></td>
<td><strong>$11,000</strong></td>
<td></td>
<td><strong>$36,200</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 February 16, 1976.
CHAPTER 8
(H.B. No. 432)

AN ACT
AMENDING SECTION 2, CHAPTER 68, LAWS OF 1975, TO PROVIDE FOR REVISED APPROPRIATIONS TO THE STATE BOARD OF EDUCATION FOR THE OFFICE OF THE STATE BOARD OF EDUCATION; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 2, Chapter 68, Laws of 1975, 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 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:
### A. STATE BOARD OF EDUCATION PROGRAM:

<table>
<thead>
<tr>
<th>FROM</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>$ 48,200</td>
<td>$ 32,000</td>
<td></td>
<td></td>
<td>$ 80,200</td>
</tr>
</tbody>
</table>

### B. GENERAL ADMINISTRATION PROGRAM:

<table>
<thead>
<tr>
<th>FROM</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>$ 45,300</td>
<td>$ 14,900</td>
<td></td>
<td></td>
<td>$ 60,200</td>
</tr>
</tbody>
</table>

### C. RESEARCH, PLANNING, SCHOLARSHIPS & POSTSECONDARY EDUCATION PROGRAM:

<table>
<thead>
<tr>
<th>FROM</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>$ 58,600</td>
<td>$ 21,400</td>
<td>$ 73,000</td>
<td>$ 153,000</td>
<td></td>
</tr>
<tr>
<td>Idaho State Commission for Higher Education Fund</td>
<td>$ 42,400</td>
<td>$ 10,400</td>
<td>$ 75,000</td>
<td>$ 127,800</td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>$ 101,000</td>
<td>$ 31,800</td>
<td>$ 148,000</td>
<td>$ 280,800</td>
<td></td>
</tr>
</tbody>
</table>

### D. CONTINUING EDUCATION, MEDICAL EDUCATION AND CURRICULUM PLANNING PROGRAM:

<table>
<thead>
<tr>
<th>FROM</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>$ 68,800</td>
<td>$ 21,200</td>
<td></td>
<td>$ 919,200</td>
<td>$ 1,009,200</td>
</tr>
<tr>
<td>Continuing Education Fund</td>
<td>$ 12,500</td>
<td>$ 12,300</td>
<td>$ 120,000</td>
<td>$ 144,800</td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>$ 81,300</td>
<td>$ 33,500</td>
<td>$ 1,039,200</td>
<td>$ 1,154,000</td>
<td></td>
</tr>
</tbody>
</table>

### E. EDUCATIONAL TELEVISION PROGRAM:

<table>
<thead>
<tr>
<th>FROM</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>$ 33,800</td>
<td>$ 6,300</td>
<td>$ 2,000</td>
<td>$ 842,000</td>
<td>$ 884,100</td>
</tr>
<tr>
<td>Corporation for Public Broadcasting Equipment Grant</td>
<td></td>
<td></td>
<td>$ 292,100</td>
<td>292,100</td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>$ 33,800</td>
<td>$ 6,300</td>
<td>$ 2,000</td>
<td>$ 1,136,200</td>
<td>$ 1,140,300</td>
</tr>
</tbody>
</table>

### F. STATEWIDE EDUCATIONAL PLANNING AND REPORTING PROGRAM:

<table>
<thead>
<tr>
<th>FROM</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>$ 118,200</td>
<td>$ 133,000</td>
<td>$ 1,500</td>
<td></td>
<td>$ 252,700</td>
</tr>
<tr>
<td>Local School District Contributions Fund</td>
<td>$ 118,200</td>
<td>$ 133,000</td>
<td>$ 1,500</td>
<td></td>
<td>$ 252,700</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$ 245,400</td>
<td>$ 266,000</td>
<td>$ 3,000</td>
<td></td>
<td>$ 505,400</td>
</tr>
<tr>
<td>GRAND TOTAL</td>
<td>$ 555,000</td>
<td>$ 375,500</td>
<td></td>
<td>$ 2,555,400</td>
<td>$ 3,490,900</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 February 16, 1976.
CHAPTER 9
(H.B. No. 344)

AN ACT
RELATING TO ANNUAL REPORTS; AMENDING SECTION 33-109, IDAHO CODE, BY CHANGING THE BIENNIAL REPORT OF THE STATE BOARD OF EDUCATION TO AN ANNUAL REPORT; AMENDING SECTION 33-2206, IDAHO CODE, BY CHANGING THE BIENNIAL REPORT OF THE STATE BOARD OF VOCATIONAL EDUCATION TO AN ANNUAL REPORT; AMENDING SECTION 33-2306, IDAHO CODE, BY CHANGING THE BIENNIAL REPORT OF THE STATE BOARD OF VOCATIONAL EDUCATION TO AN ANNUAL REPORT; AMENDING SECTION 39-3005, IDAHO CODE, BY CHANGING THE BIENNIAL REPORTS OF THE STATE RADIATION CONTROL AGENCY TO ANNUAL REPORTS; AMENDING SECTION 46-709, IDAHO CODE, BY CHANGING BIENNIAL REPORT REQUIREMENTS OF THE ADJUTANT GENERAL TO ANNUAL REPORT; AMENDING SECTION 56-202, IDAHO CODE, BY STRIKING THE PROVISION FOR BIENNIAL REPORT OF ACTIVITIES AND EXPENDITURES OF THE DEPARTMENT OF HEALTH AND WELFARE; AMENDING SECTION 63-513, IDAHO CODE, BY CHANGING BIENNIAL REPORT REQUIREMENTS OF THE STATE TAX COMMISSION TO AN ANNUAL REPORT; AND AMENDING SECTION 66-119, IDAHO CODE, BY CHANGING THE BIENNIAL REPORT REQUIREMENTS OF STATE INSTITUTIONS BY THE STATE BOARD OF HEALTH AND WELFARE TO AN ANNUAL REPORT.

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

SECTION 1. That Section 33-109, Idaho Code, be, and the same is hereby amended to read as follows:

33-109.-BIENNIAL ANNUAL REPORT. The state board shall cause to be prepared a report of its actions and expenditures for each biennium year ending on the thirtieth day of June of each even-numbered year together with such recommendations as it shall deem proper for the good of the state educational institutions and public schools of the state. Such report shall be prepared in the form and number, and filed at the time, provided by sections 59-608 and 59-609, Idaho Code.

SECTION 2. That Section 33-2206, Idaho Code, be, and the same is hereby amended to read as follows:

33-2206. REPORTS. The state board for vocational edu-
cation shall make to-the-governor annually and to the governor and legislature biennially a report of all moneys expended for vocational education both from state and federal funds, and shall include such biennial annual report in the biennial annual report of the state board of education.

SECTION 3. That Section 33-2306, Idaho Code, be, and the same is hereby amended to read as follows:

33-2306. REPORT OF STATE BOARD. The state board for vocational education shall make to-the-governor annually and to the governor and legislature biennially a report of all moneys expended for the vocational rehabilitation of persons disabled in industry or otherwise both from state and federal funds, and shall include such biennial annual report in the biennial annual report of the state board of education.

SECTION 4. That Section 39-3005, Idaho Code, be, and the same is hereby amended to read as follows:

39-3005. STATE RADIATION CONTROL AGENCY. 1. The state department of health and welfare is designated as the state radiation control agency, hereinafter referred to as the agency, and shall be the state agency having sole responsibility for administration of the regulatory, licensing and radiation control provisions of this chapter.

2. The director of the department of health and welfare shall be administrator of the agency, hereinafter referred to as the director, who shall perform the functions vested in the agency pursuant to the provisions of this chapter.

3. The director shall appoint a state radiation control officer, and in accordance with the laws of the state, fix his compensation and prescribe his powers and duties. Such officer shall be competent to evaluate radiation health hazards associated with the many uses of radioactive material and other sources of radiation. He shall at least have a baccalaureate degree, be trained in the physical and/or life sciences, and shall have had experience in health physics.

4. In accordance with the laws of the state, the director may appoint, fix the compensation, and prescribe the powers and duties of such other individuals, including consultants, advisory councils, emergency teams and committees as may be necessary to carry out the provisions of this act. The personnel engaged in field activities of evaluation and inspection shall at least have a baccalaureate degree in the physical and/or life sciences, or the equivalent, and be trained in health physics.
5. The agency shall for the protection of the occupational and public health and safety:
   a. Develop programs for evaluation of hazards associated with use of radiation;
   b. Develop programs with due regard for compatibility with federal programs for regulation of byproduct, source, and special nuclear materials;
   c. Formulate, and with the advice of the nuclear energy commission, adopt, promulgate, and repeal codes, rules, regulations and standards relating to control of sources of radiation;
   d. Advise, consult, and cooperate with other agencies of the state, and federal government, other states and interstate agencies, political subdivisions, and with groups concerned with control of sources of radiation;
   e. Encourage, participate in, or conduct studies, investigations, training, research, and demonstrations relating to control of sources of radiation;
   f. Collect and disseminate information relating to control of sources of radiation; including:
      (1) Maintenance of a file of all license applications, issuances, denials, amendments, transfers, renewals, modifications, suspensions, and revocations;
      (2) Maintenance of a file of registrants possessing sources of radiation requiring registration under the provisions of this act and any administrative or judicial action pertaining thereto; and
      (3) Maintenance of a file of all rules and regulations relating to regulations of sources of radiation, pending or promulgated, and proceedings thereon.
   g. Have the authority to accept and administer loans, grants, or other funds or gifts, conditional or otherwise, in furtherance of its functions from the federal government and from other sources, public or private.
   h. Submit a biennial annual report to the governor and to the legislature concerning the control of sources of radiation and atomic energy.
   i. Issue subpoenas in order to compel the attendance of necessary witnesses and/or the production of records and documents.

SECTION 5. That Section 46-709, Idaho Code, be, and the same is hereby amended to read as follows:

46-709. GENERAL POWERS AND DUTIES. In carrying out the purposes of this act the adjutant general is authorized and directed:
(a) To require such reports, inspections and investigations, and prescribe such regulations as he deems necessary;

(b) To provide such methods of administration, to appoint and hire such personnel and take such other action as may be necessary to comply with the requirements of the Federal Act and the regulations thereunder; to furnish progress reports, certificates of completion, and other documents, data, and evidence required by the Federal Act, or regulations thereunder, and perform such other acts as are necessary to acquire and utilize federal funds from the National Guard Bureau or other appropriate federal agencies for the purpose of this act.

(c) To procure in his discretion the temporary and intermittent services of experts or consultants or organizations thereof, by contract, when such services are to be performed on a part time or fee for services basis and do not involve the performance of administrative duties;

(d) To the extent that he considers desirable to effectuate the purposes of this act, to enter into agreements for the utilization of the facilities and services of other departments of the state, other public or private agencies and institutions, and any county, city, town or village.

(e) To accept on behalf of the state and to deliver to the State Treasurer for deposit in the Armory Construction Fund any grant, gift or contribution made to assist in meeting the costs of carrying out the purposes of this act as herein provided; to accept on behalf of the state any grant, gift, bequest or other conveyance of real property made to assist in the carrying out of the purposes of this act.

(f) To make a biennial annual report to the legislature on activities and expenditures pursuant to this act, including recommendations for such additional legislation as the adjutant general considers appropriate to furnish adequate armory facilities for the Idaho National Guard.

SECTION 6. That Section 56-202, Idaho Code, be, and the same is hereby amended to read as follows:

56-202. DUTIES OF STATE DEPARTMENT. The state department shall:

(a) Administer public assistance and social services to people who are in need;

(b) Establish and enforce such rules and regulations and such methods of administration as may be necessary or proper to carry out the provisions of this act;

(c) Conduct research and compile statistics relating to
public welfare;

(d) Prepare for the governor and legislature an annual er-biennia report of activities and expenditures; make such reports in such form and containing such information as the federal government may from time to time require; and comply with such provisions as the federal government may from time to time find necessary to assure the correctness and verification of such reports;

(e) Define blindness in terms of ophthalmic measurements;

(f) Define dependent children in such terms that will meet the requirements for federal financial participation in aid to dependent children payments;

(g) Cooperate with the federal government through its appropriate agency or instrumentality in establishing, extending, and strengthening services for the protection and care of homeless, dependent, and neglected children, and children in danger of becoming delinquent; and to undertake other services for children authorized by law.

SECTION 7. That Section 63-513, Idaho Code, be, and the same is hereby amended to read as follows:

63-513. ADDITIONAL POWERS AND DUTIES ENUMERATED {effective-January-1, 1970} In addition to all other powers and duties vested in it, the state tax commission shall have power, and it shall be its duty:

(1) To supervise and coordinate the work of the several county boards of equalization.

(2) To secure, tabulate and keep records of valuations of all classes of property throughout the state, and for that purpose, to have access to all records and files of state offices and departments and county and municipal offices, and to require all public officers and employees whose duties make it possible to ascertain valuations, including valuations of public utilities for rate-making purposes, to file reports with the commission, giving such information as to valuation and the source thereof. The nature and kind of the tabulations, records of valuations and requirements from public officers as stated herein, shall be in such form and cover such valuations as the tax commission may prescribe.

(3) To have and exercise general supervision of the system of ad valorem taxation throughout the state.

(4) To require all assessments of property in this state to be made according to law; and for that purpose to correct, when it finds the same to be erroneous, any assessments made in any county, and require correction of the
county assessment records accordingly.

(5) To issue instructions and directions to the county assessors and county boards of equalization as to the methods best calculated to secure uniformity in the system of assessment and equalization of taxes, to the end that all property shall be assessed and taxed as required by law.

(6) To prescribe forms with relation to any duty or power of the commission, and to require their use by county boards of equalization.

(7) To see to it that statutory penalties are enforced, and proper complaint is made against persons derelict in duty under any law relating to assessment or equalization of taxes.

(8) To sue and be sued in the name of the commission.

(9) To reconvene, whenever the tax commission may deem necessary, any county board of equalization, notwithstanding the limitations of chapter 4 of title 63, for equalization purposes and for correction of errors. The county board of equalization, when so reconvened shall have no power to transact any business except that for which it is specially reconvened, or such as may be brought before it by the state tax commission.

(10) To require prosecuting attorneys to institute and prosecute actions and proceedings in respect to penalties, forfeitures, removals and punishments for violations of law in connection with the assessment and taxation of property. It shall be the duty of such officers to comply promptly with the requirements of the commission in that relation.

(11) To require individuals, partnerships, companies, associations and corporations to furnish such information as the tax commission may require concerning their capital, funded or other debt, current assets and liabilities, value of property, earnings, operating and other expenses, taxes and all other facts which may be needful to enable the tax commission to ascertain the value and the relative tax burden borne by all kinds of property in the state, and to require from all state and local officers such information as may be necessary to the proper discharge of the duties of the commission.

(12) To visit, as a commission or by individual members or agents thereof, whenever the commission shall deem it necessary, each county of the state, for the investigation and direction of the work and methods of assessment and equalization, and to ascertain whether or not the provisions of law requiring the assessment of all property, not exempt from taxation, and just equalization of the same have been or are being properly administered and enforced.
(13) To examine carefully into all cases where evasion or violation of the laws of assessment and taxation of property is alleged, complained of, or discovered, and to ascertain wherein existing laws are defective or are improperly or negligently administered.

(14) To report to the governor from time to time, and furnish him such assistance and information as he may require.

(15) To transmit to the governor and to the legislature, a biennial annual report, with its recommendations as to such legislation as will correct or eliminate defects in the operations of the property tax laws and will equalize taxation within the state.

(16) To correct its own errors in assessment at any time before the tax is paid thereon, and report such correction to the county auditor, who shall thereupon enter the correction upon the assessment rolls.

(17) To apportion annually to the state and the respective counties any moneys received by the state from the United States or any agency thereof, as payments in lieu of ad valorem property taxes: provided, that said moneys shall be apportioned in the same amounts, and to the same governmental divisions as the taxes, in lieu of which payments are made, would be apportioned, if they were levied. And the state treasurer and the state auditor shall be bound, in making distribution of moneys so received, by the apportionment ordered by the tax commission.

(18) To make administrative construction of ad valorem tax laws whenever requested by any officer acting under such laws; and until judicially overruled, such administrative construction shall be binding upon the inquiring officer and all others acting under such laws.

(19) To examine and test the work of county assessors at any time and to have and possess all rights and powers of such assessors for the examination of persons and property, and for the discovery of property subject to taxation; and if it shall ascertain that any taxable property is omitted from the assessment rolls or is not assessed or valued according to law, it shall bring the same to the attention of the assessor of the proper county in writing, and if such assessor shall neglect or refuse to comply with the request of the tax commission to place such property on the assessment rolls, or correct such incorrect assessment or valuation, the tax commission shall have the power to prepare a supplemental roll, which supplement shall include all property required by the tax commission to be placed on the assessment roll and all corrections to be made. Such supple-
ment shall be filed with the assessor's assessment roll, and shall thereafter constitute an integral part thereof to the exclusion of all portions of the original assessment rolls inconsistent therewith, and shall be submitted therewith to the county board of equalization.

(20) To summon witnesses to appear before it or its agents to testify and/or produce for examination such books, papers, records, or other date relating to any matter within its jurisdiction. However, no person shall be required to testify outside the county wherein he resides or the principal place of his business is located. Such summons to testify shall be issued and served in like manner as a subpoena to witnesses issued from the district court, and shall be served without fee or mileage charge by the sheriff of the county, and return of service shall be made by the sheriff to the commission. Persons appearing before the commission or its agents in obedience to such a summons, shall, in the discretion of the commission, receive the same compensation as witnesses in the district court, to be paid upon claims presented against the state from any appropriation made for the administration of this act, in the same manner as other claims against the state are presented and paid.

(21) To administer oaths and take affirmations of witnesses appearing before it; the power to administer oaths and take affirmations is vested in each member of the commission and its executive officer, and its duly constituted agents.

(22) In case any witness shall fail or refuse to appear and testify before the commission or its agents upon being summoned to appear as herein provided, the clerk of the district court of the county shall upon demand of the commission, any member thereof, its executive secretary, or agent, issue a subpoena reciting the demand therefor and summoning the witness to appear and testify at a time and place fixed; and violation of such subpoena or disobedience thereto shall be deemed and punished as a violation of any other subpoena issued from the district court.

(23) Assess and collect all taxes and administer all programs relating to taxes which are the responsibility of the tax collector at the time this 1967 amendatory act takes effect, and administer and collect all taxes and administer all programs which the legislature may hereafter make the responsibility of the commission.

(24) Provide a program of education and an annual appraisal school for its employees and for the assessors of the various counties of this state.

(25) Make, adopt, and publish such rules and regula-
tions as it may deem necessary and desirable to carry out the powers and duties imposed upon it by the legislature; providing, however, that all rules and regulations adopted by the state tax commission or the tax collector prior to the effective date of this 1967 amendatory act shall remain in full force and effect until such time as they may be rescinded or revised by the state tax commission.

(26) Maintain a tax research section to observe and investigate the effectiveness and adequacy of the revenue laws of this state and to assist the executive and legislative departments in estimation of revenue, analysis of tax measures and determination of the administrative feasibility of proposed tax legislation.

(27) Recommend to the governor in a report at least sixty (60) days before and to the legislature ten (10) days prior to the meeting of any regular session of the legislature such amendments, changes, and modifications of the various tax laws as seem proper and necessary to remedy injustice and irregularities in taxation and to facilitate assessment and collection of taxes in the most economical and efficient manner.

SECTION 8. That Section 66-118, Idaho Code, be, and the same is hereby amended to read as follows:

66-118. POWERS AND DUTIES OF THE BOARD OF HOSPITALS MANAGED BY -- ANNUAL REPORT. The board shall have complete authority to manage and operate the State Hospital North, at Orofino; the State Hospital South, at Blackfoot; the Idaho State School and Hospital at Nampa; with authority to establish professional standards of qualifications for doctors, nurses, superintendents, general managers, farm managers, attendants, and all other personnel and may employ a general business manager for each of said hospitals, and hospital personnel at said hospitals and medical superintendents for each of said hospitals, at its discretion, or a superintendent, or director, or manager who may be over all hospitals. The board shall have complete authority to, or it is the duty of the board:

(a) To make rules and regulations for the government of said hospitals and to define the duties of all employees; provided, that the members of the board shall not be personally liable for any act of any employee done in violation of any law, or contrary to any rule or regulation of the board; nor shall any administrative employee of the board be responsible for the act of any other employee done in violation of any laws of the state, or rule or regulation of the
board, or order of the administrative employee.

(b) To receive, take and hold property, both real and personal, in trust for the state and for the use and benefit of such hospitals;

(c) To visit each of said hospitals at such times as it deems necessary and to keep itself advised of all expenses and the condition of buildings and property, the safety and treatment of patients, and require the general manager or superintendent to make periodic reports as to the condition of each hospital and treatment of the patients;

(d) To require the keeping of a complete and accurate set of books of each hospital in accordance with the accounting required of other institutions of the state; to examine and audit the expenditures of each hospital and to certify the same to the state auditor. The board shall require that all itemized bills, purchases and other expenditures made, must be examined and approved by the head of the hospital making such purchases or expenditures and then the same must be certified by the board, and transmitted to the state auditor to be audited and allowed in the same manner as other accounts against the state are audited and allowed. When allowed the state auditor must draw his warrant on the state treasurer for the amount so audited and allowed, and the state treasurer is hereby authorized and required to pay the same out of any money in the state treasury appropriated therefor;

(e) To make regulations and fix the terms and conditions of payment of costs of care and treatment of mentally ill persons who are not indigent or who are not residents of the state, who are admitted to said State Hospital North, State Hospital South, or Idaho State School and Hospital, all receipts from such persons to be paid into the state treasury and credited to salaries and wages, other current expense, or capital outlay of the general fund of the remitting hospital, at the discretion of the board;

(f) To enter into reciprocal agreements with similar boards of other states for the transfer of residents of those states, who have been involuntarily hospitalized to any of the aforesaid hospitals in this state, or the transfer of Idaho residents, who have been involuntarily hospitalized to similar hospitals in those states, to the appropriate hospital in this state;

(g) To recognize that or to proceed on the fact that any order of involuntary hospitalization of an Idaho resident, by judicial action of another state, shall be sufficient for admitting such resident, without further judicial action in this state, to a similar hospital in this state;
(h) To remove patients in case of necessity, or when they feel it is for the betterment of the patient's welfare, to an appropriate place at the discretion of the board, and to make necessary negotiations to carry out such a procedure;

(i) To purchase insurance for any of the medical staff in any of the hospitals against liability for alleged malpractice by reason of any act, or omission, while in the service of the state of Idaho;

(j) To remove and transfer from one state hospital to another, or from a state hospital to a private hospital, or to a hospital of another state, or other government agency, any person confined therein, for the purpose of grouping together classes of mentally ill persons, or to give them better medical aid and care;

(k) To report to the governor each year, a statement of receipts and expenditures, the condition of each hospital, the number of patients under treatment at each hospital during the preceding year and such other matters as may be pertinent, and to make an annual report to the governor in substantially the same manner on or before the 1st day of December prior to each regular session of the legislature.

(l) To delegate to the head of the hospital, or to a director or superintendent, or manager of all hospitals the powers and duties vested by law in the board, at its discretion.

(m) To initiate, create, or promote procedures, policies and practices either as a body or in cooperation with other government departments or agencies for the general welfare and betterment of the mental health of the people of the state of Idaho.

Approved February 16, 1976.
AN ACT
AMENDING SECTION 2, CHAPTER 186, LAWS OF 1975, RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF LAW ENFORCEMENT, BY INCREASING THE APPROPRIATION FROM THE IDAHO STATE HORSE RACING FUND BY $2,000; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 2, Chapter 186, Laws of 1975, be, and the same is hereby amended to read as follows:

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>Personnel Costs</th>
<th>Operating Expenditures</th>
<th>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>Motor Vehicle Fund</td>
<td></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></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Highway Fund</td>
<td></td>
<td>$2,596,900</td>
<td>$731,100</td>
<td>$381,200</td>
<td>$3,709,200</td>
</tr>
<tr>
<td>General Interaccount Fund</td>
<td></td>
<td>$77,000</td>
<td></td>
<td>$13,800</td>
<td>90,800</td>
</tr>
<tr>
<td>Alcohol Safety Action Program Fund</td>
<td></td>
<td>$348,100</td>
<td>$45,900</td>
<td></td>
<td>394,000</td>
</tr>
<tr>
<td><strong>TOTALS</strong></td>
<td></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></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Motor Vehicle Fund</td>
<td></td>
<td>$468,100</td>
<td>$767,400</td>
<td>$600</td>
<td>$1,236,100</td>
</tr>
<tr>
<td>Highway Fund</td>
<td></td>
<td>$408,200</td>
<td>$114,300</td>
<td></td>
<td>$522,500</td>
</tr>
<tr>
<td><strong>TOTALS</strong></td>
<td></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></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>State Brand Board Fund</td>
<td></td>
<td>$674,500</td>
<td>$150,100</td>
<td>$26,100</td>
<td>$850,700</td>
</tr>
<tr>
<td>E. HORSE RACING COMMISSION PROGRAM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Idaho State Horse Racing Commission Fund</td>
<td></td>
<td>$400,000</td>
<td>$42,800</td>
<td>$1,500</td>
<td>$434,300</td>
</tr>
<tr>
<td><strong>TOTALS</strong></td>
<td></td>
<td>$1,481,500</td>
<td>$273,800</td>
<td>$37,700</td>
<td>$1,793,000</td>
</tr>
<tr>
<td>F. MOTOR CARRIER REGULATION PROGRAM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Highway Fund</td>
<td></td>
<td>$1,033,700</td>
<td>$668,600</td>
<td>$42,300</td>
<td>$1,744,600</td>
</tr>
<tr>
<td>G. CRIME CONTROL PROGRAM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Fund</td>
<td></td>
<td>$732,700</td>
<td>$348,400</td>
<td>$23,600</td>
<td>$1,104,700</td>
</tr>
<tr>
<td>Motor Vehicle Fund</td>
<td></td>
<td>$103,200</td>
<td>$254,900</td>
<td>$3,600</td>
<td>$359,700</td>
</tr>
<tr>
<td>Liquor Law Enforcement Fund</td>
<td></td>
<td>$201,800</td>
<td>$57,300</td>
<td>$15,100</td>
<td>$274,200</td>
</tr>
<tr>
<td><strong>TOTALS</strong></td>
<td></td>
<td>$1,033,700</td>
<td>$668,600</td>
<td></td>
<td>$1,744,600</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 February 16, 1976.
AN ACT AMENDING SECTION 2, CHAPTER 69, LAWS OF 1975, RELATING TO THE APPROPRIATION TO THE INDUSTRIAL COMMISSION, BY INCREASING THE APPROPRIATION BY $10,000 FROM MISCELLANEOUS RECEIPTS FUND AND BY REVISING PROGRAM EXPENSE CLASSES; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 2, Chapter 69, Laws of 1975, be, and the same is hereby amended to read as follows:

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:
A. ADMINISTRATION PROGRAM

<table>
<thead>
<tr>
<th>FROM INDUSTRIAL ADMINISTRATION FUND</th>
<th>FROM INDUSTRIAL SPECIAL INDEMNITY FUND</th>
<th>FROM MISCELLANEOUS RECEIPTS FUND</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel Costs</td>
<td>$--394,900</td>
<td>$ 22,200</td>
<td>$--417,100</td>
</tr>
<tr>
<td>Operating Expenditures</td>
<td>$ 367,200</td>
<td></td>
<td>$ 389,400</td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>99,999</td>
<td>13,800</td>
<td>112,799</td>
</tr>
<tr>
<td>TOTALS</td>
<td>13,700</td>
<td>36,000</td>
<td>49,700</td>
</tr>
</tbody>
</table>

B. REHABILITATION PROGRAM:

<table>
<thead>
<tr>
<th>FROM INDUSTRIAL ADMINISTRATION FUND</th>
<th>FROM INDUSTRIAL SPECIAL INDEMNITY FUND</th>
<th>FROM MISCELLANEOUS RECEIPTS FUND</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel Costs</td>
<td>$--128,400</td>
<td></td>
<td>$--128,400</td>
</tr>
<tr>
<td>Operating Expenditures</td>
<td>$ 156,100</td>
<td></td>
<td>156,100</td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>41,699</td>
<td>50,300</td>
<td>91,999</td>
</tr>
<tr>
<td>TOTALS</td>
<td>14,500</td>
<td></td>
<td>14,500</td>
</tr>
</tbody>
</table>

C. STATISTICS PROGRAM:

<table>
<thead>
<tr>
<th>FROM INDUSTRIAL ADMINISTRATION FUND</th>
<th>FROM INDUSTRIAL SPECIAL INDEMNITY FUND</th>
<th>FROM MISCELLANEOUS RECEIPTS FUND</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel Costs</td>
<td>$ 127,800</td>
<td></td>
<td>127,800</td>
</tr>
<tr>
<td>Operating Expenditures</td>
<td>43,700</td>
<td>10,000</td>
<td>53,700</td>
</tr>
<tr>
<td>TOTALS</td>
<td>171,500</td>
<td>10,000</td>
<td>181,500</td>
</tr>
</tbody>
</table>

GRAND TOTALS

<table>
<thead>
<tr>
<th>FROM INDUSTRIAL ADMINISTRATION FUND</th>
<th>FROM INDUSTRIAL SPECIAL INDEMNITY FUND</th>
<th>FROM MISCELLANEOUS RECEIPTS FUND</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>$ 863,500</td>
<td>$ 36,000</td>
<td>$ 10,000</td>
<td>$ 899,500</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 February 16, 1976.
AN ACT

APPROPRIATING MONEYS FROM THE FUND ENUMERATED TO THE DEPARTMENT OF LANDS TO BE EXPENDED FOR THE DESIGNATED PROGRAM, ACCORDING TO DESIGNATED EXPENSE CLASSES FOR THE PERIOD JULY 1, 1975, THROUGH JUNE 30, 1976; EXPRESSING LEGISLATIVE INTENT WITH RESPECT TO EXPENDITURES OF THE MONEYS APPROPRIATED; 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 Lands the following amount, to be expended for the designated program according to expense classes designated therein, for the period July 1, 1975, through June 30, 1976:

A. GOODING TUBERCULOSIS HOSPITAL MAINTENANCE PROGRAM:
FOR:
Personnel Costs $37,400
Operating Expenditures 35,800
Capital Outlay 200
TOTAL $73,400
FROM:
General Fund $73,400

SECTION 2. It is legislative intent that from the appropriation made in section 1 of this act the Department of Lands shall repay the Governor's Emergency Fund for moneys advanced therefrom for the operations and maintenance of the Gooding Tuberculosis Hospital from the time the Department of Lands assumed responsibility therefor until the passage of this act.

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

Approved February 16, 1976.
AMENDING SECTION 11, CHAPTER 70, LAWS OF 1975, BY INCREASING THE APPROPRIATION TO THE BOARD OF ACCOUNTANCY BY $3,800; AMENDING SECTION 19, CHAPTER 70, LAWS OF 1975, BY INCREASING THE APPROPRIATION TO THE PROFESSIONAL GEOLOGISTS BOARD BY $1,500; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 11, Chapter 70, Laws of 1975, be, and the same is hereby amended to read as follows:

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 2. That Section 19, Chapter 70, Laws of 1975, be, and the same is hereby amended to read as follows:

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:

<table>
<thead>
<tr>
<th>FOR:</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel Costs</td>
<td>$4,900</td>
<td></td>
</tr>
<tr>
<td>Operating Expenditures</td>
<td>$5,400</td>
<td>$6,900</td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>$200</td>
<td></td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$10,500</strong></td>
<td><strong>12,000</strong></td>
</tr>
</tbody>
</table>

| FROM:                 |            |            |
| Professional Geologists' Fund | $10,500 | $12,000   |
| **TOTAL**             | **$10,500**| **12,000** |

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 16, 1976.
CHAPTER 14
(S.B. No. 1347)

AN ACT
REPEALING CHAPTER 103, LAWS OF 1975, RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF SPECIAL SERVICES; AND DECLARING AN EMERGENCY.

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

SECTION 1. Chapter 103, Laws of 1975, relating to the appropriation to the Department of Special Services, 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 16, 1976.
CHAPTER 15
(H.B. No. 388)

AN ACT
RELATING TO IDENTIFICATION CARDS; ENACTING A NEW CHAPTER 30, TITLE 49, IDAHO CODE, TO PROVIDE FOR THE ISSUANCE OF IDENTIFICATION CARDS; ESTABLISHING THE PROCEDURE FOR OBTAINING AN IDENTIFICATION CARD; PRESCRIBING THE CONTENTS OF THE CARD AND THE COST THEREFOR; PROVIDING FOR REISSUED CARDS; MAKING IT A MISDEMEANOR TO DO CERTAIN ACTS RELATED TO THE CARD AND ITS USE; AND DECLARING AN EMERGENCY.

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 of a NEW CHAPTER, to be known and designated as Chapter 30, Title 49, Idaho Code, and to read as follows:

IDENTIFICATION CARDS

49-3001. IDENTIFICATION CARDS AUTHORIZED. Any person may apply to the director of the department of law enforcement for an identification card. It is prima facie evidence of age when the authorized holder of an identification card exhibits a card which contains information indicating that such person has attained such age.

49-3002. APPLICATION. Application for an identification card must be made in person before an examiner authorized by the director of the department of law enforcement to issue operator and chauffeur licenses. The examiner shall obtain the following from the applicant:
1. The true and full name and address of the applicant;
2. The date of birth of the applicant as set forth in a certified copy of his or her birth certificate, or other satisfactory evidence of birth.
3. The place of birth of the applicant;
4. The height and weight of the applicant;
5. The color of eyes and hair of the applicant; and
6. Applicant's signature.
49-3003. CARD ISSUED. The director of the department of law enforcement shall issue an identification card which shall set forth the information contained in the application, in such form as prescribed by the director. Each card shall be issued a distinguishing number and shall bear thereon a color photograph of the applicant which shall be taken by the examiner at the time of application. The fee for such identification card shall be five dollars ($5.00), one-half (1/2) of which shall be retained by the county and credited to the current expense fund, and the other one-half (1/2) of which shall be deposited in the state treasury to the credit of the motor vehicle fund.

49-3004. LOST, STOLEN OR MUTILATED CARDS. Application for a duplicate identification card shall be made in the same manner as required in section 49-3002, Idaho Code, and the fee for such duplicate shall be the same as provided for in section 49-3003, Idaho Code.

49-3005. FRAUDULENT MISREPRESENTATION A MISDEMEANOR. It is a misdemeanor for any person to fraudulently misrepresent his or her age to any dispenser of intoxicating or alcoholic beverages or to falsely procure an identification card, or to alter any of the statements contained in the identification card.

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

Approved February 17, 1976.
CHAPTER 16
(H.B. No. 480)

AN ACT
AMENDING SECTION 3, CHAPTER 115, LAWS OF 1975, RELATING TO THE APPROPRIATION TO THE STATE BOARD OF EDUCATION FOR THE IDAHO STATE HISTORICAL SOCIETY, BY INCREASING THE APPROPRIATION FROM THE GENERAL FUND BY $25,000 AND BY INCREASING THE APPROPRIATION FROM THE STATE HISTORICAL SOCIETY FOUNDATION FUND BY $20,000; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 3, Chapter 115, Laws of 1975, be, and the same is hereby amended to read as follows:

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 PERSONNEL 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. HISTORICAL PRESERVATION AND EDUCATION PROGRAM:</strong> FROM:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Fund</td>
<td>$217,600</td>
<td>$66,100</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></td>
</tr>
<tr>
<td>Historical Preservation Fund</td>
<td>$51,400</td>
<td>17,000</td>
<td></td>
</tr>
<tr>
<td><strong>TOTALS</strong></td>
<td><strong>$269,000</strong></td>
<td><strong>$112,100</strong></td>
<td><strong>$14,000</strong></td>
</tr>
<tr>
<td><strong>B. HISTORIC RESTORATION PROJECTS PROGRAM:</strong> FROM:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Historical Preservation Fund</td>
<td></td>
<td></td>
<td>$96,500</td>
</tr>
<tr>
<td><strong>C. FRANKLIN PIONEER RELIC HALL:</strong> FROM:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Fund</td>
<td>$3,000</td>
<td>$1,300</td>
<td></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>44,000</td>
<td></td>
</tr>
<tr>
<td>Historical Preservation Fund</td>
<td>2,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>TOTALS</strong></td>
<td><strong>$59,600</strong></td>
<td><strong>$44,000</strong></td>
<td></td>
</tr>
<tr>
<td><strong>GRAND TOTALS</strong></td>
<td><strong>$328,600</strong></td>
<td><strong>$156,100</strong></td>
<td><strong>$59,300</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 February 19, 1976.
AN ACT
RELATING TO COUNTY FINANCIAL ASSISTANCE TO SOIL CONSERVATION
DISTRICTS; AMENDING SECTION 22-2726, IDAHO CODE, TO
STRIKE REFERENCES TO CLERICAL ASSISTANCE, AND TO RAISE
TO TWO THOUSAND FIVE HUNDRED DOLLARS THE MAXIMUM AMOUNT
AUTHORIZED TO BE SPENT BY COUNTIES.

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

SECTION 1. That Section 22-2726, Idaho Code, be, and
the same is hereby amended to read as follows:

22-2726. FUNDS OR CLERICAL ASSISTANCE PROVIDED BY
COUNTY FROM COUNTY GENERAL FUND. In those counties of Idaho
wherein all or a substantial part of the county has been
created and is operating as a soil conservation district or
districts under the provisions of chapter 27, title 22,
section 22-2719, Idaho Code, or any amendment thereto, the
board of county commissioners may, from time to time, at
their discretion and upon request of the supervisors of such
soil conservation districts provide in their budget a suffi-
cient amount of money from the county general fund for allo-
cation to the districts to be used by the districts for any
purposes authorized by law, or in lieu of such allocation
the county commissioners at their discretion may assign or
hire an employee or employees of the county to assist the
supervisors in the performance of the clerical work of their
office; provided, that the amount authorized hereunder shall
not exceed the sum of fifteen two thousand five hundred
dollars ($15,500 $2,500) per annum per district. The duties
of such clerical employee or employees shall be under the
direct supervision of the supervisors of each soil conser-
vation district.

Approved February 19, 1976.
CHAPTER 18
(S.B. No. 1386)

AN ACT
APPROPRIATING $65,000 FROM THE GENERAL FUND TO THE DEPARTMENT OF HEALTH AND WELFARE TO BE EXPENDED FOR THE DESIGNATED PURPOSE, ACCORDING TO DESIGNATED EXPENSE CLASSES 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 $65,000 from the general fund to the Department of Health and Welfare to be expended for continuation of the Alcohol Treatment Unit Program at Orofino, Idaho, according to the designated expense classes, for the period from the effective date of this act 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 Expenditures</td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td></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 February 19, 1976.
CHAPTER 19

(S.B. No. 1316)

AN ACT
RELATING TO THE NUMBER OF DISTRICT JUDGES IN THE FOURTH JUDICIAL DISTRICT; AMENDING SECTION 1-805, IDAHO CODE, TO PROVIDE THAT THE FOURTH JUDICIAL DISTRICT SHALL HAVE FIVE DISTRICT JUDGES; AND PROVIDING AN EFFECTIVE DATE.

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

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

1-805. FOURTH DISTRICT -- NUMBER OF JUDGES -- RESIDENT CHAMBERS. (1) The fourth judicial district shall consist of the counties of Valley, Boise, Ada and Elmore.
(2) The fourth judicial district shall have five (5) district judges.
(3) Resident chambers of the district judges of the fourth judicial district shall be established as follows:
   (a) Four (4) resident chambers shall be established in Ada County;
   (b) One (1) resident chamber shall be established in Ada or Elmore County.

SECTION 2. This act shall be in full force and effect on and after July 1, 1976.

Approved February 19, 1976.
AN ACT
AMENDING SECTION 2, CHAPTER 77, LAWS OF 1975, RELATING TO
THE APPROPRIATION TO THE ATTORNEY GENERAL, BY INCREASING
THE APPROPRIATION FROM THE GENERAL FUND BY $133,200 AND
DECREASING THE APPROPRIATION FROM THE GENERAL
INTERACCOUNT FUND BY $1,098,100; AND DECLARING AN EMER­
GENCY.

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

SECTION 1. That Section 2, Chapter 77, Laws of 1975,
be, and the same is hereby amended to read as follows:

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:
# A. ADMINISTRATION AND INVESTIGATION 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>$6256,000</td>
<td>$43,900</td>
<td>$13,200</td>
<td>$334,900</td>
</tr>
<tr>
<td>PEF Joint Operations Fund</td>
<td>$369,000</td>
<td>$88,500</td>
<td></td>
<td>$470,500</td>
</tr>
<tr>
<td>TOTALS</td>
<td>$382,300</td>
<td>$88,500</td>
<td></td>
<td>$480,800</td>
</tr>
</tbody>
</table>

# B. LEGAL-CIVIL 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>$329,700</td>
<td>$6,500</td>
<td></td>
<td>$335,700</td>
</tr>
<tr>
<td>General Interaccount Fund</td>
<td>$157,000</td>
<td></td>
<td></td>
<td>$163,500</td>
</tr>
<tr>
<td>TOTALS</td>
<td>$486,700</td>
<td>$6,500</td>
<td></td>
<td>$493,200</td>
</tr>
</tbody>
</table>

# C. LEGAL-CRIMINAL 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>$118,700</td>
<td>$6,500</td>
<td></td>
<td>$124,700</td>
</tr>
<tr>
<td>Law Enforcement Planning Fund</td>
<td>$597,700</td>
<td></td>
<td></td>
<td>$699,700</td>
</tr>
<tr>
<td>General Interaccount Fund</td>
<td>$53,000</td>
<td></td>
<td></td>
<td>$53,000</td>
</tr>
<tr>
<td>TOTALS</td>
<td>$769,700</td>
<td>$32,300</td>
<td></td>
<td>$802,000</td>
</tr>
</tbody>
</table>

# D. ORGANIZED CRIME 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>$664,400</td>
<td></td>
<td></td>
<td>$664,400</td>
</tr>
<tr>
<td>Law Enforcement Planning Fund</td>
<td>$664,400</td>
<td></td>
<td></td>
<td>$664,400</td>
</tr>
<tr>
<td>TOTALS</td>
<td>$664,400</td>
<td></td>
<td></td>
<td>$664,400</td>
</tr>
</tbody>
</table>

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

Approved February 19, 1976.
CHAPTEy 21
(S.B. No. 1453)

AN ACT
AMENDING SECTION 2, CHAPTER 74, LAWS OF 1975, RELATING TO
THE APPROPRIATION TO THE DEPARTMENT OF LABOR AND INDUS-
TRIAL SERVICES, BY INCREASING THE APPROPRIATION BY
$73,300 FROM THE IDAHO BUILDING CODE FUND AND BY
REVISIy PROGRAM EXPENDITURE CLASSES; AND DECLARING AN
EMERGENCY.

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

SECTION 1. That Section 2, Chapter 74, Laws of 1975,
be, and the same is hereby amended to read as follows:

SECTION 2. There is hereby appropriated to the depart-
ment of labor and industrial 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:
### 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>FOR TRUSTEE AND BENEFIT PAYMENTS</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Fund</td>
<td>$48,200</td>
<td>$1,600</td>
<td>$2,200</td>
<td>$38,600</td>
<td>$52,000</td>
</tr>
<tr>
<td>Electrical Board Fund</td>
<td>$19,400</td>
<td>800</td>
<td>1,100</td>
<td>19,300</td>
<td>26,100</td>
</tr>
<tr>
<td>Pastry-Build-Housing Fund</td>
<td>$24,200</td>
<td>800</td>
<td>1,100</td>
<td></td>
<td>19,300</td>
</tr>
<tr>
<td>Idaho Building Code Fund</td>
<td>24,200</td>
<td></td>
<td></td>
<td></td>
<td>26,100</td>
</tr>
<tr>
<td>Plumbing Board Fund</td>
<td>37,400</td>
<td>800</td>
<td>1,100</td>
<td>19,300</td>
<td>26,100</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$120,800</td>
<td>$4,000</td>
<td>$5,500</td>
<td>$122,700</td>
<td>$130,300</td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>FROM:</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>$237,300</td>
<td>$54,400</td>
<td>$13,600</td>
<td>$305,300</td>
<td>$312,700</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$237,300</td>
<td>$54,400</td>
<td>$13,600</td>
<td></td>
<td>$305,300</td>
</tr>
</tbody>
</table>

### C. MINE SAFETY BUREAU PROGRAM:

<table>
<thead>
<tr>
<th>FROM:</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>$101,100</td>
<td>$26,900</td>
<td>$9,400</td>
<td>$137,400</td>
<td>$144,100</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$101,100</td>
<td>$26,900</td>
<td>$9,400</td>
<td></td>
<td>$137,400</td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>FROM:</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>Pastry-Build-Housing Fund</td>
<td>$211,600</td>
<td>$101,000</td>
<td>$7,800</td>
<td>$253,900</td>
<td>$320,400</td>
</tr>
<tr>
<td>Idaho Building Code Fund</td>
<td>211,600</td>
<td></td>
<td></td>
<td></td>
<td>320,400</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$211,600</td>
<td>$101,000</td>
<td>$7,800</td>
<td></td>
<td>$253,900</td>
</tr>
</tbody>
</table>
E. ELECTRICAL SAFETY BUREAU PROGRAM:
FROM: Electrical Board Fund
<table>
<thead>
<tr>
<th>FOR PERSONNEL COSTS</th>
<th>FOR OPERATING EXPENDITURES</th>
<th>FOR CAPITAL OUTLAY</th>
<th>FOR TRUSTEE AND BENEFIT PAYMENTS</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>$--596,500</td>
<td>$ 210,700</td>
<td>$ 1,500</td>
<td>$--888,700</td>
<td>$ 801,900</td>
</tr>
<tr>
<td>$ 589,700</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>$ 210,700</td>
<td>$ 1,500</td>
<td></td>
<td>$ 801,900</td>
</tr>
</tbody>
</table>

F. PLUMBING SAFETY BUREAU PROGRAM:
FROM: Plumbing Board Fund
<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>$--266,900</td>
<td>$ 87,500</td>
<td>$ 800</td>
<td>$--357,900</td>
<td>$ 350,400</td>
</tr>
<tr>
<td>$ 260,100</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>$ 87,500</td>
<td>$ 800</td>
<td></td>
<td>$ 350,400</td>
</tr>
<tr>
<td>GRAND TOTAL</td>
<td>$--468,900</td>
<td>$--337,600</td>
<td>$ 2,000</td>
<td>$1,797,600</td>
</tr>
<tr>
<td>$1,520,600</td>
<td>$ 484,500</td>
<td>$ 38,600</td>
<td></td>
<td>$2,045,700</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 February 23, 1976.
AN ACT

APPROPRIATING $42,800 OUT OF THE FUND ENUMERATED TO THE DEPARTMENT OF PARKS AND RECREATION, TO BE EXPENDED FOR THE SPECIFIED PURPOSE 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 enumerated fund $42,800, or so much thereof as may be necessary, to the Department of Parks and Recreation for the purpose specified, for the period from the effective date of this act through June 30, 1976:

FOR:
Repayment of Outdoor Recreation Fund $42,800
FROM:
General Fund $42,800

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 February 23, 1976.
CHAPTER 23
(H.B. No. 380)

AN ACT
RELATING TO FEES FOR RECREATIONAL VEHICLES; AMENDING SECTION 49-2802, IDAHO CODE, TO PROVIDE THAT THE FEE APPLIES TO A CALENDAR YEAR ONLY; DECLARING AN EMERGENCY AND PROVIDING FOR RETROACTIVE APPLICATION.

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

SECTION 1. That Section 49-2802, Idaho Code, be, and the same is hereby amended to read as follows:

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 (1/2%) 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 year, irrespective of the month in which it is registered, change of ownership of the vehicle, or change
of county of residence of the owner. The recreational vehicle annual license shall expire midnight December 31 of each 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, and retroactively to January 1, 1976.

Approved February 23, 1976.
CHAPTER 24
(S.B. No. 1317)

AN ACT
RELATING TO THE JURISDICTION AND VENUE OF MISDEMEANORS;
AMENDING SECTION 19-305, IDAHO CODE, TO PROVIDE THAT IF
A MISDEMEANOR IS COMMITTED IN A CITY WHICH IS LOCATED IN
TWO COUNTIES, THEN JURISDICTION IS IN EITHER COUNTY FOR
THE PROSECUTION OF THE OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 19-305, Idaho Code, be, and the
same is hereby amended to read as follows:

19-305. OFFENSES COMMITTED ON OR NEAR COUNTY BOUNDARIES. When a public offense is committed on the boundary of
two (2) or more counties, or within five hundred (500) yards
thereof, if the place where the crime is committed cannot be
ascertained with reasonable certainty by the law enforcing
officers of either county, or if a misdemeanor is committed
in a city which is located in two (2) counties, then in any
such event the jurisdiction is in either county. Provided,
however, that a prosecution in one county shall be a bar to
a prosecution for the same act or offense in the other
county.

SECTION 2. This act shall be in full force and effect
on and after July 1, 1976.

Approved February 23, 1976.
AN ACT
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 PUBLIC SCHOOL FOUNDATION PROGRAM FOR THE PERIOD JULY 1, 1976, THROUGH JUNE 30, 1977; AND APPROPRIATING ACCRUING MONEYS FROM THE PUBLIC SCHOOL INCOME FUND TO THE STATE BOARD OF EDUCATION TO BE EXPENDED PURSUANT TO LAW.

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

SECTION 1. There is hereby appropriated from the General Fund the sum of $85,000,000 and from funds received under the "State & Local Assistance Act of 1972" the sum of $8,200,000, or so much thereof as may be received, to be deposited with the Public School Income Fund for the Public School Foundation Program for the period July 1, 1976, through June 30, 1977.

SECTION 2. There is hereby appropriated out of the Public School Income Fund the sum of $93,200,000, to be disbursed by the State Board of Education for the Public School Foundation Program for the period July 1, 1976, through June 30, 1977.

SECTION 3. 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, 1976, through June 30, 1977.

Approved February 23, 1976.
CHAPTER 26
(H.B. No. 338)

AN ACT
RELATING TO CONSTRUCTION AND REPAIR OF STATE BUILDINGS;
AMENDING SECTION 67-5711, IDAHO CODE, TO RAISE THE MINI-
MUM AMOUNT FOR PURCHASING AUTHORIZATION FOR THE CON-
STRUCTION, ALTERATION, EQUIPPING, AND REPAIR OF PUBLIC
BUILDINGS AND WORKS, AND TO PROVIDE FOR CODE REFERENCES.

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

SECTION 1. That Section 67-5711, Idaho Code, be, and
the same is hereby amended to read as follows:

67-5711. CONSTRUCTION, ALTERATION, EQUIPPING, FURNISH-
ING AND REPAIR OF PUBLIC BUILDINGS AND WORKS. The director
of the department of administration, or his designee, of the
state of Idaho, is authorized and empowered, subject to the
approval of the permanent building fund council, to provide
or secure all plans and specifications for, to let all con-
tracts for, and to have charge of and supervision of the
construction, alteration, equipping and furnishing and
repair of any and all buildings, improvements of public
works of the state of Idaho, the cost of which construction,
alteration, equipping and furnishing or repair exceeds the
sum of one-thousand-dollars-($1,000) five thousand dollars
($5,000) provided, that the director or his designee, and
permanent building fund council shall, in the letting of
contracts under this section, comply with the procedure for
the calling of bids provided in section 67-5729, 67-5718,
Idaho Code; provided, however, that this section shall not
apply to the construction, alteration, equipping or furnish-
ing or repair of public buildings under the jurisdiction and
control of the board of regents of the University of Idaho.
The permanent building fund council may adopt rules and
regulations consistent with existing law including rules and
regulations for a program of inspection and preventive
maintenance, to carry out the provisions of this act.

Approved February 27, 1976.
CHAPTER 27
(H.B. No. 329)

AN ACT
AMENDING SECTION 67-5746, IDAHO CODE, RELATING TO THE INVENTORY OF CHATTELS, TO STRIKE THE REFERENCE TO THE DIVISION OF GENERAL SERVICES.

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

SECTION 1. That Section 67-5746, Idaho Code, be, and the same is hereby amended to read as follows:

67-5746. INVENTORY OF CHATTELS -- CONTENTS -- DUTIES OF OFFICERS AND EMPLOYEES -- RECORDING -- ANNUAL REVISION -- OPEN TO INSPECTION. The department of administration through the division of general services shall keep an exact and true inventory of all chattel property owned or leased by the state in any office, board, department, commission, bureau, agency, or institution, and it shall be the duty of each officer and employee thereof to assist and furnish to the department of administration full information for such inventory. The inventory shall be recorded in a permanent record to be kept for that purpose, showing a description of the property, condition, for what used, where located and its original cost and date of acquisition, its estimated current replacement cost, and its estimated serviceable life remaining. The inventory shall annually be revised on the thirtieth day of June. The record of inventory shall be available for inspection at all times, and copies of the inventory record shall be provided to the governor and the legislature, or committees thereof, when requested.

Approved February 27, 1976.
CHAPTER 28
(H.B. No. 408)

AN ACT
RELATING TO THE DISBURSEMENT OF A PORTION OF THE MINERAL LEASING ROYALTIES TO COUNTIES IMPACTED BY EXTRACTION OF MINERALS; AMENDING SECTION 33-903, IDAHO CODE, TO PROVIDE FOR A CHANGE IN THE PERCENTAGE OF MINERAL LEASING ROYALTIES TO BE DEPOSITED INTO THE PUBLIC SCHOOL INCOME FUND; AMENDING TITLE 57, CHAPTER 13, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 57-1306, IDAHO CODE, TO PROVIDE THAT TEN PERCENT OF THE MONEYS RECEIVED BY THE STATE FROM THE FEDERAL GOVERNMENT FROM SALES, BONUSES, ROYALTIES OR RENTALS OF OIL, GAS OR MINERAL LANDS OF THE FEDERAL GOVERNMENT BE DISBURSED TO THE COUNTIES IMPACTED BY MINERAL LEASES ON A PROPORTIONATE BASIS, AND TO PROVIDE THAT THE REMAINING NINETY PERCENT OF SUCH MONEYS BE DEPOSITED INTO THE PUBLIC SCHOOL INCOME FUND.

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

SECTION 1. That Section 33-903, Idaho Code, be, and the same is hereby amended to read as follows:

33-903. PUBLIC SCHOOL INCOME FUND. The public school income fund is that fund in the treasury of the state of Idaho to which are credited all income from the public school fund; the proceeds of all state taxes levied for public school purposes; grants of moneys from the federal government for public school purposes when other disposition is not specified by law; ninety percent (90%) of any moneys received by any department of state government from the federal government from sales, royalties, bonuses or rentals of oil, gas or mineral lands; legislative appropriations in support of the public schools, and other moneys required by the law of the federal government or of the state of Idaho to be made a part of said fund and credited thereto.

SECTION 2. That Chapter 13, 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 57-1306, Idaho Code, and to read as follows:

57-1306. MINING LEASES IMPACT FUNDS TO COUNTY. (1) Upon
receipt of any moneys from the federal government from sales, royalties, bonuses or rentals of oil, gas or mineral lands of the federal government, the state treasurer shall remit ten percent (10%) of such receipts to the general fund of the several counties from which the resources were extracted. The state treasurer shall compute a particular county's share of such receipts by computing the proportion of the moneys generated by sales, royalties, bonuses or rentals of federal lands situated within that particular county to the total of moneys received from the federal government from sales, royalties, bonuses or rentals of all oil, gas or mineral lands of the federal government within the state of Idaho for the same period. The moneys remitted to the various counties according to the provisions of this section shall be used for the construction and maintenance of public roads or for the support of public schools.

(2) The remaining ninety percent (90%) of any moneys received from the federal government from sales, royalties, bonuses or rentals of oil, gas or mineral lands of the federal government shall be deposited into the public school income fund, pursuant to the provisions of section 33-903, Idaho Code.

Approved March 1, 1976.
AN ACT
AMENDING SECTION 26-803, IDAHO CODE, RELATING TO BANK
ASSESSMENT FEES BY PROVIDING THAT SUCH FEES SHALL BE
PAID ON JANUARY 15 OF EACH YEAR AND THAT THE FEE TO BE
PAID IN ADDITION TO THE FLAT FEE OF FIFTY DOLLARS WILL
BE COMPUTED ON THE TOTAL ASSETS OF THE BANK AS OF DECEM­
BER 31 OF THE PRECEDING CALENDAR YEAR, REQUIRING THAT
THE SUM OF ONE HUNDRED DOLLARS FOR EACH OFFICE AND
BRANCH OFFICE MAINTAINED BY THE BANK SHALL BE PAID TO
THE DIRECTOR ON JANUARY 15 OF EACH YEAR; AND DECLARING
AN EMERGENCY.

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

SECTION 1. That Section 26-803, Idaho Code, be, and the
same is hereby amended to read as follows:

26-803. FEES. On July January 15 of each year, the
director of the department of finance shall collect from
each bank the following assessment fees: A flat fee of fifty
dollars ($50.00) and an additional fee based upon the amount
of the total assets of the bank, such additional fee to be
fixed by the director of the department of finance, pro­
vided, that the maximum of such additional fee shall not
exceed fifteen cents (15¢) for each one thousand dollars
($1000) of the total assets of the bank as of June-30 Decem­
ber 31 of the preceding calendar year. 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 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 director
for the actual expenses incurred in connection therewith.

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

Approved March 1, 1976.
AN ACT
AMENDING SECTION 3, CHAPTER 73, LAWS OF 1975, RELATING TO THE APPROPRIATION 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, BY INCREASING THE APPROPRIATIONS FROM THE GENERAL FUND BY $79,500, ENDOWMENT FUNDS BY $188,000 AND RECEIPTS TO APPROPRIATION BY $11,500; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 3, Chapter 73, Laws of 1975, be, and the same is hereby amended to read as follows:

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:

<table>
<thead>
<tr>
<th>FOR:</th>
<th>FROM:</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Education Program</td>
<td>$49,311,900</td>
</tr>
<tr>
<td>General Fund</td>
<td>$49,311,900</td>
</tr>
<tr>
<td>Federal Endowment Funds</td>
<td>$43,387,400</td>
</tr>
<tr>
<td>State Endowment Funds:</td>
<td></td>
</tr>
<tr>
<td>Lewis-Clark Normal School</td>
<td></td>
</tr>
<tr>
<td>Income Fund</td>
<td>$395,000</td>
</tr>
<tr>
<td>Idaho State University</td>
<td></td>
</tr>
<tr>
<td>Income Fund</td>
<td>$162,700</td>
</tr>
<tr>
<td>Idaho State University Teacher Training Fund</td>
<td>$395,000</td>
</tr>
<tr>
<td>University of Idaho Income Fund</td>
<td>$429,500</td>
</tr>
<tr>
<td>Agricultural College Income Fund</td>
<td>$294,000</td>
</tr>
<tr>
<td>School of Science Income Fund</td>
<td>$829,000</td>
</tr>
</tbody>
</table>
Receipts to Appropriation  372017200  3,212,700

<table>
<thead>
<tr>
<th>TOTAL</th>
<th>497327900</th>
<th>49,311,900</th>
</tr>
</thead>
</table>

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

Approved March 1, 1976.
AN ACT

APPROPRIATING MONEYS FROM THE GENERAL FUND TO THE STATE TREASURER TO REIMBURSE ADA COUNTY FOR COSTS INCURRED IN CRIMINAL CASES; AND DECLARING AN EMERGENCY.

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

SECTION 1. Pursuant to the provisions of section 18-2507, Idaho Code, the clerk of the district court of Ada County having properly submitted a statement of costs incurred by the county and the state board of examiners having properly audited the statement, there is hereby appropriated from the general fund $1,300, or so much thereof as may be necessary, to the state treasurer to be paid to the treasurer of Ada County to reimburse Ada County for costs incurred in cases tried under the provisions of section 18-2505, Idaho Code, the following amounts:

<table>
<thead>
<tr>
<th>Case Number</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Criminal No. 6019</td>
<td>$325.45</td>
</tr>
<tr>
<td>For Criminal No. 5976</td>
<td>259.80</td>
</tr>
<tr>
<td>For Criminal No. 5969</td>
<td>325.75</td>
</tr>
<tr>
<td>For Criminal No. 6117</td>
<td>307.50</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$1218.50</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 1, 1976.
AN ACT
RELATING TO FORFEITURE OF GOODTIME REDUCTION; AMENDING
SECTION 20-101B, IDAHO CODE, BY PROVIDING FOR DELEGATION
OF HEARING AUTHORITY.

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

SECTION 1. That Section 20-101B, Idaho Code, be, and
the same is hereby amended to read as follows:

20-101B. FORFEITURE OF GOOD CONDUCT REDUCTION. Inmates
who fail to observe faithfully the rules of the institution
may have goodtime withheld or forfeited under rules adopted
by the state board of correction.
Forfeited or withheld goodtime may only be restored by
the board of correction or its authorized agent.
Such revocation or forfeiture shall not be made except
upon a hearing upon the question of the infraction of the
rules charged to such convicted person before the state
board of correction or its authorized agent.

Approved March 1, 1976.
CHAPTER 33
(S.B. No. 1268)

AN ACT
RELATING TO PROOF OF BARTENDER LICENSING; AMENDING CHAPTER 9, TITLE 23, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 23-922A, IDAHO CODE, TO REQUIRE A BARTENDER TO PRODUCE A LICENSE UPON REQUEST OF A PEACE OFFICER.

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

SECTION 1. That Chapter 9, 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 23-922A, Idaho Code, and to read as follows:

23-922A. BARTENDER PERMIT TO BE SHOWN ON REQUEST. It shall be unlawful and shall constitute a misdemeanor for a person while performing services as a bartender as defined in section 23-902, Idaho Code, to refuse to produce and show a bartender permit upon request of a peace officer.

Approved March 1, 1976.
CHAPTER 34
(S.B. No. 1270)

AN ACT
RELATING TO ALCOHOLIC BEVERAGES; AMENDING SECTION 23-1033, IDAHO CODE, BY ALLOWING BEER RETAILERS TO ACCEPT ADVERTISING MEDIA WHICH MAY HAVE A VALUE OTHER THAN ADVERTISING; AMENDING SECTION 23-1325, IDAHO CODE, BY ALLOWING WINE RETAILERS TO ACCEPT ADVERTISING MEDIA WHICH MAY HAVE A VALUE OTHER THAN ADVERTISING.

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

SECTION 1. That Section 23-1033, Idaho Code, be, and the same is hereby amended 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—except as advertising. 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 CO2 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 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 2. That Section 23-1325, Idaho Code, be, and the same is hereby amended 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 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.

Approved March 1, 1976.
CHAPTER 35
(S.B. No. 1328)

AN ACT
REPEALING SECTION 39-1903, IDAHO CODE, REQUIRING FIRE ESCAPES ON ALL MULTIPLE STORIED SCHOOL BUILDINGS AND REQUIRING FIRE ESCAPE INSPECTIONS AND FIRE DRILLS IN SCHOOLS.

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

SECTION 1. That Section 39-1903, Idaho Code, be, and the same is hereby repealed.

Approved March 1, 1976.
CHAPTER 36
(S.B. No. 1367)

AN ACT
PROVIDING FOR FOREST LANDS FIRE PROTECTION ASSESSMENTS;
AMENDING SECTION 38-111, IDAHO CODE, TO PROVIDE FOR A
MINIMUM ASSESSMENT FOR FIRE PROTECTION ON FOREST LANDS
OF FIVE DOLLARS PER OWNER, AND TO PROVIDE FOR A
MAXIMUM ASSESSMENT FOR FIRE PROTECTION ON FOREST LANDS
OF TWENTY CENTS PER ACRE; AND PROVIDING AN EFFECTIVE
DATE.

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

SECTION 1. That Section 38-111, Idaho Code, be, and the
same is hereby amended to read as follows:

38-111. PROTECTION BY OWNER -- ASSESSMENTS -- BUDGET OF
PROTECTIVE DISTRICTS. Every owner of forest lands in the
state shall furnish or provide therefor, throughout the
closed season, protection against the starting, existence or
spread of fires thereon, or therefrom, in conformity with
reasonable rules and standards for adequate protection, to
be established by the state board of land commissioners. An
owner of forest lands who maintains a membership in good
standing in a forest protective association operating under
agreement with the state board of land commissioners, which
association maintains a standard of protection approved by
said board and who pays the assessments to the association
in the amounts required by this section, shall be deemed to
have fully complied herewith. In the event the owner of any
forest land shall neglect or fail to furnish the protection
required by this section, the state forester shall provide
such patrol and protection therefor at actual cost to the
owner of forest lands. For private owners of forest lands
whose total acres of forest lands are twenty-five (25) acres
or fewer, the minimum assessment per year shall be a sum of
five dollars ($5.00), and for private owners of forest lands
whose total acres of forest lands are twenty-six (26) acres
or more, this cost shall not exceed eighteen twenty cents
($18.20) an acre per year on-lands-lying-north-of-the-inter-
section--of--the--Idaho-and-Adams-County-line-with-the-Snake
River-on-the-west, then-east-along-said-county-line--to--the
Little-Salmon-River, then-downstream-on-the-Little-Salmon
In the event an assessment is made in an amount less than the maximum hereinbefore provided, and an actual loss occurs which exceeds the amount budgeted and for which assessments have been made, the state forester, with the approval of the board, may require an additional assessment to be made and paid, which together with the original assessment shall not exceed the maximum assessment set forth above. Such additional assessment shall be levied and collected in the same manner as herein provided for the collection of such original assessments. The liability provided in this section shall be calculated for each forest protection district or association separately, and shall be calculated solely upon the charges assignable to fire control or presuppression of fires within each district or association.

Each forest protective association actively engaged in forest protection under agreement with the state board of land commissioners shall each year prepare in detail a budget of all estimated operating costs for the next calendar year and shall submit this budget to the board for approval before June 30 of the current year.

Notwithstanding any other provisions of law, no other charges or assessments for fire protection shall be made or assessed or collected from those forest landowners participating as provided herein, except in cases of proven negligence on the part of said landowners or his agent.

SECTION 2. This act shall be in full force and effect on and after January 1, 1977.

Approved March 1, 1976.
AN ACT
APPROPRIATING $5,000 FROM THE GENERAL FUND TO THE LEGISLATIVE COUNCIL FOR THE DESIGNATED PURPOSE, 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. There is hereby appropriated from fiscal year 1976 General Fund moneys the sum of $5,000, or so much thereof as may be necessary, to the Legislative Council, for the purpose of paying Idaho's share of the budget of the Western States' Forestry Task Force, for the period from the effective date of this act through June 30, 1977.

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

Approved March 2, 1976.
CHAPTEB 38
(H.B. No. 330)

AN ACT
RELATING TO MINIMUM WAGES; AMENDING SECTION 44-1502, IDAHO CODE, TO PROVIDE THAT THE MINIMUM WAGE RATE FOR EMPLOYEES AS DEFINED IN CHAPTER 15, TITLE 44, IDAHO CODE, SHALL BE INCREASED ON JULY 1, 1976 TO TWO DOLLARS PER HOUR AND ON JANUARY 1, 1977, TO TWO DOLLARS AND TWENTY CENTS PER HOUR AND ON JULY 1, 1977, TO TWO DOLLARS AND THIRTY CENTS PER HOUR; REPEALING SECTION 44-1508, IDAHO CODE; AMENDING CHAPTER 15, TITLE 44, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 44-1508, IDAHO CODE, TO PROVIDE FOR ENFORCEMENT OF CHAPTER 15, TITLE 44, IDAHO CODE; REPEALING SECTION 44-1509, IDAHO CODE; AMENDING CHAPTER 15, TITLE 44, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 44-1509, IDAHO CODE, TO PROHIBIT DISCHARGING OR DISCRIMINATING AGAINST AN EMPLOYEE'S ASSERTING RIGHTS UNDER THE MINIMUM WAGE LAW; AND REPEALING SECTION 44-1510, IDAHO CODE.

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

SECTION 1. That Section 44-1502, Idaho Code, be, and the same is hereby amended to read as follows:

44-1502. MINIMUM WAGES. Except as hereinafter otherwise provided, no employer shall pay to any of his employees any wages computed at a rate of less than one dollar and forty cents ($1.40) commencing July 1, 1971 and one dollar and sixty cents ($1.60) commencing July 1, 1972, two dollars ($2.00) commencing July 1, 1976, and two dollars and twenty cents ($2.20) commencing January 1, 1977, and two dollars and thirty cents ($2.30) commencing July 1, 1977, per hour for employment.

SECTION 2. That Section 44-1508, Idaho Code, be, and the same is hereby repealed.

SECTION 3. That Chapter 15, Title 44, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 44-1508, Idaho Code, and to read as follows:
44-1508. ENFORCEMENT. (1) When the director of the department of labor and industrial services has reason to believe that an employer is engaged in an act or practice which violates or will violate a provision of chapter 15, title 44, Idaho Code, he may bring an action in a court of competent jurisdiction to enjoin the act or practice, and to enforce compliance with the provisions of chapter 15, title 44, Idaho Code. Upon a proper showing, a permanent or temporary injunction or restraining order shall be granted without bond.

(2) A claim for unpaid minimum wages as set forth in section 44-1502, Idaho Code, may be treated as a claim for wages due and owing under chapter 6, title 45, Idaho Code. Enforcement or suit under chapter 6, title 45, Idaho Code, for unpaid minimum wages may be commenced by the employee or employees affected, or by the department of labor and industrial services whether a wage claim has been filed with the department or not. Such claim shall not be subject to the limitation contained in section 45-615(1), Idaho Code, if brought by the department of labor and industrial services. Any action for such wages must be commenced in a court of competent jurisdiction within two (2) years after the cause of action shall have accrued.

SECTION 4. That Section 44-1509, Idaho Code, be, and the same is hereby repealed.

SECTION 5. That Chapter 15, Title 44, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 44-1509, Idaho Code, and to read as follows:

44-1509. DISCHARGING OR DISCRIMINATING AGAINST EMPLOYEE'S ASSERTING RIGHTS UNDER MINIMUM WAGE LAW PROHIBITED. No employer shall discharge or in any other manner discriminate against any employee:

(1) Because the employee has made complaint that he has not been paid wages in accordance with chapter 15, title 44, Idaho Code.

(2) Because the employee has caused to be instituted or is about to cause to be instituted any proceedings under or related to chapter 15, title 44, Idaho Code.

(3) Because the employee has testified or is about to testify in any proceedings under or related to chapter 15, title 44, Idaho Code.

SECTION 6. That Section 44-1510, Idaho Code, be, and the same is hereby repealed.

Approved March 4, 1976.
CHAPTER 39
(H.B. No. 615)

AN ACT
AMENDING SECTION 2, CHAPTER 198, LAWS OF 1975, RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF HEALTH AND WELFARE, BY INCREASING THE APPROPRIATIONS FROM THE GENERAL FUND BY $559,000 AND THE COOPERATIVE WELFARE FUND BY $1,071,300; APPROPRIATING $109,800 FROM THE GENERAL FUND TO THE DEPARTMENT OF HEALTH AND WELFARE TO BE EXPENDED FOR THE DESIGNATED PURPOSE, 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. That Section 2, Chapter 198, Laws of 1975, be, and the same is hereby amended to read as follows:

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:
### A. ADMINISTRATION PROGRAM:

<table>
<thead>
<tr>
<th>Program</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>1) General Fund</td>
<td>$1,165,000</td>
<td>$444,000</td>
<td></td>
<td></td>
<td>$1,609,000</td>
</tr>
<tr>
<td>2) Cooperative Welfare</td>
<td>$605,600</td>
<td>$236,500</td>
<td></td>
<td></td>
<td>$842,100</td>
</tr>
<tr>
<td>TOTALS</td>
<td>$1,770,600</td>
<td>$680,500</td>
<td></td>
<td></td>
<td>$2,451,100</td>
</tr>
</tbody>
</table>

### B. WELFARE PROGRAM:

<table>
<thead>
<tr>
<th>Program</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>1) General Fund</td>
<td>$4,139,300</td>
<td>$1,416,700</td>
<td></td>
<td></td>
<td>$6,556,000</td>
</tr>
<tr>
<td>2) State Youth Services Center Income Fund</td>
<td>$1,165,000</td>
<td>$444,000</td>
<td>$1,609,000</td>
<td>$1,609,000</td>
<td></td>
</tr>
<tr>
<td>3) Miscellaneous Receipts Fund</td>
<td>$500,000</td>
<td>$650,000</td>
<td>$650,000</td>
<td>$650,000</td>
<td></td>
</tr>
<tr>
<td>4) Liquor Fund</td>
<td>$650,000</td>
<td></td>
<td></td>
<td></td>
<td>$650,000</td>
</tr>
<tr>
<td>5) Cooperative Welfare</td>
<td>$7,327,200</td>
<td>$2,385,600</td>
<td>$29,405,900</td>
<td>$39,405,900</td>
<td>$11,770,700</td>
</tr>
<tr>
<td>TOTALS</td>
<td>$11,543,400</td>
<td>$4,184,500</td>
<td>$48,218,900</td>
<td>$52,407,800</td>
<td>$161,110,800</td>
</tr>
</tbody>
</table>

### C. REHABILITATION PROGRAM:

<table>
<thead>
<tr>
<th>Program</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>1) General Fund</td>
<td>$5,790,800</td>
<td>$2,008,900</td>
<td></td>
<td></td>
<td>$7,899,700</td>
</tr>
<tr>
<td>2) State Hospital North Income Fund</td>
<td>$128,200</td>
<td>$128,200</td>
<td>$128,200</td>
<td>$128,200</td>
<td></td>
</tr>
<tr>
<td>3) State Hospital South Income Fund</td>
<td>$385,700</td>
<td>$385,700</td>
<td>$385,700</td>
<td>$385,700</td>
<td></td>
</tr>
<tr>
<td>4) Miscellaneous Receipts Fund</td>
<td>$9,300</td>
<td>$3,900</td>
<td>$3,900</td>
<td>$3,900</td>
<td></td>
</tr>
<tr>
<td>5) Cooperative Welfare</td>
<td>$9,908,000</td>
<td>$3,041,900</td>
<td>$149,100</td>
<td>$12,289,000</td>
<td>$21,183,900</td>
</tr>
<tr>
<td>TOTALS</td>
<td>$15,715,200</td>
<td>$5,389,900</td>
<td>$259,100</td>
<td>$24,583,000</td>
<td>$37,399,000</td>
</tr>
</tbody>
</table>

### D. HEALTH PROGRAM:

<table>
<thead>
<tr>
<th>Program</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>1) General Fund</td>
<td>$1,208,800</td>
<td>$728,300</td>
<td>$1,800</td>
<td>$845,700</td>
<td>$2,784,600</td>
</tr>
<tr>
<td>2) Central Tumor Registry Fund</td>
<td>$55,000</td>
<td>$55,000</td>
<td>$55,000</td>
<td>$55,000</td>
<td></td>
</tr>
<tr>
<td>3) Miscellaneous Receipts Fund</td>
<td>$152,300</td>
<td>$152,300</td>
<td>$152,300</td>
<td>$152,300</td>
<td></td>
</tr>
<tr>
<td>4) Cooperative Welfare</td>
<td>$991,900</td>
<td>$319,200</td>
<td>$14,000</td>
<td>$1,454,100</td>
<td>$2,779,200</td>
</tr>
<tr>
<td>TOTALS</td>
<td>$2,200,700</td>
<td>$1,254,800</td>
<td>$15,800</td>
<td>$2,999,900</td>
<td>$5,776,100</td>
</tr>
</tbody>
</table>

...
### E. ENVIRONMENTAL PROGRAM:

<table>
<thead>
<tr>
<th>Description</th>
<th>General Fund</th>
<th>Water Pollution Control Fund</th>
<th>Cooperative Welfare Fund</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Costs</td>
<td>$1,067,100</td>
<td>$2,000,000</td>
<td>$395,100</td>
<td>$1,323,600</td>
</tr>
<tr>
<td>Expenditures</td>
<td>$254,800</td>
<td>$2,000,000</td>
<td>$97,300</td>
<td>$352,100</td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>$1,700</td>
<td>$2,000,000</td>
<td>$700</td>
<td>$2,400</td>
</tr>
<tr>
<td>Benefit Payments</td>
<td>$</td>
<td>$2,000,000</td>
<td></td>
<td>$493,100</td>
</tr>
<tr>
<td>Total</td>
<td>$1,323,600</td>
<td>$2,000,000</td>
<td>$493,100</td>
<td>$3,816,700</td>
</tr>
</tbody>
</table>

### F. VETERANS SERVICES PROGRAM:

<table>
<thead>
<tr>
<th>Description</th>
<th>General Fund</th>
<th>Veterans Home Income Fund</th>
<th>Cooperative Welfare Fund</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Costs</td>
<td>$97,400</td>
<td>$85,000</td>
<td>$143,100</td>
<td>$297,800</td>
</tr>
<tr>
<td>Expenditures</td>
<td>$12,800</td>
<td>$85,000</td>
<td>$19,500</td>
<td>$117,300</td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>$4,000</td>
<td>$10,000</td>
<td>$6,000</td>
<td>$16,000</td>
</tr>
<tr>
<td>Benefit Payments</td>
<td>$</td>
<td>$45,700</td>
<td></td>
<td>$214,300</td>
</tr>
<tr>
<td>Total</td>
<td>$297,800</td>
<td>$132,800</td>
<td>$214,300</td>
<td>$644,900</td>
</tr>
</tbody>
</table>

### G. DISTRICT HEALTH DEPARTMENTS PROGRAM:

<table>
<thead>
<tr>
<th>Description</th>
<th>General Fund</th>
<th>Cooperative Welfare Fund</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Costs</td>
<td>$848,000</td>
<td>$3,054,100</td>
<td>$3,902,100</td>
</tr>
<tr>
<td>Expenditures</td>
<td>$205,500</td>
<td>$811,800</td>
<td>$1,017,300</td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>$10,700</td>
<td>$63,200</td>
<td>$73,900</td>
</tr>
<tr>
<td>Benefit Payments</td>
<td>$28,500</td>
<td>$170,500</td>
<td>$199,000</td>
</tr>
<tr>
<td>Total</td>
<td>$1,092,700</td>
<td>$4,100,400</td>
<td>$5,193,100</td>
</tr>
</tbody>
</table>

**GRAND TOTALS:**

- Costs: $3,936,835,500
- Expenditures: $3,348,480,800
- Capital Outlay: $53,060,600
- Benefit Payments: $103,488,300
- Total: $53,488,300
SECTION 2. There is hereby appropriated to the Department of Health and Welfare the sum of $109,800 from the General Fund, to be expended for the designated purpose for the period from the effective date of this act through June 30, 1976:

FOR:
Continuation of room and board rates for adult assistance recipients of not less than $210 per month through June 30, 1976. $109,800

FROM:
General Fund $109,800

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 5, 1976.
CHAPTER 40
(S.B. No. 1302)

AN ACT
RELATING TO FEES TO BE PAID BY PERSONS MAKING CONSUMER CREDIT SALES, LEASES AND LOANS; AMENDING SECTION 28-36-203, IDAHO CODE, BY PROVIDING THAT ADDITIONAL FEES SHALL BE PAID ON THE UNPAID BALANCES OF CONSUMER CREDIT SALES, LEASES AND LOANS OUTSTANDING AS OF DECEMBER 31 OF THE PRECEDING CALENDAR YEAR.

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

SECTION 1. That Section 28-36-203, Idaho Code, be, and the same is hereby amended to read as follows:

28-36-203. FEES. (1) A person required to file notification shall on or before January 31 of each year pay to the administrator an annual fee to be fixed by the administrator, but not to exceed $50 per year.

(2) Persons required to file notification who are sellers, lessors, or lenders shall pay an additional fee at the time and in the manner stated in subsection (1) of $10 for each $100,000, or part thereof, in excess of $100,000, of the original unpaid balances outstanding as of December 31 of the preceding calendar year arising from consumer credit sales, consumer leases, and consumer loans made in this state within the preceding calendar year and held either by the seller, lessor, or lender for more than 30 days after the inception of the sale, lease, or loan giving rise to the obligations, or by an assignee who has not filed notification. A refinancing of a sale, lease, or loan resulting in an increase in the amount of an obligation is considered a new sale, lease, or loan to the extent of the amount of the increase.

(3) Persons required to file notification who are assignees shall pay an additional fee at the time and in the manner stated in subsection (1) of $10 for each $100,000, or part thereof, of the unpaid balances at the time of the assignment of obligations arising from consumer credit sales, consumer leases, and consumer loans made in this state taken by assignment during and outstanding as of December 31 of the preceding calendar year, but an assignee need not pay a fee with respect to an obligation on which
the assignor or other person has already paid a fee.

(4) The administrator may, in his discretion, allow an exemption from payment of the fees herein to supervised financial organizations which are already required to pay similar supervision and examination fees; provided any person holding a permit under chapter 22, title 26, Idaho Code, need not pay such fees.

(5) All moneys received by the administrator pursuant to this act shall be remitted to the state treasurer for the credit of the general fund.

Approved March 5, 1976.
CHAPTER 41
(S.B. No. 1333)

AN ACT
RELATING TO THE COOPERATIVE MARKETING ACT; AMENDING SECTION 22-2602, IDAHO CODE, TO DEFINE CERTAIN INSTRUMENTS AND INTERESTS WITHIN THE MEANING OF THE COOPERATIVE MARKETING ACT.

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

SECTION 1. That Section 22-2602, Idaho Code, be, and the same is hereby amended to read as follows:

22-2602. DEFINITIONS -- SHORT TITLE. As used in this chapter:
a. The term "agricultural products" shall include horticultural, viticultural, forestry, dairy, livestock, poultry, bee and any farm products;
b. The term "member" shall include actual members of associations without capital stock and holders of common stock in associations organized with capital stock;
c. The term "association" means any corporation organized under this chapter; and
d. The term "person" shall include individuals, firms, partnerships, corporations and associations.

Associations organized hereunder shall be deemed non-profit, inasmuch as they are not organized to make profits for themselves, as such, or for their members, as such, but only for their members as producers.

Any instrument, or interest, which (a) qualifies its holder to be a member or patron of an association, or; (b) represents a patronage refund or other patronage allocation, which is part of a class issuable only to persons who deal in agricultural products or commodities with or obtain services from the association; or (c) represents the terms or conditions by which members or patrons purchase or sell agricultural products or commodities from, to, or through the association, (including any property right or interest in any arrangement to purchase or sell agricultural products, commodities or supplies between the association and its members or patrons) shall not be considered to be a security as used in title 30, chapter 14, Idaho Code, and shall not be subject to the provisions of said chapter.
The foregoing shall apply to any association operating as an agricultural cooperative, which is qualified to do business in the state of Idaho as an agricultural marketing association, and which possesses no greater powers than those provided such an association under this chapter.

This chapter shall be referred to as the "Cooperative Marketing Act."

Approved March 5, 1976.
AN ACT
RELATING TO THE DUTIES AND FUNCTIONS OF THE STATE AUDITOR AND HIS OFFICE AND TO THE DUTIES AND FUNCTIONS OF THE STATE TREASURER AND HIS OFFICE; AMENDING SECTION 9-328, IDAHO CODE, TO PROVIDE THAT THE AUDITOR AND THE TREASURER MAY MICROFILM RECORDS OF THE OFFICE AND TRANSMIT THE ORIGINALS TO THE HISTORICAL SOCIETY FOR RETENTION OR DISPOSAL; AMENDING SECTION 9-329, IDAHO CODE, TO PROVIDE CODE REFERENCES; AMENDING SECTION 9-330, IDAHO CODE, TO PROVIDE REFERENCE TO THE STATE AUDITOR AND THE STATE TREASURER; AMENDING SECTION 38-131, IDAHO CODE, TO PROVIDE THAT THE STATE TREASURER SHALL BE NOTIFIED IN ADVANCE OF THE ISSUANCE OF DEFICIENCY WARRANTS TO PAY FOR CONTROL OR SUPPRESSION OF FOREST FIRES; AMENDING SECTION 57-131, IDAHO CODE, TO PROVIDE THAT THE DEFINITION IN THE SECTION OF SURPLUS OR IDLE FUNDS IN OTHER PUBLIC TREASURIES SHALL NOT APPLY TO THE DEFINITION OF IDLE FUNDS IN THE STATE TREASURY; AMENDING SECTION 59-1014, IDAHO CODE, TO PROVIDE FOR STATE OFFICERS AND AGENCIES TO DEPOSIT CASH, CHECKS OR OTHER EVIDENCES OF INDEBTEDNESS WITH THE STATE TREASURER AND TO PROVIDE TIME LIMITS FOR MAKING SUCH DEPOSITS; AMENDING SECTION 67-1001, IDAHO CODE, TO PROVIDE FOR REPORTS FROM THE STATE AUDITOR TO THE GOVERNOR ON AN ANNUAL RATHER THAN BIENNIAL BASIS, TO PROVIDE FOR KEEPING RECEIPTS ON WARRANTS DELIVERED, TO STRIKE PROVISIONS RELATING TO COLLECTING THE INHERITANCE TAX LAWS, TO STRIKE CERTAIN PROVISIONS RELATING TO INFORMATION THAT APPEARS ON A WARRANT, TO PROVIDE FOR A DAILY TOTAL DOLLAR AMOUNT BY FUND OF WARRANTS DRAWN, TO STRIKE PROVISIONS RELATING TO COUNTY LICENSES, AND TO CLARIFY NOMENCLATURE; AMENDING SECTION 67-1004, IDAHO CODE, TO CHANGE THE TERM FUNDS TO MONEYS; AMENDING SECTION 67-1005, IDAHO CODE, TO PROVIDE THAT WARRANTS SHALL BE DRAWN IN THE ORDER PRESCRIBED BY THE AUDITOR; AMENDING SECTION 67-1006, IDAHO CODE, TO PROVIDE THAT NOTICE OF A LOST WARRANT SHALL BE MADE TO THE AUDITOR AND THE TREASURER, TO STRIKE PROVISIONS REQUIRING A BOND WHEN A WARRANT IS LOST, AND TO PROVIDE PROVISIONS THAT THE AUDITOR MAY REQUIRE A BOND WHEN A WARRANT IS LOST; AMENDING SECTION 67-1010, IDAHO CODE,
TO PROVIDE TIME LIMITS FOR RETENTION OF RECORDS IN THE OFFICE OF THE STATE AUDITOR; AMENDING SECTION 67-1011, IDAHO CODE, TO PROVIDE THAT WARRANTS DRAWN UPON AN APPROPRIATION EXCEED THE AMOUNT APPROPRIATED OR THE CASH BALANCE IN THE ACCOUNT CHARGED, WHICHEVER IS LESS; AMENDING SECTION 67-1016, IDAHO CODE, TO PROVIDE THAT THE AUDITOR MAY APPOINT DEPUTIES AND EMPLOYEES AND FIX THEIR COMPENSATION; AMENDING SECTION 67-1018, IDAHO CODE, TO ADD ADDITIONAL DUTIES FOR THE AUDITOR FOR THE ACCOUNTING SYSTEM; AMENDING SECTION 67-1033, IDAHO CODE, TO PROVIDE FOR AN ANNUAL REPORT TO THE GOVERNOR FROM THE AUDITOR; AMENDING CHAPTER 10, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-1036, IDAHO CODE, TO PROVIDE ADDITIONAL AUTHORITY FOR THE STATE AUDITOR IN THE ADMINISTRATION OF THE STATE'S ACCOUNTING SYSTEM; AMENDING SECTION 67-1104, IDAHO CODE, TO PROVIDE FOR REPORTS ON A SEMIANNUAL AND AN ANNUAL BASIS; AMENDING SECTION 67-1201, IDAHO CODE, TO PROVIDE TIME LIMITS FOR RETENTION OF RECORDS IN THE OFFICE OF THE STATE TREASURER, TO PROVIDE FOR PAYING WARRANTS OUT OF ACCOUNTING ENTITIES, TO KEEP RECORDS FOR THE TIME DETERMINED BY THE TREASURER, AND TO PROVIDE FOR DAILY AND MONTHLY REPORTS; AMENDING SECTION 67-1209, IDAHO CODE, TO PROVIDE FOR NOMENCLATURE CHANGES; AMENDING SECTION 67-1210, IDAHO CODE, TO PROVIDE A DEFINITION OF IDLE MONEYS AND TO PROVIDE FOR INVESTMENT OF IDLE MONEYS; AMENDING SECTION 67-1211, IDAHO CODE, TO PROVIDE FOR PAYMENT OF WARRANTS AS PRESCRIBED BY LAW; AMENDING SECTION 67-1212, IDAHO CODE, TO PROVIDE PROCEDURES FOR HANDLING OF WARRANTS WHEN THERE ARE INSUFFICIENT MONEYS IN THE FUNDS UPON WHICH THEY ARE DRAWN; AMENDING SECTION 67-1213, IDAHO CODE, TO STRIKE OBSOLETE PROVISIONS AND TO PROVIDE FOR VOIDING WARRANTS THAT ARE OUTSTANDING AFTER ONE YEAR RATHER THAN TWO YEARS; AMENDING SECTION 67-1219, IDAHO CODE, TO PROVIDE THAT THE TREASURER MAY APPOINT DEPUTIES AND EMPLOYEES AND FIX THEIR COMPENSATION; AMENDING SECTION 67-1221, IDAHO CODE, TO STRIKE OBSOLETE REFERENCES; AMENDING SECTION 67-2002, IDAHO CODE, TO PROVIDE THAT THE BOARD OF EXAMINERS SHALL MEET IN THE OFFICE OF THE GOVERNOR RATHER THAN THE OFFICE OF THE AUDITOR; AMENDING SECTION 67-2005, IDAHO CODE, TO PROVIDE THAT THE STATE AUDITOR SHALL PRESCRIBE FORMS OF VOUCHERS; AMENDING SECTION 67-2007, IDAHO CODE, TO PROVIDE FOR NOMENCLATURE CHANGES; AMENDING SECTION 67-2008, IDAHO CODE, TO PROVIDE FOR NOMENCLATURE CHANGES; AMENDING SECTION 67-2013, IDAHO CODE, TO PROVIDE THAT THE AUDITOR SHALL EXAMINE VOUCHERS AS AN AUDIT PRIOR TO PAYMENT;
AMENDING SECTION 67-2014, IDAHO CODE, TO PROVIDE FOR NOMENCLATURE CHANGES; AMENDING SECTION 67-2017, IDAHO CODE, TO PROVIDE FOR NOMENCLATURE CHANGES; AMENDING SECTION 67-2018, IDAHO CODE, TO PROVIDE THAT THE BOARD OF EXAMINERS NEED NOT EXAMINE EXPENDITURES FOR THE ORDINARY OPERATIONS OF GOVERNMENT; AMENDING SECTION 67-2019, IDAHO CODE, TO PROVIDE FOR NOMENCLATURE CHANGES; AMENDING SECTION 67-2020, IDAHO CODE, TO PROVIDE FOR NOMENCLATURE CHANGES AND TO PROVIDE THAT ROTARY ACCOUNTS MAY NOT BE USED FOR ANY KIND OF SALARY OR WAGE ADVANCE; AMENDING SECTION 67-2021, IDAHO CODE, TO PROVIDE FOR NOMENCLATURE CHANGES; AMENDING SECTION 67-2022, IDAHO CODE, TO PROVIDE FOR NOMENCLATURE CHANGES; AMENDING SECTION 67-2025, IDAHO CODE, TO PROVIDE FOR NOMENCLATURE CHANGES; AMENDING SECTION 67-2739, IDAHO CODE, TO CLARIFY PROVISIONS FOR ALLOCATION OF TIME DEPOSITS, TO STRIKE OBSOLETE PROVISIONS AND TO PROVIDE NAME CHANGES; AMENDING SECTION 67-2742, IDAHO CODE, TO PROVIDE A PENALTY FOR LATE PAYMENT OF TIME CERTIFICATES OF DEPOSIT AND TO STRIKE REFERENCE TO SURPLUS OR IDLE FUNDS; REPEALING SECTIONS 67-1019, 67-1020, 67-1105, 67-1106 AND 67-2009, IDAHO CODE; DECLARING AN EMERGENCY FOR CERTAIN SECTIONS AND PROVIDING EFFECTIVE DATES.

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

SECTION 1. That Section 9-328, Idaho Code, be, and the same is hereby amended to read as follows:

9-328. PHOTOGRAPHED, MICROPHOTOGRAPHED OR FILMED RECORDS -- DESTRUCTION OF ORIGIANALS AUTHORIZED.Whenever-any department, commission, board or officer Notwithstanding the provisions of sections 67-5751 through 67-5753, Idaho Code, whenever the state treasurer or state auditor of the state of Idaho shall have photographed or microphotographed or filmed all or any part of the records kept by or in such department, commission, board or his office in a manner and on film or paper that complies with the minimum standards of quality approved for such photographic records by the national bureau of standards, and whenever such photographs or microphotographs or films shall be placed in conveniently accessible files and provision made for preserving, examining, and using the same, said department, commission, board or officer may upon the approval of the state board of examiners cause the original records from which the photographs or microphotographs or films have been made, or any part thereof, to be disposed of or destroyed transmitted to
the state historical society for retention or disposal.

SECTION 2. That Section 9-329, Idaho Code, be, and the same is hereby amended to read as follows:

9-329. PHOTOGRAPHED RECORDS -- EFFECT AS RECORDS. Photographs or microphotographs or films of any record photographed or microphotographed or filmed, as herein provided in section 9-328, Idaho Code, shall have the same force and effect as the originals thereof would have had, and shall be treated as originals for the purpose of their admissibility in evidence. Duly certified or authenticated copies of such photographs or microphotographs or films shall be admitted in evidence equally with the original photographs or microphotographs or films.

SECTION 3. That Section 9-330, Idaho Code, be, and the same is hereby amended to read as follows:

9-330. MICROPHOTOGRAPHING OF INSTRUMENTS FOR RECORDS. All papers, documents, and instruments in writing authorized or required by law to be recorded in the office of any department, board, commission, or officer of the state auditor or state treasurer of the state of Idaho may be microphotographed, and when microphotographed, indexed and filed shall have the same force and effect as though the same were recorded and indexed in handwriting, typewriting or photography in bound volumes.

SECTION 4. That Section 38-131, Idaho Code, be, and the same is hereby amended to read as follows:

38-131. DEFICIENCY WARRANTS FOR EXCESS COSTS OF FIRE SUPPRESSION. In event the actual cost for the control or suppression of forest fires in any forest protective district exceeds in any one (1) year the maximum moneys available for forest protection in that district from the forest protection fund or any other special or general fund provided for that purpose, the state board of land commissioners may authorize the issuance of deficiency warrants for the purpose of defraying such excess costs and when so authorized the state auditor shall, after notice to the state treasurer, draw deficiency warrants against the general fund.

SECTION 5. That Section 57-131, Idaho Code, be, and the same is hereby amended to read as follows:
57-131. DEPOSITS SUBJECT TO PAYMENT ON DEMAND -- TIME DEPOSITS. All deposits in public depositories shall be subject to payment when demanded by the proper officer of the depositing unit except for time deposits of surplus or idle funds which the said depositing units are authorized to make with the approval of their respective supervising boards. Time deposits shall be evidenced by certificates of deposit having a maturity of not less than thirty (30) days. The term "surplus or idle funds" shall mean the excess of available moneys in the public treasury, including the reasonably anticipated revenues, over and above the reasonably anticipated expenditures chargeable to those moneys, taking into account the dates at which such revenues and expenditures may be expected to occur, the charges of expenses to revenues being done in such a manner as to produce the maximum amount of excess. This definition shall not apply to idle funds in the state treasury, which funds shall be as defined in section 67-1210, Idaho Code.

SECTION 6. That Section 59-1014, Idaho Code, be, and the same is hereby amended to read as follows:

59-1014. ACCOUNTING FOR FEES. All state officers and agencies, who receive any money or evidences of indebtedness for or on account of the state or in payment of any fee, license or tax due the state, shall daily—when the amount of cash, checks or other evidences of indebtedness accrued during any twenty-four (24) hour period is two hundred dollars ($200) or more; or

(a) daily, when the amount of cash, checks or other evidences of indebtedness accrued during any twenty-four (24) hour period is two hundred dollars ($200) or more; or

(b) weekly in all other situations, unless the particular state officer has been granted specific permission to deposit at some other interval by the provisions of a resolution of the board of examiners, pursuant to section 67-2025, Idaho Code.

The state treasurer shall receive from the other state officers and agencies bank drafts, certificates of deposit, checks, post-office money orders and all evidences of indebtedness which are accepted as cash items by banks in the ordinary course of business, and shall deposit the same in banks in this state qualified as depositories of state money, subject, however, to final payment, and said treasurer shall issue his receipt for such evidences of indebtedness to the officer or agency entitled thereto.

Any person violating the provisions of this section shall be guilty of a misdemeanor and upon conviction shall
be punished by a fine not exceeding $500.00, or by imprison-
ment in the county jail not exceeding six months, or by both
such fine and imprisonment.

SECTION 7. That Section 67-1001, Idaho Code, be, and
the same is hereby amended to read as follows:

67-1001. DUTIES OF AUDITOR. It is the duty of the audito-
1. To superintend the fiscal concerns of the state.
2. To report deliver to the governor on or before the
first day of December preceding each regular session of the
legislature, a statement report of the funds of the state,
its revenues, and of the public expenditures during the two
preceding fiscal years, together with a detailed estimate of the
expenditures to be defrayed from the treasury for the two
ensuing fiscal years, specifying therein each object of expenditure and distinguishing between such
as are provided for by permanent or temporary appropriations and such as must be provided for by a new statute and suggesting the means from which such expenditures are to be defrayed.
3. To accompany his biennial annual report with tabular
statements, showing:
   a. The amount of each appropriation for the two preceding fiscal years, the amounts expended, and the bal-
   ance, if any.
   b. The amount of revenue chargeable to each county for
   such years, the amount paid, and the amount unpaid or due therefrom.
4. When requested, to give information in writing to
either house of the legislature relating to the fiscal
affairs of the state or the duties of his office.
5. To suggest plans for the improvement and management
of the public revenues.
6. To keep and state all accounts in which the state is
interested.
7. To keep an account of all warrants drawn upon the
treasurer, and a separate account under the head of each
specified appropriation, showing at all times the unexpended
balance of such appropriation.
8. To keep an account between the state and the trea-
urer, and therein charge the treasurer with the balance in
the treasury when he came into office, and with all moneys
received by him, and credit him with all warrants drawn on
and paid by him.
9. To keep a register of warrants, showing the fund or
funds upon which they are drawn, the number, in whose favor, for-what-service, the appropriation applicable to the pay-
ment thereof, when the liability accrued, and, for the period of time required by the state auditor, a receipt from the person to whom the warrant is delivered.

10. To examine and settle the accounts of all persons indebted to the state, and to certify the amount to the treasurer, and upon the presentation and filing of the treasurer's receipt therefor to give such person a discharge and charge the treasurer therewith.

11. In his discretion to require any person presenting an account for settlement to be sworn before him, and to answer, orally or in writing, as to any facts relating to it.

12. To require all persons who have received any moneys belonging to the state and have not accounted therefor to settle their accounts.

13. To direct and superintend the collection of all moneys due the state, including moneys due the state under and by virtue of the provisions of any transfer and inheri-
tance-tax-laws-of-this-state, not the responsibility of any other agency and institute suits in its name for all offi-
cial delinquencies in relation to assessment, collection and payment of the revenue, and against persons who by any means have become possessed of public money or property and fail to pay over or deliver the same, and against all debtors of the state, of which suits the courts of Ada county have jurisdiction, without regard to the residence of the defend-
ants.

14. To draw warrants on the treasurer for the payment of moneys directed by law to be paid out of the treasury; but no warrant must be drawn unless authorized by law. Every warrant--must-be-drawn-upon-the-fund-out-of-which-it-is-pay-
able,--and-specify-the-service-for-which--it--is--drawn,--and when-the-liability-accrued?

15. To furnish the state treasurer with a list daily total dollar amount, by fund, of warrants drawn upon the treasury.

16. To have--printed-and-forwarded-to-the-treasurer-of each-county-blank-state-licenses.

17. To authenticate with his official seal all drafts and warrants drawn by him, and all copies of papers issued from his office.

18. To charge the state treasurer with money and evi-
dences of indebtedness received from and credit him for money drawn by the state board of land commissioners in the funds moneys or accounts over which said board has control.
To act ex officio as secretary of the state board of examiners in the performance of such duties as are prescribed by law for such officer.

SECTION 8. That Section 67-1004, Idaho Code, be, and the same is hereby amended to read as follows:

67-1004. PRESCRIBING FORMS -- PENALTY FOR DERELICTION. It is the duty of the state auditor to prescribe the form of receipts which must be given by all officers, or their deputies, who are authorized by law to collect fees, license moneys, fines and forfeitures, or to impose penalties, and to prescribe the forms of reports which must be made by all such officers, or their deputies, to the state treasurer and the state auditor whenever public money is deposited by them; the object of this provision being to afford the state auditor the means of ascertaining whether or not there has been a proper accounting for all funds moneys collected on behalf of the state.

Forms of prescribed receipts and reports shall be provided and paid for out-of-the-funds-appropriated-for by the department in which they are to be used.

For failure to perform the duty imposed upon him by this section, the state auditor shall forfeit the sum of $1000 to be collected on his official bond.

SECTION 9. That Section 67-1005, Idaho Code, be, and the same is hereby amended to read as follows:

67-1005. WARRANTS, HOW DRAWN. All warrants for claims which have been filed in his office must be drawn in the order of their allowance prescribed by the state auditor.

SECTION 10. That Section 67-1006, Idaho Code, be, and the same is hereby amended to read as follows:

67-1006. LOST WARRANTS -- ISSUANCE OF DUPLICATES. In case of the loss or destruction of any warrant heretofore issued or that may be issued by the auditor of the state of Idaho, in-payment-of-any-claim-against-the-state-of-Idaho, and, after notice by the involved agency to the state treasurer and state auditor to stop payment on the lost or destroyed warrant the state auditor is hereby authorized to issue his duplicate warrant to take the place of the warrant so lost or destroyed, upon satisfactory proof by affidavit of the loss of the said warrant provided that in case of the issuance of any such duplicate warrant, the auditor
shall may require an indemnity bond of-not-less-than--double the-amount-of-the-warrant-issued, conditioned upon the payment to the state of Idaho of any loss or damage or obligation by reason of the said lost warrant becoming a claim against the state; and, provided-further-that it shall be the duty of the state auditor to notify the state treasurer of the issuance of the said duplicate warrant so-that--payment--may--be stepped-upon-the-warrant-issued.

SECTION 11. That Section 67-1010, Idaho Code, be, and the same is hereby amended to read as follows:

67-1010. VOUCHERS AND ACCOUNTS PRESERVED. All accounts, vouchers, and documents settled, or to be settled, by the auditor or board of examiners must be preserved in his office for not less than two (2) years, and copies thereof, authenticated by the official seal of the auditor, shall be given to any person interested therein who requires the same. After two (2) years, such records may be disposed of as provided by sections 9-328 through 9-330, Idaho Code, unless a specific written request for further retention has been made to the auditor.

SECTION 12. That Section 67-1011, Idaho Code, be, and the same is hereby amended to read as follows:

67-1011. APPROPRIATION NECESSARY TO AUTHORIZE WARRANT. In all cases of specific appropriations, salaries, pay and expenses, ascertained and allowed by law, found due to individuals from the state, when audited, the auditor must draw warrants upon the treasury for the amount; but in cases of unliquidated accounts and claims, the adjustment and payment of which are not provided for by law, no warrants must be drawn by the auditor, or paid by the treasurer, until appropriation is made by law for that purpose, nor must the whole amount drawn for and paid for any purpose or under any one (1) appropriation ever exceed the amount appropriated, or the cash balance in the account charged, whichever is less.

SECTION 13. That Section 67-1016, Idaho Code, be, and the same is hereby amended to read as follows:

67-1016. APPOINTMENT OF DEPUTY. The auditor may appoint a-deputy-who-shall-receive-no-compensation--as--deputy such deputies, assistants and employees, and fix the compensation thereof, within the limits of appropriation made therefor, as is necessary.
SECTION 14. That Section 67-1018, Idaho Code, be, and the same is hereby amended to read as follows:

67-1018. AUTHORITY TO INSTALL BOOKKEEPING AND ACCOUNTING SYSTEM FOR STATE. The state auditor shall have power to prescribe and install, to modify from time to time, and to enforce, an accurate and modern system of accounting and bookkeeping for the state of Idaho, to cover and include all its financial transactions and all funds, accounts, and property owned by or held in trust or custody of the state, and to that end may take all proceedings and make all investigations necessary to procure the information for said purposes, and may also require the keeping of such books, records and accounts and the making of such reports as he may from time to time prescribe, in and by the office of the state auditor, and all other state offices, departments, boards and institutions.

SECTION 15. That Section 67-1033, Idaho Code, be, and the same is hereby amended to read as follows:

67-1033. ANNUAL REPORT TO GOVERNOR -- CONTENTS. The state auditor shall, at the same time he reports as provided in section 67-1001 2, Idaho Code, make an annual written report to the governor of his various official proceedings. He shall embody therein an abstract of on the condition and statistics of the several county and state finances as ascertained by him. The reports hereinbefore required to be made to the governor shall be printed when ordered by the legislature.

SECTION 16. That Chapter 10, 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 67-1036, Idaho Code, and to read as follows:

67-1036. ADMINISTRATION OF ACCOUNTING SYSTEM. (1) In order that the state auditor may properly exercise his authority to install and maintain an accurate and modern system of accounting and bookkeeping for the state of Idaho, he may establish such control accounts for each appropriation to reflect the amount of expenditure approved, charging against each fund the expenditures as made to disclose the unexpended authorizations. Upon order of the board of examiners, the auditor shall establish budgetary accounts as necessary. Upon order of the board of examiners the auditor shall, but on his own order may when circumstances require,
establish accounts and subaccounts for all funds and accounts not otherwise provided for in chapter 8, title 57, Idaho Code.

(2) The state auditor shall establish each accounting entity on the records of the state auditor and state treasurer, not otherwise provided for in chapter 8, title 57, Idaho Code, as an account, or subaccount, in one (1) of the funds recognized or created by chapter 8, title 57, Idaho Code.

SECTION 17. That Section 67-1104, Idaho Code, be, and the same is hereby amended to read as follows:

67-1104. QUARTERLY-EXHIBITS SEMIANNUAL REPORTS. Said the auditor shall prepare, in quadruplicate—quarterly, semianually and annually on a fiscal year basis, exhibits showing the proper detailed classification of all receipts and warrant disbursements, respectively, of each office, department, bureau and institution of the state of Idaho, followed by a recapitulation of receipts from general sources and a recapitulation of disbursements by general objects class as follows:

REVENUE RECEIPTS

A. Taxes.
B. Licenses and Permits.
C. Charges for Services and Fees.
D. Interest and Penalties.
E. Rentals.
F. Fines, Forfeitures, Escheats, including surety bond adjustments.
G. Miscellaneous Sales.
H. Matched Funds and Contributions.

NON-REVENUE RECEIPTS

A. Sale of Capital Assets.
B. Sale of State Obligations.
C. Insurance Adjustment to Capital Assets.
D. Trust Accounts.
E. Revolving Fund Reimbursements.
F. Refunds of Erroneous Payments.

DISBURSEMENTS

A. Maintenance and Operation.
B. Capital Outlay.
C. Relief and Pensions.
D. Refunds of Erroneous Receipts.
E. Payments as Agent.

One (1) of such exhibits shall be delivered to the bureau of budget, two (2) to the office, department or gov-
erning board referred to in the exhibit (one (1) of which shall be for the use of the executive head of the particular bureau, institution or other unit covered by such exhibit), and the fourth shall be permanently filed in the auditor's office.

SECTION 18. That Section 67-1201, Idaho Code, be, and, the same is hereby amended to read as follows:

67-1201. DUTIES OF TREASURER. It is the duty of the treasurer:

1. To receive and keep all moneys belonging to the state not required to be received and kept by some other person.

2. To file and keep, for not less than two (2) years, the certificates of the auditor delivered to him when moneys are paid into the treasury. After two (2) years, such records may be disposed of as provided in sections 9-328 through 9-330, Idaho Code, unless a specific written request for further retention has been made to the treasurer.

3. To deliver to each person paying money into the treasury a receipt showing the amount, the sources from which the money accrued, and the funds into which it is paid, which receipts must be numbered in order, beginning with number one (1) at the commencement of each fiscal year.

4. To pay warrants drawn by the auditor out of the funds accounting entity upon which they are drawn.

5. Upon payment of any warrant, to take upon the back thereof the receipt of the person to whom it is paid, and file and preserve the same.

6. To keep, for so long as the treasurer deems necessary, a record account of all moneys received and disbursed.

7. To keep, for so long as the treasurer deems necessary, separate accounts records of the different funds.

8. To report to the auditor daily, on the last day of each month, the amount disbursed for redemption of bonds and in payment of warrants during the month; which report must show the date and number of such bonds and warrants, the funds out of which they were paid, and to report to the auditor monthly, the balance of cash on hand in the treasury to the credit of each fund.

9. At the request of either house of the legislature, or any committee thereof, to give information in writing as to the condition of the treasury, or upon any subject relating to the duties of his office.
10. To report to the governor at the time prescribed in this code, the exact balance in the treasury to the credit of the state, with a summary of the receipts and payments of the treasury during the two preceding fiscal years.

11. To authenticate with his official seal all writings and papers issued from his office.

12. To discharge such other duties as may be imposed upon him by law.

SECTION 19. That Section 67-1209, Idaho Code, be, and the same is hereby amended to read as follows:

67-1209. SUSPENSE FUND ACCOUNT. Any state officer, department, board or institution having or receiving money in trust or for safe-keeping pending its final disposition or distribution shall deposit the same in the state treasury in a special suspense fund account from which it may be withdrawn or distributed under rules and regulations promulgated by the department-of-finance state auditor.

SECTION 20. That Section 67-1210, Idaho Code, be, and the same is hereby amended to read as follows:

67-1210. INVESTMENT OF SURPLUS FUNDS IDLE MONEYS. It shall be the duty of the state treasurer to invest surplus or idle funds in the state treasury, other than moneys in 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 Bank 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 term "idle moneys" means the balance of cash and other evidences of indebtedness which are accepted by banks as cash in the ordinary course of business, in demand deposit accounts, after taking into consideration all deposits and withdrawals, on a daily basis.

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 21. That Section 67-1211, Idaho Code, be, and the same is hereby amended to read as follows:

67-1211. PAYMENT OF WARRANTS. The state treasurer must pay warrants on any of the several funds in his office in their regular order as prescribed by law.

SECTION 22. That Section 67-1212, Idaho Code, be, and the same is hereby amended to read as follows:

67-1212. UNPAID WARRANTS -- INVESTMENT-OF-SURPLUS-FUNDS -- INTEREST -- RECORD. (1) All warrants upon funds the balance in which is insufficient to pay them must be turned over to the state treasurer by the state auditor. If in the opinion of the state treasurer any of such warrants are a desirable investment for surplus funds under the provisions
of section 67-1218, he shall select such warrants for investment and return the same to the auditor for delivery to the persons entitled thereto, without registration. Such warrants when presented to the state treasurer for payment shall be registered in the manner hereinafter provided, and the state treasurer shall issue checks on the state treasury for the purchase of such warrants, and he shall hold such warrants as investments for the idle or surplus funds until called, and the interest accruing thereon shall be computed and shall inure to the benefit of the general fund, provided, however, that whenever the state treasurer shall invest surplus or idle funds in such warrants in trust for irrigation districts under the provisions of sections 43-727 to 43-729, the interest earned shall be credited to the account of the irrigation district whose funds are so invested. All of such warrants not selected by the state treasurer for investment shall be registered by the state treasurer as follows: he shall date and sign such warrants on the back thereof underneath the words "Presented for payment and not paid for want of funds" and return the same to the state auditor for delivery to the respective payees. It is the duty of the state treasurer to keep a register of all warrants not paid for want of funds, in which register such warrants shall be listed in numerical order, and when paid the treasurer shall note on such register the amount of interest paid and the date of payment. Provided, however, that the state board of examiners shall have the authority to waive the provisions of this section should it appear that money sufficient to pay warrants will within thirty (30) days be available in the funds upon which such warrants are drawn, and may, by written order, authorize the treasurer to take up such warrants and hold the same to be paid out of the funds when the money in such funds becomes available. Any such warrants, registered by the state treasurer, shall from date of registration until paid bear interest at the rate of six per cent (6%) per annum, unless the state board of examiners shall have theretofore, by resolution, fixed a lesser rate of interest, in which event said warrant shall draw such lesser rate.

(2) In lieu of registering warrants as provided in subsection (1) above, the state treasurer shall have authority to:

(a) pay such warrants out of any moneys available if it appears that money sufficient to pay such warrants will within thirty (30) days be available in the fund upon which such warrants are drawn; the state treasurer shall charge the fund for which such moneys are advanced a service fee
and an amount of interest substantially equal to what could have been earned had the advanced moneys been invested; or
(b) after such thirty (30) day period, issue tax anticipa-
tion notes as provided by chapter 32, title 63, or section 57-1112, Idaho Code.

SECTION 23. That Section 67-1213, Idaho Code, be, and the same is hereby amended to read as follows:

67-1213. REFUSAL TO PAY WARRANTS -- PENALTY -- CANCELLATION. If the state treasurer wilfully and unlawfully refuses to pay any warrant lawfully drawn upon the treasury, he forfeits and must pay fourfold the amount, to be recovered by action against the treasurer and his sureties on his official bond or otherwise: provided, that all outstanding warrants and treasurer's checks for which funds have been available and which would have been paid if presented prior to the first day of July, 1937, are hereby canceled; provided further, that on the first day of July of each year hereafter all warrants and treasurer's checks, which would have been paid if presented, which have been outstanding for a period of two (2) years one (1) year or more are void. On all such canceled or void warrants or treasurer's checks, the state treasurer is required to refuse payment and he must plainly mark across the face of every warrant or treasurer's check presented to him for payment the words "not paid, time of redemption expired" and in figures must show over his official signature -- the total amount --of--the--warrant-or-check due --including the accrued interest, if any. Said warrant, or-check is --a--valid--claim against --the--state--for--the--amount--shown--by--the--treasurer if surrendered to the state board of examiners to be passed upon and allowed auditor, shall be replaced by a new warrant in like amount.

SECTION 24. That Section 67-1219, Idaho Code, be, and the same is hereby amended to read as follows:

67-1219. DEPUTY TREASURER -- APPOINTMENT, OATH AND BOND. The state treasurer may appoint a deputy state treas-
urer, who shall take the oath as required of his principal, and may perform all the official duties of such principal, being subject to the same regulations and penalties, and for all whose official acts the state treasurer shall be responsible. The state treasurer shall require his deputy to be bonded to the state of Idaho in the time, form and manner as prescribed in chapter 8, title 59, Idaho Code; provided that
in no event shall the amount of the bond be less than one hundred fifty thousand dollars ($150,000).

The treasurer may appoint such assistants and employees, and fix the compensation thereof within the limits of appropriations made therefor, as is necessary.

SECTION 25. That Section 67-1221, Idaho Code, be, and the same is hereby amended to read as follows:

67-1221. FISCAL AGENCY IN NEW YORK CITY. The state treasurer may, with the approval of the commissioner of finance, appoint a reputable bank in the city of New York as fiscal agent of the state of Idaho. Such fiscal agent may, under the instructions of the state treasurer, receive and pay out moneys for the state of Idaho. The state treasurer shall, in selecting such fiscal agent, obtain the best rate of interest on daily balances and the best terms possible for handling any business of the state which requires payment in the city of New York. Any commissions or charges or expenses for services shall be a proper charge against interest on daily balances collected by the state treasurer from such fiscal agent and shall be deducted from such interest receipts. Upon formal application to the state treasurer by the holder of any bond or obligation of the state of Idaho, both principal and interest may be paid in the city of New York by such fiscal agent. In all other respects, the provisions of the state depository law must obtain.

SECTION 26. That Section 67-2002, Idaho Code, be, and the same is hereby amended to read as follows:

67-2002. SESSIONS OF BOARD -- CLAIMS. Regular sessions of the state board of examiners shall be held on the third Tuesday of each month, in the office of the state auditor governor. Other sessions may be held at such time and place, and upon such notice, as the board may by resolution prescribe. No claim shall be examined and passed upon by any member unless a majority of the board is present.

SECTION 27. That Section 67-2005, Idaho Code, be, and the same is hereby amended to read as follows:

67-2005. VOUCHER FORMS. It is the duty of the state auditor, with the approval of the state board of examiners, to prescribe forms of vouchers on which all claims against the requests for expenditure of state moneys must be submit-
ted, and when such forms of vouchers have been prescribed no claim against the request for expenditure of state moneys shall be received and filed by the state auditor unless the same shall be presented on the proper form.

SECTION 28. That Section 67-2007, Idaho Code, be, and the same is hereby amended to read as follows:

67-2007. STANDARD TRAVEL PAY AND ALLOWANCES. This act may be cited as the "Standard Travel Pay and Allowance Act of 1949." It is the express intention of this act that the provisions hereof shall supersede and control the language of any statute heretofore enacted relating to the allowance of claims requests for reimbursement for travel and/or subsistence, including, but without limitation, statutes which provide for the payment of actual and necessary expenses to any officer, agent, employee, clerk, board or commission of the state; and it is further intended that the provisions of this act, and regulations issued hereunder, shall apply to and govern all acts authorizing the payment of claims for travel and/or subsistence which may be enacted hereafter unless the same shall be expressly exempted from the terms of this act. Such acts shall be construed as being subject to the provisions of this act unless an express exemption shall be set forth in such subsequent act.

SECTION 29. 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) per day for travel within the state and actual lodgings (maximum to be set by board of examiners) and fourteen dollars ($14) 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.

SECTION 30. That Section 67-2013, Idaho Code, be, and the same is hereby amended to read as follows:

67-2013. FILING, EXAMINATION AND CORRECTION OF CLAIMS VOUCHERS. Whenever a voucher is received by the state auditor he shall before filing the same, examine or cause it to be examined as an audit prior to payment and, if it is not correct in form or amount, or if there are no funds moneys in the state treasury out of which the same may lawfully be paid, he shall forthwith return the same to the party rendering the account for correction or for submission at a later date if there is made an appropriation out of which the same may lawfully be paid.

SECTION 31. That Section 67-2014, Idaho Code, be, and the same is hereby amended to read as follows:

67-2014. CERTIFICATION OF ACCOUNT CLAIM BY AUDITOR. On all accounts claims submitted to the state board of examiners for their action, the state auditor must certify that the account claim is in proper form, that the totals carried thereon are correct, that receipts when required by law or regulation of the board covering items for which reimbursement is asked are submitted therewith, and that, subject to the provisions of section 67-1212, Idaho Code, there are funds moneys in the state treasury out of which the same may lawfully be paid.

SECTION 32. That Section 67-2017, Idaho Code, be, and the same is hereby amended to read as follows:

67-2017. CRIMINAL LIABILITY FOR FALSE CERTIFICATE. The making of any false certificate on any voucher on which money is to be paid by the state, for the purpose of securing or aiding to secure the payment of any claim moneys not a just and proper charge against the state, is hereby
declared to be a felony under the provisions of section 18-2706.

SECTION 33. That Section 67-2018, Idaho Code, be, and the same is hereby amended to read as follows:

67-2018. AUDIT OF CLAIMS. It is the duty of the state board of examiners to examine all claims, except salaries and compensation of officers fixed by law, and except fixed appropriations for principal and interest of the public bonded debt, and except claims against the state already presented to the board and favorably reported by it to the legislature for passage. The board may approve or disapprove any claim or demand against the state, or any item thereof, or may recommend a less amount in payment of the whole, or any item thereof, and a decision of a majority of the members shall stand as the decision of the board. But no claim shall be examined, considered or acted upon by said board, unless the state auditor, as secretary of the state board of examiners, shall have indorsed thereon the certificates required to be made by him by section 67-2014, Idaho Code, and unless receipted vouchers are filed therewith showing the payment of all items for which reimbursement is asked.

Expenditures for the ordinary operations of state government, for which appropriations have been made, need not be examined or reviewed by the board of examiners.

SECTION 34. That Section 67-2019, Idaho Code, be, and the same is hereby amended to read as follows:

67-2019. ROTARY EXPENSE FUND ACCOUNT -- AUTHORIZATION. A revolving or general expense fund account may be created by the state board of examiners for any state officer, department, board or institution in the manner provided in sections 67-2020 to 67-2022, Idaho Code, and not otherwise.

SECTION 35. That Section 67-2020, Idaho Code, be, and the same is hereby amended to read as follows:

67-2020. ROTARY EXPENSE FUND ACCOUNT -- ALLOWANCE. The requisition of the head of any department, board or institution or the disbursing officer thereof requesting a revolving fund account shall be acted upon by the board of examiners in the same manner as a claim against the state and, if allowed, shall be regarded as an advance for current cash items, and not for any kind of salary or wage advance. It shall be allowed only in case an appropriation has been
made by law for the specific expenditures intended to be paid out of the fund account. The amount of the revolving fund account shall be charged by the auditor against the officer making the requisition who may, if the board deems necessary, be required to give a bond in addition to his official bond, in such sum as the board may fix, to secure the repayment of such fund account.

SECTION 36. That Section 67-2021, Idaho Code, be, and the same is hereby amended to read as follows:

67-2021. ROTARY EXPENSE FUND ACCOUNT -- HOW DRAWN UPON. The money advanced shall remain in the state treasury for the use of the officer making the requisition in-the-payment of--cash--items--constituting--claims-against-the-state. The fund account may be drawn upon by a sight draft signed by the officer and attached to an itemized voucher for the expenditure, both in such form as the department-of--finance state auditor shall prescribe.

SECTION 37. That Section 67-2022, Idaho Code, be, and the same is hereby amended to read as follows:

67-2022. ROTARY EXPENSE FUND ACCOUNT -- ALLOWANCE OF ITEMS. At stated intervals to be fixed by the board by general regulation each officer having a revolving fund account shall present a complete itemized account of all expenditures therefrom for allowance or rejection. If any item thereof is disallowed, the officer shall replace the amount thereof in the revolving fund account. The amount of items allowed shall be credited by the auditor to the officer or replaced in the revolving fund account.

SECTION 38. That Section 67-2025, Idaho Code, be, and the same is hereby amended to read as follows:

67-2025. MONEYS TO BE PAID OVER TO STATE TREASURER AT MONTHLY INTERVALS -- BURSAR OF STATE EDUCATIONAL INSTITUTIONS MAY ACT AS TREASURER OF SCHOOL ORGANIZATIONS -- DEPOSIT OF FUNDS MONEYS -- LIABILITY OF BANKS AND OFFICERS. Any provision of law to the contrary notwithstanding, the state board of examiners may by resolution authorize any state officer, agent or employee other than the bursars or other fiscal officers, agents or employees of state educational institutions, by whatever name such officer, agent or employee be known, receiving funds moneys which he is by law required to pay over to the state treasurer, to so pay over
the same at such intervals not exceeding one (1) month apart as said board may by such resolution specify. The state board of education and board of regents of the University of Idaho may likewise by resolution, any provision of law to the contrary notwithstanding, authorize any bursar or other fiscal officer, agent or employee of any state educational institution, by whatever name such officer, agent or employee be known, receiving *funds moneys* which he is by law required to pay over to the state treasurer as such, or as treasurer for said board or said institution, to likewise so pay over the same at such intervals not exceeding one (1) month apart as said board may by resolution specify. The said state board of education and board of regents of the University of Idaho may also by resolution authorize such bursar or other fiscal officer, agent or employee of any state educational institution, as part of the duties of his office or employment, to act as treasurer for any organization or association of the students and/or faculty of such institution, and may authorize him to retain all *funds moneys* received or held as such treasurer, and any and all other *funds moneys* received or held by him in his official capacity or incident to the duties of his office or employment, other than those owned by the state of Idaho, to be retained by him until lawfully paid out or disposed of by him, without depositing the same with the state treasurer at all.

Any officer, bursar, agent or employee of the state or of any state educational institution so designated as herein provided, may, pending the payment of *funds moneys* so received or held by him to the state treasurer, or to the person entitled to receive the same, deposit the same, including those owned by the state and all others received or held in his official capacity or incident to the duties of his office or employment, in a bank or trust company in the state of Idaho, to the credit of such officer, bursar, agent or employee in his official capacity, subject to the provisions of the public depository law.

No bank or trust company accepting deposits hereunder shall have any duty or obligation whatever as to the disposition of such *funds moneys* by the officer, bursar, agent or employee depositing the same, nor be liable in any respect for such officer's, bursar's, agent's or employee's misappropriation, misapplication or wrongful use or disposal thereof, nor for his failure to account for and pay over the same to the state treasurer or other person lawfully entitled thereto at the time and in the manner provided therefor, but nothing herein shall be construed as in any
wise relieving the officer, bursar, agent or employee retaining or depositing funds moneys by authority of this act of the duty of paying the same over to the state treasurer or other person lawfully entitled thereto at the time and in the manner provided therefor, or of any other duty or liability with respect to any of such funds moneys, except that such officer, bursar, agent or employee shall not be liable either personally or on his official bond for the nonpayment by any bank or trust company of funds moneys deposited with it pursuant to the provisions of this act.

SECTION 39. That Section 67-2739, Idaho Code, be, and the same is hereby amended to read as follows:

67-2739. NO PREFERENCE TO BE GIVEN -- APPORTIONMENT. The treasurer shall not give a preference to any one (1) or more designated state depositories in the amount he may deposit, under the provisions of this chapter, but shall keep deposited with each designated state depository, as nearly as practicable such proportion of the total deposits as the capital and surplus of such depositories as certified to him by the department of finance bears to the total capital and surplus of all state depositories, but during such time as any designated state depository declines to accept its full proportion as required by this chapter, the state treasurer shall deposit the surplus thereof in the other designated state depositories desiring the same in such proportion as nearly as practicable as the capital surplus of each depository so participating in the deposit of such excess bears to the total capital and surplus of all so participating. The refusal at any time by a designated state depository to accept its allocated share of time deposits shall affect its entitlement hereunder to its proportionate share of demand deposits. If a designated state depository refuses to accept its allocated share of time deposits, it shall not be entitled to its proportionate share of demand deposits during the remainder of the current calendar year.

Provided however, the treasurer shall not be required to adjust, as between all designated state depositories, the proportionate share of each in state demand deposits, except at the end of each month's period on the working day designated by the treasurer. With respect to time certificates of deposit, the treasurer shall not be required to adjust the investment in such certificates, as between all designated state depositories, the proportionate share that each is entitled to hereunder, except at the end of each six (6) month period.
State depositories with demand deposits clearing state warrants directly with the state treasurer shall be entitled to a compensating balance of one dollar ($1.00) per warrant. The compensating balance shall, if funds are available for deposit, be calculated on the number of warrants cleared by a state depository in the previous fiscal year. The compensating balances shall be maintained throughout each succeeding fiscal year, and shall be deducted from the sum total of public funds available for deposit with state depositories before any other formula for depositing state funds is calculated or applied.

For the purpose of apportioning deposits among designated depositories as required by this section, every banking corporation or national banking association operating branches which at the close of business on March 31, 1935, holds any deposit of state funds made by the state treasurer under this chapter shall, on or before said date, and as a condition of continuing to hold the same thereafter, file in the office of the director of the department of finance state treasurer, the affidavit of one (1) of its officers containing the information hereinafter specified; and all such corporations or associations receiving like deposits after the close of business on March 31, 1935, shall before receiving the same, file or have on file in the office of the director of the department of finance a like affidavit. All such affidavits shall state the total capital and surplus of the corporation or association and the number and location of each of its banking offices where deposits are received and the definite portion of the total capital and surplus of such corporation or association which it elects to allocate to each such banking office for the purpose of apportioning the deposits of the state treasurer among the designated state depositories under the provisions of this section. The allocation so made may be in any amount to any one or more of such banking offices receiving deposits as such corporation or association desires, not exceeding for all the total capital and surplus of the corporation or association, but the allocation made to any such banking office must be a separate amount for that office alone and no office to which no amount is allocated shall be designated to act as a state depository under this chapter. The allocation, if any, made for the purpose of apportioning deposits of public funds under this public depository law may differ from the allocations made hereunder as to amounts or otherwise. Such affidavits and the allocations made thereby shall be effective for the purposes of this section to and including January 31 next following the date of their
filing but no longer, on or before which date, if such corporation or association is to continue as a designated state depository under this chapter, allocation must be made in like manner for the succeeding year—provided however—that the corporation or association may at its option change such allocation—on—the—occasion—of—any—change—in—the—number—or location of its banking offices where deposits are—received or—any—change—in—its—capital-stock—by—filing—a—like-affidavit with—the—director—within—thirty—{30}—days—after—such—change, which affidavit and the allocation made thereby—shall—in turn—remain—in—effect—to—and—including—January—31—next following—but—no—longer. Each banking office of every corporation or national banking association operating branches at which office deposits are received and to which office capital and surplus is so allocated may, if and when otherwise qualified, be designated as a state depository and receive and/or hold deposits made by the treasurer of the state of Idaho under the provisions of this chapter so long as such affidavit and the allocation made thereby remain in effect, and for the purposes of apportioning such deposits as required by this section, each such banking office so designated shall be deemed a separate designated state depository having the capital and surplus so allocated to it, but no corporation or national banking association operating branch banks, nor any branch or office thereof, shall be designated as a state depository or receive or hold deposits of nor act as depository for the funds of the state of Idaho in the hands of the treasurer of said state unless and until an affidavit making an allocation as herein required and which still continues in effect is filed with the director—of—the—department—of—finance—of—the—state—of Idaho—state treasurer in accordance with the provisions hereof.

SECTION 40. That Section 67-2742, Idaho Code, be, and the same is hereby amended to read as follows:

67-2742. WITHDRAWAL OF MONEYS FROM DEPOSITORIES — TIME DEPOSITS. All deposits in state depositaries shall be subject to payment when demanded by the state treasurer on his check except time deposits of surplus—or idle funds moneys, as defined in section 67-1210, Idaho Code, which the treasurer is hereby authorized to make. Time deposits shall be evidenced by certificates of deposit having a maturity of not less than thirty (30) days. If the proceeds of a time certificate of deposit are not credited or paid to the state treasury on the maturity date of the certificate after
demand by the state, the depository shall pay a penalty of one-fourth of one percent (.0025) per day on the principal amount of such certificate commencing on the day following the date of maturity and continuing until the whole amount is credited or paid to the state.


SECTION 42. An emergency existing therefore, which emergency is hereby declared to exist, Sections 1, 2 and 3 of this act shall be in full force and effect on and after its passage and approval; Sections 16, 34, 35, 36 and 37 of this act shall be in full force and effect on and after July 1, 1977. All other sections shall be in full force and effect on and after July 1, 1976.

Approved March 5, 1976.
AN ACT
AMENDING SECTION 2, CHAPTER 249, LAWS OF 1975, RELATING TO
THE APPROPRIATION TO THE OFFICE OF THE GOVERNOR, BY
INCREASING THE APPROPRIATIONS FROM THE GENERAL FUND BY
$99,300, THE LIQUOR FUND BY $200,000 AND THE MISCEL-
LANEOUS RECEIPTS FUND BY $22,200, AND PROVIDING FOR A
NEW MAJOR PROGRAM; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 2, Chapter 249, Laws of 1975, be,
and the same is hereby amended to read as follows:

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>Program</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><strong>A. GOVERNOR'S OFFICE ADMINISTRATION PROGRAM:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>From:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Fund</td>
<td>$192,200</td>
<td>$90,300</td>
<td>$6,000</td>
<td></td>
<td>$288,500</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$192,200</strong></td>
<td><strong>$90,300</strong></td>
<td><strong>$6,000</strong></td>
<td></td>
<td><strong>$288,500</strong></td>
</tr>
<tr>
<td><strong>B. GOVERNOR'S RESIDENCE PROGRAM:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>From:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Fund</td>
<td>$5,600</td>
<td>$7,700</td>
<td>$3,500</td>
<td></td>
<td>$16,800</td>
</tr>
<tr>
<td><strong>TOTALS</strong></td>
<td><strong>$5,600</strong></td>
<td><strong>$7,700</strong></td>
<td><strong>$3,500</strong></td>
<td></td>
<td><strong>$16,800</strong></td>
</tr>
<tr>
<td><strong>C. GOVERNOR'S EXPENSE ACCOUNT PROGRAM:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>From:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Fund</td>
<td>$5,000</td>
<td></td>
<td></td>
<td></td>
<td>$5,000</td>
</tr>
<tr>
<td><strong>TOTALS</strong></td>
<td><strong>$5,000</strong></td>
<td></td>
<td></td>
<td></td>
<td><strong>$5,000</strong></td>
</tr>
<tr>
<td><strong>D. WESTERN REGIONAL GOVERNORS CONFERENCE PROGRAM:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>From:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Fund</td>
<td>$25,000</td>
<td></td>
<td></td>
<td></td>
<td>$25,000</td>
</tr>
<tr>
<td><strong>TOTALS</strong></td>
<td><strong>$25,000</strong></td>
<td></td>
<td></td>
<td></td>
<td><strong>$25,000</strong></td>
</tr>
<tr>
<td><strong>E. TOURIST DEVELOPMENT PROGRAM:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>From:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Fund</td>
<td>$85,000</td>
<td>$165,300</td>
<td></td>
<td></td>
<td>$250,300</td>
</tr>
<tr>
<td>Idaho Development and Publicity Fund</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>TOTALS</strong></td>
<td>$85,000</td>
<td>$313,100</td>
<td></td>
<td></td>
<td>$398,100</td>
</tr>
<tr>
<td><strong>F. INDUSTRIAL DEVELOPMENT PROGRAM:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>From:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Fund</td>
<td>$42,600</td>
<td>$41,800</td>
<td>$3,900</td>
<td></td>
<td>$88,300</td>
</tr>
<tr>
<td>Idaho Development and Publicity Fund</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>TOTALS</strong></td>
<td><strong>$42,600</strong></td>
<td><strong>$69,000</strong></td>
<td><strong>$3,900</strong></td>
<td></td>
<td><strong>$115,500</strong></td>
</tr>
<tr>
<td><strong>G. PUBLIC EMPLOYEE RETIREMENT SYSTEM PROGRAM:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>From:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Public Employee Retirement Fund</td>
<td>$429,900</td>
<td>$245,300</td>
<td>$6,800</td>
<td></td>
<td>$682,000</td>
</tr>
<tr>
<td><strong>TOTALS</strong></td>
<td><strong>$429,900</strong></td>
<td><strong>$245,300</strong></td>
<td><strong>$6,800</strong></td>
<td></td>
<td><strong>$682,000</strong></td>
</tr>
<tr>
<td><strong>H. NUCLEAR ENERGY COMMISSION PROGRAM:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>From:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Fund</td>
<td>$56,100</td>
<td>$32,800</td>
<td>$300</td>
<td>$86,000</td>
<td>$175,200</td>
</tr>
<tr>
<td><strong>TOTALS</strong></td>
<td><strong>$56,100</strong></td>
<td><strong>$32,800</strong></td>
<td><strong>$300</strong></td>
<td><strong>$86,000</strong></td>
<td><strong>$175,200</strong></td>
</tr>
<tr>
<td>Division</td>
<td>FROM:</td>
<td>Personnel Costs</td>
<td>Operating Expenditures</td>
<td>Capital Outlay</td>
<td>Trustee and Benefit Payments</td>
</tr>
<tr>
<td>----------------------------------------------</td>
<td>----------------------------</td>
<td>-----------------</td>
<td>------------------------</td>
<td>----------------</td>
<td>-----------------------------</td>
</tr>
<tr>
<td>I. LIQUOR DIVISION</td>
<td>Liquor Fund</td>
<td>$627,357,100</td>
<td>$863,500</td>
<td>$84,500</td>
<td>$3,511,100</td>
</tr>
<tr>
<td></td>
<td>TOTALS</td>
<td>$2,563,100</td>
<td>$863,500</td>
<td>$84,500</td>
<td>$3,511,100</td>
</tr>
<tr>
<td>J. STATE INSURANCE FUND PROGRAM:</td>
<td>State Insurance Fund</td>
<td>$572,700</td>
<td>$232,000</td>
<td>$10,100</td>
<td>$2,563,100</td>
</tr>
<tr>
<td></td>
<td>TOTALS</td>
<td>$572,700</td>
<td>$232,000</td>
<td>$10,100</td>
<td>$2,563,100</td>
</tr>
<tr>
<td>K. SERVICE TO BLIND PROGRAM:</td>
<td>General Fund</td>
<td>$87,500</td>
<td></td>
<td></td>
<td>$34,300</td>
</tr>
<tr>
<td></td>
<td>Idaho Commission for the</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Blind Fund</td>
<td>$290,400</td>
<td>$74,800</td>
<td>$400</td>
<td>$173,600</td>
</tr>
<tr>
<td></td>
<td>TOTALS</td>
<td>$377,900</td>
<td>$74,800</td>
<td>$400</td>
<td>$147,600</td>
</tr>
<tr>
<td>L. MILITARY DIVISION ADMINISTRATION PROGRAM:</td>
<td>General Fund</td>
<td>$250,600</td>
<td>$31,500</td>
<td>$6,400</td>
<td>$288,500</td>
</tr>
<tr>
<td></td>
<td>TOTALS</td>
<td>$250,600</td>
<td>$31,500</td>
<td>$6,400</td>
<td>$288,500</td>
</tr>
<tr>
<td>M. ADMINISTERING MILITARY FACILITIES:</td>
<td>General Fund</td>
<td>$68,100</td>
<td>$253,600</td>
<td>$5,600</td>
<td>$327,300</td>
</tr>
<tr>
<td></td>
<td>Adjutant General</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Receipts Fund</td>
<td>$25,800</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>TOTALS</td>
<td>$68,100</td>
<td>$279,400</td>
<td>$5,600</td>
<td>$353,100</td>
</tr>
<tr>
<td>N. ADMINISTERING FEDERAL AND STATE CONTRACTS:</td>
<td>General Fund</td>
<td>$52,700</td>
<td>$54,100</td>
<td></td>
<td>$106,800</td>
</tr>
<tr>
<td></td>
<td>Adjutant General</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Receipts Fund</td>
<td>$334,800</td>
<td>$308,500</td>
<td></td>
<td>$643,300</td>
</tr>
<tr>
<td></td>
<td>TOTALS</td>
<td>$334,800</td>
<td>$308,500</td>
<td></td>
<td>$643,300</td>
</tr>
<tr>
<td>O. PREPARING FOR NATURAL OR MAN-MADE DISASTERS:</td>
<td>General Fund</td>
<td>$34,000</td>
<td>$25,900</td>
<td>$400</td>
<td>$60,300</td>
</tr>
<tr>
<td></td>
<td>Civil Defense Fund</td>
<td>$33,000</td>
<td>$6,500</td>
<td>$300</td>
<td>$69,800</td>
</tr>
<tr>
<td></td>
<td>Radiological Instrument</td>
<td>$145,700</td>
<td>$49,000</td>
<td>$4,000</td>
<td>$201,400</td>
</tr>
<tr>
<td></td>
<td>TOTALS</td>
<td>$212,700</td>
<td>$81,400</td>
<td>$4,700</td>
<td>$301,200</td>
</tr>
<tr>
<td>Program Description</td>
<td>FROM:</td>
<td>TO:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>------------------------------------------------------------------------------------</td>
<td>----------------------------------------------------------------------</td>
<td>----------------------------------------------------------------------</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>P. Administering State Flags Program</td>
<td>General Fund: $2,000</td>
<td>$2,000</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>TOTALS: $2,000</td>
<td>$2,000</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Q. National Guard Educational Encouragement Program</td>
<td>National Guard Educational Fund: $78,500</td>
<td>$78,500</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>TOTALS: $78,500</td>
<td>$78,500</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>R. Women's Commission Program</td>
<td>General Fund: $9,000</td>
<td>$9,000</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>TOTALS: $9,000</td>
<td>$9,000</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>S. Human Rights Commission Program</td>
<td>General Fund: $65,900</td>
<td>$65,900</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Human Rights Fund: $19,700</td>
<td>$19,700</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>TOTALS: $85,600</td>
<td>$85,600</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>T. Law Enforcement Planning Program</td>
<td>General Fund: $142,100</td>
<td>$142,100</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Law Enforcement Planning Commission Fund: $120,300</td>
<td>$120,300</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>TOTALS: $399,100</td>
<td>$399,100</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>U. State Planning and Coordination Program</td>
<td>General Fund: $67,800</td>
<td>$67,800</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Urban Planning Project Fund: $45,000</td>
<td>$45,000</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>State Planning Fund: $57,300</td>
<td>$57,300</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>TOTALS: $125,100</td>
<td>$125,100</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>V. Local Assistance for Planning and Community Affairs Program</td>
<td>General Fund: $26,900</td>
<td>$26,900</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Urban Planning Project Fund: $11,300</td>
<td>$11,300</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>State Planning Fund: $84,000</td>
<td>$84,000</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>TOTALS: $122,200</td>
<td>$122,200</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Section</td>
<td>Program Name</td>
<td>FROM:</td>
<td>Personnel Costs</td>
<td>Operating Expenditures</td>
<td>Capital Outlay</td>
</tr>
<tr>
<td>---------</td>
<td>--------------</td>
<td>------</td>
<td>----------------</td>
<td>-----------------------</td>
<td>---------------</td>
</tr>
<tr>
<td>W. BUDGET PROGRAM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>General Fund</td>
<td>$176,100</td>
<td>$47,200</td>
<td>$500</td>
<td>$223,800</td>
</tr>
<tr>
<td></td>
<td>General Interaccount Fund</td>
<td>15,200</td>
<td>3,500</td>
<td>500</td>
<td>19,200</td>
</tr>
<tr>
<td></td>
<td>TOTALS</td>
<td>$191,300</td>
<td>$50,700</td>
<td>$1,000</td>
<td>$243,000</td>
</tr>
<tr>
<td>X. MANAGEMENT ANALYSIS AND INFORMATION SYSTEMS PROGRAM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>General Fund</td>
<td>$106,800</td>
<td>$16,900</td>
<td>$1,500</td>
<td>$125,200</td>
</tr>
<tr>
<td></td>
<td>Criminal Justice</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Information Systems Fund</td>
<td>10,300</td>
<td>7,700</td>
<td>18,000</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Urban Planning Project</td>
<td>13,000</td>
<td>13,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>State Planning Fund</td>
<td>46,700</td>
<td>12,700</td>
<td>59,400</td>
<td></td>
</tr>
<tr>
<td></td>
<td>TOTALS</td>
<td>$176,800</td>
<td>$37,700</td>
<td>$1,500</td>
<td>$215,800</td>
</tr>
<tr>
<td>Y. DIVISION ADMINISTRATION PROGRAM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>General Fund</td>
<td>$124,900</td>
<td>$6,600</td>
<td>$300</td>
<td>$131,800</td>
</tr>
<tr>
<td></td>
<td>General Interaccount Fund</td>
<td>10,000</td>
<td>10,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>TOTALS</td>
<td>$134,900</td>
<td>$6,600</td>
<td>$300</td>
<td>$141,800</td>
</tr>
<tr>
<td>Z. EDUCATION COMMISSION AND COUNCIL:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>General Fund</td>
<td>$14,300</td>
<td></td>
<td></td>
<td>$14,300</td>
</tr>
<tr>
<td></td>
<td>TOTALS</td>
<td>$14,300</td>
<td></td>
<td></td>
<td>$14,300</td>
</tr>
<tr>
<td>AA. OFFICE ON AGING:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>General Fund</td>
<td>$71,800</td>
<td>$23,200</td>
<td></td>
<td>$95,000</td>
</tr>
<tr>
<td></td>
<td>TOTALS</td>
<td>$71,800</td>
<td>$23,200</td>
<td></td>
<td>$95,000</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 5, 1976.
CHAPTER 44  
(S.B. No. 1480)  

AN ACT  
APPROPRIATING MONEY FROM THE FUND ENUMERATED FOR DEPOSIT IN  
THE PUBLIC SCHOOL INCOME FUND; AND APPROPRIATING MONEY  
FROM THE PUBLIC SCHOOL INCOME FUND TO BE DISBURSED BY  
THE STATE BOARD OF EDUCATION FOR PUBLIC SCHOOL  
EMPLOYEES' RETIREMENT PROGRAM FOR THE PERIOD JULY 1,  

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

SECTION 1. There is hereby appropriated from the General Fund the sum of $10,397,700 to be deposited with the Public School Income Fund for Public School Employees' Retirement Program for the period July 1, 1976 through June 30, 1977.

SECTION 2. There is hereby appropriated out of the Public School Income Fund the sum of $10,397,700 to be disbursed by the State Board of Education for Public School Employees' Retirement Program for the period July 1, 1976 through June 30, 1977.

Approved March 5, 1976.
CHAPTER 45
(H.B. No. 420)

AN ACT
PROVIDING FOR FISCAL YEARS AND CASH BASIS ACCOUNTING FOR CITIES AND COUNTIES; AMENDING SECTION 50-1001, IDAHO CODE, TO PROVIDE THAT THE FISCAL YEAR OF A CITY SHALL COMMENCE ON THE FIRST DAY OF OCTOBER; AMENDING SECTION 50-1002, IDAHO CODE, TO PROVIDE A PROCESS FOR A CITY TO PREPARE A BUDGET PRIOR TO THE BEGINNING OF THE FISCAL YEAR; AMENDING SECTION 50-1003, IDAHO CODE, TO PROVIDE FOR A CITY TO ADOPT AN APPROPRIATION ORDINANCE PRIOR TO THE BEGINNING OF THE FISCAL YEAR; AMENDING SECTION 50-1004, IDAHO CODE, TO PROVIDE AN EXCEPTION FOR THE TRANSFER OF MONEYS TO THE WARRANT REDEMPTION FUND; REPEALING SECTION 50-1005, IDAHO CODE, AMENDING CHAPTER 10, TITLE 50, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 50-1005A, IDAHO CODE, TO PROVIDE THAT A CITY MAY ACCUMULATE FUND BALANCES TO ACHIEVE OR MAINTAIN CITY OPERATIONS ON A CASH BASIS; AMENDING SECTION 50-1007, IDAHO CODE, TO PROVIDE FOR CERTIFICATION OF A CITY'S BUDGET AND REQUIRED TAX LEVY PRIOR TO THE BEGINNING OF THE FISCAL YEAR; AMENDING SECTION 50-203, IDAHO CODE, TO PROVIDE THAT COMPENSATION FOR CITY OFFICIALS SHALL BEGIN ON JANUARY FIRST; AMENDING SECTION 31-1601, IDAHO CODE, TO PROVIDE THAT THE FISCAL YEAR OF A COUNTY SHALL COMMENCE ON THE FIRST DAY OF OCTOBER; AMENDING SECTION 31-1602, IDAHO CODE, TO PROVIDE A PROCESS FOR A COUNTY TO PREPARE A BUDGET PRIOR TO THE BEGINNING OF THE FISCAL YEAR; AMENDING SECTION 31-1603, IDAHO CODE, TO PROVIDE ADDITIONAL REQUIREMENTS FOR A COUNTY BUDGET; AMENDING SECTION 31-1604, IDAHO CODE, TO PROVIDE FOR A COUNTY TO ADOPT A BUDGET PRIOR TO THE BEGINNING OF THE FISCAL YEAR; AMENDING SECTION 31-1605, IDAHO CODE, TO PROVIDE FOR HEARINGS ON A COUNTY BUDGET PRIOR TO THE BEGINNING OF THE FISCAL YEAR; AMENDING CHAPTER 16, TITLE 13, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 31-1605A, IDAHO CODE, TO PROVIDE THAT A COUNTY MAY ACCUMULATE FUND BALANCES TO ACHIEVE OR MAINTAIN COUNTY OPERATIONS ON A CASH BASIS; AMENDING SECTION 31-1606, IDAHO CODE, TO PROVIDE LIMITATIONS ON EXPENDITURES DURING THE COUNTY BUDGET CYCLE; AMENDING SECTION 31-1608, IDAHO CODE, TO PROVIDE FOR PROCEDURES TO MEET EMERGENCY EXPENDITURES DURING THE COUNTY BUDGET CYCLE; AMENDING SECTION 31-1609, IDAHO CODE, TO PROVIDE DATE CHANGES FOR THE COUNTY BUDGET
CYCLE; AMENDING SECTION 31-1610, IDAHO CODE, TO PROVIDE DATE CHANGES FOR THE COUNTY BUDGET CYCLE; AMENDING SECTION 31-1611, IDAHO CODE, TO PROVIDE DATE CHANGES FOR THE COUNTY BUDGET CYCLE; AMENDING SECTION 31-1518, IDAHO CODE, TO PROVIDE DATE CHANGES FOR THE PREPARATION OF AN ANNUAL FINANCIAL STATEMENT OF THE COUNTY; AMENDING SECTION 31-2112, IDAHO CODE, TO PROVIDE DATE CHANGES FOR THE SETTLEMENT OF THE COUNTY TREASURER; AMENDING SECTION 31-2305, IDAHO CODE, TO PROVIDE DATE CHANGES FOR THE USE OF A NEW SERIES OF COUNTY WARRANTS; AMENDING SECTION 31-2307, IDAHO CODE, TO PROVIDE DATE CHANGES FOR THE PREPARATION OF AN ANNUAL STATEMENT OF FINANCIAL CONDITION OF THE COUNTY; AMENDING SECTION 31-2604, IDAHO CODE, TO PROVIDE DATE CHANGES FOR THE SETTLEMENT OF THE PROSECUTING ATTORNEY; AMENDING SECTION 31-2611, IDAHO CODE, TO PROVIDE DATE CHANGES FOR THE APPROPRIATION OF THE PROSECUTING ATTORNEY'S CONTINGENCY FUND; AMENDING SECTION 31-2614, IDAHO CODE, TO PROVIDE DATE CHANGES FOR THE TRANSFER OF UNEXPENDED BALANCES IN THE PROSECUTING ATTORNEY'S CONTINGENCY FUND; AMENDING SECTION 22-307, IDAHO CODE, TO PROVIDE DATE CHANGES FOR THE PREPARATION OF THE BUDGET FOR FAIR DISTRICTS; AMENDING SECTION 63-911, IDAHO CODE, TO PROVIDE DATE CHANGES FOR DETERMINING THE DATE OF OUTSTANDING COUNTY WARRANTS; AMENDING SECTION 63-913, IDAHO CODE, TO PROVIDE DATE CHANGES FOR TRANSFERRING MONEYS TO THE WARRANT REDEMPTION FUND; AMENDING SECTION 63-919, IDAHO CODE, TO PROVIDE FOR ADDITIONAL CERTIFICATION OF VALUES FOR TAXING PURPOSES; PROVIDING FOR A TRANSITIONAL BUDGET AND TAX LEVY FOR CITIES AND COUNTYS; AND PROVIDING FOR EFFECTIVE DATES FOR SECTIONS OF THIS ACT.

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

SECTION 1. That Section 50-1001, Idaho Code, be, and the same is hereby amended to read as follows:

50-1001. FISCAL YEAR. The fiscal year of each city shall commence on the first day of January October.

SECTION 2. That Section 50-1002, Idaho Code, be, and the same is hereby amended to read as follows:

50-1002. ANNUAL BUDGET. The city council of each city shall, prior to passing the annual appropriation ordinance, prepare a budget, estimating the probable amount of money necessary for all purposes for which an appropriation is to
be made, including interest and principal due on the bonded debt and sinking fund, itemizing and classifying the proposed expenditures by department, fund or service, as nearly as may be practicable, and specifying any fund balances accumulated under section 50-1005A, Idaho Code. To support such proposed expenditure, the council shall prepare an estimate of the total revenue anticipated during the ensuing fiscal year for which a budget is being prepared classifying such receipts by source as nearly as may be possible and practicable, said estimate to include any surplus not subject to the provisions of sections 50-1004 and 50-1005A, Idaho Code, nor shall said estimated revenue include funds accumulated under section 50-236, Idaho Code. Following tentative approval of the revenues and expenditures estimated by the council, the same shall be entered at length in the journal of proceedings. Prior to certifying to the county commissioners, a notice of time and place of public hearing on the budget, which notice shall include the proposed expenditures by fund and/or department, and a statement of the entire estimated revenue of the city for the previous ensuing fiscal year, shall be published twice at least seven (7) days apart in the official newspaper. At said hearing any interested person may appear and show cause, if any he has, why such proposed budget should or should not be adopted.

SECTION 3. That Section 50-1003, Idaho Code, be, and the same is hereby amended to read as follows:

50-1003. ANNUAL APPROPRIATIONS BILL -- AMENDING APPROPRIATION ORDINANCE -- SPECIAL APPROPRIATION UPON PETITION OR ELECTION. The city council of each city shall, within the first-quarter prior to the commencement of each fiscal year, pass an ordinance to be termed the annual appropriation ordinance, which in no event shall be greater than the amount of the proposed budget, in which the corporate authorities may appropriate such sum or sums of money as may be deemed necessary to defray all necessary expenses and liabilities of such corporation, not exceeding in the aggregate the amount of tax authorized to be levied during that year in addition to all other anticipated revenues.

Such ordinance shall specify the object and purposes for which such appropriations are made and the amount appropriated for each object or purpose. Said ordinance shall be filed with the office of the secretary of state.

The city council of any city may, by the same procedure as used in adopting the original appropriation ordinance at
any time during the current fiscal year, amend the appropriation ordinance to a greater amount than that adopted, if after the adoption of the appropriation ordinance, additional revenue will accrue to the city during the current fiscal year as a result of increase in state or federal grants or allocations.

No further appropriation, except as herein provided, shall be made at any other time within such fiscal year unless the proposition to make each appropriation has been first sanctioned by a majority of the legal voters of such city, either by petition signed by them equal in number to a majority of the number who voted at the last general city election, or approved at a special election duly called therefor, and all appropriations shall end with the fiscal year for which they are made.

SECTION 4. That Section 50-1004, Idaho Code, be, and the same is hereby amended to read as follows:

50-1004. SPECIAL TAX ASSESSMENT -- WARRANT REDEMPTION FUND. At the time of passing the annual appropriation ordinance, said city councils, unless provision shall have been made as provided by law for the funding, refunding, purchase, redemption or exchange of the outstanding city warrant indebtedness, must, whenever any city shall have warrants outstanding and unpaid, for the payment of which there are no funds in the city treasury, in addition to other taxes provided by law, if such warrants amount to a sum equal to five per cent (5%) or more of the value of the taxable property of such city, levy and include a special tax assessment of not to exceed ten (10) mills on the dollar in such annual appropriation bill; if such warrants amount to a sum equal to four per cent (4%) and less than five per cent (5%) of such taxable property, they must levy and include a special tax or assessment of not to exceed eight (8) mills on the dollar in such annual appropriation bill; if such warrants amount to a sum equal to three per cent (3%) and less than four per cent (4%) of such taxable property, they must levy and include a special tax or assessment of not to exceed six (6) mills on the dollar in such annual appropriation bill; if such warrants amount to a sum equal to two per cent (2%) and less than three per cent (3%) of such taxable property, they must levy and include a special tax or assessment of not to exceed four (4) mills on the dollar in such annual appropriation bill; and if such warrants amount to one per cent (1%) and less than two per cent (2%) of such taxable property they must levy and include a
special tax or assessment of not to exceed two (2) mills on the dollar in such annual appropriation bill; and if such warrants amount to less than one per cent (1%) of such taxable property, then they must levy and include such special tax or assessment on the dollar in such annual appropriation bill as shall be sufficient to pay such warrants.

All moneys arising from such special tax or assessment shall be placed in a special fund to be known as the "Warrant Redemption Fund" and the redemption of such warrants shall be paid exclusively from this fund.

All moneys in the city treasury at the end of each fiscal year not needed for that year's expenses and applicable thereto, and not subject to the provisions of section 50-1005A, Idaho Code, shall be transferred to said "Warrant Redemption Fund", if such there be.

SECTION 5. That Section 50-1005, Idaho Code, be, and the same is hereby repealed.

SECTION 6. That Chapter 10, Title 50, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 50-1005A, Idaho Code, and to read as follows:

50-1005A. ACCUMULATION OF FUND BALANCES. Cities may accumulate fund balances at the end of a fiscal year and carry over such fund balances into the ensuing fiscal year sufficient to achieve or maintain city operations on a cash basis. A fund balance is the excess of the assets of a fund over its liabilities and reserves.

SECTION 7. That Section 50-1007, Idaho Code, be, and the same is hereby amended to read as follows:

50-1007. CERTIFICATION AND COLLECTION OF CITY TAXES. The council of each city not later than the second Monday in September, as provided in section 63-624, Idaho Code, shall certify to the county commissioners of the county, the total amount required from a property tax upon property within the city to raise the amount of money fixed by their budget as previously prepared or approved which shall include all special taxes assessed as provided by law. The amount which may be so certified, assessed and collected shall not exceed the maximum levy provided by section 50-235, Idaho Code, to defray its general expenses for the ensuing fiscal year, together with any special taxes, authorized under the provisions of this act, and such tax as may be authorized by law.
to be levied for the payment of outstanding bonds and debts. In all sales for delinquent city taxes, if there be other delinquent taxes from the same person, or lien upon the same property, the sale shall be for all the delinquent taxes; and such sales and all sales made under and by virtue of this section or the provisions of law herein referred to shall be of the same validity, and in all respects be deemed and treated as though sales had been made for delinquent state and county taxes exclusively.

SECTION 8. That Section 50-203, Idaho Code, be, and the same is hereby amended to read as follows:

50-203. OFFICIALS -- COMPENSATION. The officials of each city shall consist of a mayor and either four (4) or six (6) councilmen whose compensation shall be fixed by ordinance passed at least sixty (60) days before any general city election, which ordinance shall be effective for all said officials commencing at the beginning of the next fiscal year on January 1 following said election and continuing until changed pursuant to this section.

SECTION 9. That Section 31-1601, Idaho Code, be, and the same is hereby amended to read as follows:

31-1601. COMMENCEMENT OF COUNTY FISCAL YEAR. The fiscal year of each county of this state shall commence on the second Monday in January first day of October of each year.

SECTION 10. That Section 31-1602, Idaho Code, be, and the same is hereby amended to read as follows:

31-1602. DUTIES OF BUDGET OFFICER -- ESTIMATE OF EXPENSES. The county auditor of each county in this state shall be the budget officer of his county, and as such budget officer, it shall be his duty to compile and prepare a preliminary budget for consideration by the county commissioners of his county, and upon the adoption of the final budget, as hereinafter provided, it shall be his duty to see that the provisions thereof are complied with.

On or before the first Monday in November May of each year the county budget officer shall notify, in writing, each county official, elective or appointive, in charge of any office, department, service, agency or institution of the county, to file with such budget officer, on or before the third Monday in November May thereafter, an itemized estimate showing both the probable revenues from sources
other than taxation that will accrue to his office, department, service, agency or institution during the fiscal year, to which the budget is intended to apply, and all expenditures required by such office, department, service, agency, or institution, for the same period, together with a brief explanatory statement of the requested increase, if any, in expenditures over the budget appropriation for the current fiscal year.

Said estimates and reports shall be submitted upon forms furnished by said budget officer and shall, in addition to the other information required herein, show any and all estimated balances, at the end of the current fiscal year, in any appropriation available and applicable to the functions performed by such office, department, service, agency or institution.

Said estimates of probable expenditures shall be under two (2) classifications, to wit:

First, "Salaries and wages," which shall show the salaries of officers and employees as fixed by law, or by resolution of the board of county commissioners, and an estimate of the amount required for intermittent and nonsalaried employees; and,

Second, "Other expenses," which shall show in detail the probable expenditures listed under the following headings:

a. Services, other than personal.
b. Materials and supplies.
c. Debts, refunds and indemnities.
d. Rents, contributions, and fixed charges.
e. Capital outlay, equipment, lands, buildings, etc.

Said estimate and report shall also show the entire revenues and expenditures under each classification and subdivision thereof for the two (2) preceding fiscal years, the amount actually received and expended to the second Monday of October April of the current fiscal year, and the estimated total receipts and expenditures for the current fiscal year.

It shall be the duty of said budget officer to prepare and furnish proper forms for making the estimates and reports hereinabove provided for.

If any county official, elective or appointive, in charge of any office, department, service, agency or institution has had, or contemplates having, any expenditures, the reports of which can not be properly made under any of the above classifications, the same shall be reported in detail in addition to the information provided for in said forms.

It shall be the duty of each official of the county,
elective or appointive, in charge of any office, department, service, agency or institution of the county to furnish to the county budget officer, on the forms furnished by him, and within the time hereinabove provided all information hereinabove specifically provided for and any and all other information regarding the receipts, expenditures, and contemplated receipts and expenditures of his office, department, service, agency or institution, except receipts derived from taxation. Any official or employee failing or refusing to furnish said estimates or information within the time hereinabove provided shall pay a penalty of not less than ten dollars ($10.00) nor more than fifty dollars ($50.00) as may be determined by order of the board of county commissioners, said penalty to be deducted by the county auditor from the next salary warrant due such official or employee and credited to the current expense fund of said county.

In the event of the absence, failure or disability of any official or employee required to furnish estimates and information, as hereinabove provided, the budget officer may designate any person temporarily in charge of such office, department, service, agency or institution to furnish said estimates and information required by this act. Provided, however, if for any cause said estimates and information are not filed with the budget officer in proper time to be included in the county budget hereinafter provided for, the budget officer shall prepare an estimate of expenditures for any such office, department, service, agency or institution, so failing to file its estimate, and such estimate so prepared by the budget officer and approved by the county commissioners shall be the budget for that office, department, service, agency or institution for the fiscal year to which the budget is intended to apply.

SECTION 11. That Section 31-1603, Idaho Code, be, and the same is hereby amended to read as follows:

31-1603. SUGGESTED BUDGET -- CONTENTS. Upon the receipt by the county budget officer of the estimates and information from all offices, departments, services, agencies and institutions of the county, or the preparation thereof by said budget officer, as hereinabove provided, said county budget officer shall prepare and file with the board of county commissioners a suggested budget of said county for the ensuing fiscal year. Said suggested budget shall show, so far as practicable, the complete financial program of the county for the ensuing fiscal year by showing all contem-
plated expenditures and the source of revenues with which to pay the same. The form to be observed by the county budget officer in the preparation of the budget shall be substantially as follows:

1. Revenues from sources other than taxation, giving each fund, office, department, service, agency or institution separately.

2. Expenditures from:
   - Current expense fund
   - Road and bridge fund
   - Bond, interest and sinking
   - Common school, general
   - Warrant redemption
   - Emergency warrants
   - Proposed or authorized bonds

3. The proposed expenditures for each office, department, service, agency or institution for "Salaries and wages," and for "Other expenses" for the ensuing fiscal year and a comparison with the expenditures for the same purpose for the current fiscal year, to the second Monday of October April, and for the two (2) previous fiscal years.


SECTION 12. That Section 31-1604, Idaho Code, be, and the same is hereby amended to read as follows:

31-1604. APPROVAL OF TENTATIVE APPROPRIATIONS -- NOTICE -- FINAL APPROPRIATIONS. Said proposed budget prepared by the county budget officer as hereinabove provided, together with the estimates and information furnished by the various offices, departments, services, agencies and institutions of the county shall be submitted by said county budget officer to the board of county commissioners of his county on or before the second first Monday in January August of each year; said county commissioners shall thereupon and on said second first Monday in January August, convene to consider said proposed budget in detail and make any alterations allowable by law and which they deem advisable, and agree upon a tentative amount to be allowed and appropriated for the current ensuing fiscal year to each office, department, service, agency or institution of the county. Such allowances or appropriations shall be made under the classifications of:

"Salaries and wages," and
"Other expenses," as hereinafter provided.

When the commissioners have agreed on such tentative
appropriations the county budget officer, not later than the fourth third Monday in January August, shall cause notice to be published setting forth the amount proposed to be appropriated to each office, department, service, agency or institution for the current ensuing fiscal year, in two (2) classifications of "Salaries and wages," and "Other expenses," together with the amounts expended under these classifications during each of the two (2) previous fiscal years by each office, department, service, agency or institution; and that the board of county commissioners will meet on the second Tuesday following the first Monday in February September, next succeeding, for the purpose of considering and fixing a final budget and making appropriations to each office, department, service, agency or institution of the county for the current ensuing fiscal year at which time any taxpayer may appear and be heard upon any part or parts of said tentative budget and fixing the time and place of such meeting. Said notice shall be published in a newspaper published in the county, or if there be none, then in a newspaper of general circulation in the county.

At-said-meeting-on-the-second-Monday--of--January--upon the--adoption--of--said--tentative--budget,--the--board--of--county commissioners--shall--make--an--appropriation--of--such--part thereof--to--each--office,--department,--service,--agency--or institution--of--the--county,--as--in--its--judgment--shall--be necessary,--for--the--operation--and--maintenance--thereof, including--salaries--and--wages,--for--the--period--of--time--to elapse--between--said--second--Mondays--of--January--and--the approval--and--adoption--of--the--final--budget--for--said--current fiscal--year. -- No--official--either--elective--or--appointive, shall--have--a--right--to--make--any--expenditure--or--create--any liability--in--excess--of--such--appropriation--for--said--period--of time--without--first--having--obtained--the--consent--of--the--board of--the--county--commissioners--by--resolution--so--to--do.

SECTION 13. 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 Tuesday following the first Monday in February September 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 ensuing 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 for the ensuing fiscal year 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 no exceed the estimated revenues to accrue to such fund during the current ensuing fiscal year from sources other than taxation together with any balances and plus revenues to be derived from taxation for such current ensuing fiscal year, 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.

Thereafter, at the time provided by law, the board of county commissioners shall fix the levies for the ensuing fiscal year 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, not subject to the provisions of section 31-1605A, Idaho Code, 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 Tuesday following the first Monday in September 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.

SECTION 14. That Chapter 16, 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 31-1605A, Idaho Code, and to read as follows:

31-1605A. AUTHORIZATION FOR COUNTIES TO OPERATE ON A CASH BASIS. Counties may accumulate fund balances at the end of a fiscal year and carry over such fund balances into the ensuing fiscal year sufficient to achieve or maintain county operations on a cash basis. A fund balance is the excess of the assets of a fund over its liabilities and reserves.

SECTION 15. That Section 31-1606, Idaho Code, be, and the same is hereby amended to read as follows:

31-1606. EXPENDITURE LIMITED BY APPROPRIATIONS -- ROAD AND BRIDGE APPROPRIATIONS -- INCREASE OF SALARIES. The estimates of expenditures as classified in each of the two (2) general classes, "Salaries and wages" and "Other expenses," required in section 31-1602, as finally fixed and adopted as the county budget by said board of county commissioners, shall constitute the appropriations for the county for the current ensuing fiscal year. Each and every county official or employee shall be limited in making expenditures or the
incurred of liabilities to the respective amounts of such appropriations. Provided, in the case of road and bridge appropriations, other than "Salaries and wages," any lawful transfer deemed necessary may be made by resolution formally adopted by the board of county commissioners at a regular or special meeting thereof, which action must be entered upon the minutes of said board; provided, further, that no salary may be increased during the current ensuing year after the final budget is adopted, without resolution of the board of county commissioners, which resolution shall be entered upon their minutes.

SECTION 16. That Section 31-1608, Idaho Code, be, and the same is hereby amended to read as follows:

31-1608. EXPENDITURES TO MEET EMERGENCY. Upon the happening of any emergency caused by fire, flood, explosion, storm, epidemic, riot or insurrection, or for the immediate preservation of order or of public health or for the restoration to a condition of usefulness of public property, the usefulness of which has been destroyed by accident, or for the relief of a stricken community overtaken by a calamity, or for the settlement of approved claims for personal injuries or property damages, exclusive of claims arising from the operation of any public utility owned by the county, or to meet mandatory expenditures required by law, or the investigation and/or prosecution of crime, punishable by death or life imprisonment, when the board has reason to believe such crime has been committed in its county, the board of county commissioners may, upon the adoption, by the unanimous vote of the commissioners, of a resolution stating the facts constituting the emergency and entering the same upon their minutes, making the expenditures necessary to investigate, provide for and meet such an emergency.

All emergency expenditures may be paid from any moneys on hand in the county treasury in the fund properly chargeable with such expenditures, and the county treasurer is hereby authorized to pay such warrants out of any moneys in the treasury in any such fund. If at any time there shall be insufficient moneys on hand in the treasury to pay any of such warrants, then such warrants shall be registered, bear interest, and be called in the manner provided by law for other county warrants.

The county budget officer shall include in the annual budget to be submitted to the board of county commissioners, the total amount of emergency warrants issued, registered and unpaid, during the preceding current fiscal year and the
board of county commissioners shall include in their appropriation an amount equal to the total of such registered and unpaid warrants.

SECTION 17. That Section 31-1609, Idaho Code, be, and the same is hereby amended to read as follows:

31-1609. LAPSE OF APPROPRIATIONS -- INCOMPLETE IMPROVEMENTS. All appropriations, other than appropriations for incompleted improvements in progress of construction, shall lapse at the end of the fiscal year; provided, that the appropriation accounts shall remain open until the first Monday in February November for the payment of claims incurred against such appropriations prior to the close of the fiscal year. After the said first Monday in February November the appropriations, except as herein provided regarding incompleted improvements, shall become null and void and any lawful claims presented thereafter against any such appropriations shall be provided for in the next ensuing budget. All balances in any appropriation for incomplete improvements in progress of construction, shall be carried forward and shown in the budget for the ensuing year to the credit of such improvement.

SECTION 18. That Section 31-1610, Idaho Code, be, and the same is hereby amended to read as follows:

31-1610. STATEMENT OF PRECEDING FISCAL YEAR -- CONTENTS. On or before the second Monday in February November, the county budget officer shall submit to the board of county commissioners a complete statement for the preceding fiscal year showing the expenditures against each separate budget appropriation, together with the unexpended balance of each appropriation. Said statements shall also show the total receipts from taxes and, separately, from all sources other than taxes during the same period; and said statement shall also show the condition of all incompleted improvement appropriations as nearly to the date of said statement as practicable.

SECTION 19. That Section 31-1611, Idaho Code, be, and the same is hereby amended to read as follows:

31-1611. QUARTERLY STATEMENTS. On or before the second Monday in April, July, October and January, April, July and October in each fiscal year, the county budget officer shall submit to the board of county commissioners a statement
showing the expenditures and liabilities against each separate budget appropriation incurred during the time elapsed of the budget period as nearly as practicable, together with the unexpended and unencumbered balance of each appropriation for each office, department, service, agency and institution. He shall set forth the receipts from taxation and from sources other than taxation for the same period and call to the attention of the board of county commissioners any and all facts indicating any possible deficit or excessive expenditure by any officer or employee that the board may take such action as may be deemed necessary and expedient to prevent such possible deficit or excessive expenditure from any appropriation provided for in the county budget.

SECTION 20. That Section 31-1518, Idaho Code, be, and the same is hereby amended to read as follows:

31-1518. PREPARATION OF FINANCIAL STATEMENT BY BOARD. The board of county commissioners shall, at the April January session of said board, prepare from said auditor's statement and have spread upon their minutes a full statement of the financial condition of their county for the preceding fiscal year, together with a concise description of all property owned by the county, with an approximate estimate of the value thereof. The said board shall cause to be printed the said auditor's statement in full for the information of the public.

SECTION 21. That Section 31-2112, Idaho Code, be, and the same is hereby amended to read as follows:

31-2112. MONTHLY SETTLEMENTS AND STATEMENTS -- ANNUAL SETTLEMENT. The treasurer must settle his accounts relating to the collection, care and disbursement of public revenue, of whatsoever nature and kind, with the auditor, on the first Monday of each month. For the purpose of making such settlement, he must make out a statement under oath, of the amount of money or other property received prior to the period of such settlement, the sources whence the same was derived, the amount of payments or disbursements, and to whom, with the amount remaining on hand. In making such account, and for all other purposes, the treasurer shall report uncollected fees, personal property taxes or other revenue due but unpaid for a period of five (5) years and, at the end of such period, shall not be required to continue reporting such sums unless, in the opinion of the treasurer,
such sums are collectible; provided, however, that this provision shall in no way alter or interfere with the obligation of the person or persons owing such amounts to pay the same. He must in such settlements, deposit all warrants redeemed by him and take the auditor's receipt therefor. He must also make a full settlement of all accounts with the auditor annually on the first Tuesday after the first Monday of January October, in the presence of the commissioners, who have a supervisory control thereof.

SECTION 22. That Section 31-2305, Idaho Code, be, and the same is hereby amended to read as follows:

31-2305. WARRANT BLANKS -- FRACTIONAL WARRANTS -- REGISTRATION. The auditor shall have prepared, in separate series, warrant blanks for each year. They must be numbered consecutively, and must show the year against the revenue of which they are to be issued. He shall begin the use of a new series of warrants on the second-Monday-in-January first day in October of each year. All warrants issued by the auditor shall be upon the warrant blanks of the series for the year chargeable with the amount for which such warrant is issued, and the number, date and amount of each, and the name of the person to whom payable, and the purpose for which drawn must be stated thereon. When the amount for which a warrant is to be drawn is greater than the sum of two hundred dollars ($200.00) the auditor shall issue therefor warrants in sums of two hundred dollars ($200.00) or fractions thereof, unless there is cash in the county treasury in the fund against which such warrant is drawn for the payment of the same on presentation. All warrants must, at the time they are issued, be registered by the auditor.

SECTION 23. That Section 31-2307, Idaho Code, be, and the same is hereby amended to read as follows:

31-2307. ANNUAL STATEMENT OF FINANCIAL CONDITION OF COUNTY. Every county auditor must, on or before the second Monday in April January of each year, prepare, in duplicate, an exact and full statement, under oath, of the financial condition of his county for the fiscal year last preceding, one of which statements shall be filed in the office of the state auditor and the other with the board of county commissioners of the county.

Such statement must clearly set forth the following: The total assessed valuation of the county for each year; the amount of the tax levy on each one hundred dollars ($100.00)
valuation for each several purpose for which levied, stating it, and the total amount of the tax levy for each year. Therefrom shall be deducted the amount of double assessments, uncollected taxes or other credits ordered by the board of county commissioners to be given to the assessor on account of the roll for that year, showing the actual amount of revenue obtainable from such roll. Thereafter shall follow a statement in which shall be charged to each separate fund for which a levy was made, the proportion of net revenue which may be obtained for such fund from such levy, and also all amounts ordered to be transferred thereto as provided by law, and also all revenues received for such year for each of said funds from sources other than property tax. There shall be credited against such revenue, shown in each fund, the amount allowed by the board of county commissioners, for which warrants have been ordered in such year, payable out of such fund; and which amounts shall be classified into warrants drawn and paid, warrants drawn and not paid, and warrants ordered and not drawn. There shall also be credited, in the statement of the appropriate funds, the amount paid on account of court orders; witness certificates; bonds and coupons; state, ad valorem, wagon road or other levies; current expense; road; bridges; general school purposes; interest on warrants paid; and generally, of all amounts paid out of the revenues of the year on account of each of the several funds, or transferred therefrom as provided by law, and the amount of delinquent tax due to each of such funds from the revenue of such year. The amount of cash in the treasury to the credit of each of such funds shall be credited therein; and said statement of each of said funds shall be balanced, as the condition thereof shall require, by carrying to the credit of such account surplus revenue over expenditures or by debiting the account with deficit of revenue to meet expenditures.

The auditor must, at the close of such report, make recapitulation of the total revenues and expenditures for the year, and must compute the exact levy which would have been required for the net amount of the assessment roll for the year, to pay such expenditures and make a statement of the same.

A further showing shall be made in said statement, as follows: A statement of the actual amount and character of the bonded indebtedness of the county, if any, and rate of interest thereon, together with the amount of the floating indebtedness, at the date of said statement, and the amount of cash on hand in the treasury, applicable to the payment thereof. There shall be a detailed showing made in said
statement as to the amount of expenditure made in said year in said county on account of current expense, other than for roads and bridges, wherein the total amount of such expenditures shall be debited and a credit made against the same for the several classified items of expenditure, in the amount shown by each.

Such classification and summarized details shall be as nearly as practicable as follows:

To total amount of expenditure for the year payable out of current expense fund, $ ....

By care of poor: Medical attendance, $ ....; burials, $ ....; temporary aid, $ ....

By salary, or other compensation of each; actual expenses being a county charge; (showing separately under sheriff for deputies and jailers; board and care of prisoners) office expenses; blanks, stationery; furniture; and supplies, amount of each, $ ....

District court: By defense criminals, $ ....; witness fees, $ ....; juror fees, $ ....

Justice courts: By fees of justices of the peace, $ ....; constables, $ ....; jurors, $ ....

Courthouse: By merchandise, $ ....; repairs, $ ....; janitor, $ ....; fuel, $ ...., etc., and generally, such a summarized detail as shall make a comprehensive statement of the full amount and nature of the expenditures in said fund, for the fiscal year included in said statement.

SECTION 24. That Section 31-2604, Idaho Code, be, and the same is hereby amended to read as follows:

31-2604. DUTIES OF PROSECUTING ATTORNEY. It is the duty of the prosecuting attorney:

1. To prosecute or defend all actions, applications or motions, civil or criminal, in the district court of his county in which the people, or the state, or the county, are interested, or are a party; and when the place of trial is changed in any such action or proceeding to another county, he must prosecute or defend the same in such other county.

2. To prosecute all criminal actions for violation of all laws or ordinances, except city ordinances, and except traffic offenses and misdemeanor crimes committed within the municipal limits of a city when the arrest is made or a citation issued by a city law enforcement official, which shall be prosecuted by the city attorney or his deputy, before the magistrate's division of the district court for his county when called upon by said courts, and to conduct preliminary criminal examinations which may be had before
such magistrates, and to prosecute or defend all civil actions in which the county or state is interested, before the magistrate's division of the district court of the county.

3. To give advice to the board of county commissioners, and other public officers of his county, when requested in all public matters arising in the conduct of the public business entrusted to the care of such officers.

4. To attend, when requested by any grand jury for the purpose of examining witnesses before them; to draw bills of indictments, informations and accusations; to issue subpoenas and other process requiring the attendance of witnesses.

5. On the first Monday of each month to settle with the auditor, and pay over all money collected or received by him during the preceding month, belonging to the county or state, to the county treasurer, taking his receipt therefor, and to file, on the first Monday of January October in each year, in the office of the auditor of his county, an account verified by his affidavit, of all money received by him during the preceding year, by virtue of his office, for fines, forfeitures, penalties or costs, specifying the name of each person from whom he receives the same, the amount received from each, and the cause for which the same was paid.

6. To perform all other duties required of him by any law.

SECTION 25. That Section 31-2611, Idaho Code, be, and the same is hereby amended to read as follows:

31-2611. PROSECUTING ATTORNEY'S CONTINGENT FUND -- APPROPRIATION BY COMMISSIONERS. The county commissioners of each county in this state are hereby authorized and directed to set apart at their first meeting in January October of each year, from any funds then in the county treasury, not specially appropriated or set aside for other purposes, in an amount to be fixed by said board of county commissioners, a sum of money not less than one hundred dollars ($100-$00) and not more than one thousand dollars ($1000), to be used by the prosecuting attorney of each county as a contingent fund for the purpose of defraying such necessary expenses as are not otherwise specifically provided for in the trial and preparation for trial of criminal cases, and in the payment of such necessary expenses as are not otherwise provided for in conducting investigations by the grand jury.

SECTION 26. That Section 31-2614, Idaho Code, be, and
the same is hereby amended to read as follows:

31-2614. CONTINGENT FUND -- UNEXPENDED BALANCE. Any sum remaining in said fund on the thirty-first thirtieth day of December September of each year shall then be transferred by the county auditor to the general county revenue fund of said county.

SECTION 27. 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 May 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 ensuing 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 current 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 May 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 second Wednesday in December May at 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 by-laws 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.

SECTION 28. That Section 63-911, Idaho Code, be, and the same is hereby amended to read as follows:

63-911. ANNUAL COUNTY TAX LEVY -- WARRANT REDEMPTION FUND. Upon the same property and for the same year the board shall levy a tax for the redemption of outstanding county warrants issued prior to the first day of January in said year, to be collected and paid into the county treasury and apportioned to the county warrant redemption fund, which levy shall be sufficient for the redemption of all the outstanding county warrants, unless the amount of outstanding warrants exceeds the amount that would be raised by a levy of one hundred (100) cents on each one hundred dollars ($100) of such assessed valuation, in which case the board shall annually levy a tax of one hundred (100) cents on each one hundred dollars ($100) of assessed valuation for the redemption of such outstanding warrants.

SECTION 29. That Section 63-913, Idaho Code, be, and the same is hereby amended to read as follows:

63-913. WARRANT REDEMPTION FUND -- APPORTIONMENT FROM OTHER FUNDS. All taxes levied in any year for the county current expense fund, county road fund and county bridge fund and collected on or after the first day of January in the succeeding year and any tax levied for any purpose and which is no longer needed for such purpose when collected must be paid into the county treasury and apportioned to the
county warrant redemption fund, except as otherwise provided by law. All money in the county treasury on the first day of January October to the credit of the county current expense fund, county road fund, county bridge fund or any other fund which is no longer needed must be transferred to the county warrant redemption fund upon the books of the county auditor and county treasurer by resolution of the board of county commissioners entered upon the records of the proceedings.

SECTION 30. That Section 63-919, Idaho Code, be, and the same is hereby amended to read as follows:

63-919. MUNICIPAL TAXES -- CERTIFICATION OF VALUATION. (1) Between the second Monday of March and the fourth Monday of March in each year the county auditor must certify to the governing authorities of every city, town, village, school district, or any other district or municipality to which is delegated by law the power to levy taxes, the total assessed valuation of all the taxable property situated within such city, town, village, school district or other district or municipality, for the preceding year, for the purpose of assisting such governing authorities in their determination of tax rates to be levied for the current year.

(2) Prior to the first Monday in August the auditor of each county in the state shall notify the clerk of each taxing unit in his county of the assessed valuation for taxing purposes of that taxing district from the real and first personal property rolls for the current year, and subsequent and operating property rolls for the previous year. The auditor shall furnish the valuation from the current operating property roll upon receipt from the state tax commission.

SECTION 31. TRANSITIONAL BUDGET AND LEVY. The budget adopted by each city in the state of Idaho on or prior to March 31, 1977 shall provide for a fiscal year, January 1 to September 30, 1977. The levy certified to the county commissioners on the second Monday of September in 1977 shall be based only upon either the said budget and an estimate of the expenditures for an additional three month period, October 1 through December 31, 1977 or only upon a budget adopted for the fiscal year October 1, 1977 through September 30, 1978.

The budget adopted by the county commissioners in each of the counties in the state of Idaho during the week of the second Monday in February 1977 shall provide for a fiscal year from the second Monday in January to September 30,
1977. The levy certified on the second Monday of September, 1977 shall be based only upon either said budget and include an estimate of expenditures for an additional three month period, October 1 through December 31, 1977 or upon a budget adopted for the fiscal year October 1, 1977 through September 30, 1978.

Prior to October 1, 1977 and every year thereafter, all cities and counties in the state of Idaho shall adopt a budget for the ensuing fiscal year, October 1 through September 30.

SECTION 32. In order to provide an orderly sequence for implementation of the provisions of this act:

(a) Sections 1, 2, 3, 4, 7, 8, 9, 10, 11, 15, 27 and 31 shall be in full force and effect on and after January 1, 1977;

(b) Sections 5, 6, 12, 13, 14, 20, 21, 22, 26 and 30 shall be in full force and effect on and after July 1, 1977; and

(c) Sections 16, 17, 18, 19, 23, 24, 25, 28 and 29 shall be in full force and effect on and after October 1, 1977.

Approved March 5, 1976.
AN ACT
RELATING TO SPECIAL PLATES FOR NATIONAL GUARD MEMBERS;
AMENDING SECTION 49-228, IDAHO CODE, BY INCREASING THE
REGISTRATION OF PASSENGER MOTOR VEHICLES FOR SUCH SPE­
CIAL NUMBER PLATES FROM ONE TO TWO.

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

SECTION 1. That Section 49-228, Idaho Code, be, and the
same is hereby amended to read as follows:

49-228. NATIONAL GUARD MEMBERS -- SPECIAL PLATES. Any
active member of the Idaho national guard residing in the
state of Idaho, may, upon application to the director of the
department of law enforcement, register one (1) not more
than two (2) passenger motor vehicles and receive for each
such vehicle special number plates in lieu of regular number
plates. The special number plates shall be designed, subject
to the approval of the director, by the adjutant general.
Proof of being an active member in the Idaho national guard
must be furnished to the director before the plates will be
issued. These special license plates shall be issued for one
(1) year periods, commencing on January 1.

The Idaho national guard may, prior to an individual's
discharge from active duty in the national guard, require
that the special national guard license plates either be
turned in to the director or exchanged for other proper li­
cense plates as a condition of discharge.

Approved March 5, 1976.
CHAPTER 47
(H.B. No. 514)

AN ACT
Relating to Deductions from Wages; Amending Section 50-1016, Idaho Code, to Provide for Deductions from Wages, Upon Written Approval of the Employee, for Such Additional Purposes as May Be Approved by the City Council.

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

SECTION 1. That Section 50-1016, Idaho Code, be, and the same is hereby amended to read as follows:

50-1016. Deductions from Wages for Group Insurance and Pension Fund. Any city may deduct, upon written approval of the individual employee, sums certain from said employee's salary or wages for the purpose of paying said sums for premiums on group life, health, accident, disability, hospital and surgical insurance and any other purposes approved by the city council. Any city may pay all or any part of such premiums deductions as approved by the council.

Any city may adopt a city retirement and pension plan for the benefit of its employees and for that purpose may deduct, upon written approval of the individual employee, sums certain from said employee's wages as a contribution to said plan and any city may pay all or any part of such premiums as approved by the council and may make such other contributions as may be required to make such plan actuarially sound.

Approved March 5, 1976.
CHAPTER 48
(H.B. No. 567)

AN ACT
RELATING TO PAYMENT OF CLAIMS BY CITIES; AMENDING SECTION 50-1018, IDAHO CODE, TO PROVIDE CERTAIN TYPES OF SHORT TERM BORROWING AS A PROCEDURE USABLE IN THE ABSENCE OF SUFFICIENT FUNDS FOR IMMEDIATE PAYMENT OF CLAIMS.

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

SECTION 1. That Section 50-1018, Idaho Code, be, and the same is hereby amended to read as follows:

50-1018. PAYMENT OF CLAIMS. Upon allowance of claims by the council, payment may be ordered by warrant, signed by the mayor and clerk or by check signed by the mayor and treasurer. The order for their payment shall specify the particular fund or appropriation out of which they are payable, as specified in the annual appropriation bill. In the absence of sufficient funds, the council may, by resolution, order payment of claims by money borrowed by either:

(1) Registered warrants as provided in section 31-2125, Idaho Code, or
(2) By issuing its tax anticipation notes as provided in section 63-3102, Idaho Code, or
(3) Short term borrowing not involved with the tax effort in anticipation of approved federal or state grants.

Approved March 5, 1976.
CHAPTER 49
(H.B. No. 550)

AN ACT
RELATING TO DUTIES OF CITY CLERK AND CITY TREASURER; AMENDING SECTION 50-207, IDAHO CODE, TO STRIKE THE KEEPING OF RECORDS CONCERNING BONDS FROM THE DUTIES OF THE CITY CLERK; AND AMENDING SECTION 50-208, IDAHO CODE, TO PROVIDE FOR THE KEEPING OF RECORDS CONCERNING THE SALE AND REDEMPTION OF BONDS AS ONE OF THE DUTIES OF THE CITY TREASURER.

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

SECTION 1. That Section 50-207, Idaho Code, be, and the same is hereby amended to read as follows:

50-207. DUTIES OF THE CLERK -- JOURNAL -- RECORD OF OUTSTANDING BONDS. The city clerk shall keep a correct journal of the proceedings of the council and shall have the custody of all laws and ordinances of the city. He shall also keep a record of all outstanding bonds against the city showing the number, amount of each, and to whom the said bonds were issued, and when any bonds were purchased, paid or canceled; said record shall show the fact in his annual report he shall describe particularly the bonds issued and sold during the year, and the terms of the sale with each and every item of expense thereof. He shall also perform such other duties as may be required by ordinance.

SECTION 2. That Section 50-208, Idaho Code, be, and the same is hereby amended to read as follows:

50-208. DUTIES OF TREASURER -- RECORD OF OUTSTANDING BONDS. The treasurer of each city shall be the custodian of all moneys belonging to the city; he shall keep a separate account of each fund or appropriation, and the debits and credits belonging thereto; he shall give a receipt to every person paying money into the treasury, thereon specifying the date of payment and on what account paid; he shall also file copies of such receipts with his monthly reports; he shall at the end of each and every month and as often as may be required, render an account to the city council, under oath, showing the state of the treasury at the date of such
account and the balance of money in the treasury; he shall also accompany such accounts with a statement of all receipts and disbursements, together with all warrants redeemed and paid by him, which said warrants, with any and all vouchers held by him, shall be filed with his said account in the clerk's office, and if said treasurer neglect or fail for the space of ten (10) days from the end of each and every month, to render his said account, his office shall be declared vacant, and the city council shall fill the vacancy by appointment. He shall also keep a record of all outstanding bonds against the city showing the number, amount of each, and to whom said bonds were issued; and when any bonds are purchased, paid or canceled, said record shall show the fact. In his annual report he shall describe particularly the bonds issued and sold during the year, and the terms of the sale with each and every item of expense thereof.

Approved March 5, 1976.
CHAPTER 50
(H.B. No. 569)

AN ACT
RELATING TO RETENTION AND DESTRUCTION OF RECORDS OF CITIES;
AMENDING SECTION 50-907, IDAHO CODE, TO STRIKE REFERENCE
TO DESTRUCTION OF RECORDS BY BURNING, AND TO PROVIDE
OTHER REQUIREMENTS FOR THE DESTRUCTION OF RECORDS.

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

SECTION 1. That Section 50-907, Idaho Code, be, and the
same is hereby amended to read as follows:

50-907. CLASSIFICATION AND RETENTION OF RECORDS. (a) "Permanent records" shall consist of, but not be limited to
the following: proceedings of the governing body, ordi-
nances, resolutions, building plans and specifications, bond
register, warrant register, budget records, general ledger,
cash books and records affecting the title to real property
or liens thereon, cemetery records, and all other documents
or records as may be deemed of permanent nature by the gov-
erning body. Permanent records shall be retained for not
less than ten (10) years, after which the same shall be
subject to destruction as hereinafter provided.

(b) "Semipermanent records" shall consist of, but not
be limited to the following: claims, contracts, warrants,
duplicate warrants, license applications, building applica-
tions, departmental reports, purchase orders, vouchers,
duplicate receipts, bonds and coupons, registration and
other election records, utility and other financial records.
Semipermanent records shall be kept for five (5) years after
date of issuance or completion of the matter contained
within the record, with final disposition thereafter being
subject to decision of the governing body.

(c) "Temporary records" shall consist of, but not be
limited to the following: correspondence not related to sub-
sections (a) and (b) of this section; cash receipts subject
to audit; and such other records as may be deemed temporary
by the governing body city council. Temporary records may
only be destroyed by order of the governing body after a
regular audit, and such disposition shall be by burning
under the direction and supervision of the city clerk.

(d) Records may only be destroyed by resolution of the
city council after regular audit. Resolution ordering destruction must list in detail records to be destroyed. Such disposition shall be under the direction and supervision of the city clerk.

Approved March 5, 1976.
CHAPTER 51
(S.B. No. 1305)

AN ACT
RELATING TO CONSOLIDATION OF ACCOUNTING FUNDS OF THE STATE OF IDAHO; REPEALING CHAPTER 8 AND CHAPTER 10, TITLE 57, IDAHO CODE; AMENDING TITLE 57, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 8, TITLE 57, IDAHO CODE, TO PROVIDE A SHORT TITLE, TO PROVIDE A STATEMENT OF POLICY, TO RECOGNIZE CERTAIN EXISTING STATUTORY FUNDS AND TO ESTABLISH CERTAIN FUNDS, TO CONSOLIDATE CERTAIN EXISTING FUNDS AND MONEYS INTO THE STATE OPERATING FUND AND TO PROVIDE REQUIREMENTS FOR TREATMENT OF MONEYS AND ACCOUNTS WITHIN THE FUND, TO CONSOLIDATE CERTAIN EXISTING FUNDS AND MONEYS INTO THE DEDICATED FUND AND TO PROVIDE REQUIREMENTS FOR TREATMENT OF MONEYS AND ACCOUNTS WITHIN THE FUND, TO CONSOLIDATE CERTAIN EXISTING FUNDS AND MONEYS INTO THE TRUST AND AGENCY FUND AND PROVIDE REQUIREMENTS FOR TREATMENT OF MONEYS AND ACCOUNTS WITHIN THE FUND, TO CONSOLIDATE CERTAIN EXISTING FUNDS AND MONEYS INTO THE INSTITUTIONS' ENDOWMENT FUND, TO CONSOLIDATE CERTAIN EXISTING FUNDS AND MONEYS INTO THE ENDOWMENT EARNINGS FUND, TO CONSOLIDATE CERTAIN EXISTING FUNDS AND MONEYS INTO THE DEBT SERVICE FUND, AND TO PROVIDE REQUIREMENTS FOR TREATMENT OF MONEYS AND ACCOUNTS WITHIN THE FUND, TO CONSOLIDATE CERTAIN EXISTING FUNDS AND MONEYS INTO THE EMPLOYMENT SECURITY ADMINISTRATION FUND, TO CONSOLIDATE CERTAIN EXISTING FUNDS AND MONEYS INTO THE AGENCY ASSET FUND AND TO PROVIDE REQUIREMENTS FOR TREATMENT OF MONEYS AND ACCOUNTS WITHIN THE FUND, AND TO PROVIDE FOR CONSOLIDATING EXISTING AND FUTURE ROTARY FUNDS INTO THE ROTARY FUND AS ACCOUNTS; REPEALING SECTIONS 19-5122 AND 67-4409, IDAHO CODE; AMENDING SECTION 22-107, IDAHO CODE, TO PROVIDE FOR ACCOUNTING OF MONEYS AS PRESCRIBED BY THE STATE AUDITOR; AMENDING SECTION 22-2443, IDAHO CODE, TO STRIKE REFERENCES TO THE STATE NOXIOUS WEED ERADICATION CONTROL FUND AND TO PROVIDE FOR ACCOUNTING OF MONEYS AS PRESCRIBED BY THE STATE AUDITOR; AMENDING SECTION 22-2445, IDAHO CODE, TO STRIKE REFERENCES TO THE STATE NOXIOUS WEED ERADICATION TRUST FUND, AND TO PROVIDE FOR THE ACCOUNTING OF MONEYS AS PRESCRIBED BY THE STATE AUDITOR; AMENDING SECTION 22-4103, IDAHO CODE, TO STRIKE REFERENCES TO THE IDAHO AGRICULTURAL LABOR FUND; AMENDING SECTION 39-254, IDAHO
CODE, TO PROVIDE FOR THE ACCOUNTING OF FEES AS PRE-
SCRIBED BY THE STATE AUDITOR; AMENDING SECTION 39-414,
IDAHO CODE, TO STRIKE REFERENCES TO FUND AND TO INSERT
REFERENCES TO ACCOUNTS; AMENDING SECTION 39-422, IDAHO
CODE, TO STRIKE REFERENCES TO FUND AND TO ESTABLISH THE
PUBLIC HEALTH DISTRICT ACCOUNT IN THE TRUST AND AGENCY
FUND; AMENDING SECTION 39-425, IDAHO CODE, TO STRIKE
REFERENCES TO FUND AND TO INSERT REFERENCES TO MONEYS
AND SUBACCOUNTS; AMENDING SECTION 39-517, IDAHO CODE, TO
STRIKE REFERENCES TO THE ANTI-TUBERCULOSIS FUND AND TO
PROVIDE NAME CHANGES; AMENDING SECTION 39-1415, IDAHO
CODE, TO CREATE AN ACCOUNT IN THE TRUST AND AGENCY FUND
TO RECEIVE MONEYS FOR THE HEALTH FACILITIES CONSTRUCTION
ACCOUNT AND TO STRIKE REFERENCES TO PROCEDURAL REQUIR-
EMENTS; AMENDING SECTION 39-3518, IDAHO CODE, TO CREATE
THE STATE FIRE PREVENTION FUND AS AN ACCOUNT IN THE
STATE OPERATING FUND; AMENDING SECTION 63-2520, IDAHO
CODE, TO CREATE THE CIGARETTE TAX REFUND FUND AS AN
ACCOUNT IN THE STATE OPERATING FUND; AMENDING SECTION
63-2564, IDAHO CODE, TO CREATE THE TOBACCO PRODUCTS
REFUND FUND AS AN ACCOUNT IN THE STATE OPERATING FUND;
AMENDING SECTION 67-5727, IDAHO CODE, TO CHANGE REVOLV-
ING FUND TO REVOLVING ACCOUNT; AMENDING SECTION 67-5728,
IDAHO CODE, TO CREATE THE PURCHASING REVOLVING FUND AS A
REVOLVING ACCOUNT IN THE STATE OPERATING FUND; AMENDING
SECTION 67-5804, IDAHO CODE, TO STRIKE REFERENCES TO THE
NATURAL RESOURCES DISASTER AND CONSERVATION FUND; AMEND-
ING SECTION 72-1346, IDAHO CODE, TO PROVIDE NAME CHANGES
AND TO PROVIDE THAT FINANCIAL TRANSACTIONS OF THE
EMPLOYMENT SECURITY FUND SHALL BE MAINTAINED ON THE
ACCOUNT LEVEL; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Chapter 8 and Chapter 10, Title 57,
Idaho Code, be, and the same are hereby repealed.

SECTION 2. That Title 57, Idaho Code, be, and the same
is hereby amended by the addition thereto of a NEW CHAPTER,
to be known and designated as Chapter 8, Title 57, Idaho
Code, and to read as follows:

CHAPTER 8
FUNDS CONSOLIDATION ACT

57-801. SHORT TITLE. This act may be known and cited as
the "Funds Consolidation Act."
57-802. STATEMENT OF POLICY. It is the purpose of this act to set forth legislative policy governing that phase of the state's fiscal procedures relating to financial funds. This act reserves to the legislature the authority to establish funds outside of constitutional requirements. Provision is made to facilitate the handling of federal grants and other revenues which must remain restricted according to the terms under which they are received. It is the policy of the legislature that all general governmental programs, activities and functions shall be subject to its review regardless of the sources of revenue available to the various departments, institutions, agencies or offices, except as otherwise provided by law.

57-803. FUNDS RECOGNIZED OR ESTABLISHED. (1) For all budget, accounting, appropriation, allotment, audit, and other financial report purposes, the following funds, and none other, are recognized and confirmed in existence, or are established. For all such purposes, the use of accounts within funds is authorized.

(a) The state operating fund is hereby created and established in the state treasury. The state operating fund is to be used to account for moneys which are not necessarily restricted in use or purpose, and which are generally utilized to finance the ordinary functions of state government.

(b) The dedicated fund is hereby created and established in the state treasury. The dedicated fund is to be used to account for state revenue which is specially dedicated by law to defray the cost of a particular governmental unit, activity, or function of state government, except as otherwise provided by law.

(c) The trust and agency fund is hereby created and established in the state treasury. The trust and agency fund is to be used to account for money which the state administers as a trustee pursuant to law or trust agreement which restricts the use of the money to a specified purpose, and for money which the state holds and disburses as an agent. The trust and agency fund shall also be used by state agencies to account for cash bonds, suspense type items, to hold money pending distribution to an individual, business or governmental agency, and to hold tax or other payments which are in dispute.

(d) The public school (endowment) fund, as required by the Idaho admission act and the constitution, and as defined by section 33-902, Idaho Code, is hereby recognized and confirmed.
(e) The public school income fund, as defined by section 33-903, Idaho Code, is hereby recognized and confirmed.

(f) The agricultural college (endowment) fund, as defined by section 33-2913, Idaho Code, is hereby recognized and confirmed.

(g) The university (endowment) fund, as defined by section 33-2909, Idaho Code, is hereby recognized and confirmed.

(h) The institutions' endowment fund is hereby created and established in the state treasury. The institutions' endowment fund is to be used to account for the proceeds from the sale of such lands as have heretofore been granted, or may hereafter be granted, to the state by the federal government, pursuant to the provisions of sections 6, 9 and 11 of the Idaho admission act, and those lands granted in lieu of such; to account for the proceeds from the sale of timber growing on such lands; to account for the proceeds of royalties arising from the extraction of minerals on such lands; and to account for such other proceeds and avails as are required by law of the federal government or of the state of Idaho to be made a part of the institutions' endowment fund.

(i) The endowment earnings fund is hereby created and established in the state treasury. The endowment earnings fund is to be used to account for the income from investments of the agricultural college fund, the university fund, and the institutions' endowment fund; to account for any and all moneys which may be received on account of rentals of the lands specified in sections 6, 8, 9, 10 and 11 of the Idaho admission act; and to account for any and all moneys which may be received on account of any interest charged upon deferred payments on such of the lands specified in sections 6, 8, 9, 10 and 11 of the Idaho admission act as may have been sold by the state. Moneys in the endowment earnings fund shall be allocated to the various institutions entitled thereto according to each institution's entitlement as ordered by the state board of land commissioners and/or by the investment board pursuant to any applicable law.

(j) The federal revenue sharing fund is hereby created and established in the state treasury. The federal revenue sharing fund is to be used to account for all moneys received by the state as the state's share of contributions made under the provisions of the state and local fiscal assistance act of 1972.

(k) The debt service fund is hereby created and estab-
lished in the state treasury. The debt service fund is to be used to account for money deposited in the state treasury for the payment of principal and interest on state debt, and for the accumulation of reserves for bonded or other indebtedness.

(1) The employment security administration fund, as defined by section 72-1347, Idaho Code, is hereby recognized and confirmed.

(m) The employment security fund, as defined by section 72-1346, Idaho Code, is hereby recognized and confirmed.

(n) The agency asset fund is hereby created and established in the state treasury. The agency asset fund is to be used to account for money which are restricted in use or purpose, and which must, or may be, invested and accounted for as separate entities, and are not accounted for in any other fund.

(o) The rotary fund is hereby created and established in the state treasury. The rotary fund is to be used to account for all rotary or petty cash accounts maintained by state agencies.

(p) The "1973 water pollution control refunding bond sinking fund," as defined by chapter 115, laws of 1973, is hereby recognized and confirmed.

(q) The "1970 water pollution control bond sinking fund," as defined by chapter 196, laws of 1970, is hereby recognized and confirmed.

57-804. CONSOLIDATION INTO STATE OPERATING FUND. (1) Certain funds existing on June 30, 1977, on the accounting records of the state auditor and state treasurer shall be consolidated on July 1, 1977, into the state operating fund as accounts where applicable.

(2) The following funds and money existing on June 30, 1977, are consolidated into the state operating fund:

<table>
<thead>
<tr>
<th>Auditor's Fund Number</th>
<th>Name of Fund</th>
<th>Created by Idaho Code Section</th>
</tr>
</thead>
<tbody>
<tr>
<td>001</td>
<td>General fund</td>
<td>67-1205</td>
</tr>
<tr>
<td>010</td>
<td>Legislative fund</td>
<td>67-451</td>
</tr>
<tr>
<td>013</td>
<td>Election campaign fund</td>
<td>34-2502</td>
</tr>
<tr>
<td>016</td>
<td>Idaho development &amp; publicity fund</td>
<td>67-4705</td>
</tr>
<tr>
<td>021</td>
<td>Agriculture department inspection fund</td>
<td>22-104</td>
</tr>
<tr>
<td>022</td>
<td>Bee inspection special fund</td>
<td>22-2532</td>
</tr>
<tr>
<td>027</td>
<td>Public livestock market fund</td>
<td>25-1728</td>
</tr>
<tr>
<td>Fund</td>
<td>Section Numbers</td>
<td></td>
</tr>
<tr>
<td>---------------------------------------------------------------------</td>
<td>--------------------------------------------</td>
<td></td>
</tr>
<tr>
<td>Sheep commission fund</td>
<td>25-131</td>
<td></td>
</tr>
<tr>
<td>Commercial feed and fertilizer fund</td>
<td>22-619 and 25-2720</td>
<td></td>
</tr>
<tr>
<td>Pesticide fund</td>
<td>22-3404</td>
<td></td>
</tr>
<tr>
<td>Livestock disease control and T.B. indemnity fund</td>
<td>25-233</td>
<td></td>
</tr>
<tr>
<td>Dairy industry and inspection fund</td>
<td>37-407</td>
<td></td>
</tr>
<tr>
<td>Idaho honey advertising fund</td>
<td>22-2808</td>
<td></td>
</tr>
<tr>
<td>Meat inspection special fund</td>
<td>37-1931</td>
<td></td>
</tr>
<tr>
<td>Egg inspection fund</td>
<td>37-1523</td>
<td></td>
</tr>
<tr>
<td>Pharmacy fund</td>
<td>54-1710 and 37-2213</td>
<td></td>
</tr>
<tr>
<td>Electrical board account in the general fund</td>
<td>54-1015</td>
<td></td>
</tr>
<tr>
<td>Public utilities commission fund</td>
<td>61-1008</td>
<td></td>
</tr>
<tr>
<td>Plumbing board fund</td>
<td>39-2735</td>
<td></td>
</tr>
<tr>
<td>Water administration fund</td>
<td>42-238a</td>
<td></td>
</tr>
<tr>
<td>Professional standards commission fund</td>
<td>33-1205</td>
<td></td>
</tr>
<tr>
<td>Title insurance fund</td>
<td>41-2703</td>
<td></td>
</tr>
<tr>
<td>Governor's emergency fund</td>
<td>57-1601</td>
<td></td>
</tr>
<tr>
<td>State junior college fund</td>
<td>33-2139</td>
<td></td>
</tr>
<tr>
<td>Park and recreation capital improvement fund</td>
<td>57-1801</td>
<td></td>
</tr>
<tr>
<td>State scaling fund</td>
<td>38-1209</td>
<td></td>
</tr>
<tr>
<td>Idaho national guard educational encouragement fund</td>
<td>46-314</td>
<td></td>
</tr>
<tr>
<td>Park and recreation fund</td>
<td>67-4225</td>
<td></td>
</tr>
<tr>
<td>State refund fund</td>
<td>63-3067</td>
<td></td>
</tr>
<tr>
<td>Waterways improvement fund</td>
<td>57-1501</td>
<td></td>
</tr>
<tr>
<td>Driver training fund</td>
<td>49-346</td>
<td></td>
</tr>
<tr>
<td>Liquor law enforcement fund</td>
<td>23-806</td>
<td></td>
</tr>
<tr>
<td>Sales tax fund</td>
<td>63-3638</td>
<td></td>
</tr>
<tr>
<td>Lava Hot Springs foundation</td>
<td>67-4405</td>
<td></td>
</tr>
<tr>
<td>Capitol mall management fund</td>
<td>67-5709</td>
<td></td>
</tr>
<tr>
<td>Personnel commission fund</td>
<td>67-5314</td>
<td></td>
</tr>
<tr>
<td>Motorbike recreation fund</td>
<td>49-2706</td>
<td></td>
</tr>
<tr>
<td>Land commissioner's scaling trust account</td>
<td>58-416</td>
<td></td>
</tr>
<tr>
<td>Forest management fund</td>
<td>38-407</td>
<td></td>
</tr>
<tr>
<td>Ten per cent timber and grazing land lease fund</td>
<td>58-140</td>
<td></td>
</tr>
<tr>
<td>Land commission revolving fund</td>
<td>58-141</td>
<td></td>
</tr>
<tr>
<td>Idaho building code fund</td>
<td>39-4124</td>
<td></td>
</tr>
</tbody>
</table>
Wherever the word "fund" appears in the Idaho Code with reference to the numbered, named and identified accounting entities recited in subsection (2) above, it shall be understood and construed to mean "account" within the state operating fund. The state auditor may change the numbering sequence of such accounts to fit the needs of the state's accounting system.

(3) The following accounting entities on the records of the state auditor and state treasurer, commonly referred to as "funds," but which are not recognized or created by law, may be consolidated into the state operating fund as accounts by the state auditor, utilizing such numbering and identification sequence as fits the needs of the state's accounting system, but the auditor may abolish any of these accounts when necessary. The recitation of these entities in this subsection (3) shall create no presumption of validity, regularity, legality, or liability on the part of the state, except to the extent required by the terms under which the moneys in these accounts are received.

<table>
<thead>
<tr>
<th>Auditor's Fund Number</th>
<th>Name of Fund</th>
</tr>
</thead>
<tbody>
<tr>
<td>017</td>
<td>State planning agency -- urban planning and</td>
</tr>
<tr>
<td></td>
<td>redevelopment project fund</td>
</tr>
<tr>
<td>023</td>
<td>Fresh fruit and vegetable inspection fund</td>
</tr>
<tr>
<td>061</td>
<td>Triplicate prescription program fund</td>
</tr>
<tr>
<td>075</td>
<td>Lewis-Clark college vocational education fund</td>
</tr>
<tr>
<td>105</td>
<td>Forest and range conservation fund</td>
</tr>
<tr>
<td>166</td>
<td>Lucky Peak concession fund</td>
</tr>
<tr>
<td>168</td>
<td>Civil defense -- federal administration and</td>
</tr>
<tr>
<td></td>
<td>personnel fund</td>
</tr>
<tr>
<td>202</td>
<td>Parks donation fund</td>
</tr>
<tr>
<td>208</td>
<td>Commodity distribution fund</td>
</tr>
<tr>
<td>258</td>
<td>Timber fire protection deficiency warrant suspense fund</td>
</tr>
<tr>
<td>274</td>
<td>Bicentennial contribution suspense fund</td>
</tr>
<tr>
<td>281</td>
<td>Statewide information system -- local school</td>
</tr>
<tr>
<td></td>
<td>district contributions fund</td>
</tr>
<tr>
<td>300</td>
<td>Airport system planning fund</td>
</tr>
</tbody>
</table>
Urban planning project fund
State planning fund
Human resources development council fund
Meat inspection fund
Potato statistics fund
Wheat statistics fund
Egg and poultry inspection fund
Water resource planning fund
Liquor law enforcement and criminal investigation division fund
Transportation study of 1974 fund
Office of child development fund
PUC federal fund
School lunch fund
Indian education fund
Elementary-secondary education act fund
Civil defense -- adult education fund
Veterans approval fund
Adult basic education fund
Neighborhood youth corps program fund
Educational professions development fund
Driver's rehabilitation fund
Continuing education title I HEA fund
Idaho state commission for higher education fund
Alcohol safety project education fund
Special education -- teacher training fund
Vocational act of 1963 fund
Manpower development and training fund
Corps of engineers fund
Federal disability determination fund
Bicentennial grant fund
Waste well water administration fund
Office of energy fund
Coop state river basin fund
Library services and construction act -- titles I and III fund
Library services and construction act -- title II fund
Vocational education advisory council fund
Educational federal fund
Drug education fund
Intergovernmental personnel act fund
Emergency medical system fund
Deaf and blind children (PL 89-10) fund
Title VI (title II and VI of higher education act of 1965) fund
(4) At the end of each fiscal year, unexpended and unencumbered balances in the general account, the inter-account account, and the miscellaneous receipts account, shall revert to the credit of the general account. The unexpended and unencumbered balances of all other accounts within the state operating fund shall revert to and remain a part of the account from which appropriated, unless otherwise provided by law.

(5) After July 1, 1977, accounts within the state operating fund may be established only by law, or by order of the state auditor.

57-805. CONSOLIDATION INTO DEDICATED FUND. (1) Certain funds existing on June 30, 1977, on the accounting records of the state auditor and state treasurer shall be consolidated on July 1, 1977, into the dedicated fund as accounts where applicable.
(2) The following funds and money existing on June 30, 1977, are consolidated into the dedicated fund:

<table>
<thead>
<tr>
<th>Auditor's Fund Number</th>
<th>Name of Fund</th>
<th>Created by Idaho Code Section</th>
</tr>
</thead>
<tbody>
<tr>
<td>002</td>
<td>Permanent building fund</td>
<td>57-1108</td>
</tr>
<tr>
<td>004</td>
<td>Cooperative welfare fund</td>
<td>56-401</td>
</tr>
<tr>
<td>005</td>
<td>State highway fund</td>
<td>40-2210</td>
</tr>
<tr>
<td>006</td>
<td>Fish and game fund</td>
<td>36-109</td>
</tr>
<tr>
<td>007</td>
<td>Water pollution control fund</td>
<td>39-3605</td>
</tr>
<tr>
<td>015</td>
<td>State certified shorthand reporters' fund</td>
<td>54-3117</td>
</tr>
<tr>
<td>018</td>
<td>Idaho dairy products commission fund</td>
<td>25-3112</td>
</tr>
<tr>
<td>019</td>
<td>Idaho cherry commission fund</td>
<td>22-3707</td>
</tr>
<tr>
<td>020</td>
<td>Idaho apple commission fund</td>
<td>22-3607</td>
</tr>
<tr>
<td>025</td>
<td>Idaho bean marketing and production promotion fund</td>
<td>22-2919</td>
</tr>
<tr>
<td>026</td>
<td>Idaho wheat commission fund</td>
<td>22-3310</td>
</tr>
<tr>
<td>030</td>
<td>Idaho prune commission fund</td>
<td>22-3007</td>
</tr>
<tr>
<td>031</td>
<td>Potato commission fund</td>
<td>22-1209</td>
</tr>
<tr>
<td>041</td>
<td>Occupational license fund</td>
<td>67-2605</td>
</tr>
<tr>
<td>044</td>
<td>Idaho real estate broker's commission fund</td>
<td>54-2037</td>
</tr>
<tr>
<td>045</td>
<td>State board of medicine fund</td>
<td>54-1809</td>
</tr>
<tr>
<td>046</td>
<td>Athletic fund</td>
<td>54-420</td>
</tr>
<tr>
<td>047</td>
<td>State board of optometry fund</td>
<td>54-1506</td>
</tr>
<tr>
<td>048</td>
<td>State aeronautics fund</td>
<td>21-211</td>
</tr>
<tr>
<td>050</td>
<td>Professional engineers fund</td>
<td>54-1209</td>
</tr>
<tr>
<td>051</td>
<td>Public works contractors' state license board fund</td>
<td>54-1921</td>
</tr>
<tr>
<td>052</td>
<td>State brand fund</td>
<td>25-1106</td>
</tr>
<tr>
<td>053</td>
<td>State board of nursing fund</td>
<td>54-1420</td>
</tr>
<tr>
<td>057</td>
<td>State board of certified public accountancy fund</td>
<td>54-216</td>
</tr>
<tr>
<td>058</td>
<td>Idaho state horse racing commission fund</td>
<td>54-2504</td>
</tr>
<tr>
<td>059</td>
<td>Real estate education, research and recovery fund</td>
<td>54-2035</td>
</tr>
<tr>
<td>060</td>
<td>State board of dentistry fund</td>
<td>54-910</td>
</tr>
<tr>
<td>063</td>
<td>Idaho outfitter's and guide's board fund</td>
<td>36-5411</td>
</tr>
<tr>
<td>064</td>
<td>Cemetery</td>
<td>27-420</td>
</tr>
<tr>
<td>068</td>
<td>Professional geologists' fund</td>
<td>54-2809</td>
</tr>
<tr>
<td>069</td>
<td>Oil and gas conservation fund</td>
<td>47-330</td>
</tr>
<tr>
<td>070</td>
<td>Banking and investment company administration fund account</td>
<td>26-2156</td>
</tr>
</tbody>
</table>
IDAHO SESSION LAWS

086
090
104
106
110
112
118
120
128

Deaf and blind school --
tract 13 fund
Central tumor registry fund
US Clark-McNary fund
Armory construction fund
Motor vehicle fund
Motor fuels refund fund
Search and rescue fund
Alcohol safety action program
fund
Idaho code fund

Ch. 220 Laws of 1974
57-1701
38-129
46-719
49-1301
63-2432
49-2608
23-217(d)
73-215

(a) Wherever the word "fund" appears in the Idaho Code with reference to the numbered, named and identified accounting entities recited in subsection (2) above, it shall be understood and construed to mean "account" within the dedicated fund. The state auditor may change the numbering sequence of such accounts to fit the needs of the state's accounting system.

(3) The following accounting entities on the records of the state auditor and state treasurer, commonly referred to as "funds," but which are not recognized or created by law, may be consolidated into the dedicated fund as accounts by the state auditor, utilizing such numbering and identification sequence as fits the needs of the state's accounting system, but the auditor may abolish any of these accounts when necessary. The recitation of these entities in this subsection (3) shall create no presumption of validity, regularity, legality, or liability on the part of the state, except to the extent required by the terms under which moneys in these accounts are received.

<table>
<thead>
<tr>
<th>Auditor's Fund Number</th>
<th>Name of Fund</th>
</tr>
</thead>
<tbody>
<tr>
<td>003</td>
<td>Public health trust fund</td>
</tr>
<tr>
<td>040</td>
<td>Special airport fund</td>
</tr>
<tr>
<td>076</td>
<td>Eastern Idaho vocational technical school education fund</td>
</tr>
<tr>
<td>107</td>
<td>Adjutant general receipts fund</td>
</tr>
<tr>
<td>122</td>
<td>Telpak fund</td>
</tr>
<tr>
<td>123</td>
<td>Radio communication fund</td>
</tr>
<tr>
<td>201</td>
<td>Court alcohol school fund</td>
</tr>
<tr>
<td>372</td>
<td>Uniform approach to nurses' education fund</td>
</tr>
<tr>
<td>382</td>
<td>Alcohol safety action project fund</td>
</tr>
</tbody>
</table>

(4) At the end of each fiscal year, unexpended and unencumbered balances from accounts within the dedicated
(5) After July 1, 1977, accounts within the dedicated fund may be established only by law, or by order of the state auditor.

57-806. CONSOLIDATION INTO TRUST AND AGENCY FUND. (1) Certain funds existing on June 30, 1977, on the accounting records of the state auditor and state treasurer shall be consolidated on July 1, 1977, into the trust and agency fund as accounts where applicable.

(2) The following funds and money existing on June 30, 1977, are consolidated into the trust and agency fund:

<table>
<thead>
<tr>
<th>Auditor's Fund Number</th>
<th>Name of Fund</th>
<th>Created by Idaho Code Section</th>
</tr>
</thead>
<tbody>
<tr>
<td>036</td>
<td>Unclaimed livestock proceeds fund</td>
<td>25-1411</td>
</tr>
<tr>
<td>062</td>
<td>Carey act trust fund</td>
<td>42-2018</td>
</tr>
<tr>
<td>065</td>
<td>Idaho water resource board revolving development fund</td>
<td>42-1752</td>
</tr>
<tr>
<td>103</td>
<td>Forest protection fund</td>
<td>38-129</td>
</tr>
<tr>
<td>165</td>
<td>Social security trust fund</td>
<td>59-1106</td>
</tr>
<tr>
<td>179</td>
<td>Abandoned property trust fund</td>
<td>14-517</td>
</tr>
<tr>
<td>180</td>
<td>National forest reserve fund</td>
<td>57-1301</td>
</tr>
<tr>
<td>763</td>
<td>Inheritance tax refund suspense fund</td>
<td>14-425 (c)</td>
</tr>
<tr>
<td>279</td>
<td>Inheritance tax county rebate fund</td>
<td>14-425 (a)</td>
</tr>
<tr>
<td>285</td>
<td>Disaster relief fund</td>
<td>Ch. 21</td>
</tr>
</tbody>
</table>

(a) Wherever the word "fund" appears in the Idaho Code with reference to the numbered, named and identified accounting entities recited in subsection (2) above, it shall be understood and construed to mean "account" within the trust and agency fund. The state auditor may change the numbering sequence of such accounts to fit the needs of the state's accounting system.

(3) The following accounting entities on the records of the state auditor and state treasurer, commonly referred to as "funds," but which are not recognized or created by law, may be consolidated into the trust and agency fund as accounts by the state auditor, utilizing such numbering and identification sequence as fits the needs of the state's accounting system, but the auditor may abolish any of these accounts when necessary. The recitation of these entities in this subsection (3) shall create no presumption of validity,
regularity, legality, or liability on the part of the state, except to the extent required by the terms under which moneys in these accounts are received.

<table>
<thead>
<tr>
<th>Auditor's Fund Number</th>
<th>Name of Fund</th>
</tr>
</thead>
<tbody>
<tr>
<td>139</td>
<td>Industrial administration building maintenance fund</td>
</tr>
<tr>
<td>145</td>
<td>Horse racing commission suspense fund</td>
</tr>
<tr>
<td>147</td>
<td>Escheat suspense fund</td>
</tr>
<tr>
<td>148</td>
<td>Motor carriers special fuels suspense fund</td>
</tr>
<tr>
<td>149</td>
<td>Fish and game suspense fund</td>
</tr>
<tr>
<td>150</td>
<td>Highways suspense fund</td>
</tr>
<tr>
<td>151</td>
<td>Land commissioners suspense fund</td>
</tr>
<tr>
<td>152</td>
<td>PUC commission suspense fund</td>
</tr>
<tr>
<td>153</td>
<td>Financial responsibility suspense fund</td>
</tr>
<tr>
<td>154</td>
<td>Water administration suspense fund</td>
</tr>
<tr>
<td>155</td>
<td>Liquor law enforcement suspense fund</td>
</tr>
<tr>
<td>156</td>
<td>Board of nursing suspense fund</td>
</tr>
<tr>
<td>157</td>
<td>City gas tax suspense fund</td>
</tr>
<tr>
<td>158</td>
<td>State treasurer's suspense fund</td>
</tr>
<tr>
<td>159</td>
<td>Income tax suspense fund</td>
</tr>
<tr>
<td>160</td>
<td>Forester's emergency fire suspense fund</td>
</tr>
<tr>
<td>161</td>
<td>Occupational license bureau suspense fund</td>
</tr>
<tr>
<td>162</td>
<td>County fish and game suspense fund</td>
</tr>
<tr>
<td>163</td>
<td>Law enforcement drug suspense fund</td>
</tr>
<tr>
<td>164</td>
<td>Federal disaster assistance fund</td>
</tr>
<tr>
<td>165</td>
<td>Civil defense -- federal contributions fund</td>
</tr>
<tr>
<td>166</td>
<td>County and highway district surplus equipment trust account</td>
</tr>
<tr>
<td>210</td>
<td>Finance suspense fund</td>
</tr>
<tr>
<td>211</td>
<td>Brand suspense fund</td>
</tr>
<tr>
<td>213</td>
<td>Continuing education suspense fund</td>
</tr>
<tr>
<td>214</td>
<td>City-county highway holding suspense fund</td>
</tr>
<tr>
<td>215</td>
<td>Factory built housing suspense fund</td>
</tr>
<tr>
<td>250</td>
<td>Income tax building suspense fund</td>
</tr>
<tr>
<td>251</td>
<td>Department of education suspense fund</td>
</tr>
<tr>
<td>254</td>
<td>Agriculture administration suspense fund</td>
</tr>
<tr>
<td>265</td>
<td>Department of insurance suspense fund</td>
</tr>
<tr>
<td>267</td>
<td>General fund interest suspense fund</td>
</tr>
<tr>
<td>268</td>
<td>Composite interest suspense fund</td>
</tr>
<tr>
<td>271</td>
<td>Boise State University payroll suspense fund</td>
</tr>
<tr>
<td>272</td>
<td>Lewis-Clark payroll suspense fund</td>
</tr>
<tr>
<td>273</td>
<td>Savings and loan suspense fund</td>
</tr>
<tr>
<td>275</td>
<td>State payroll trust fund</td>
</tr>
</tbody>
</table>

(4) At the end of each fiscal year, unexpended and
unencumbered balances from accounts within the trust and agency fund shall revert to and remain a part of the account.

(5) After July 1, 1977, accounts within the trust and agency fund may be established only by law, or by order of the state auditor.

57-807. CONSOLIDATION INTO INSTITUTIONS' ENDOWMENT FUND. (1) Certain funds existing on June 30, 1977, on the accounting records of the state auditor and state treasurer shall be consolidated on July 1, 1977, into the institutions' endowment fund as accounts where applicable.

(2) The following funds and money existing on June 30, 1977, are consolidated into the institutions' endowment fund:

<table>
<thead>
<tr>
<th>Auditor's Fund Number</th>
<th>Name of Fund</th>
<th>Created by Idaho Code Section</th>
</tr>
</thead>
<tbody>
<tr>
<td>191</td>
<td>Charitable institutions' endowment fund</td>
<td>66-1103</td>
</tr>
<tr>
<td>192</td>
<td>Normal school endowment fund</td>
<td>33-3301</td>
</tr>
<tr>
<td>193</td>
<td>Penitentiary endowment fund</td>
<td>Sections 9 &amp; 11</td>
</tr>
<tr>
<td></td>
<td></td>
<td><strong>Admission Act</strong></td>
</tr>
<tr>
<td>196</td>
<td>School of science endowment fund</td>
<td>33-2911</td>
</tr>
<tr>
<td>197</td>
<td>State hospital south endowment fund</td>
<td>66-1101</td>
</tr>
</tbody>
</table>

(a) Wherever the word "fund" appears in the Idaho Code with reference to the numbered, named and identified accounting entities recited in subsection (2) above, it shall be understood and construed to mean "account" within the institutions' endowment fund. The state auditor may change the numbering sequence of such accounts to fit the needs of the state's accounting system.

(3) After July 1, 1977, accounts within the institutions' endowment fund may be established only by law, or by order of the state auditor.

57-808. CONSOLIDATION INTO ENDOWMENT EARNINGS FUND. (1) Certain funds existing on June 30, 1977, on the accounting records of the state auditor and state treasurer shall be consolidated July 1, 1977, into the endowment earnings fund as accounts where applicable.

(2) The following funds and money existing on June 30, 1977, are consolidated into the endowment earnings fund:
<table>
<thead>
<tr>
<th>Auditor's Fund Number</th>
<th>Name of Fund</th>
<th>Created by Idaho Code Section</th>
</tr>
</thead>
<tbody>
<tr>
<td>071</td>
<td>Penitentiary income fund</td>
<td>20-102</td>
</tr>
<tr>
<td>077</td>
<td>State school for the deaf and blind income fund</td>
<td>66-1106</td>
</tr>
<tr>
<td>078</td>
<td>State youth training center income fund</td>
<td>66-1106</td>
</tr>
<tr>
<td>080</td>
<td>Idaho State University income fund</td>
<td>66-1106</td>
</tr>
<tr>
<td>081</td>
<td>Idaho State University teacher training fund</td>
<td>33-3303</td>
</tr>
<tr>
<td>091</td>
<td>State hospital north income fund</td>
<td>66-1106</td>
</tr>
<tr>
<td>093</td>
<td>Idaho veterans home income fund</td>
<td>66-1106</td>
</tr>
<tr>
<td>173</td>
<td>University of Idaho income fund</td>
<td>33-2910</td>
</tr>
<tr>
<td>174</td>
<td>Agricultural college income fund</td>
<td>33-2914</td>
</tr>
<tr>
<td>175</td>
<td>Scientific school income fund</td>
<td>33-2912</td>
</tr>
<tr>
<td>176</td>
<td>Normal school income fund</td>
<td>33-3302</td>
</tr>
<tr>
<td>177</td>
<td>Charitable institutions' income fund</td>
<td>66-1105</td>
</tr>
</tbody>
</table>

(a) Wherever the word "fund" appears in the Idaho Code with reference to the numbered, named and identified accounting entities recited in subsection (2) above, it shall be understood and construed to mean "account" within the endowment earnings fund. The state auditor may change the numbering sequence of such accounts to fit the needs of the state's accounting system.

(3) The following accounting entities on the records of the state auditor and state treasurer, commonly referred to as "funds," but which are not recognized or created by law, may be consolidated into the endowment earnings fund as accounts by the state auditor, utilizing such numbering and identification sequence as fits the needs of the state's accounting system, but the auditor may abolish any of these accounts when necessary. The recitation of these entities in this subsection (3) shall create no presumption of validity, regularity, legality, or liability on the part of the state, except to the extent required by the terms under which moneys in these accounts are received.

<table>
<thead>
<tr>
<th>Auditor's Fund Number</th>
<th>Name of Fund</th>
</tr>
</thead>
<tbody>
<tr>
<td>074</td>
<td>Investment board expense fund</td>
</tr>
</tbody>
</table>
(4) After July 1, 1977, accounts within the endowment earnings fund may be established only by law, or by order of the state auditor.

57-809. CONSOLIDATION INTO DEBT SERVICE FUND. (1) Certain funds existing on June 30, 1977, on the records of the state auditor and state treasurer shall be consolidated on July 1, 1977, into the debt service fund as accounts where applicable.

(2) The following funds and money existing on June 30, 1977, are consolidated into the debt service fund:

<table>
<thead>
<tr>
<th>Auditor's Fund Number</th>
<th>Name of Fund</th>
<th>Created by Idaho Code Section</th>
</tr>
</thead>
<tbody>
<tr>
<td>133</td>
<td>General fund tax anticipation note redemption fund</td>
<td>63-3204</td>
</tr>
<tr>
<td>134</td>
<td>Permanent building tax anticipation redemption fund</td>
<td>57-1112</td>
</tr>
</tbody>
</table>

(a) Wherever the word "fund" appears in the Idaho Code with reference to the numbered, named and identified accounting entities recited in subsection (2) above, it shall be understood and construed to mean "account" within the debt service fund. The state auditor may change the numbering sequence of such accounts to fit the needs of the state's accounting system.

(3) All financial transactions of the debt service fund, including the receipt of moneys and payments by warrant, shall be maintained on the account level within the debt service fund. The state auditor and the state treasurer may prescribe requirements for this purpose.

(4) After July 1, 1977, accounts within the debt service fund may be established only by law, or by order of the state auditor.

57-810. CONSOLIDATION INTO EMPLOYMENT SECURITY ADMINISTRATION FUND. (1) Certain funds existing on June 30, 1977, on the accounting records of the state auditor and state treasurer shall be consolidated on July 1, 1977, into the employment security administration fund as accounts where applicable.

(2) The following funds and money existing on June 30, 1977, are consolidated into the employment security administration fund:
<table>
<thead>
<tr>
<th>Auditor's Fund Number</th>
<th>Name of Fund</th>
<th>Created by Idaho Code Section</th>
</tr>
</thead>
<tbody>
<tr>
<td>140</td>
<td>Employment security administration fund</td>
<td>72-1347</td>
</tr>
<tr>
<td>144</td>
<td>Employment security administrative and reimbursement fund</td>
<td>72-1348</td>
</tr>
</tbody>
</table>

(a) Wherever the word "fund" appears in the Idaho Code with reference to the numbered, named and identified accounting entities recited in subsection (2) above, it shall be understood and construed to mean "account" within the employment security administration fund. The state auditor may change the numbering sequence of such accounts to fit the needs of the state's accounting system.

(3) The following accounting entities on the records of the state auditor and state treasurer, commonly referred to as "funds," but which are not recognized or created by law, may be consolidated into the employment security administration fund as accounts by the state auditor, utilizing such numbering and identification sequence as fits the needs of the state's accounting system, but the auditor may abolish any of these accounts when necessary. The recitation of these entities in this subsection (3) shall create no presumption of validity, regularity, legality, or liability on the part of the state, except to the extent required by the terms under which the moneys in these accounts are received.

<table>
<thead>
<tr>
<th>Auditor's Fund Number</th>
<th>Name of Fund</th>
</tr>
</thead>
<tbody>
<tr>
<td>390</td>
<td>Manpower development training act fund</td>
</tr>
<tr>
<td>395</td>
<td>Work incentive fund</td>
</tr>
</tbody>
</table>

(4) After July 1, 1977, accounts within the employment security administration fund may be established only by law, or by order of the state auditor.

57-811. CONSOLIDATION INTO AGENCY ASSET FUND. (1) Certain funds existing on June 30, 1977, on the accounting records of the state auditor and state treasurer shall be consolidated July 1, 1977, into the agency asset fund as accounts where applicable.

(2) The following funds and money existing on June 30, 1977, are consolidated into the agency asset fund:
Wherever the word "fund" appears in the Idaho Code with reference to the numbered, named and identified accounting entities recited in subsection (2) above, it shall be understood and construed to mean "account" within the agency asset fund. The state auditor may change the numbering sequence of such accounts to fit the needs of the state's accounting system.

The following accounting entities on the records of the state auditor and state treasurer, commonly referred to as "funds," but which are not recognized or created by law, may be consolidated into the agency asset fund as accounts by the state auditor, utilizing such numbering and identification sequence as fits the needs of the state's accounting system, but the auditor may abolish any of these accounts when necessary. The recitation of these entities in this subsection (3) shall create no presumption of validity, regularity, legality, or liability on the part of the state, except to the extent required by the terms under which the moneys in these accounts are received.

<table>
<thead>
<tr>
<th>Auditor's Fund Number</th>
<th>Name of Fund</th>
</tr>
</thead>
<tbody>
<tr>
<td>116</td>
<td>State historical society foundation fund</td>
</tr>
<tr>
<td>252</td>
<td>Public employee retirement suspense fund</td>
</tr>
</tbody>
</table>

All financial transactions of the agency asset fund, including the receipt of moneys and payments by warrant, shall be maintained on the account level within the agency asset fund. The state auditor and the state treasurer may prescribe requirements for this purpose.
(5) After July 1, 1977, accounts within the agency asset fund may be established only by law, or by order of the state auditor.

57-812. CONSOLIDATION INTO ROTARY FUND. (1) Those accounting entities on the records of the state auditor and state treasurer, commonly referred to as "rotary funds," but which are not recognized or created by law, may be consolidated into the rotary fund as accounts by the state auditor, utilizing such numbering and identification sequence as fits the needs of the state's accounting system.

(2) All financial transactions of the rotary fund, including the receipt of moneys and payments by warrant, shall be maintained on the account level within the rotary fund. The state auditor and the state treasurer may prescribe requirements for this purpose.

(3) After July 1, 1977, accounts within the rotary fund may be established in the manner provided by sections 67-2019 through 67-2022, Idaho Code, with the numbering and identification sequence to be assigned by the state auditor.

SECTION 3. That Section 19-5122, Idaho Code, and Section 67-4409, Idaho Code, be, and the same are hereby repealed.

SECTION 4. That Section 22-107, Idaho Code, be, and the same is hereby amended to read as follows:

22-107. VOLUNTARY SERVICES FOR PUBLIC -- FEES -- APPROPRIATION OF FUNDS MONEYS. The department of agriculture may after notice and hearing provide by regulation for voluntary services to be performed by it at the request of the public, such as laboratory analyses and testing, inspecting, grading, sampling and all similar things. It may also provide for reasonable fees for performing such voluntary services; the funds moneys derived from this activity shall be received and handled as provided for by sections 67-3609 and 67-3611, Idaho Code. The department of agriculture may also receive and use as directed any donations, grants or federal funds available for such purposes to be deposited-in-a-special-fund—for-such-purposes accounted for as prescribed by the state auditor and any such funds moneys the department receives are hereby appropriated for the purpose for which they are received only, and may be spent for such purposes by the department of agriculture.

SECTION 5. That Section 22-2443, Idaho Code, be, and the same is hereby amended to read as follows:
22-2443. ENFORCEMENT OF ACT VESTED IN DIRECTOR — POWERS AND DUTIES. (1) (a) The duty of enforcing this act and carrying out its provisions is vested in the director, and the authorities designated in this act acting under the supervision and direction of the director. The director shall determine what weeds are noxious for the purposes of this act, and shall compile and keep current a list of such noxious weeds, which list shall be published and incorporated in the rules and regulations of the director. The director shall, from time to time, adopt and publish methods as official for control and eradication of noxious weeds and make and publish such rules and regulations as in his judgment are necessary to carry out the provisions of this act.

(b) The director is authorized to investigate the subject of noxious weeds; to require information and reports from any other control authority as to the presence of noxious weeds and other information relative to noxious weeds and the control and eradication thereof in localities where such control authority has jurisdiction; to cooperate with control authorities in carrying out other acts administered by him; to cooperate with agencies of federal and state governments and persons in carrying out his duties under this act, and, with the consent of the governor, in the conduct of investigation outside this state in the interest of the protection of the agricultural industry of this state from noxious weeds not generally distributed therein; with the consent of the federal agency involved, to control and eradicate noxious weeds on federal lands within this state, with or without reimbursement, when deemed by him to be necessary to an effective weed control and eradication program; to advise and confer as to the extent of noxious weed infestations and the methods determined best suited to the control and eradication thereof; to call and attend meetings and conferences dealing with the subject of noxious weeds; to disseminate information and conduct educational campaigns with respect to control and eradication of noxious weeds; to procure materials and equipment and employ personnel necessary to carry out his duties and responsibilities; and to perform such other acts as may be necessary or appropriate to the administration of this act.

(c) When determined by the director that a control authority has failed to carry out any of its duties and responsibilities as a control authority, the director may perform such duties and responsibilities in the same manner and under the same conditions except that any moneys collected as provided in this act and the control authority's share of costs shall be for deposit to the applicable fund
of the director.

(d) When determined by the director that a control authority has failed to control or eradicate noxious weeds on land owned or controlled by it or to comply with the provisions of this act as to any article owned or controlled by it, the director may have proper control and eradication measures taken and may hold or prevent the movement of any such article, and the cost of such control and eradication work shall be a charge against the noxious weed control fund of such authority and shall be deposited to the applicable fund of the director.

(e) The state-noxious-weed-eradication-control-fund-is hereby-created-in-the-state-treasury. All moneys received by the director under this act—except-as-provided—in-section 22-2445—Idaho—Code—shall be remitted-to-the-state-treasur­er—for—credit—to-such-fund accounted for as prescribed by the state auditor.

(2) (a) Each control authority shall carry out the duties and responsibilities vested in it under this act with respect to land under its jurisdiction, in accordance with rules and regulations prescribed by the director. Such duties shall include the establishment, under the general direction of the county control authority, of a coordinated program for control and eradication of noxious weeds within such county.

(b) A control authority may cooperate with any person or with the federal government in carrying out its duties and responsibilities under this act, and may cooperate with the director in carrying out other acts administered by him.

(3) (a) Each control authority shall employ one or more weed control superintendents who shall be certified by the director to be qualified to detect and treat noxious weeds. The same person may be a weed control superintendent for more than one (1) control authority. A member of a control authority may serve as a weed control superintendent at the discretion of the control authority. Such employment may be for such tenure, and at such rates of compensation and reim­bursement for travel expenses, as the control authority may prescribe, and without regard to any provisions of law relating to age or dual compensation.

(b) Under the direction of the employing control authority, it shall be the duty of every weed control super­intendent to examine all land under the jurisdiction of the control authority for the purpose of determining whether the provisions of this act and the regulations of the director have been complied with; he shall compile such data on infested areas and areas eradicated and such other reports
as the director or control authority may require; consult and advise upon matters pertaining to the best and most practical methods of noxious weed control and eradication, and render assistance and direction for the most effective control and eradication; investigate or aid in the investigation and prosecution of any violation of this act; assist the county assessor as provided in this act; and perform such other duties as required by the control authority in the performance of its duties. Weed control superintendents shall cooperate and assist one another to the extent practicable. County weed control superintendents shall supervise the carrying out of the coordinated control and eradication program within the county.

SECTION 6. That Section 22-2445, Idaho Code, be, and the same is hereby amended to read as follows:

22-2445. STATE AUTHORIZED TO COOPERATE WITH FEDERAL GOVERNMENT OR ITS AGENCIES. The state of Idaho is hereby authorized to cooperate with the federal government or any established agency thereof, in any program of noxious weed control which shall be deemed advisable, for the welfare of the people of the state of Idaho. The director is empowered to accept any advisable program and to make any necessary regulations which are not in contradiction to the purposes of this act. The director is hereby authorized and directed to accept any funds or grants in aid from the federal government for noxious weed control purposes and to remit said funds to the state treasurer for deposit in a special trust fund hereby created, which shall be known as the "state-noxious-weed-eradication--trust--fund," the account for such moneys as prescribed by the state auditor. Expenditures from such fund shall be made by the director in manner provided by law and in conformance with the provisions of federal requirements. All such federal funds are hereby appropriated to the purpose for which they are received.

SECTION 7. That Section 22-4103, Idaho Code, be, and the same is hereby amended to read as follows:

22-4103. AGRICULTURAL LABOR BOARD AND FUND CREATED. (1) There is hereby created and maintained in the department of employment pursuant to section 20, article IV, of the constitution of the state of Idaho a board to be known as the Idaho agricultural labor board, herein called the "board," which shall be composed of five (5) members, appointed by the governor and subject to confirmation by the senate. Two
(2) of the members shall be appointed from a list of names submitted by labor organizations. Two (2) shall be appointed from a list of names submitted by agricultural producer groups. One (1) member shall be a representative of the public and shall be selected from a mutually agreed upon list of not less than three (3) persons submitted to the governor by the four (4) other members of the board. The public representative of the board will act as its chairman. The initial terms of office of the members of the board shall be two (2) years for one (1) of the labor representatives and one (1) of the management representatives, and four (4) years for the other labor representative and the other management representative and three (3) years for the chairman. Thereafter all terms shall be for a period of four (4) years. Each member of the board shall be eligible for reappointment and shall hold office until his successor is appointed and qualified. In the event of vacancy, the governor shall, within one (1) month, appoint a successor to fill the unexpired term of his predecessor. All appointments to the board shall be made in conformity with the foregoing plan.

(2) A vacancy on the board shall not impair the right of the remaining members to exercise all the powers of the board, and three (3) members of the board shall constitute a quorum. The board may adopt an official seal and prescribe the purposes for which it shall be used.

(3) The board shall, at the end of every year, make a report in writing to the governor, stating the work it has done in hearing and deciding cases and otherwise, and it shall sign and report in full an opinion in every case decided by it.

(4) Each member of the board shall be paid twenty-five dollars ($25.00) for each day in which he has actually attended a meeting of the board officially held in addition to reimbursement for necessary expenses actually incurred as a member of the board. The members of the board shall receive any number of daily payments for official meetings of the board actually attended.

(5) The board may employ clerical and other employees as necessary, or may authorize, by written agreement, the director of the department of employment to provide such clerical or other services as the board deems
The principal office of the board shall be in Boise, but it may meet and exercise any or all of its powers at any other place within the state. The board may, by one (1) or more of its members or by such board agents as it may designate, conduct in any part of this state any proceeding, hearing, investigation, inquiry or election necessary to the performance of its functions. A member who participates in any such proceeding shall not be disqualified from subsequently participating in a decision of the board in the same case.

The board shall have the authority from time to time to make, amend, and rescind such rules and regulations as may be necessary to carry out the provisions of this act. Rules and regulations under this act shall be promulgated and governed according to the provisions of chapter 52, title 67, Idaho Code.

SECTION 8. That Section 39-254, Idaho Code, be, and the same is hereby amended to read as follows:

39-254. ACCOUNTING FOR FEES. Fees received from the certifications of such records or from a search of the files shall be accounted for in a special fund by the director, and the proceeds thereof shall be paid by him to the state treasurer as prescribed by the state auditor.

SECTION 9. That Section 39-414, Idaho Code, be, and the same is hereby amended to read as follows:

39-414. POWERS AND DUTIES OF DISTRICT BOARD. The district board of health shall have and may exercise the following powers and duties:

(1) To administer and enforce all state and district health laws, regulations, and standards.

(2) To do all things required for the preservation and protection of the public health and preventive health as authorized, or delegated or approved by the director of the state department of health and welfare and this shall be authority for the director to so delegate.

(3) To determine the location of its main office and to determine the location, if any, of branch offices.

(4) To enter into contracts with any other governmental or public agency whereby the district board agrees to render services to or for such agency in exchange for a fee reasonably calculated to cover the cost of rendering such service. This authority is to be limited to services voluntarily
rendered and voluntarily received and shall not apply to services required by statute, rule, and regulations, or standards promulgated pursuant to this act or chapter 1, title 39, Idaho Code.

(5) All fees, moneys or payment received or collected by gift, grant, devise, or any other way shall be deposited to the respective division or subaccount of the public health district in the public health district fund account authorized by section 39-422, Idaho Code.

(6) To establish a fiscal control policy corresponding as substantially as possible to that required to be followed by the state department of health and welfare.

(7) To cooperate in the highest degree with the director of the department of health and welfare in all manners and to this end be available to meet with the director as may be convenient to both, but in no event less frequently than semiannually.

(8) To enter into contracts with other governmental agencies, and this act hereby authorizes such other agencies to enter into contracts with the health district, as may be deemed necessary to fulfill the duties imposed upon the district in providing for the health of the citizens within the district.

(9) To purchase real property and construct, rent, or lease such buildings as may be required for the accomplishment of the duties imposed upon the district and to further obtain such other personal property as may be necessary to its functions.

(10) To accept, receive and utilize any gifts, grants, or funds and personal and real property that may be donated to it for the fulfillment of the purposes outlined in this act.

SECTION 10. That Section 39-422, Idaho Code, be, and the same is hereby amended to read as follows:

39-422. PUBLIC HEALTH DISTRICT FUND ACCOUNT -- ESTABLISHMENT -- DIVISIONS -- FISCAL OFFICER -- EXPENDITURES. (1) There is hereby authorized and established in the trust and agency fund in the state treasury a special fund account to be known as the public health district fund account for which the state treasurer shall be custodian. Within the public health district fund account there shall be seven (7) divisions or subaccounts, one (1) for each of the seven (7) public health districts. Each division within the fund account will be under the exclusive control of its respective district board of health and no funds moneys shall be
withdrawn from such division of the fund account unless authorized by the district board of health or their authorized agent. The state director of the department of health and welfare will act as fiscal officer of the various health districts and perform such administrative functions as are necessary for deposits and withdrawals, and accounting for the funds moneys of each division and the public health district fund account.

(2) The procedure for the deposit and expenditure of moneys from the public health district fund account will be in accordance with procedures established between all district boards and the director of the department of health and welfare. All income and receipts received by the district departments shall be deposited in the public health district fund account.

SECTION 11. That Section 39-425, Idaho Code, be, and the same is hereby amended to read as follows:

39-425. FINANCING OF DISTRICT BY STATE DEPARTMENT. (1) The director of the department of health and welfare, based upon appropriations and any other funds available, shall prescribe a percentage of general state aid to be used to assist in financing the public health district, but in no case shall the general state aid be less than sixty-seven per cent (67%) of the amount of ad valorem tax contributed by each county from the levy made as provided by section 31-862, Idaho Code. The percentage of general state aid shall be distributed so as to provide no less than sixty-seven per cent (67%) of the ad valorem taxes contributed by each county, computed on an individual county basis. The moneys computed as general state aid will be deposited directly to the subaccount of the district. If the determined amount of participation by a county would exceed the amount which could be raised applying the maximum levy prescribed in section 31-862, Idaho Code, that county's participation shall be reduced to the maximum amount which can be raised thereby.

(2) The foregoing provision shall not limit the director from authorizing or granting additional funds moneys for selected projects to individual health districts in excess of the percentage of participation of general aid granted all health districts.

SECTION 12. That Section 39-517, Idaho Code, be, and the same is hereby amended to read as follows:
39-517. FEDERAL AID. The state of Idaho is hereby authorized to cooperate with the federal government or any established agency thereof, in any program for the hospitalization, care and treatment of tuberculosis patients. The director is hereby empowered to accept any advisable program and to make any necessary regulations which are not in contravention of the purposes of sections 39-501-39-507, Idaho Code. The treasurer-of-the-state-of-Idaho director of the department of health and welfare is hereby authorized and directed to accept any funds or grants in aid from the federal government for hospitalization, care and treatment of tuberculosis patients, which moneys shall be accounted for as prescribed by the state auditor. and-to-hold-said-funds in-a-special-trust-fund-hereby-created--which-shall-be-known as-the-"Anti-tuberculosis-Fund." Expenditures from-such-fund of-such-moneys-shall-be-in-the-manner-provided-by-law-and-in conformance-with-the-provisions-of-federal-requirements.

SECTION 13. That Section 39-1415, Idaho Code, be, and the same is hereby amended to read as follows:

39-1415. CONSTRUCTION FUNDS. There is hereby created a trust an account in the trust and agency fund in the state treasury, separate--and--apart--from--all-public-moneys-and funds-of-this-state, and all moneys deposited therein are perpetually appropriated for construction projects under this act. All federal funds received from the federal government for a construction project approved by the surgeon general and/or secretary shall be delivered to the state treasurer and by him deposited in the health facilities construction fund account. Such funds money shall be used solely for payments due applicants for work performed, or purchases made, in carrying out approved projects. The director-of-the-department-of-health-and-welfare-shall-make requisition-to-the-state-auditor-upon-vouchers-showing--the director's--approval,-of--such--disbursements-and- upon-presentation-thereof-to-the-state-auditor-shall-issue--warrants on-the--state--treasury--against-the-health-facilities-construction-fund,-payable-to-the-persons-named-by-the-director in-the-amounts-allowed-by-it,-as-indicated-upon-the-vouch ers,-Such-warrants-shall-be-delivered-by-the-state-auditor to-the-state-board-of-health-and-welfare--for--distribution. The-state-auditor-shall-segregate--such-funds-by-aceount number-or-otherwise-when-required-by-state-or--federal--law regulations-or-standards.

SECTION 14. That Section 39-3518, Idaho Code, be, and
the same is hereby amended to read as follows:

39-3518. STATE FIRE PREVENTION FUND ACCOUNT. "The state fire prevention fund account" is hereby created and established in the state operating fund in the state treasury, to which shall be deposited revenues derived from whatever source. All moneys now or hereafter in the state fire prevention fund account are hereby dedicated for the purpose of defraying the expenses of the state fire marshal in carrying out the provisions of this act. Any unencumbered balance in excess of the sum of seventy thousand dollars ($70,000) remaining in the state fire prevention fund account at the close of each fiscal year shall be transferred to the general fund account by the state auditor.

All claims against the said fund account shall be examined, audited and allowed in the manner now or hereafter provided by law for-claims-against-the-state-of-Idaho.

SECTION 15. 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 account in state operating 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 account 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 account.

(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 account created by section 57-1108, Idaho Code.

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

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

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

SECTION 16. That Section 63-2564, Idaho Code, be, and the same is hereby amended to read as follows:

63-2564. DISTRIBUTION OF TAX REVENUES. (1) The revenues received from the taxes imposed by section 63-2552, Idaho Code, and any penalties, interest, or deficiency additions, shall be paid over to the state treasurer by the commission to be distributed as follows:

(a) An amount of money necessary to maintain the tobacco products refund account in the state operating fund, which is hereby created, and from which all refunds authorized to be paid by this act shall be paid, at a monthly balance of one thousand dollars ($1,000) or at such greater sum as in the opinion of the commission may be needed to meet reasonable requirements imposed on the tobacco products tax refund fund account.

(b) From the balance remaining with the state treasurer after deducting the amounts in (a) above, all remaining funds moneys shall be remitted directly to the water pollution control fund account created in chapter 36, title 39, Idaho Code, and the same shall be remitted to said fund account periodically, but no less frequently than quarterly.

SECTION 17. That Section 67-5727, Idaho Code, be, and the same is hereby amended to read as follows:

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 account 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.

SECTION 18. That Section 67-5728, Idaho Code, be, and
the same is hereby amended to read as follows:

67-5728. REVOLVING FUND ACCOUNT FOR PURCHASE OF PROPER-
TITY. There is hereby appropriated out of the general fund
account 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 account in the state operating fund by the adminis-
trator 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 account, the payment of the agency
for whom such property has been purchased shall be de-
Posited with-the-state-treasurer-and-the-amount-thereof credited to
such revolving fund account, and such revolving fund account
is hereby perpetually appropriated for the purpose herein set forth.

SECTION 19. That section 67-5804, Idaho Code, be, and
the same is hereby amended to read as follows:

67-5804. PROCLAMATION OF NATURAL RESOURCES DISASTER --
AID BY AGENCY -- CLAIM FOR REIMBURSEMENT. After proclaiming
the existence of a natural resources disaster by executive
proclamation, the governor may require any agency of the
executive branch of state government to aid in the suppres-
sion of such disaster. As used herein, the term "aid"
includes the furnishing of all necessary manpower, mate-
rials, equipment, and facilities. If aid is furnished by any
agency, the agency shall submit to the board of examiners a
claim for expenses incurred in the suppression of such
disaster. Following approval of the claim by the board of
examiners, the agency shall be reimbursed from moneys in-the
natural-resource--disaster-and-conservation-fund appropri-
ated for such purposes.

SECTION 20. That Section 72-1346, Idaho Code, be, and
the same is hereby amended to read as follows:

72-1346. EMPLOYMENT SECURITY FUND. (a) Establishment
and Control. There is hereby established in the state treas-
ury a special fund, separate and apart from all public
moneys or funds of this state, an "Employment Security
Fund," which shall be administered by the director exclusively for purposes of this act. All moneys coming into said fund are hereby perpetually appropriated to the director to be by him administered separate and apart from all other moneys and funds of this state pursuant to the provisions of this act and the Federal Social Security Act. This fund shall consist of all contributions collected pursuant to this act, interest earned upon any moneys in the fund, any property or securities acquired through the use of moneys belonging to the fund, all earnings of such property or securities, and all other moneys received for the fund from any other source. All moneys in the fund shall be mingled and undivided. All financial transactions of the employment security fund shall be maintained on the account level. The state auditor and the state treasurer may prescribe requirements for this purpose.

(b) Accounts and Deposits. The state treasurer auditor shall maintain within the fund three (3) separate accounts: (1) a clearing account, (2) an unemployment trust fund account, and (3) a benefit account. All moneys payable to the fund, upon receipt thereof by the director, shall be promptly forwarded to the state treasurer for immediate deposit in the clearing account. All moneys in the clearing account after clearance thereof, shall, except as herein otherwise provided, be deposited promptly with the secretary of the treasury of the United States of America to the credit of the account of this state in the unemployment trust fund, established and maintained pursuant to section 904 of the Social Security Act, as amended, any provisions of law in this state relating to the deposit, administration, release, or disbursement of moneys in the possession or custody of this state to the contrary notwithstanding. Refunds and reimbursements payable pursuant to sections 72-1357, 72-1316(a)(4), Idaho Code, may be paid from the clearing account or the benefit account, except that amounts found to be refundable which were paid into the state employment security administrative and reimbursement fund account, shall be paid only out of such latter fund account. The benefit account shall consist of all moneys requisitioned for the payment of benefits from this state's account in the unemployment trust fund in the treasury of the United States. Except as herein otherwise provided, moneys in the clearing and benefit accounts may be deposited by the state treasurer under the direction of the director in any depository bank in which general funds of the state may be deposited, but no public deposit insurance charge or premium shall be paid out of the fund. Moneys in the clearing and
benefit accounts shall not be commingled with other state funds, but shall be maintained in separate accounts on the books of the depository bank. Such money shall be secured by the depository bank to the same extent and in the same manner as required by the general public depository law of this state; and collateral pledged for this purpose shall be kept separate and distinct from collateral pledged to secure other funds of the state. The state treasurer shall be liable on his official bond for the faithful performance of his duties in connection with the employment security fund provided for under this act.

(c) Withdrawals. Moneys requisitioned by the director through the treasurer from this state's account in the unemployment trust fund shall be used exclusively for the payment of benefits and for refunds pursuant to the provisions of this act, except that money credited to this state's account pursuant to section 903 of the Federal Social Security Act, as amended, shall be used exclusively as provided in subsection (e) of this section. The director through the treasurer shall from time to time requisition from the unemployment trust fund such amounts, not exceeding the amounts standing to this state's account therein, as he deems necessary for the payment of such benefits and refunds for a reasonable future period. Upon receipt thereof such moneys shall be deposited in the benefit account. Expenditures of such moneys in the benefit account and refunds from the clearing account shall not be subject to any provisions of law requiring specific appropriations or other formal release by state officers of money in their custody, nor shall such expenditures require the approval of the state board of examiners. All warrants issued for the payment of benefits and refunds shall bear the signature of the director or his duly authorized agent for that purpose. Upon approval and agreement by and between the director and state auditor, amounts in the benefit account may be transferred to a revolving fund account established and maintained in a depository bank from which the director may issue checks for the payment of benefits and refunds in accordance with the provisions of this act, and for no other purpose. Moneys so transferred shall be deposited subject to the same requirements as provided with respect to moneys in the clearing and benefit accounts in this section, subd. (b). Any balance of moneys requisitioned from the unemployment trust fund which remains unclaimed or unpaid in the benefit account or revolving fund account referred to herein, after the expiration of the period for which such sums were requisitioned shall either be deducted from estimates for, and may be
utilized for the payment of benefits and refunds during succeeding periods, or, in the discretion of the director, shall be redeposited with the secretary of the treasury of the United States of America to the credit of this state's account in the unemployment trust fund, as provided in subsection (b) of this section.

(d) Management of funds upon discontinuance of unemployment trust fund. The provisions of subsections (a), (b), and (c) of this section, to the extent that they relate to the unemployment trust fund, shall be operative only so long as such unemployment trust fund continues to exist and so long as the secretary of the treasury of the United States of America continues to maintain for this state a separate book account of all funds deposited by this state for benefit purposes, together with this state's proportionate share of the earnings of such unemployment trust fund, from which no other state is permitted to make withdrawals. If and when such unemployment trust fund ceases to exist, or such separate book account is no longer maintained, all moneys belonging to the employment security fund of this state shall be administered by the director as a trust fund for the purpose of paying benefits under this act, and the director shall have authority to hold, invest, transfer, sell, deposit, and release such moneys, and any properties, securities, or earnings acquired as an incident to such administration; provided, that such moneys shall be invested in accordance with the provisions of the State Depository Law; provided, further, that such investment shall be at all times made so that all the assets of the fund shall always be readily convertible into cash when needed for the payment of benefits.

(e) Money credited to the account of this state in the unemployment trust fund by the secretary of the treasury of the United States of America pursuant to section 903 of the Federal Social Security Act, as amended, may not be withdrawn or used except for the payment of benefits and for the payment of expenses incurred for the administration of this act. Such money may be requisitioned and used for the payment of expenses incurred for the administration of this act pursuant to a specific appropriation by the legislature, provided that the expenses are incurred and money is requisitioned after the enactment of an appropriation law which specifies the purposes for which such money is appropriated and the amounts appropriated therefor and provides that the amounts be limited by the following provisions:

(1) Such money may not be obligated after the close of the two (2) year period which began on the date of the
enactment of the appropriation law; and
(2) The amount which may be obligated during any twelve (12) month period beginning on July 1 and ending on the next June 30 does not exceed the amount by which (i) the aggregate of the amounts credited to the account of this state pursuant to section 903 of the Federal Social Security Act, as amended, during the same twelve (12) month period and the twenty-four (24) preceding twelve (12) month periods, exceeds (ii) the aggregate of the amounts used pursuant to this subsection and charged against the amounts credited to the account of this state during any such twenty-five (25) twelve (12) month periods. For the purposes of this subsection, amounts used during any twelve (12) month period beginning on July 1 and ending on the next June 30 shall be charged against equivalent amounts which were first credited and which are not already so charged; except that no amount obligated for the administration of this act during any such twelve (12) month period may be charged against any amount credited during such a twelve (12) month period earlier than the twenty-fourth preceding such period.

SECTION 21. This act shall be in full force and effect on and after July 1, 1977.

Approved March 5, 1976.
CHAPTER 52
(H.B. No. 357)

AN ACT
RELATING TO DEFINITION OF RESIDENT FOR DRIVER'S LICENSE; AMENDING SECTION 49-304, IDAHO CODE, TO PROVIDE FOR A DEFINITION OF A "RESIDENT."

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

SECTION 1. That Section 49-304, Idaho Code, be, and the same is hereby amended to read as follows:

49-304. NONRESIDENT -- RESIDENT. Every Nonresident is every person who is not a resident of this state. Resident, for the purpose of this chapter, shall mean every person who has resided continuously in the state of Idaho for a period of ninety (90) days or any person residing in the state of Idaho and gainfully employed in the state of Idaho, notwithstanding that the period of residing therein is less than ninety (90) days.

Approved March 5, 1976.
CHAPTER 53
(H.B. No. 414, As Amended)

AN ACT
RELATING TO THE REVOCATION AND SUSPENSION OF DRIVERS' LICENSES; AMENDING SECTION 49-330, IDAHO CODE, BY STRIKING FROM THE DEFINITION OF "CONVICTION" REFERENCE TO FORFEITURE OF BAIL OR COLLATERAL, SO THAT A CONVICTION IS A FINAL CONVICTION.

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

SECTION 1. That Section 49-330, Idaho Code, be, and the same is hereby amended to read as follows:

49-330. AUTHORITY OF DEPARTMENT TO SUSPEND OR REVOKE LICENSE. (a) The department is hereby authorized to suspend the license of an operator or chauffeur without preliminary hearing upon a showing by its records or other sufficient evidence that the licensee:
1. Has committed an offense for which mandatory revocation of license is required upon conviction;
2. Has been convicted in any court in this state of an offense against a municipal ordinance which would have been grounds for suspension or revocation of license had the charge been prosecuted under a state law;
3. Is incompetent to drive a motor vehicle;
   (1) Any person who in the opinion of the department, based upon recommendation of such person's personal physician, is afflicted with or subject to any condition which brings about momentary or prolonged lapses of consciousness or control, which is or may become chronic, or when such person is suffering from a physical or mental disability or disease serving to prevent him from exercising reasonable and ordinary control over a motor vehicle while operating it upon the streets and highways, or any person who is unable to understand highway signs, warning, regulating or directing traffic, is incompetent to drive a motor vehicle.
   (2) Any person who shall not have minimum visual acuity with or without glasses of 20/40 in at least one (1) eye as determined by the Snellen system or other available systems is incompetent to drive a motor vehicle, provided, however, that the director shall have the authority to license such person upon recommendation of an ophthalmologist or qualifi-
fied physician. Any person who applies for or receives any type of tax welfare or other benefits or exemptions for the blind shall be conclusively presumed incompetent to drive a motor vehicle.

(3) Any person, department, or political subdivision of the state of Idaho who receives an application for any type of tax, welfare, aid or other benefits or exemptions for the blind shall immediately forward the name, address, sex, date of birth, and date of application of such applicant to the department;

4. Has permitted an unlawful or fraudulent use of such license;

5. Has committed an offense in another state which if committed in this state would be grounds for suspension or revocation; or

6. Has been convicted of the offense of driving a motor vehicle while under the influence of intoxicating liquor or a narcotic drug and providing that the driving privilege shall be suspended for a period of ninety (90) days upon conviction and providing that if a second conviction occurs within a two (2) year period of time from the time of the first conviction, the suspension shall be for six (6) months, and if a third conviction shall occur within a three (3) year period of time from the time of the first conviction, the period of suspension shall be for one (1) year;

7. Has been convicted of the offense of reckless driving as provided in section 49-1103, Idaho Code, and providing that the driving privilege shall be suspended for a period of thirty (30) days upon conviction and providing further, that if a second conviction occurs with a two (2) year period of time from the time of the first conviction, the suspension shall be for ninety (90) days, and if a third conviction shall occur within a three (3) year period of time from the time of the first conviction, the period of suspension shall be for one (1) year;

8. Has a driving record which shows a violation point count of twelve (12) or more points in any consecutive twelve (12) month period; or

9. Is an habitual violator of the traffic laws of the state of Idaho.

(b) The term "violation" as herein used shall mean conviction on a charge involving a moving traffic violation in any police court, justice court, probate court or district court.

The term "conviction" as herein used shall mean a final conviction--also--a-forfeiture-of-bail-or-collateral-deposited-to-secure-a-defendant's-appearance-in-court, which-for-
The term "habitual violator" as herein used shall mean any person who has a driving record which shows a violation point count of eighteen (18) or more points in any consecutive twenty-four (24) month period; or twenty-four (24) or more points in any consecutive thirty-six (36) month period.

In determining the "violation point count" as herein used, conviction of any charge involving a moving traffic violation shall be given a value of one (1) point for less serious violations to four (4) points for more serious violations; provided, that conviction for only one (1) violation arising from one (1) occasion of arrest or citation shall be counted in determining the violation point count for the purposes of this section.

(c) The director of the department of law enforcement is hereby authorized and directed to establish a violation point count system for various moving traffic violations occurring either within or without the state of Idaho, affecting all holders of operators' or chauffeurs' driving licenses issued by his department.

(d) Upon suspending the license of any person as hereinbefore in this section authorized the department shall immediately notify the licensee in writing and upon his request shall afford him an opportunity for a hearing as early as practical within not to exceed twenty (20) days after receipt of such request in the county wherein the licensee resides unless the department and the licensee agree that such hearing may be held in some other county. Provided that said notice and hearing shall not be required if the licensee has duly executed and filed with the department of law enforcement a waiver of hearing for any mandatory suspension as provided in subsection (a)6 or (a)7 of this section or under section 49-337, Idaho Code, and surrendered to the court all operator's and chauffeur's licenses then held by said licensee; provided further, however, that notice and hearing as provided herein shall be required prior to the imposition of additional suspension periods beyond the periods as set forth in this section. Upon such hearing the director or his duly authorized agent may administer oaths and may issue subpoenas for the attendance of witnesses and the production of relevant books and papers and may require a reexamination of the licensee. Upon such hearing the department shall either rescind its order of suspension or, good cause appearing therefor, may extend the suspension of such license or revoke such license.

This subsection shall apply to any conviction under a
municipal ordinance which would have been grounds for mandatory suspension had the charge been prosecuted under sections 49-337, 49-1102 or 49-1103, Idaho Code.

Approved March 5, 1976.
CHAPTER 54
(H.B. No. 412)

AN ACT
RELATING TO LICENSING OF DRIVERS; AMENDING SECTION 49-316, IDAHO CODE, PROVIDING FOR DEMONSTRATION OF ABILITY TO EXERCISE ORDINARY AND REASONABLE CONTROL OF A MOTOR VEHICLE TO BE AT THE DISCRETION OF THE EXAMINER.

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 most convenient to the applicant. 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, at the discretion of the examiner, an actual demonstration of ability to exercise ordinary and reasonable control in the operation of a motor vehicle.

Approved March 5, 1976.
AN ACT
RELATING TO MOTOR VEHICLE ACCIDENT REPORTS; REPEALING SECTIONS 49-106, 49-1008 AND 49-1010, IDAHO CODE; AMENDING SECTION 49-1005, IDAHO CODE, BY STRIKING PROVISIONS RELATING TO REPORTS BY THE DRIVER OF A VEHICLE INVOLVED IN AN ACCIDENT; AMENDING SECTION 49-1006, IDAHO CODE, BY ADDING PROVISIONS FOR REPORTING WHEN THE DRIVER OF A VEHICLE IS PHYSICALLY INCAPABLE OF REPORTING; AMENDING SECTION 49-1007, IDAHO CODE, BY STRIKING PROVISIONS RELATING TO REPORTS BY THE DRIVER OF A VEHICLE INVOLVED IN AN ACCIDENT, AND ADDING A PROVISION THAT WRITTEN REPORTS BY LAW ENFORCEMENT OFFICERS SHALL NOT BE PRIVILEGED OR CONFIDENTIAL; AMENDING SECTION 49-1009, IDAHO CODE, BY STRIKING REFERENCES TO INDIVIDUAL ACCIDENT REPORT FORMS; AND AMENDING SECTION 49-1013, IDAHO CODE, BY STRIKING REFERENCES TO INFORMATION ON AN INDIVIDUAL ACCIDENT REPORT FORM.

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

SECTION 1. That Sections 49-106, 49-1008 and 49-1010, Idaho Code, be, and the same are hereby repealed.

SECTION 2. That Section 49-1005, Idaho Code, be, and the same is hereby amended to read as follows:

49-1005. DUTY UPON STRIKING FIXTURES UPON A HIGHWAY. The driver of any vehicle involved in an accident resulting only in damage to fixtures or other property legally upon or adjacent to a highway shall take reasonable steps to locate and notify the owner or person in charge of such property of such fact and of his name and address and of the registration number of the vehicle he is driving and shall upon request and if available exhibit his operator's or chauffeur's license and shall make report of such accident when and as required in section 49-1007 hereof.

SECTION 3. That Section 49-1006, Idaho Code, be, and the same is hereby amended to read as follows:

49-1006. IMMEDIATE NOTICE OF ACCIDENTS. (a) The driver
of a vehicle involved in an accident resulting in injury to or death of any person, or damage to the property of any one person in excess of \textdollar 250 shall immediately by the quickest means of communication give notice of such accident to the local police department if such accident occurs within a municipality, otherwise to the office of the county sheriff or the nearest office of the state police.

(b) Whenever the driver of a vehicle is physically incapable of giving immediate notice of an accident as required herein, and there was another occupant in the vehicle at the time of the accident capable of doing so, such occupant shall give or cause to be given the notice not given by the driver.

SECTION 4. That Section 49-1007, Idaho Code, be, and the same is hereby amended to read as follows:

49-1007. WRITTEN REPORTS OF ACCIDENTS. (a) The driver of a vehicle involved in an accident resulting in injury or death of any person, or damage to the property of any one person in excess of \textdollar 250 shall within 5 days after such accident forward a written report of such accident to the department.

(b) The department may require any driver of a vehicle involved in an accident of which report must be made as provided in this section to file supplemental reports whenever the original report is insufficient in the opinion of the department and may require witnesses of accidents to render reports to the department.

(c) Every law enforcement officer, including county and municipal officers, who, in the regular course of duty, investigates a motor vehicle accident of which report must be made as required in this section, either at the time of and at the scene of the accident or thereafter by interviewing participants or witnesses shall, within twenty-four (24) hours after completing such investigation, forward a written report of such accident to the department.

(b) Such written reports required to be forwarded by law enforcement officers and the information contained therein shall not be privileged or held confidential.

SECTION 5. That Section 49-1009, Idaho Code, be, and the same is hereby amended to read as follows:

49-1009. ACCIDENT REPORT FORMS. (a) The department shall prepare and upon request supply to police departments,
coroners, sheriffs, garages, and other suitable agencies or individuals, forms for written accident reports required hereunder, appropriate with respect to the persons required to make such reports and the purposes to be served. The written reports to-be-made-by-persons-involved-in-accidents and--by--investigating--officers shall call for sufficiently detailed information to disclose with reference to a traffic accident the cause, conditions then existing, and the persons and vehicles involved.

(b) Every accident report required to be made in writing shall be made on the appropriate form approved by the department and shall contain all of the information required therein unless not available.

(c) Every such report shall also contain information sufficient to enable the director to determine whether the requirements for the deposit of security under any of the laws of this state are inapplicable by reason of the existence of insurance or other exceptions specified therein.

SECTION 6. That Section 49-1013, Idaho Code, be, and the same is hereby amended to read as follows:

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

Approved March 5, 1976.
AN ACT
RELATING TO IDENTIFICATION OF STATE POLICE VEHICLES; AMENDING SECTION 49-1701A, IDAHO CODE, TO PROVIDE FOR BLUE LIGHTS ON STATE POLICE VEHICLES; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 49-1701A, Idaho Code, be, and the same is hereby amended to read as follows:

49-1701A. IDENTIFICATION OF STATE POLICE VEHICLES. Every motor vehicle owned by the state of Idaho and used as a state police vehicle shall be marked as provided by section 49-1701, Idaho Code, and shall be identified in one (1) or both of the following manners: (1) by having a white stripe, at least six (6) inches in width, painted completely around the vehicle; or (2) by having a red blue light mounted on the top of the vehicle which must be visible from any direction.

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, 1976.
CHAPTER 57
(H.B. No. 415)

AN ACT
RELATING TO EXPIRATION OF DRIVERS' LICENSES; AMENDING SECTION 49-322, IDAHO CODE, TO STRIKE PROVISIONS RELATING TO THE AUTOMATIC RENEWAL OF AN IDAHO OPERATOR'S LICENSE TO PERSONS SERVING IN THE ARMED FORCES OF THE UNITED STATES.

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

SECTION 1. That Section 49-322, Idaho Code, be, and the same is hereby amended to read as follows:

49-322. EXPIRATION OF LICENSES. (a) The expiration date for each operator's license issued after the passage and approval of this act shall be the birthday of the operator in the third year following the date of issuance of such license; the birthday of the operator as used herein shall be the birthday as indicated on his application for an operator's license. Every such license and all licenses heretofore issued which are valid on the effective date of this act shall be renewable on or before its expiration upon application and payment of the fee of seven dollars ($7.00) and shall be renewed on application by the person to whom such license was issued upon such form as the department may require. The department may in its discretion require an examination of the applicant as upon an original application. To the extent as its facilities permit, the department shall, before issuing or renewing any license, check the record of the applicant for traffic violations and traffic accidents, and may withhold or refuse the issuance of a license to any applicant unless satisfied upon reasonable proof that such person can, and will operate a motor vehicle safely.

(b) Every chauffeur's license issued prior to the passage and approval of this act shall expire upon the next birthday of each licensee thereafter. The expiration date for each chauffeur's license issued after the passage and approval of this act shall be the birthday of the chauffeur in the third year following the date of issuance of such license. The birthday of the chauffeur as used herein shall be the birthday as indicated on his application for a
chauffeur's license. Every such chauffeur's license heretofore issued which is valid on the effective date of this act shall be renewable on or before its expiration date upon the application and payment of the fee of nine dollars ($9.00). The department may in its discretion limit an examination of an applicant for renewal of a chauffeur's license to an examination of physical condition only.

{e}--An-I da h o-op e r a to r's-i l i e n s e-is su ed--t o--a ny--p e r s o n
p r i o r--t o--s e r v i n g--o n--a c t i ve--d u t y--i n--t h e--a r m e d--f o r c e s--o f--t h e
U n i t e d--S t a t e s ,--i f--v a l i d--a n d--i n--f u l l--f o r c e --a n d-- e f f e c t -- u p o n
e n t e r i n g--a c t i v e--d u t y ,--s h a l l-- r e m a i n-- i n-- f u l l-- f o r c e-- a n d-- e f f e c t
a n d--s h a l l-- b e-- a u t o m a t i c a l l y-- r e n e w e d-- f o r-- a-- p e r i o d-- o f-- t h r e e--{3}
y e a r s -- s o-- l o n g-- a s-- a c t i v e-- d u t y-- c o n t i n u e s ,-- i f-- t h e-- i l i e n s e-- i s
n o t-- s u s p e n d e d ,-- c a n c e l e d-- o r-- r e v o k e d-- d u r i n g-- s u c h-- a c t i v e-- d u t y
a s-- p r o v i d e d-- b y-- l a w ,-- a n d-- t h e-- i l i e n s e-- s h a l l-- r e m a i n-- i n-- f u l l
f o r c e -- a n d-- e f f e c t -- s i x t y--{60}-- d a y s-- f o l l o w i n g-- t h e-- d a t e-- t h e
h o l d e r-- i s-- h o n o r a b l y-- d i s c h a r g e d-- f r o m-- a c t i v e-- d u t y .

Approved March 5, 1976.
CHAPTER 58
(S.B. No. 1416)
AN ACT
RELATING TO INCOME TAX CREDITS FOR CHARITABLE CONTRIBUTIONS TO NONPROFIT PRIVATE INSTITUTIONS OF SECONDARY OR HIGHER EDUCATION WITHIN THE STATE OF IDAHO; AMENDING CHAPTER 30, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-3029A, IDAHO CODE, ALLOWING A TAX CREDIT FOR INDIVIDUALS NOT TO EXCEED TWENTY PERCENT OF THE TOTAL INCOME TAX DUE, OR FIFTY DOLLARS, WHICHEVER IS LESS, ALLOWING A TAX CREDIT FOR CORPORATIONS, NOT TO EXCEED TEN PERCENT OF THE TOTAL INCOME OR FRANCHISE TAX DUE, OR FIVE HUNDRED DOLLARS, WHICHEVER IS LESS, AND DEFINING A NONPROFIT INSTITUTION OF SECONDARY OR HIGHER EDUCATION; DECLARING AN EMERGENCY AND PROVIDING FOR RETROACTIVE APPLICATION.

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

SECTION 1. 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 63-3029A, Idaho Code, and to read as follows:

63-3029A. INCOME TAX CREDIT FOR CHARITABLE CONTRIBUTIONS -- LIMITATION. At the election of the taxpayer, there shall be allowed, subject to the applicable limitations provided herein, as a credit against the income tax imposed by chapter 30, title 63, Idaho Code, an amount equal to fifty percent (50%) of the aggregate amount of charitable contributions made by such taxpayer during the year to nonprofit private institutions of secondary or higher education located within the state of Idaho.

1. In the case of a taxpayer other than a corporation, the amount allowable as a credit under this section for any taxable year shall not exceed twenty percent (20%) of such taxpayer's total income tax liability imposed by section 63-3024, Idaho Code, for the year, or fifty dollars ($50.00), whichever is less.

2. In the case of a corporation, the amount allowable as a credit under this section for any taxable year shall not exceed ten percent (10%) of such corporation's total income or franchise tax liability imposed by sections
63-3025 and 63-3025A, Idaho Code, for the year, or five hundred dollars ($500), whichever is less.

For the purposes of this section, a nonprofit institution of secondary or higher education means a private nonprofit secondary or higher educational institution located within the state of Idaho, which is accredited by the Northwest Association of Secondary and Higher Schools.

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, 1976.

Approved March 9, 1976.

CHAPTER 59
(S.B. No. 1245)

AN ACT
REPEALING CHAPTER 25, TITLE 49, IDAHO CODE, RELATING TO INSPECTION OF MOTOR VEHICLES.

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

SECTION 1. That Chapter 25, Title 49, Idaho Code, be, and the same is hereby repealed.

Approved March 10, 1976.
AN ACT
RELATING TO ELECTIONS BY PROVIDING THAT CANDIDATES AT PRIMARY ELECTIONS ARE POLITICAL PARTY CANDIDATES AND PROVIDING FOR INDEPENDENT CANDIDATES AT GENERAL ELECTIONS; AMENDING SECTION 34-702, IDAHO CODE, TO PROVIDE THAT CANDIDATES AT PRIMARY ELECTIONS ARE POLITICAL PARTY CANDIDATES; AMENDING SECTION 34-703, IDAHO CODE, TO PROVIDE THAT ONLY POLITICAL PARTY CANDIDATES ARE TO BE VOTED ON AT PRIMARY ELECTIONS, AND THAT INDEPENDENT CANDIDATES SHALL NOT BE VOTED ON AT PRIMARY ELECTIONS; AMENDING SECTION 34-704, IDAHO CODE, TO PROVIDE THAT POLITICAL PARTY CANDIDATES WHO DECLARE FOR CANDIDACY MUST DECLARE THEIR POLITICAL PARTY AFFILIATION, TO PROVIDE THAT POLITICAL PARTY CANDIDATES WHO ARE NOT Nominated AT THE PRIMARY ELECTION MAY NOT APPEAR ON THE GENERAL ELECTION BALLOT UNDER ANY OTHER POLITICAL PARTY NAME NOR AS AN INDEPENDENT CANDIDATE, AND TO PROVIDE THAT INDEPENDENT CANDIDATES SHALL FILE A DECLARATION OF CANDIDACY AS PROVIDED IN SECTION 34-708, IDAHO CODE; AMENDING SECTION 34-705, IDAHO CODE, TO PROVIDE FOR FILING DECLARATIONS OF CANDIDACY WITH THE PROPER OFFICE, AND TO PROVIDE FOR CERTIFYING THE NAMES OF POLITICAL PARTY CANDIDATES WHO HAVE BEEN APPOINTED TO FILL VACANCIES; AMENDING SECTION 34-706, IDAHO CODE, TO PROVIDE FOR NOTIFICATION TO CENTRAL COMMITTEES OF CANDIDATES WHO HAVE FILED DECLARATIONS OF POLITICAL PARTY CANDIDACY UNDER THE PARTY NAME, AND TO PROVIDE THAT VACANCIES THAT EXIST AT THE TIME OF SUCH NOTIFICATION CAN BE FILLED ONLY AS PROVIDED BY SECTION 34-714, IDAHO CODE; AMENDING CHAPTER 7, TITLE 34, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 34-708, IDAHO CODE, PROVIDING THAT NO PERSON MAY OFFER HIMSELF AS AN INDEPENDENT CANDIDATE AT THE PRIMARY ELECTION, PROVIDING FOR FILING A DECLARATION OF CANDIDACY AS AN INDEPENDENT CANDIDATE AFTER THE PRIMARY ELECTION, PROVIDING REQUIREMENTS FOR SUCH DECLARATION, AND PROVIDING THAT THE NAMES OF INDEPENDENT CANDIDATES SHALL BE PLACED ON THE GENERAL ELECTION BALLOT IF ALL REQUIREMENTS HAVE BEEN MET; AMENDING SECTION 34-711, IDAHO CODE, TO PROVIDE THAT NOMINATION AT A PRIMARY ELECTION IS FOR POLITICAL PARTY CANDIDATES; AMENDING
SECTION 34-712, IDAHO CODE, TO PROVIDE THAT PRIMARY ELECTION BALLOTS SHALL BE PREPARED FOR POLITICAL PARTY CANDIDATES; AMENDING SECTION 34-713, IDAHO CODE, TO PROVIDE THAT THE NAMES OF POLITICAL PARTY CANDIDATES THAT ARE TO APPEAR ON THE PRIMARY ELECTION BALLOT ARE TO BE PUBLISHED; AMENDING SECTION 34-714, IDAHO CODE, TO PROVIDE THAT VACANCIES THAT EXIST IN THE SLATE OF POLITICAL PARTY CANDIDATES PRIOR TO THE PRIMARY ELECTION BECAUSE NO CANDIDATE FILED OR BECAUSE A CANDIDATE WHO FILED WAS DECLARED NOT QUALIFIED MAY BE FILLED BY APPOINTMENT BY THE PROPER CENTRAL COMMITTEE, TO PRESCRIBE TIME LIMITS FOR FILLING SUCH A VACANCY, TO PROVIDE THAT ANY CANDIDATE SO APPOINTED MUST QUALIFY FOR SUCH APPOINTMENT, TO PROVIDE THAT ANY VACANCIES NOT SO FILLED SHALL CONTINUE TO EXIST FOR THE PRIMARY AND THE GENERAL ELECTION, TO PROVIDE THAT VACANCIES THAT OCCUR BEFORE THE PRIMARY BECAUSE OF THE DEATH, DISQUALIFICATION OR WITHDRAWAL OF THE CANDIDATE MAY BE FILLED BY THE PROPER CENTRAL COMMITTEE, TO PROVIDE THAT CANDIDATES SO APPOINTED MUST QUALIFY FOR SUCH APPOINTMENT, AND TO PROVIDE THAT NO VACANCY WHICH OCCURS WITHIN TEN DAYS OF THE PRIMARY SHALL BE FILLED BEFORE THE PRIMARY; AMENDING SECTION 34-715, IDAHO CODE, TO PROVIDE THAT VACANCIES WHICH OCCUR WITHIN TEN DAYS BEFORE THE PRIMARY OR AFTER THE PRIMARY BUT AT LEAST TEN DAYS BEFORE THE GENERAL ELECTION SHALL BE FILLED BY THE PROPER CENTRAL COMMITTEE, EXCEPT FOR VACANCIES IN A SLATE OF CANDIDATES FOR PRECINCT COMMITTEEMAN; AND AMENDING SECTION 34-909, IDAHO CODE, TO PROVIDE FOR CERTIFICATION OF NAMES OF CANDIDATES WHO HAVE BEEN APPOINTED BY CENTRAL COMMITTEES TO BE PLACED ON THE GENERAL ELECTION BALLOT; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 34-702, Idaho Code, be, and the same is hereby amended to read as follows:

34-702. REQUIREMENTS FOR WRITE-IN CANDIDATES AT PRIMARY. In addition to possessing all other qualifications, in order to become a candidate of a political party at the general election, those candidates whose names are written in at the primary election must receive at least as many write-in votes at the primary election as the minimum number of signatures required on the petition which must be attached to the declaration of candidacy for that office, and must pay the filing fee required for that office within
ten (10) days following the primary election canvass; pro­
vided, however, that no write-ins shall be allowed for judi­
cial office.

SECTION 2. That Section 34-703, Idaho Code, be, and the
same is hereby amended to read as follows:

34-703. NOMINATION AT PRIMARY. (1) All political party
candidates for United States senator and representative in
congress and all political party candidates for elective
state, district and county offices, except candidates for
judicial office, at general elections shall be nominated at
the primary elections, or shall have their names placed on
the general election ballot as provided by law, and shall
comply with the provisions of this act.

(2) All candidates for judicial office shall be nomi­
nated or elected at the primary election, as provided by
section 34-1217, Idaho Code.

(3) Independent candidates shall not be voted on at
primary elections.

SECTION 3. 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 candi­
date and file his declaration of candidacy. Each political
party 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 pri­
mary election. All political party candidates shall declare
their party affiliation in their declaration of candidacy,
except candidates for nonpartisan office.

All political party 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 elec­
tion held in non-presidential primary election years.

Candidates who file a declaration of candidacy under a
party name and are not nominated at the primary election
shall not be allowed to appear on the general election bal­
lot under any other political party name, nor as an inde­
pendent candidate.

Independent candidates shall file their declaration of
candidacy in the manner provided in section 34-708, Idaho
Code.
SECTION 4. That Section 34-705, Idaho Code, be, and the
same is hereby amended to read as follows:

34-705. WITH WHOM DECLARATIONS FILED. All candidates
for county or offices, whether political party candidates or
independent candidates, and all political party candidates
for precinct offices shall file their declarations of candi-
dacy with the county clerk of their respective counties. All
candidates for district, state and federal offices shall
file their declarations of candidacy with the secretary of
state.

The secretary of state, shall certify to the county
clerks, within ten (10) days after the filing deadline, the
names of the political party candidates who filed for fed-
eral, state and district offices and are qualified and by
not later than the tenth day prior to the primary shall cer-
tify the names of political party candidates who have been
appointed by central committees to fill vacancies as pro-
vided by section 34-714, Idaho Code.

SECTION 5. That Section 34-706, Idaho Code, be, and the
same is hereby amended to read as follows:

34-706. CERTIFICATION--OF--CANDIDATES NOTIFICATION TO
PARTIES. Within five (5) days after the deadline for filing
declarations of political party candidacy the county clerk
shall certify to notify the county central committee of each
political party a-list of the candidates who have filed for
county and precinct offices of-their-political-party--which
have-filed under the party name and are qualified.

Within five (5) days after the deadline for filing
declarations of political party candidacy the secretary of
state shall certify to notify the legislative district cen-
tral committee of each political party a-list of the legis-
lative candidates of-their-political-party--which-have-filed
who have filed under the party name and are qualified.

Within seven (7) days after the deadline for filing
declarations of political party candidacy the secretary of
state shall certify to notify the state central committee of
each political party a-list of the candidates which who have
filed for federal and state offices under the party name and
are qualified.

Vacancies that exist in the slate of political
party candidates at the time such notification is made to
the proper central committee can be filled only as provided
by section 34-714, Idaho Code.
SECTION 6. That Chapter 7, 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 34-708, Idaho Code, and to read as follows:

34-708. INDEPENDENT CANDIDATES. (1) No person may offer himself as an independent candidate at the primary election.

(2) Any person who desires to offer himself as an independent candidate for federal, state, district, or county office may do so by complying strictly with the provisions of this section. In order to be recognized as an independent candidate, prior to August 25 of the year in which a general election is to be held but after the primary election, each such candidate must file with the proper officer as provided by section 34-705, Idaho Code, a declaration of candidacy as an independent candidate. Such declaration must state that he is offering himself as an independent candidate, must declare that he has no political party affiliation, and must declare the office for which he seeks election. Each such declaration must be accompanied by a petition containing the names of qualified electors in the same number as is required for political party candidates filing for the same office according to the provisions of chapter 6, title 34, Idaho Code, and must be accompanied by the filing fees required by chapter 6, title 34, Idaho Code, for political party candidates filing for the same office.

(3) If all of the requirements of this section have been met, the proper officer shall cause the name of each independent candidate who has qualified to be placed on the general election ballot, according to instructions of the secretary of state.

SECTION 7. That Section 34-711, Idaho Code, be, and the same is hereby amended to read as follows:

34-711. CERTIFICATION OF CANDIDATES FOR PRESIDENT, VICE-PRESIDENT AND PRESIDENTIAL ELECTORS. The state chairman of each political party shall certify the names of the presidential and vice-presidential candidates and presidential electors to the secretary of state on or before September 1, in order for them to appear on the general election ballot. The secretary of state shall certify such candidates to the county clerks at the same time as certification of political party candidates nominated for state and federal offices by the voters in the primary election.

SECTION 8. That Section 34-712, Idaho Code, be, and the
same is hereby amended to read as follows:

34-712. SAMPLE FORM FOR PRIMARY ELECTION BALLOTS. The secretary of state shall provide the sample form of the primary election ballot to each of the county clerks no later than forty (40) days prior to the primary. The sample ballot shall contain the proper political party candidates to be voted upon within the county whose declarations were filed and certified in the office of the secretary of state with instructions for the placing of political party candidates seeking the political party nomination for county and precinct offices. If a county is within more than one (1) legislative district, the secretary of state shall provide a sample ballot for each legislative district which includes part of the county.

SECTION 9. 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 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 political party 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 political party candidates who shall appear on the presidential preference primary year ballot. The names shall be listed alphabetically under each particular office title.

SECTION 10. That Section 34-714, Idaho Code, be, and the same is hereby amended to read as follows:

34-714. FILLING VACANCIES IN SLATE OF POLITICAL PARTY CANDIDATES OCCURRING PRIOR TO PRIMARY ELECTION. Vacancies that exist or occur prior to the primary election in the slate of candidates of any political party may be filled only in one of the following manners, each process being mutually exclusive:

(1) Vacancies that exist in the slate of political party candidates at the time notification to the proper central committee is made as provided by section 34-706, Idaho Code, solely because no political party candidate declared for
nomination as provided in this chapter, or because any candidate who did declare for nomination but was declared not to be qualified by proper authority, may be filled by the proper central committee within ten (10) days of the date of notification by the county clerk or the secretary of state, as the case may be. If the proper central committee does not submit the name of a candidate for nomination during such ten (10) day period, no names may thereafter be submitted, either for the primary ballot or the general election ballot. If the name of a political party candidate is submitted to the county clerk or the secretary of state, as the case may be, such candidate must qualify within seventeen (17) days of the date of notification to the proper central committee in the same manner and with the same requirements as if he had declared his candidacy as provided in section 34-704, Idaho Code. If such candidate does not qualify in all respects, the vacancy shall continue to exist and shall not be filled, either for the primary ballot or the general election ballot.

(2) Vacancies that occur before the primary election in the slate of candidates of any political party because of the death, disqualification for any reason, or withdrawal from the nomination process by the candidate, 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:

(a) By the county central committee if the vacancy occurs for the office of precinct committeeman or for a county office.

(b) By the legislative district central committee if the vacancy occurs for the office of state representative or state senator.

(c) By the state central committee if the vacancy occurs for a federal or state office.

Any political party candidate so appointed by the proper central committee must, in order to have his name on the primary ballot, file a declaration of candidacy and pay the required filing fee, but the petition otherwise required to accompany such declaration shall not be required from the candidate.

(3) No central committee shall fill any vacancy which occurs within three-(3) ten (10) days prior to the primary election. Vacancies which occur during this three ten (10) day period because of the death, disqualification for any reason, or withdrawal from the nomination process by the candidate shall be filled according to the provisions of section 34-715, Idaho Code.
(4) Vacancies that occur in a slate of candidates for precinct committeeman within ten (10) days prior to the primary election shall not be filled.

SECTION 11. That Section 34-715, Idaho Code, be, and the same is hereby amended to read as follows:

34-715. FILLING OF VACANCIES OCCURRING BEFORE OR AFTER PRIMARY ELECTION. Vacancies that occur during the ten (10) day period before a primary election, or after the primary election but at least ten (10) days before the general election in the slate of candidates of any political party, except candidates for precinct committeeman, shall be filled in the following manner:

(1) By the county central committee if it is a vacancy by a candidate for a county office.
(2) By the legislative district central committee if it is a vacancy by a candidate for the state legislature.
(3) By the state central committee if it is a vacancy by a candidate for a federal or a state office.
(4) If more than one (1) candidate was seeking the party nomination for a particular office at the primary election, the person receiving the next highest number of votes at that primary election shall be designated the party nominee for that office by the appropriate central committee, provided that he had polled at least twenty-five percent (25%) of the total vote for that office at that primary election.

Vacancies that occur in a slate of candidates for precinct committeeman within ten (10) days prior to the primary election shall not be filled.

SECTION 12. That Section 34-909, Idaho Code, be, and the same is hereby amended to read as follows:

34-909. GENERAL ELECTION SAMPLE BALLOTS FORWARDED TO COUNTIES BY SECRETARY OF STATE. The secretary of state, not later than September 25, shall prepare the necessary general election sample ballots for the various counties and forward them to the several county clerks. The secretary of state shall place the names of the candidates for all federal, state and district offices on the sample ballots, and by not later than the tenth day prior to the general election shall certify the names of candidates who have been appointed by central committees to fill vacancies as provided by section 34-715, Idaho Code.
SECTION 13. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Approved March 10, 1976.
Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 25-2717, Idaho Code, be, and the same is hereby amended to read as follows:

25-2717. DEFINITIONS OF WORDS AND TERMS. When used in this act:
   a. The term "person" includes individual, partnership, corporation, firm, association, and agent.
   b. The term "distribute" means to offer for sale, sell, barter, or otherwise supply commercial feeds.
   c. The term "sell" or "sale" includes exchange.
   d. The term "commercial feed" means all materials which are distributed for use as feed for poultry and animals other than man except:
      1. Unmixed or processed whole seeds or processed unmixed seeds.
      2. Seeds harvested as one (1) crop and processed as one (1) mixture.
      3. All hay except commercially dehydrated legumes and grasses.
      4. Whole or ground straw, stover, silage, cobs, hulls, wet beet pulp and beet discard molasses when not mixed with other materials.
   e. The term "brand" means the term, design, or trademark and other specific designation under which an individual commercial feed is distributed in this state.
   f. The term "label" means a display of written, printed, or graphic matter upon the container in which a commercial feed is distributed.
   g. The term "ton" means a net weight of two thousand (2,000) pounds avoirdupois.
   h. The term "per cent" or "percentage" means percentage by weight.
i. The term "official sample" means any sample of commercial feed taken by the commissioner or his agent.

j. Words importing the singular number may extend and be applied to several persons or things and words importing the plural may include the singular.

k. "Customer-formula feed" means commercial feed which consists of a mixture of commercial feeds and/or feed ingredients each batch of which is manufactured according to the specific instructions of the final purchaser.

Approved March 10, 1976.
CHAPTER 62
(S.B. No. 1418)

AN ACT

TO BE KNOWN AND CITED AS THE WATER AND SEWER DISTRICT
REVENUE BOND ACT; AMENDING TITLE 42, IDAHO CODE, BY THE
ADDITION OF A NEW CHAPTER 41, TITLE 42, IDAHO CODE,
DECLARING THE POLICY OF SAID ACT; DEFINING THE TERMS
USED THEREIN AND DEFINING WATER SYSTEM, SEWAGE COLLEC-
TION SYSTEM, WATER TREATMENT PLANTS AND SEWAGE TREATMENT
PLANTS AND PRESCRIBING THE POWERS OF THE DISTRICT IN
RESPECT TO SAID WORKS; GRANTING POWERS TO THE DISTRICT
TO ACQUIRE, OPERATE AND MANAGE SAID WORKS AND PRESCRIB-
ING AND COLLECTING RATES, FEES AND TOLLS FOR THE USES
THEREOF AND SERVICES RENDERED THEREBY; PROVIDING FOR THE
USES OF REVENUE RECEIVED FROM SAID WORKS; PROVIDING FOR
THE INCURRING AND PAYMENT OF EXPENSES IN ACQUIRING,
OPERATING AND MAINTAINING SUCH WORKS; PROVIDING FOR THE
ISSUANCE OF REVENUE BONDS AND FOR THE PAYMENT THEREOF TO
BE MADE SOLELY OUT OF REVENUE RECEIVED FROM THE OPER-
ATION OF SUCH WORKS; PROVIDING FOR THE METHOD AND MANNER
OF CALLING AND HOLDING OF AN ELECTION PRIOR TO THE ISSU-
ANCE OF SUCH REVENUE BONDS; PROVIDING FOR THE FORM;
CONDITIONS; TERMS; ISSUANCE AND VALIDITY OF SUCH REVENUE
BONDS AND THE LIEN OF SUCH BONDS; PROVIDING FOR THE
EXTENT OF THE DISTRICT'S LIABILITY AND EXEMPTING SUCH
WORKS AND BONDS FOR TAXATION; PROVIDING FOR THE SALE
OF REVENUE BONDS PREVIOUSLY AUTHORIZED; PROVIDING SEVER-
ABILITY; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Title 42, 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 42, Idaho
Code, and to read as follows:

42-4101. SHORT TITLE. The following eighteen sections
may be cited as the "Water and Sewer District Revenue Bond
Act."

42-4102. GRANT OF AUTHORITY. Any water and/or sewer
district acquiring, constructing, reconstructing, improving,
bettering or extending any works pursuant to this act, shall
manage such works in the most efficient manner consistent with sound economy and public advantage, to the end that the services of such works shall be furnished at the lowest possible cost. No water and/or sewer district shall operate any works primarily as a source of revenue to the district, but shall operate all such works for the use and benefit of those served by such works and for the promotion of the welfare and for the improvement of the health, safety, comfort and convenience of the inhabitants of the water and/or sewer district.

42-4103. DEFINITIONS. For the purpose of this act, unless a different meaning clearly appears from the context, the following terms shall be ascribed the following meanings:

(a) The term "works" shall include water systems and sewerage systems;

(b) The term "water system" shall include reservoirs, storage facilities, water mains, conduits, aqueducts, pipelines, pumping stations, filtration plants, and all appurtenances and machinery necessary or useful for obtaining, storing, treating, purifying or transporting water for domestic uses or purposes;

(c) The term "sewerage system" shall include intercepting sewers, outfall sewers, force mains, collecting sewers, pumping stations, ejector stations, treatment plants, structures, buildings, machinery, equipment, connections and all other appurtenances necessary, useful or convenient for the collection, transportation, treatment, purification, and disposal of the sewage of any district;

(d) The term "district" shall mean water and/or sewer districts.

42-4104. POWERS. In addition to the powers which it may now have, any district shall have power under and subject to the following provisions:

(a) To acquire by gift or purchase and to construct, reconstruct, improve, better or extend any works within or without the district, or partially within or partially without the district, or within any part of the district, and acquire by gift or purchase lands or rights in lands or water rights in connection therewith, including easements, rights of way, contract rights, leases, franchises, approaches, dams and reservoirs; to lease any portion of the excess or surplus capacity of any such works to any party located within or without the district, subject to the following conditions: that such capacity shall be returned
or replaced by the lessee when and as needed by such dis-
trict for the purposes set forth in section 42-4102, Idaho 
Code, as determined by the district; that the district shall not be made subject to any debt or liability thereby; and the district shall not pledge any of its faith or credit in aid to such lessee;

(b) To exercise the right of eminent domain for any of the works, purposes or use provided by this act, in like manner and to the same extent as provided in section 7-720, Idaho Code;

(c) To operate and maintain any works within or without the boundaries of the district, or partially within or without the boundaries of the district, or within any part of the district;

(d) To issue its revenue bonds hereunder to finance, in whole or in part, the cost of the acquisition, construction, reconstruction, improvement, betterment or extension of any works;

(e) To prescribe and collect rates, fees, tolls or charges, including the levy or assessment of such rates, fees, tolls or charges against governmental units, depart-
ments or agencies, including the state of Idaho and its sub-
divisions, for the services, facilities and commodities fur-
nished by such works, and to provide methods of collections and penalties, including denial of service for nonpayment of such rates, fees, tolls or charges;

(f) To pledge an amount of revenue from such works (including improvement, betterment or extensions thereto, thereafter constructed or acquired) sufficient to pay said bonds and interest as the same shall become due, and to create and maintain reasonable reserves therefor.

Such amount may consist of all or any part or portion of such revenues. In determining such cost, there may be included all costs and estimated costs of the issuance of said bonds; all engineering, inspection, fiscal and legal expenses and interest which it is estimated will accrue during the construction period and for six (6) months there-
after on money borrowed or which it is estimated will be borrowed pursuant to the water and sewer district revenue bond act.

(g) To issue bonds for the purpose of refunding any bonds theretofore issued under authority of the water and sewer district revenue bond act and to pay accrued interest and applicable redemption premiums on the bonds to be refunded, if the bonds to be refunded are due, callable or redeemable by their terms on or prior to the date that the refunding bonds are issued, or will become due, callable or
redeemable by their terms within twelve (12) months thereafter, or if the bonds to be refunded, even though not becoming due, callable or redeemable within such period, are voluntarily surrendered by the holders thereof, for cancelation at the time of the issuance of the refunding bonds. All or part of any issue may be refunded and all or part of several issues may be refunded into a single issue of refunding bonds. There may be included with the refunding bonds, as part of a single issue, or in combination in one or more series, bonds for any other purpose or purposes for which bonds are authorized to be issued under the water and sewer district revenue bond act. Refunding bonds shall be issued and secured in such manner as may be provided in the proceedings authorizing their issuance and as otherwise provided in the water and sewer district revenue bond act, and such changes may be made in the security and revenue pledged to the payment of the bonds so refunded, as provided by the governing body in the proceedings authorizing such bonds. No election on the issuance of refunding bonds shall be required, but if by an increase in the amount of bonds or by changes in the security or pledged revenues, the requirements of the constitution for an election shall become applicable, or if refunding bonds are combined into a single issue with bonds authorized for nonrefunding purposes, then such bonds with changes in security or revenues, or such bonds in excess of the amount of bonds refunded, as the case may be, must have been approved at an election as otherwise provided in the water and sewer district revenue bond act and the constitution. Refunding bonds may be exchanged for not less than a like principal amount of bonds authorized to be refunded, may be sold, or may be exchanged in part and sold in part. If sold, the proceeds of the sale, not required for the payment of expenses, and in any event, in an amount sufficient to assure the retirement of the bonds refundable, when such bonds become available for retirement, if not applied to a simultaneous payment and cancelation of the bonds refunded shall be escrowed with a bank or trust company and may be invested in United States government obligations or in obligations unconditionally guaranteed by the United States of America in such manner as may be provided in the authorizing proceedings.

42-4105. SUPERVISION OF WORKS. The construction, acquisition, improvement, equipment, custody, operation and maintenance of any works under the provisions of this act, and the collection of revenues therefrom for the service rendered thereby shall be under the supervision and control of the governing body of the district.
42-4106. WORKS TO BE SELF-SUPPORTING. The commissioners of the district issuing bonds pursuant to this act shall prescribe and collect reasonable rates, fees, tolls or charges for the services, facilities and commodities furnished by such works, and shall revise such rates, fees, tolls or charges from time to time, to provide that all such works shall be and always remain self-supporting. The rates, fees, tolls or charges prescribed shall be such as will produce revenue at least sufficient, (a) to pay when due all bonds and interest thereon for the payment of which such revenue is or shall have been pledged, charged or otherwise encumbered including reserves therefor, and (b) to provide for all expenses of operation and maintenance of such works, including reserves therefor.

42-4107. USE OF WORKS -- REVENUE. Any district issuing bonds under this act for the acquisition, construction, reconstruction, improvement, betterment or extension of any works, shall have the right to appropriate, apply or expend the revenue of such works for the following purposes: (a) to pay when due all bonds and interest thereon, for the payment of which such revenue is or shall have been pledged, charged or otherwise encumbered, including reserves therefor; (b) to provide for all expenses of operation, maintenance, replacement and depreciation of such works, including reserves therefor; (c) to pay and discharge notes, bonds or other obligations and interest thereon, not issued under this act for the payment of which the revenue of such works may have been pledged, charged or encumbered; (d) to pay and discharge notes, bonds or other obligations and interest thereon which do not constitute a lien, charge or encumbrance on the revenue of such works, which may have been issued for the purpose of financing the acquisition, construction, reconstruction, improvement, betterment or extension of such works; and (e) provide a reserve for improvements to such works. Unless and until full and adequate provision has been made for the foregoing purposes, no district shall have the right to transfer the revenue of such works to its general fund.

42-4108. PRELIMINARY EXPENSES. The district may provide for the payment of all necessary preliminary expenses actually incurred in the making of surveys, estimates of costs and revenues, employment of engineers and other employees, making of notices, taking of options, legal and clerical help and all other expenses necessary to be made and paid prior to the authorization for the issuance of such revenue
bonds, provided, that no such expenditures shall be made or paid unless an appropriation has been made therefor in the same manner as is required by law for district funds. Any funds so expended by the district shall be fully reimbursed and repaid to the district out of the sale of such revenue bonds before any other disbursements are made therefrom, and the amount so advanced by the district to pay such preliminary expenses shall be a first charge against the proceeds resulting from the sale of such revenue bonds until the same has been repaid as herein provided.

42-4109. RESOLUTION PRIOR TO CONSTRUCTION ELECTION. Before any district shall construct or acquire any works under this act, the commissioners of such district shall enact a resolution or resolutions which shall, (a) set forth a brief and general description of the works, and if the same are to be constructed, a reference to the preliminary report or plans and specifications which shall theretofore have been prepared and filed by an engineer chosen for that purpose; (b) set forth the cost thereof estimated by the engineer chosen as aforesaid; (c) order the construction or acquisition of such works; (d) direct that revenue bonds of the district shall be issued pursuant to this act in such amount as may be necessary to pay the cost of the works; and (e) contain such other provisions as may be necessary in the proposal.

Such resolution shall be passed and approved as provided by law for the enactment of general resolutions, but such district shall not, without the assent of a majority of the qualified electors voting at an election to be held for such purpose, issue revenue bonds for the purpose of providing funds to own, purchase, construct, extend or equip, within and without the corporate limits of such district, water systems, sewerage systems, water treatment plants and sewerage treatment plants, the principal and interest of which to be paid solely from the revenue derived from rates and charges for the use of, and the service rendered by such systems, plants and facilities.

Said resolutions shall provide for the holding of said election and the giving of notice thereof by publication in the official newspaper of the district, said publication to be once a week for two (2) successive weeks prior to such election. The notice of election shall set forth the purpose of said resolution, the amount of bonds authorized by it, the maturity dates of said bonds, the maximum rate of interest they shall draw, the voting places, the hours between which the polls will be open and the qualifications of
voters who may vote thereat. Such election shall be conducted as are other district elections. The voting at such elections must be by ballot, and the ballots used shall be substantially as follows:

"In favor of issuing revenue bonds for the purposes provided by Resolution No. .......

"Against the issuance of revenue bonds for the purposes provided by Resolution No. .......

If, at such election, a majority of the qualified electors, voting at such election, vote in favor of issuing such revenue bonds, then such district may issue such bonds and create such indebtedness or liability in the manner and for the purpose specified in said resolution.

42-4110. BONDS -- FORM -- CONDITIONS. All revenue bonds issued under authority of this act shall be sold, executed and delivered in the same manner as provided by the municipal bond law for the sale of general obligation negotiable coupon bonds. The resolution authorizing the issuance of said bonds shall prescribe the form of bonds. Said bonds shall bear interest at a rate or rates, payable annually, or at such lesser intervals as may be prescribed by resolution; may be in one or more series, bear such date or dates, mature at such time or times, and be redeemable before maturity at the option of the district; may be payable in such medium of payment, at such place or places, may carry such registration privileges, may be subject to such terms of redemption, may contain such terms, covenants and conditions, and may be in such form, either coupon or registered, as such resolution may provide. Said bonds shall be sold at not less than par with accrued interest. Pending preparation of the bonds, interim certificates, in such form and with such provisions as the commissioners may determine, may be issued. Said bonds and interim certificates shall be fully negotiable within the meaning of and for all the purposes of the negotiable instruments law.

Notwithstanding the provisions of the municipal bond law, the governing body in any proceedings authorizing bonds under this act may:

(a) provide for the initial issuance of one or more bonds, in this act called "bond," aggregating the amount of the entire issue;

(b) make such provision for installment payments of the principal amount of any such bond as it may consider desirable;

(c) provide for the making of any such bond payable to bearer or otherwise, registrable as to principal or as to
both principal and interest, and where interest accruing thereon is not represented by interest coupons, for the indorsing or payments of interest on such bonds; and

(d) further make provision in any such proceedings for the manner and circumstances in and under which any such bond may in the future, at the request of the holder thereof, be converted into bonds of smaller denominations, which bonds of smaller denominations may in turn be either coupon bonds or bonds registrable as to principal, or principal and interest, or both.

42-4111. BONDS -- ISSUANCE -- TERMS -- CONDITIONS. Whenever revenue bonds are authorized to be issued, the district commissioners shall by resolution provide for the issuance thereof. The resolution authorizing the issuance of said revenue bonds, for the purpose authorized, shall contain covenants as to:

(a) The purpose or purposes to which the proceeds of the sale of said bonds may be applied and the use and disposition thereof;

(b) The use and disposition of the revenue of the works for which said bonds are to be issued, including the creation and maintenance of reserves;

(c) The issuance of other or additional bonds payable from the revenue of such works;

(d) The operation and maintenance of such works;

(e) The insurance to be carried thereon, the use and disposition of insurance moneys;

(f) Books of account and inspection and audit thereof;

(g) The terms and conditions upon which the holders thereof or any trustee therefor shall be entitled to the appointment of a receiver which receiver may enter and take possession of such works, operate and maintain the same, prescribe rates, fees, tolls or charges and collect, receive and apply all revenue thereafter arising therefrom in the same manner as the district itself might do. The provisions of this section and of any such resolution shall be a contract with the holder of said bonds and the duties of the district and its commissioners under this section and under such resolution, shall be enforceable by the holder by mandamus or other appropriate suit, action or proceedings at law or in equity.

42-4112. VALIDITY OF BONDS. Any resolution authorizing said bonds may provide that the bonds shall contain a recital that they are issued pursuant to the water and sewer district revenue bond act, which recital shall be conclusive
evidence of their validity and of the regularity of their issuance.

42-4113. LIEN OF BONDS. All bonds of the same issue shall, subject to the prior and superior rights of outstanding bonds, claims or obligations, have prior and paramount lien on the revenue of the works for which said bonds have been issued, except that where provision is made in the resolution authorizing any issue or series of bonds for the issuance of additional bonds in the future on a parity therewith pursuant to procedures or restrictions provided in such resolution, additional bonds may be issued in the future on a parity with such issue or series in the manner so provided in such resolution. All bonds of the same issue shall be equally and ratably secured without priority by reason of number, date of bonds, date of sale, date of execution, or date of delivery, by a lien on said revenue in accordance with the provisions of the water and sewer revenue bond act and the resolution authorizing said bonds.

42-4114. DISTRICT NOT LIABLE ON BONDS. Bonds issued pursuant to the water and sewer district revenue bond act shall not be a debt of the district and the district shall not be liable thereon, nor shall they be payable out of any funds other than the revenue pledged to the payment thereof. Each bond issued under the water and sewer district revenue bond act shall recite, in substance, that said bond, including interest thereon, is payable solely from the revenue pledged to the payment thereof. Bonds may be issued under the water and sewer district revenue bond act notwithstanding and without regard to any limitation or restriction on the amount or percentage of indebtedness, or of outstanding obligations of a district.

42-4115. WORKS AND BONDS EXEMPT FROM TAXATION. So long as a district shall own any works, the property and revenue of such works shall be exempt from taxation. Bonds issued under the water and sewer district revenue bond act and the income therefrom shall be exempt from taxation, except transfer and estate taxes.

SECTION 2. The district is hereby authorized to issue and sell any revenue bonds authorized by the electorate on or after January 1, 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 March 10, 1976.
CHAPTER 63
(S.B. No. 1323)

AN ACT
RELATING TO MONEYS PAID TO THE REAL ESTATE EDUCATION, RESEARCH AND RECOVERY FUND; AMENDING SECTION 54-2035A, IDAHO CODE, BY PROVIDING THAT ALL EDUCATION FEES CHARGED AND COLLECTED FOR TUITION OR REGISTRATION AND COURSE MATERIALS SHALL BE PAID INTO THE STATE TREASURY AND CREDITED TO THE REAL ESTATE EDUCATION, RESEARCH AND RECOVERY FUND; AND AMENDING SECTION 54-2035K, IDAHO CODE, BY REQUIRING THAT ALL MONEYS HELD IN THE SPECIAL REAL ESTATE EDUCATION COMMERCIAL BANKING ACCOUNT BE PAID INTO THE STATE TREASURY AND CREDITED TO THE REAL ESTATE EDUCATION, RESEARCH AND RECOVERY FUND UPON THE EFFECTIVE DATE OF THIS ACT.

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

SECTION 1. That Section 54-2035A, Idaho Code, be, and the same is hereby amended to read as follows:

54-2035A. AUGMENTATION OF FUND. Upon the original application or renewal of every real estate broker's, associate real estate broker's, and real estate salesman's license effective January 1, 1971, and every year thereafter, every licensed broker, associate broker, and salesman, when renewing any such license, shall pay, in addition to the renewal fee, a fee of ten dollars ($10.00). Such additional fee and all education fees charged and collected for tuition or registration and course materials shall be paid into the state treasury, notwithstanding the provisions of section 67-3516, Idaho Code, and credited to the real estate education, research and recovery fund, and shall be used solely for the purposes provided in sections 54-2035 through 54-2035K, Idaho Code, inclusive.

SECTION 2. That Section 54-2035K, Idaho Code, be, and the same is hereby amended to read as follows:

54-2035K. MONEYS AVAILABLE TO COMMISSION. All money paid into the state treasury and credited to the real estate education, research and recovery fund in excess of ten thousand dollars ($10,000) for the calendar year immediately
following the passage of this act, and twenty thousand dollars ($20,000) thereafter, is available for appropriation by the legislature to be used by the commission in carrying out the advancement of education and research in the field of real estate, including but not limited to courses sponsored by the commission or in conjunction with any university or college in the state and/or in contracting for a particular research project in the field of real estate for the state of Idaho. All moneys held in the special real estate education commercial banking account shall be paid into the state treasury and credited to the real estate education, research and recovery fund upon the effective date of this act and shall be used solely for the purposes provided in sections 54-2035 through 54-2035K, Idaho Code, inclusive.

Approved March 10, 1976.
CHAPTER 64  
(S.B. No. 1324) 

AN ACT RELATING TO REAL ESTATE BROKERS; AMENDING SECTION 54-2022, IDAHO CODE, BY PROVIDING THAT A REAL ESTATE ASSOCIATE BROKER AND A REAL ESTATE SALESMAN ARE PERSONS LICENSED UNDER AND ASSOCIATED WITH A DESIGNATED BROKER WHO EITHER DIRECTLY OR INDIRECTLY REPRESENT THE DESIGNATED BROKER IN THE PERFORMANCE OF HIS RESPONSIBILITIES; AMENDING SECTION 54-2025, IDAHO CODE, BY INCREASING THE NUMBER OF COMMISSION MEMBERS FROM THREE TO FOUR, AND BY ESTABLISHING A NEW COMMISSION DISTRICT TO BE DESIGNATED AS THE SOUTH CENTRAL DISTRICT, BY DEFINING THE COUNTIES TO BE INCLUDED IN EACH OF SAID COMMISSIONER DISTRICTS; AMENDING SECTION 54-2026, IDAHO CODE, BY ESTABLISHING THE MANNER IN WHICH THE GOVERNOR SHALL APPOINT THE MEMBERS OF THE COMMISSION, AND BY INCREASING THE TERM OF OFFICE OF SUCH COMMISSION MEMBERS FROM THREE YEARS TO FOUR YEARS; AMENDING SECTION 54-2029, IDAHO CODE, AS AMENDED BY CHAPTER 234, LAWS OF 1975, BY STRIKING THE REQUIREMENT THAT AN APPLICANT FOR LICENSURE MUST BE A UNITED STATES CITIZEN, BY PROVIDING THAT AN APPLICANT MUST ACCOMPANY HIS APPLICATION FOR LICENSURE WITH A NONREFUNDABLE EXAMINATION FEE OF TWENTY-FIVE DOLLARS, BY ESTABLISHING A MAXIMUM ANNUAL FEE WHICH MAY BE CHARGED FOR THE ISSUANCE OF REAL ESTATE BROKER'S AND SALESMAN'S LICENSES, BY PROVIDING THAT THE IDAHO REAL ESTATE COMMISSION SHALL HAVE THE AUTHORITY TO DETERMINE THE AMOUNT OF SUCH ANNUAL FEES WITHIN THE MAXIMUM AMOUNT ESTABLISHED BY LAW, BY CLARIFYING THE MANNER IN WHICH THE APPLICANT MUST PAY SUCH FEE, AND BY PROVIDING FOR THE MANNER IN WHICH RENEWAL LICENSE FEES ARE TO BE COMPUTED AND PAID; AMENDING SECTION 54-2033A, IDAHO CODE, BY PROVIDING THAT A VIOLATION THEREOF SHALL BE DEEMED A GROUND FOR REVOCATION OR SUSPENSION OF LICENSE; AMENDING SECTION 54-2036, IDAHO CODE, BY ESTABLISHING A MAXIMUM ANNUAL FEE WHICH MAY BE CHARGED FOR THE ISSUANCE OF INACTIVE LICENSES AND RENEWAL LICENSES FOR REAL ESTATE SALESMAN'S AND BROKER'S LICENSES, BOTH ACTIVE AND INACTIVE, BY PROVIDING THAT THE IDAHO REAL ESTATE COMMISSION SHALL HAVE THE AUTHORITY TO DETERMINE THE AMOUNT OF SUCH ANNUAL FEES WITHIN THE MAXIMUM AMOUNT ESTABLISHED BY LAW, BY INCREASING THE CHANGE OF ADDRESS FEE TO FIVE
DOLLARS, BY INCREASING THE BRANCH OFFICE FEE TO FIVE DOLLARS, BY ADDING A NEW SUBSECTION AUTHORIZING THE COMMISSION TO CHARGE AND COLLECT A TUITION OR REGISTRATION FEE FOR REAL ESTATE EDUCATION COURSES AND PROVIDING FOR THE MANNER IN WHICH SUCH TUITION OR REGISTRATION FEES ARE TO BE ESTABLISHED; AMENDING SECTION 54-2039, IDAHO CODE, BY PROVIDING THAT FEE SPLITTING SHALL BE DEEMED A GROUND FOR REVOCATION OR SUSPENSION OF LICENSE; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 54-2022, Idaho Code, be, and the same is hereby amended to read as follows:

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

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

Except as provided in section 54-2028, Idaho Code, a real estate salesman is any person employed, either directly or indirectly, by a real estate broker, or who represents a
who has qualified as such under the laws of this state, is licensed under and associated with a designated broker and either directly or indirectly represents said designated broker in the performance of any of the acts above set forth.

SECTION 2. That Section 54-2025, Idaho Code, be, and the same is hereby amended to read as follows:

54-2025. CREATION OF IDAHO REAL ESTATE COMMISSION. There is hereby created in the department of self-governing agencies the Idaho real estate commission, herein referred to as the "commission," consisting of three (3) four (4) members appointed by the governor as follows: One (1) from the northern district consisting of the counties of Idaho, Lewis, Nez Perce, Clearwater, Latah, Benewah, Boundary, Shoshone, Kootenai, and Bonner; one (1) from the southeastern district consisting of the counties of Lemhi, Custer, Butte, Clark, Fremont, Jefferson, Madison, Teton, Bonneville, Bingham, Caribou, Bear Lake, Franklin, Oneida, Cassia, Power, and Bannock; and Minidoka, and one (1) from the southwestern district consisting of Twin Falls, Jerome, Lincoln, Blaine, Owyhee, Elmore, Ada, Canyon, Boise, Gem, Payette, Washington, Adams, and Valley counties; and one (1) from the south central district consisting of the counties of Blaine, Camas, Cassia, Custer, Gooding, Jerome, Lincoln, Minidoka, and Twin Falls; which commission shall administer this act.

SECTION 3. That Section 54-2026, Idaho Code, be, and the same is hereby amended to read as follows:

54-2026. APPOINTMENT AND QUALIFICATION OF MEMBERS -- ORGANIZATION OF COMMISSION. All members of the commission shall be licensed real estate brokers who have not had less than five (5) years experience in the real estate business in Idaho. The first subsequent appointments made after January 1, 1955, other than an appointment to fill an unexpired term, shall be made so as to appoint one (1) commission member for a one-year term, one (1) for a two-year term, and one (1) for a three-year term. On July 1, 1976, appointments to the commission shall be made so as to appoint a commission member from the northern district for a three (3) year term and a commission member from the south central district for a four (4) year term. Each regular appointment thereafter, other than an appointment to fill an unexpired term, shall be for a term of three (3) four (4) years, and each commission member shall hold office until his successor is
appointed and qualified. Upon the death, resignation or removal of any member of the commission, the governor shall appoint a qualified licensed real estate broker to fill out the unexpired term. Appointments to fill any vacancy, other than that resulting from the expiration of a term, shall be made for the unexpired term. The governor may remove any member from the commission for neglect of duty required by law, for incompetency, or for unprofessional or dishonorable conduct.

Within fifteen (15) days after the appointment of the members of the commission, the commission shall call a meeting and organize by the election of a chairman and an executive secretary. Thereafter the chairman may call meetings of the commission whenever he deems it advisable, but if he refuses to call a meeting upon written demand of the other two-{2} three (3) members of the commission, then such members may call such meeting. Reasonable notice shall be given in writing by mail of such meeting. The executive secretary and such other assistants as the commission may require may be selected either from within or without the commission, and shall be paid such compensation as the commission shall determine.

SECTION 4. That Section 54-2029, Idaho Code, as amended by Chapter 234, Laws of 1975, 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;

(4) 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;

(5) The applicant must have a satisfactory credit report, as provided for in subsection B(2) of section 54-2029, Idaho Code;

(6) The applicant must have complied with the educational requirements as provided for in subsection C of section 54-2029, Idaho Code;

(7) 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) An examination fee of thirty two-and-twenty-five dollars ($38.25) 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 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 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 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. A license fee in an amount not to exceed fifty dollars ($50.00) shall be charged for the issuance of real estate broker's, associate broker's and salesman's licenses, the exact fee for the issuance of each to be determined by the commission at the conclusion of a hearing called for
such purpose to be conducted, pursuant to notice, each year. The fee so established by the commission at such hearing to be in effect during the next ensuing year shall be that amount which, in the discretion of the commission, and when added to the other fees charged and collected as authorized by law, is sufficient to raise that revenue required to administer the provisions of chapter 20, title 54, Idaho Code, which shall not be refunded. In the event the commission deems it necessary to increase such license fee when the same is so established each year, the increase in such fee shall not exceed five dollars ($5.00) for the next ensuing year.

E. 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) D of section 54-2029 and subsection A a of section 54-2035 54-2036, 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 B(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 expec-
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 5. That Section 54-2033A, Idaho Code, be, and the same is hereby amended to read as follows:

54-2033A. BRANCH OFFICE. No branch office will be operated by a resident or nonresident broker unless the business performed in that office (such as advertising, listing, closing, depositing of funds, writing of checks and the issuance of receipts) be issued in the name of the broker or under the direct supervision of the broker. A branch office operated by a resident broker shall have a licensed broker, associate broker or salesman with two (2) years active experience as a licensed real estate salesman, regularly occupying it and in charge of it. A branch office operated by a nonresident broker shall have a licensed broker who is domiciled in the state of Idaho regularly occupying it and in charge of it. Resident and nonresident brokers operating branch offices in the state of Idaho are required to license such offices with the Idaho real estate commission and the broker, associate broker or salesman in charge of the office shall be designated at the time of licensing. A violation of this section shall be deemed a ground for revocation or suspension of license under section 54-2040, Idaho Code.

SECTION 6. That Section 54-2036, Idaho Code, be, and the same is hereby amended to read as follows:

54-2036. ADDITIONAL FEES. In addition to the license fee provided for in this act the commission shall be authorized to charge and collect the following fees for the following services:

a. A renewal fee for each salesman's license, associate broker's license and broker's license in the sum of $30.00 an amount not to exceed fifty dollars ($50.00), the exact renewal fee to be determined by the commission in the manner and method and at the time as prescribed by section 54-2029,
Idaho Code, for the establishment of the initial license fee.

b. An inactive license fee of $25.00 and the fee for the renewal of an inactive license each in an amount not to exceed fifty dollars ($50.00), the exact fee to be determined by the commission in the manner and method and at the time as prescribed by Section 54-2029, Idaho Code, for the establishment of the initial license fee.

c. A re-examination fee of ten dollars ($10.00) for each re-examination.

d. A change of address fee of $5.00 for each license requiring the change of address.

e. A fee of $5.00 for the establishment of each branch office.

f. A tuition or registration fee for real estate education courses. Such fee is to be established for each course conducted based upon the total costs involved in each course.

SECTION 7. That Section 54-2039, Idaho Code, be, and the same is hereby amended to read as follows:

54-2039. SPLITTING FEES WITH NON-LICENSED PERSONS UNLAWFUL PROHIBITED. It shall be unlawful for any licensed real estate broker, associate broker or salesman to shall not pay any part or share of a commission or compensation received in his capacity as such to any person who is not a licensed real estate broker, associate broker or real estate salesman. A violation of this section shall be deemed a ground for revocation or suspension of license under section 54-2040, Idaho Code.

SECTION 8. This act shall be in full force and effect on and after July 1, 1976.

Approved March 10, 1976.
CHAPTER 65
(S.B. No. 1280)

AN ACT
RELATING TO THE COST OF PAYMENT FOR SCALING STATE-OWNED TIMBER; AMENDING SECTION 58-416, IDAHO CODE, BY PROVIDING FOR THE PURCHASER TO PAY NOT MORE THAN TWO DOLLARS PER THOUSAND BOARD FEET AND NOT MORE THAN TWO CENTS PER LINEAL FOOT OF POLES TO DEFRAY THE COST OF SCALING.

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

SECTION 1. That Section 58-416, Idaho Code, be, and the same is hereby amended to read as follows:

58-416. MEASURING METHOD USED IN SALE OF STATE-OWNED TIMBER -- COST OF SCALING -- PAYMENT. In all cases of sales of timber from state lands, the state board of land commissioners shall cause the timber to be scaled, in lieu of measurement by cruising, unless in the discretion of the state board of land commissioners it shall be, in any particular instance, in the public interest to use the cruising method. In addition to the purchase price, the state board of land commissioners shall, in all cases where the scaling method is used, require the purchaser to pay, in addition to the purchase price, and not as part thereof, for the purpose of defraying the cost of scaling, as may be determined by the board in each case, the sum of not more than one two dollars \( \frac{1}{2} \) per thousand board feet, and the sum of not more than one two cents \( \frac{1}{2} \) per lineal foot of poles. The sum so collected shall in each case be remitted to the director of the department of lands to be by him placed in the land department's scaling trust account to be used for the purpose of paying the salaries and expenses of the scaling of state timber sales.

Approved March 10, 1976.
CHAPTER 66
(S.B. No. 1329)

AN ACT
RELATING TO MEETINGS OF SCHOOL DISTRICT BOARDS OF TRUSTEES;
AMENDING SECTION 33-510, IDAHO CODE, REQUIRING THAT
MEETINGS OF BOARDS OF TRUSTEES CONFORM TO STATE LAW ON
OPEN MEETINGS OF PUBLIC BODIES.

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

SECTION 1. That Section 33-510, Idaho Code, be, and the
same is hereby amended to read as follows:

33-510. ANNUAL MEETINGS -- REGULAR MEETINGS -- BOARDS
OF TRUSTEES. The annual meeting of each school district
shall be on the date of its regular July meeting in each
year. Notice of the annual meeting of elementary school dis-
tricts shall be given as provided in section 33-401, Idaho
Code, but one (1) publication shall suffice.

Regular meetings of each board of school district
trustees shall be held monthly, on a uniform day of a uni-
form week as determined at the annual meeting. Special and
adjourned meetings may be called by the chairman or by any
two (2) members of the board and held at any time. If the
time and place of special meetings shall not have been
determined at a meeting of the board with all members being
present, then notice of the time and place shall be given to
each member not less than twenty-four (24) hours before such
special meeting is to be convened.

A quorum for the transaction of business of the board of
trustees shall consist of a majority of the members of the
board. Unless otherwise provided by law, all questions shall
be determined by a majority of the votes cast. The chairman
of the board may vote in all cases, and, in the case of a
tie vote, may additionally cast the deciding vote.

All meetings,--regular--and--special,--of-the-boards-of
trustees-of-school-districts-are-declared-to-be-public-meet-
ings-open-to-the-public-at-all--times,-but--nothing--herein
shall--be--construed--to--prevent-any-board-of-trustees-from
holding--executive--sessions--from--which--the---public--is
excluded.--No--rules--resolutions--or--regulations--shall--be
adopted-at-such-executive--sessions--shall-conform-to-the
provisions of section 67-2340 through section 67-2345, Idaho
Code.

Approved March 10, 1976.

CHAPTER 67
(S.B. No. 1514)

AN ACT
APPROPRIATING $48,600 FROM THE GENERAL FUND TO THE LIEU­
TENANT GOVERNOR TO BE EXPENDED FOR THE DESIGNATED PRO­
GRAM, ACCORDING TO DESIGNATED EXPENSE CLASSES FOR THE

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

SECTION 1. There is hereby appropriated to the Lieu­
tenant 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, 1976, through June 30, 1977:

A. LIEUTENANT GOVERNOR PROGRAM:
FOR:
Personnel Costs $27,600
Operating Expenditures 21,000
TOTAL $48,600

FROM:
General Fund $48,600

Approved March 10, 1976.
CHAPTER 68
(S.B. No. 1512)

AN ACT
APPROPRIATING $1,000 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, 1976, THROUGH JUNE 30, 1977.

Be 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 the program designated by the Idaho Agricultural Labor Act, 1971, according to the designated expense classes, for the period July 1, 1976, through June 30, 1977:

<table>
<thead>
<tr>
<th>FOR:</th>
<th>$ 500</th>
<th>500</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel Costs</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Operating Expenditures</td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td></td>
<td>$1,000</td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Fund</td>
<td></td>
<td>$1,000</td>
</tr>
</tbody>
</table>

Approved March 10, 1976.
CHAPTER 69
(S.B. No. 1513)

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,

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

SECTION 1. It is legislative intent that the expendi­
tures for the State Auditor not exceed the following amounts
for the period July 1, 1976, through June 30, 1977:
FOR:
Personnel Costs $1,131,200
Operating Expenditures 1,142,700
Capital Outlay 27,000
TOTAL $2,300,900
FROM:
General Fund $1,656,800
Interaccount Billings 644,100
TOTAL 2,300,900

SECTION 2. There is hereby appropriated to 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, 1976, through
June 30, 1977:
## PROGRAM

<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><strong>A. PRE-AUDIT AND ACCOUNTING:</strong></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>$388,700</td>
<td>$96,400</td>
<td>$2,000</td>
<td>$487,100</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$388,700</td>
<td>$96,400</td>
<td>$2,000</td>
<td>$487,100</td>
</tr>
<tr>
<td><strong>B. DATA CENTER:</strong></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>$742,500</td>
<td>$402,200</td>
<td>$25,000</td>
<td>$1,169,700</td>
</tr>
<tr>
<td>Interaccount Billings</td>
<td></td>
<td>644,100</td>
<td></td>
<td>644,100</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$742,500</td>
<td>$1,046,300</td>
<td>$25,000</td>
<td>$1,813,800</td>
</tr>
<tr>
<td><strong>GRAND TOTAL</strong></td>
<td>$1,131,200</td>
<td>$1,142,700</td>
<td>$27,000</td>
<td>$2,300,900</td>
</tr>
</tbody>
</table>

Approved March 10, 1976.
CHAPTER 70
(S.B. No. 1271)

AN ACT
RELATING TO ANNUAL PUBLICATION OF REGULATIONS FOR APPLE GRADES; AMENDING SECTION 22-802, IDAHO CODE, TO PROVIDE NAME CHANGES.

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

SECTION 1. That Section 22-802, Idaho Code, be, and the same is hereby amended to read as follows:

22-802. APPLE GRADES -- ANNUAL PUBLICATION OF REGULATIONS. It shall be unlawful for any grower thereof or association or organization of growers packing apples to mark the package with the grade of the contents unless such contents shall comply with the general rules and regulations made, adopted, issued and published from time to time by the director of the department of agriculture, which general rules and regulations shall govern the packing of apples and define and establish the standards for the several grades thereof; which general rules and regulations shall be adopted, issued and published within ninety (90) days after the taking effect of this chapter and the director of the department of agriculture is authorized and directed in the month of July of each year to make, adopt, issue and publish general rules and regulations governing the packing of apples and establishing and defining the grades thereof for the ensuing year and in adopting the same the director is authorized to consult and advise with fruit growers, the officers of associations or organizations of apple growers, or distributors or dealers in apples.

Approved March 10, 1976.
AN ACT
RELATING TO TIME OF TRIAL IN ACTIONS FOR POSSESSION; AMENDING SECTION 6-310, IDAHO CODE, TO PROVIDE THAT A TRIAL IN AN ACTION FOR POSSESSION SHALL BE SET WITHIN TWELVE DAYS FROM THE FILING OF THE COMPLAINT RATHER THAN SEVEN DAYS.

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

SECTION 1. That Section 6-310, Idaho Code, be, and the same is hereby amended to read as follows:

6-310. ACTION FOR POSSESSION -- COMPLAINT -- SUMMONS. In an action exclusively for possession of a tract of land of five (5) acres or less for the nonpayment of rent, it is sufficient to state in the complaint:

(1) A description of the premises with convenient certainty;

(2) That the defendant is in possession of the premises;

(3) That the defendant entered upon the premises, holds the premises, and is in default of the payment of rent; and

(4) That all notices required by law have been served upon the defendant in the required manner; and

(5) That the plaintiff is entitled to the possession of the premises. Upon filing the complaint, a summons must be issued, served and returned as in other actions, provided, however, that at the time of issuance of the summons, the court shall schedule a trial within seven-to-twelve (12) days from the filing of the complaint and the service of the summons, complaint and trial setting on the defendant shall be not less than five (5) days before the day of trial appointed by the court.

Approved March 10, 1976.
CHAPTER 72

(H.B. No. 376, As Amended)

AN ACT

AMENDING SECTION 41-3201, IDAHO CODE, TO CLARIFY AND DEFINE LEGISLATIVE INTENT IN RELATION TO THE REGULATION OF FRATERNAL BENEFIT SOCIETIES AND TO FURTHER CLARIFY THE POWER OF THE DIRECTOR OF THE DEPARTMENT OF INSURANCE TO SUSPEND, REVOKE, OR REFUSE TO LICENSE THOSE SOCIETIES WHICH DO NOT MEET THE REQUIREMENTS OF THIS ACT OR CHAPTER 32, TITLE 41, IDAHO CODE; AMENDING SECTION 41-3244, IDAHO CODE, TO INCREASE THE ANNUAL STATEMENT FILING FEE PAID TO THE DEPARTMENT OF INSURANCE.

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

SECTION 1. That Section 41-3201, Idaho Code, be, and the same is hereby amended to read as follows:

41-3201. DECLARATION OF INTENT -- DEFINITION OF FRAternal BENEFIT SOCIETIES. It is the intent of the legislature to clarify and exempt those societies, orders or lodges which are primarily organized and conducted for the benefit of its members in pursuing fraternal and benevolent endeavors, rather than ventures resulting in pecuniary gain regulate and establish the powers and duties of fraternal benefit societies, orders or lodges, as defined in subsection (1) hereof.

(1) Any incorporated society, order or supreme lodge, without capital stock, including one exempted under the provisions of section 41-3242(1)(b) of this chapter whether incorporated or not, conducted solely for the benefit of its members and their beneficiaries and not for profit, operated on a lodge system with ritualistic form of work, having a representative form of government, and which makes provision for the payment of benefits in accordance with this chapter, is hereby declared to be a fraternal benefit society.

(2) In-the-event-any-society,-order-or-lodge-which+
{a}--maintains-an-"insurance-agency"-structure,-or
{b}--engages-or-employs-"agents"-whose-primary-source-of
income-is-derived-from-the-sale-or-service-of-insurance,-or
{c}--has--as-one-of-its-primary-purposes-the-offering-of
applications-for-insurance,-the-director-of--the--department
of--insurance--may-disallow-any-such-society,-order-or-lodge
exemption-from-the-insurance-laws-of-this-state. The director shall institute proceedings pursuant to section 41-3226, Idaho Code, or section 41-3227, Idaho Code, against any society, order or lodge licensed pursuant to chapter 32, title 41, Idaho Code, which fails to continue to meet the requirements of subsection (1) hereof

Persons, societies, orders or lodges aggrieved by any ruling hereunder are entitled to review and hearing pursuant to chapter 52, title 67, Idaho Code.

(3) When used in this chapter the word "society", unless otherwise indicated, shall mean fraternal benefit society.

SECTION 2. That Section 41-3244, Idaho Code, be, and the same is hereby amended to read as follows:

41-3244. FEE SCHEDULE. (1) The director shall collect in advance from fraternal benefit societies the following licenses and fees, in addition to fees connected with the licensing of agents as otherwise provided for in this code:

(a) For the society's original license $50.00
(b) Annual continuation of license 50.00
(c) Reinstatement of license 50.00
(d) Filing annual statement 50.00

, a minimum fee of fifty dollars ($50.00), or twenty-five dollars ($25.00) for each two hundred (200) certificates (or major fraction thereof) in force in the state of Idaho as shown in the annual statement, whichever amount is greater

(c) Filing certified copy of society's articles of incorporation 10.00
(d) Filing certified copy of amendment of articles of incorporation 5.00
(e) Filing society's power of attorney for service of process 2.00
(f) Receiving and forwarding certified copy of summons or other process served upon the director, to be paid by the party requiring such service 2.00
(g) Director's certificate under seal, other than on licenses 1.00
(h) For each copy of document filed in the director's office, a reasonable charge as fixed by the director, and for affixing the director's seal 2.00

(2) The director shall transmit and report all fees so collected by him as provided in section 41-406, Idaho Code (deposit, report of fees, licenses, taxes).

Approved March 10, 1976.
CHAPTER 73
(H.B. No. 445, As Amended)

AN ACT
RELATING TO ABSENTEE BALLOTS; AMENDING SECTION 34-301, IDAHO CODE, TO PROVIDE THAT JURISDICTIONS MAY ESTABLISH ONE PRECINCT FOR EACH LEGISLATIVE DISTRICT IN THE COUNTY TO SERVE AS THE ABSENTEE BALLOT PRECINCT; AMENDING SECTION 34-2423, IDAHO CODE, TO PROVIDE FOR THE ESTABLISHMENT OF A PRECINCT FOR ABSENTEE VOTERS, AND TO PROVIDE HANDLING PROCEDURES FOR THE ABSENTEE BALLOTS.

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

SECTION 1. That Section 34-301, Idaho Code, be, and the same is hereby amended to read as follows:

34-301. ESTABLISHMENT OF ELECTION PRECINCTS BY COUNTY COMMISSIONERS -- LISTS AND MAPS TO BE FURNISHED TO SECRETARY OF STATE. (1) The board of county commissioners in each county shall establish a convenient number of election precincts therein. The board of county commissioners may establish an absentee voting precinct for each legislative district within the county. The boundaries of such absentee precincts shall be the same as those of the legislative districts for which they were established. The board shall have the authority to create new or consolidate established precincts only within the boundaries of the legislative districts provided by sections 67-202, Idaho Code. No county shall have less than two (2) precincts. This board action shall be done no later than January 15 in a general election year.

(2) By December 1, 1981, and each ten (10) years thereafter, the county clerk shall provide two (2) copies of the following information to the secretary of state:
   (a) A list of all precincts within the county;
   (b) A map of all precincts within the county;
   (c) A population count by precinct, using the latest federal census figures;
   (d) A count of voters registered for the latest general election, by precinct;
   (e) A count of votes cast at the latest general election, by precinct.
SECTION 2. That Section 34-2423, Idaho Code, be, and the same is hereby amended to read as follows:

34-2423. ABSENT VOTING BY VOTING MACHINE OR PAPER BALLOT. The county clerk may provide that absent voting shall be either by voting machine or by marking a paper ballot or a combination of both. In either any of the foregoing cases he may establish one (1) absent elector unit to handle and process absent elector ballots for each legislative district within his county and shall cause sufficient ballots of the proper kind or kinds to be provided.

Voted ballots shall be retained by the county clerk until election day when they shall be transferred to the ballot processing center and thereafter made a part of the election returns.

Approved March 10, 1976.
CHAPTER 74
(H.B. No. 568, As Amended)

AN ACT
RELATING TO DEPOSIT AND INVESTMENT OF CITY FUNDS; AMENDING SECTION 50-1013, IDAHO CODE, TO PROVIDE AN ELABORATION AND RESPECIFICATION OF DEPOSITORIES AND INSTRUMENTS IN WHICH FUNDS OF CITIES MAY BE DEPOSITED OR INVESTED.

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

SECTION 1. That Section 50-1013, Idaho Code, be, and the same is hereby amended to read as follows:

50-1013. DEPOSIT AND INVESTMENT OF FUNDS. The treasurer shall be required to keep all money in his hands belonging to the corporation in such place or places of deposit as shall be provided by ordinance; provided, however, that the treasurer may be directed and empowered by resolution, to invest any money in his hands in securities of the United States, or of the state of Idaho, time certificates of deposit of public depositaries, county bonds, highway bonds, revenue bonds issued under the Revenue Bond Act, or in local improvement district bonds, or in city coupon bonds provided for under section 50-1019, Idaho Code, any of the following:

(a) Revenue bonds issued by the Revenue Bond Act.

(b) City coupon bonds provided for under section 50-1019, Idaho Code.

(c) Local improvement district bonds provided for under chapter 17, title 50, Idaho Code.

(d) Time certificates of deposit of public depositaries.

(e) 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.

(f) 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.

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

(h) Notes, bonds, debentures, or other similar obli-
gations 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 Bank 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.

(i) Repurchase agreements with Idaho public depositories covered by any legal investment for the state of Idaho.

(j) Tax anticipation notes and registered warrants of the state of Idaho and the cities of the state of Idaho.

Approved March 10, 1976.
AN ACT
PROVIDING THE DATE FOR CONVENING THE REGULAR SESSION OF THE
LEGISLATURE; AMENDING SECTION 67-404, IDAHO CODE, TO
PROVIDE THAT THE LEGISLATURE SHALL BE CONVENED ON THE
MONDAY ON OR NEAREST THE NINTH DAY OF 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
o'clock M. on the Monday after-the-first on or nearest the
ninth 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 busi-
ess, 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, com-
mening 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 10, 1976.
CHAPTER 76
(H.B. No. 392, As Amended)

AN ACT
RELATING TO INCOME TAX RATES; AMENDING SECTION 63-3024, IDAHO CODE, AS AMENDED BY CHAPTER 1, LAWS OF 1976, BY INCREASING THE SCOPE OF INCOME TAX TABLES FROM AN UPPER LIMIT OF TEN THOUSAND DOLLARS TO TWENTY THOUSAND DOLLARS; DECLARING AN EMERGENCY AND PROVIDING FOR A RETROACTIVE EFFECTIVE DATE.

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

SEC. 1. That Section 63-3024, Idaho Code, as amended by Section 3 of Chapter 1, Laws of 1976, 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 63-3027A, 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 (1/2) of the aggregate taxable income. For the purposes of this section, a return of a sur-
viving 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 (1/2) 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) twenty thousand dollars ($20,000), 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.

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, 1976.

Approved March 10, 1976.
CHAPTER 77
(H.B. No. 378, As Amended)

AN ACT
RELATING TO EXTENSION OF TIME FOR PAYMENT OF INCOME TAXES;
AMENDING SECTION 63-3033, IDAHO CODE, TO PROVIDE FOR PARTIAL PAYMENT OF TAXES WHEN AN EXTENSION OF TIME IS GRANTED; DECLARING AN EMERGENCY, PROVIDING FOR A RETROACTIVE EFFECTIVE DATE; AND PROVIDING DIRECTIONS TO THE IDAHO CODE COMMISSION.

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

SECTION 1. That Section 63-3033, Idaho Code, be, and the same is hereby amended to read as follows:

63-3033. EXTENSION OF TIME. (a) The state tax commission may grant a reasonable extension of time for filing any return, declaration, statement or other document, or payment required by this act; provided, however, that (1) no such extension shall be for a period in excess of six (6) months; (2) payment of the full amount of the tax estimated to be due must accompany the initial request for extension of time to file an income tax return; (3) payments must be at least eighty percent (80%) of the total tax reported on the income tax return when it is filed, or must be the same as the total tax reported on the income tax return for the prior year; (4) except that taxpayers residing or traveling outside any of the United States and Puerto Rico (including persons in military or naval service) shall have an automatic extension of time within which to file income tax returns with this state for a period which shall expire on the fifteenth (15th) day of the sixth (6th) month following the close of their taxable year. Any taxpayer entitled to an automatic extension shall attach a statement to his return claiming his right to such extension. Taxpayers who are military personnel or residents of foreign nations and entitled to extensions for filing federal income tax returns as a result of the application of the provisions of sections 911 and 7508 of the Internal Revenue Code as they appeared on the first day of January, 1969, shall be entitled to extensions of time for the same period for filing income tax returns with the state of Idaho subject to the requirements imposed in implementation of the indicated sections.
(b) If the amount of payment made under subsection (a) (3) of this section is less than eighty percent (80%) of the total tax reported on the income tax return when it is filed and is less than the amount of the total tax reported on the income tax return for the prior year, a penalty may be applied to the total of the balance due in the amount prescribed by section 63-3046(a), Idaho Code, unless reasonable cause can be established.

(c) In all cases, where the state tax commission has granted an extension of time in which to file any return, interest shall be paid on any tax due from due date to date of payment at the rate of six per cent (6%) per annum.

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval, and retroactively to January 1, 1976.

SECTION 3. This act designated as House Bill No. 378, and another act designated as House Bill No. 377, both amend section 63-3033, Idaho Code. It is not the intention of this legislature by this enactment to supersede or repeal the act designated as House Bill No. 377. The Idaho Code Commission is directed to compile both bills if enacted and approved, as amendments to section 63-3033, Idaho Code.

Approved March 10, 1976.
CHAPTER 78
(H.B. No. 525)

AN ACT
INCREASING THE MOTOR FUELS TAX; AMENDING SECTION 63-2406, IDAHO CODE, TO INCREASE THE MOTOR FUELS TAX FROM EIGHT AND ONE-HALF CENTS PER GALLON TO NINE AND ONE-HALF CENTS PER GALLON.

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

SECTION 1. That Section 63-2406, Idaho Code, be, and the same is hereby amended to read as follows:

63-2406. IMPOSITION OF TAX. An excise tax is hereby imposed on all motor fuels and/or aircraft engine fuel received. Such tax is to be paid by the licensed distributor, and measured by the total number of gallons received by him, at the rate of eight nine and one-half cents (8 1/2¢) per gallon. Such tax, together with any penalty and/or interest due, shall be remitted with the monthly distributor's report required by section 63-2407, Idaho Code.

Approved March 10, 1976.
CHAPTER 79
(H.B. No. 644)

AN ACT
AMENDING SECTION 31-808, IDAHO CODE, TO PROVIDE THAT THE
BOARD OF COMMISSIONERS OF ANY COUNTY MAY CONVEY, WITH OR
WITHOUT CONSIDERATION, ANY REAL PROPERTY OWNED BY THE
COUNTY AND NOT NECESSARY FOR THE USE OF THE COUNTY, TO
ANY LOCAL HISTORICAL SOCIETY WHICH IS INCORPORATED AS AN
IDAHO NONPROFIT CORPORATION AND WHICH OPERATES PRIMARILY
IN THE COUNTY OR MAINTAINS A MUSEUM IN THE COUNTY; AND
DECLARING AN EMERGENCY.

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

SECTION 1. That Section 31-808, Idaho Code, be, and the
same is hereby amended to read as follows:

31-808. SALE OF COUNTY PROPERTY -- PROCEDURE -- PROP-
ERTY ACQUIRED THROUGH TAX DEED -- SALES TO UNITED STATES --
SALES TO SCHOOL DISTRICTS OR JUNIOR COLLEGE DISTRICTS. To
sell or offer for sale at public auction at the courthouse
door, after thirty (30) days' previous notice given by
publication in a newspaper of the county any property, real
or personal, belonging to the county, not necessary for its
use, except that such personal property not exceeding fifty
dollars ($50.00) in value may be sold at private sale with-
out advertisement and such sale of real property may be made
by the board of county commissioners, either for cash or
upon such terms as the board of county commissioners may
determine, and the same must be sold to the highest bidder.
The notice required to be published in a newspaper by the
foregoing sentence shall, in the case of a sale of realty
contain an accurate description of the realty by legal
description and, if the realty be located within a city,
description by street address, and if the realty be located
outside the limits of a city then such notice shall state
the distance and direction of the location of such realty
from the nearest city. The proceeds from such sales shall be
paid into the county treasury for the use of the county,
unless such property has been acquired by tax deed, in which
event the proceeds from such sale, after deducting the
advertising and selling costs which shall be reimbursed to
the county, shall be prorated to the taxing districts in
which the property is situated in proportion of each tax for the year of delinquency upon which the tax deed was issued to the county, except that any special assessment listed on the tax roll on that property shall be paid in full for the year of the tax deed and the subsequent two (2) years before the moneys are prorated. If such property is sold on terms the board of county commissioners may contract for the sale of the same for a period of years not exceeding ten (10) years, with an annual rate of interest on all deferred payments not to exceed eight per cent (8%) per annum. The title to all property sold on contract shall be retained in the name of the county until full payment has been made by the purchaser. Any property sold by the board of county commissioners under the provisions of this section, either for cash or on contract, shall be assessed by the county assessor in the same manner and upon the same basis of valuation as though the purchaser held the record title to the property so sold. The board of county commissioners shall have authority to cancel any contract of sale if the purchaser shall fail to comply with any of the terms of such contract, and retain all payments paid thereon. The board of county commissioners may by agreement with the purchaser modify or extend any of the terms of any contracts of sale, but the total period of years shall not exceed ten (10) years. Any such sale made by the board of county commissioners of property acquired through tax deed shall, subject to the provisions of this section, vest in the purchaser all of the right, title and interest of the county in the property so sold, including all delinquent taxes which have become a lien on the property since the date of the tax sale certificate upon which any tax deed has been issued, with the exception of any liens for special assessments which are unsatisfied as to present and future principal and interest payments, and any penalties which are due, and such board shall have discretionary authority to reject or accept any bid which may be made for a less amount than the total amount of all delinquent taxes, penalties, and interest which may have accrued against any property so offered for sale, including the amount specified in the tax deed to the county. It shall be the duty of the board of county commissioners in advertising any property for sale, under this act, which has been acquired by tax deed to insert either before or after each description of real estate offered for sale the name of the taxpayer as it appears in the delinquent tax certificate upon which the tax deed held by the county was issued. Whenever a sale or transfer of any real estate acquired by tax deed has been under the provisions of
this section, the bidder for any such real estate, whether bidding for himself or for another, must include or add to such bid the additional sum of one dollar ($1.00), which sum shall be a fee for recording the deed conveying such real estate to the purchaser. No deed for any such real estate sold under the provisions of this section shall be delivered to a purchaser or his representative until such deed has been recorded in the county making the sale.

Provided, that any title to real property heretofore and/or hereafter acquired by any county under a tax deed, which in the judgment of the board of county commissioners is suitable for the production of trees and/or as a watershed, may be granted and conveyed by deed, to the United States of America by the county tax collector upon the order of the board of county commissioners. The said board of county commissioners shall appraise and determine the value of such real property immediately prior to the execution of the deed conveying the same to the United States of America. And the board of county commissioners shall accept from the United States of America for and on behalf of the county, as full compensation for each tract and parcel of such real property conveyed, title to stumpage having an approximate value equal to the appraised value of the real property described in the deed or conveyance. All stumpage acquired by the county under the provisions of this paragraph shall be sold by the board of county commissioners for a price which shall not be less than its approximate value at the time it was received by the county from the United States of America, and the proceeds of such sale of such stumpage shall be deposited in the county treasury for the use of the county. The execution by the county tax collector of the deed of conveyance to the United States of America conveying any tract or parcel of such real property shall operate to discharge and cancel all levies and/or liens for taxes made or created for the benefit of the state, county, school district or any taxing unit or district, and to cancel all titles or claims of title, including claims for redemption, to such real property, asserted or existing at the time of such execution. No public notice of the intention to convey title to any of the real property defined by this paragraph shall be necessary.

Provided further, that the board of county commissioners may, in their discretion, whenever they shall determine it is desirable and for the general welfare and benefit of the people of the county, grant and convey by deed to the United States of America or any agency thereof title in fee simple, or any other interest in and to any real estate owned by the
county, whether acquired by tax deed or otherwise, which may be required by the United States or such agency for electric transmission or distribution lines or facilities connected therewith. Before making any such conveyance, the board of county commissioners shall enter a resolution declaring the intention of such board to make a conveyance of real property under authority of this act, and shall cause notice thereof to be published in at least two (2) weekly issues of the official newspaper of said county before final action shall be taken, specifying the time and place where objections to such action may be filed and the time when such objections will be considered, provided, that if no newspaper is published in said county, such notice may be given by posting such notice in three (3) public places in the county, one (1) of which shall be at the county courthouse, in the place provided for posting similar notices, for a period of at least ten (10) days immediately preceding the time fixed for hearing of objections. If no objections are filed or objections are overruled, the board may then convey the real property proposed in said resolution to be conveyed, as herein authorized: such conveyance may be for such consideration as may be determined by said board.

Provided further that when any city desires to acquire lands, for the purpose of constructing and maintaining an aviation field, airport, hangars and other air navigation facilities thereon, as provided in chapter 4, title 21, Idaho Code, and the title to all or any portion of the lands so desired for such purpose not exceeding in area one thousand two hundred and eighty (1280) acres, is vested in any county under tax deed, said land so owned by the county, may be sold and conveyed to any such city for such purposes by the county owning the same at a price to be fixed by resolution of the board of county commissioners. No public notice of the intention of the county to sell and convey title to any city for such purposes shall be necessary.

Provided further, that the board of county commissioners may, in their discretion, without previous notice by advertisement or otherwise, grant to the state of Idaho, with or without compensation, for state highway purposes; or may convey, with or without consideration, to any junior college district, organized within the county under the provisions of sections 33-2101--33-2118, Idaho Code, or with or without consideration to any local historical society which is incorporated as an Idaho nonprofit corporation which operates primarily in the county or maintains a museum in the county, any real property owned by the county, not necessary for the use of the county, whether acquired by tax deed or
otherwise.

Provided further, that the board of county commissioners may, in their discretion and without previous notice by advertisement or otherwise, grant, with or without compensation, to any school district located partially or wholly within the county and created, existing or established pursuant to chapter 3 of title 33, Idaho Code, any real property, or interest in real property, owned by the county but not necessary for the use of the county, whether acquired by tax deed or otherwise.

The execution and delivery by the county of the deed conveying such property, right of way, or other interest in such property to the United States of America or any agency thereof, the state, city, school district, or junior college district or local historical society for such purposes, which shall be specified in the deed, shall operate to discharge and cancel all levies, liens and taxes made or created for the benefit of the state, county, school district and all other taxing units and to cancel all titles or claims of title including claims of redemption to such real property asserted or existing at the time of such conveyance, provided however, that notwithstanding the aforesaid, if any such conveyances are made and the property conveyed is subject to a lien for one or more unsatisfied special assessments the lien of any such unsatisfied special assessment shall continue until such special assessment shall have been paid in full. At no time shall a lien for a special assessment be extinguished prior to such special assessment having been paid in full.

Any real property conveyed to any local historical society by the county shall revert to the county when the property is no longer utilized for the purposes for which it was conveyed.

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, 1976.
CHAPTER 80
(H.B. No. 651)

AN ACT
RELATING TO REPORTING OF MEDICAL DISCIPLINARY ACTION;
REQUIRING ACUTE CARE HOSPITAL MEDICAL STAFFS TO REPORT
PHYSICIAN DISCIPLINE OR REDUCTION OF PRIVILEGES TO THE
BOARD OF MEDICINE WHEN PUBLIC INTEREST REQUIRES.

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

SECTION 1. The medical staff of any licensed acute care hospital in this state shall promptly notify the board of medicine of all disciplinary actions and revocations or reductions of privileges imposed upon any physicians and surgeons licensed to practice medicine and surgery in Idaho, as respects his or her practice in or as a member of the medical staff of such hospital, which notice shall be given at the close of proceedings and shall generally advise of the nature of and the grounds for such action and resulting disposition if the medical staff, acting by or through its duly authorized committee, board or officers, determines that the public interest will be served thereby. No person, hospital, corporation, firm or other entity or association shall be civilly or otherwise liable for providing notification required by this act, and such immunity shall likewise pertain to the provision of additional files, records and information in such cases as requested by the board of medicine or as such hospital may in its discretion elect to provide on its own initiative. Such materials provided the board shall be confidential and available only to the board and its staff unless and until the board otherwise so orders or such matter becomes the subject of formal proceedings by or before the board or authorized by it.

Approved March 10, 1976.
CHAPTER 81
(H.B. No. 618)

AN ACT
RELATING TO INDECENCY AND OBSCENITY; AMENDING SECTION 18-4101, IDAHO CODE, BY PROVIDING ADDITIONAL DEFINITIONS; AMENDING SECTION 18-4102, IDAHO CODE, BY PROVIDING ACTIVITIES WHICH SHALL BE EXEMPT FROM THE PROVISIONS OF THE ACT; AMENDING SECTION 18-4103, IDAHO CODE, BY PROVIDING EACH SALE OR DISTRIBUTION SHALL BE A SEPARATE OFFENSE; AMENDING CHAPTER 41, TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 18-4103A, IDAHO CODE, BY PROVIDING THAT ANY INDIVIDUAL INVOLVED IN THE ADVERTISEMENT OR PROMOTION OF OBSCENE MATTER SHALL BE GUILTY OF A MISDEMEANOR; AMENDING SECTION 18-4104, IDAHO CODE, BY PROVIDING THAT A PERSON WHO PROCURES, COUNSELS, OR ASSISTS ANY PERSON IN OBSCENE CONDUCT IS GUILTY OF A MISDEMEANOR; AMENDING CHAPTER 41, TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 18-4105A, IDAHO CODE, BY PROHIBITING A SELLER TO FORCE A BUYER OR CONSIGNEE TO ACCEPT MATTER DEEMED OBSCENE BY THE CONSIGNEE; AMENDING SECTION 18-4107, IDAHO CODE, BY AMENDING THE PENALTY FOR CONSPIRACY FROM A MISDEMEANOR TO A FELONY; AMENDING SECTION 18-4109, IDAHO CODE, BY PROVIDING PUNISHMENT FOR EACH SEPARATE OFFENSE; AMENDING SECTION 18-4110, IDAHO CODE, BY STRIKING PROVISIONS THAT EVIDENCE MUST ESTABLISH CONTEMPORARY COMMUNITY STANDARDS; REPEALING SECTION 18-4111, IDAHO CODE; AMENDING CHAPTER 41, TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 18-4111, IDAHO CODE, PROVIDING FOR SEARCH WARRANTS; REPEALING SECTION 18-4112, IDAHO CODE; AMENDING CHAPTER 41, TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 18-4112, IDAHO CODE, PROVIDING FOR CONTRABAND AND DESTRUCTION OF OBSCENE MATTER; AMENDING SECTION 18-4114, IDAHO CODE, PROVIDING THAT INJUNCTIONS MAY BE USED TO ENFORCE PROVISIONS OF THE ACT; AMENDING SECTION 18-1514, IDAHO CODE, BY PROVIDING ADDITIONAL DEFINITIONS OF MATTER HARMFUL TO YOUTHS; AND PROVIDING FOR PARTIAL INVALIDITY AND SEVERABILITY.

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

SECTION 1. That Section 18-4101, Idaho Code, be, and the same is hereby amended to read as follows:
18-4101. DEFINITIONS. The following definitions are applicable to this act:

(A) "Obscene" material means any matter:

(1) which the average person, applying contemporary community standards, would find, when considered as a whole, appeals to the prurient interest; and

(2) which depicts or describes patently offensive representations or descriptions of:
   (a) ultimate sexual acts, normal or perverted, actual or simulated; or
   (b) masturbation, excretory functions, or lewd exhibition of the genitals or genital area.

Nothing herein contained is intended to include or proscribe any matter which, when considered as a whole, and in the context in which it is used, possesses serious literary, artistic, political or scientific value.

In prosecutions under this act, where circumstances of production, presentation, sale, dissemination, or publicity indicate that the matter is being commercially exploited by the defendant for the sake of its prurient appeal, such evidence is probative with respect to the nature of the matter and can justify the conclusion that, in the context in which it is used, the matter has no serious literary, artistic, political, or scientific value.

(B) "Prurient interest" means a shameful or morbid interest in nudity, sex, or excretion, which goes substantially beyond customary limits of candor in description or representation of such matters. If it appears from the character of the material or the circumstances of its dissemination that the subject matter is designed for a specially susceptible audience or clearly defined deviant sexual group, the appeal of the subject matter shall be judged with reference to such audience or group.

(C) "Matter" or "material" means any book, maga-
zine, newspaper, or other printed or written material; or any picture, drawing, photograph, motion picture, or other pictorial representation; or any statue or other figure; or any recording, transcription, or mechanical, chemical, or electrical reproduction; or any other articles, equipment, machines, or materials.

(4) "Person" means any individual, partnership, firm, association, corporation, or other legal entity; or any agent or servant thereof.

(5) "Distribute" means to transfer possession of, whether with or without consideration, by any means.

(6) "Knowingly" means having actual or constructive knowledge of the character of the subject matter or live conduct. A person shall be deemed to have constructive knowledge of the character of the subject matter or live conduct if he has knowledge of facts which would put a reasonable and prudent man on notice as to the suspect nature of the matter, and the failure to inspect the contents is either for the purpose of avoiding such disclosure or is due to reckless conduct.

(7) "Reckless conduct" is conduct which consciously disregards a substantial and unjustifiable risk that matter may be obscene. The risk must be of such a nature and degree that, considering the nature and purpose of the actor's conduct and the circumstances known to him, its disregard involves a gross deviation from the standard of conduct that an average law-abiding person would observe in the actor's situation under like circumstances.

(8) "Exhibit" means to show or display.

(9) "Obscene live conduct" means any physical human body activity, whether performed or engaged in alone or with other persons, including but not limited to singing, speaking, dancing, acting, simulating, or pantomiming, where

1. the-dominant-theme--ef--such--conduc7--taken--as--a--whol8,
appeals--te-a-prurient-interest1--{3)--the-conduct-is-patently
effensive--because-it-affrets-temperary--community--stand--
dards--relating--te--the--description--er--representation--
sexual-matters1--and--{3)--the-conduct-is-utterly-without--
redeeming--social-value--in-prose6uctions-under-this-act,--where
circumstances--ef-production--presentation,--advertising--er
exhibition--indicate-that-live-conduct--is-being-commerially
exploited-by-the-defendant-fer--the--sake--ef--its--prurient
appeal,--such--evidence--is--reductive-with-respect-to-the
nature-of-the-conduct-and-can-justify--the--conclusion--that
the-conduct-is-utterly-without-redeeming-social-value;--

(1) the average person, applying contemporary community
standards, would find such conduct, when considered as a
whole, appeals to the prurient interest; and
(2) the conduct is patently offensive because it con-
sists of:
(a) ultimate sexual acts, normal or perverted,
actual or simulated; or
(b) masturbation, excretory functions, or lewd
exhibition of the genitals or genital area.

Nothing herein contained is intended to include or proscribe
any conduct which, when considered as a whole, and in the
context in which it is used, possesses serious literary,
artistic, political or scientific value. In prosecutions
under this act, where circumstances of production, presenta-
tion, advertising, or exhibition indicate that live conduct
is being commercially exploited by the defendant for the
sake of its prurient appeal, such evidence is probative with
respect to the nature of the conduct and can justify the
conclusion that, in the context in which it is used, the
matter has no serious literary, artistic, political or
scientific value.

SECTION 2. That Section 18-4102, Idaho Code, be, and
the same is hereby amended to read as follows:

18-4102. AFFIRMATIVE DEFENSE. It is not innocent but
calculated purveyance which is prohibited. This act shall
not apply to any persons who may possess or distribute
obscene matter or participate in conduct otherwise
proscribed by this act when such possession, distribution,
or conduct occurs in-the-course-of-law-enforcement-and-judici-
eial-activities-or-in-the-course-of-bona-fide-school-,--college-,--university-,--museum-or-public-library-activities-or-in
the-course-of-employment-of-such-an-organization-or-a-retail
outlet-affiliated-with-and-serving-the-educational--purposes
of-such-an-organization--or-in-the-course-of-employment-as-a
moving-picture-machine-operator,-or-assistant-operator-in-a
motion-picture-theater-in-connection-with-a-motion-picture
film-or-show-exhibited-in-such-theater-if-such--operator--or
assistant--operator--has-no-financial-interest-in-the-motion
picture-theater-wherein-he-is-so-employed--other--than--his
wages--received-er-owed-or-like-circumstances-of-justification
where-the-possession-,--distribution-,--or-conduct--is--not
limited--to--the-subject-matter's-appeal-to-prurient-interests:

(A) within the scope of employment of law enforcement
and judicial activities; or

(B) within the scope of employment of bona fide school,
college, university, museum or public library activities or
within the scope of employment of such an organization or a retail outlet affiliated with and serving the educational purposes of such an organization; or

(C) within the scope of employment as a moving picture machine operator, assistant operator, usher, or ticket taker in a motion picture theater in connection with a motion picture film or show exhibited in such theater, if such operator or assistant operator has no financial interest in the motion picture theater wherein he is so employed other than his wages received or owed, and such person consents to give testimony regarding such employment in all judicial proceedings brought under this act, when granted immunity by the trial judge; or

(D) under like circumstances of justification where the possession, distribution or conduct possesses serious literary, artistic, political or scientific value.

If this issue is not presented by the prosecution's evidence, the defendant may raise the same as an affirmative defense by presenting some evidence thereon. Where raised, the prosecution must sustain the burden of proving the defendant guilty beyond a reasonable doubt as to that issue.

SECTION 3. That Section 18-4103, Idaho Code, be, and the same is hereby amended to read as follows:

18-4103. GENERAL SALE OR DISTRIBUTION, ETC., OF OBSCENE MATTER -- PENALTY. Every person in this state who knowingly: brings or causes to be brought into this state for sale or distribution; or in this state prepares for distribution, publishes, prints, exhibits, distributes, or offers to distribute; or has in his possession with intent to distribute, exhibit, or offer to distribute, any obscene matter is guilty of a misdemeanor. Each sale, distribution, etc., is a separate violation.

SECTION 4. That Chapter 41, 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 18-4103A, Idaho Code, and to read as follows:

18-4103A. ADVERTISEMENT, PROMOTION OF SALE, ETC., OF MATTER REPRESENTED TO BE OBSCENE -- PENALTY. Every person who writes, creates, or solicits the publication or distribution of advertising or other promotional material for, or who otherwise advertises or promotes the sale, distribution, or exhibition of matter represented or held out by him to be obscene, whether or not such matter exists in fact, or is
obscene, is guilty of a misdemeanor.

SECTION 5. That Section 18-4104, Idaho Code, be, and the same is hereby amended to read as follows:

18-4104. PARTICIPATION IN, OR PRODUCTION OR PRESENTATION OF, OBSCENE LIVE CONDUCT IN PUBLIC PLACE -- PENALTY. (A) Every person who knowingly engages or participates in, manages, produces, sponsors, presents, or exhibits obscene live conduct to or before an assembly or audience consisting of at least one (1) person or spectator in any public place, or in any place exposed to public view, or in any place open to the public or to a segment thereof, whether or not an admission fee is charged, or whether or not attendance is conditioned upon the presentation of a membership card or other token, is guilty of a misdemeanor.

(B) Every person who procures, counsels, or assists any person to engage in such conduct, or who knowingly exhibits, or procures, counsels, or assists in the exhibition of a motion picture, television production, or other mechanical reproduction containing such conduct, is guilty of a misdemeanor.

SECTION 6. That Chapter 41, 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 18-4105A, Idaho Code, and to read as follows:

18-4105A. REQUIRING PURCHASER OR CONSIGNEE TO RECEIVE OBSCENE MATTER AS CONDITION TO SALE, ETC. -- PENALTY. Every person, who, knowingly, as a condition to a sale, allocation, consignment, or delivery for resale of any paper, magazine, book, periodical, publication or other merchandise, requires that the purchaser or consignee receive any matter reasonably believed by the purchaser or consignee to be obscene, or who denies or threatens to deny a franchise, revokes or threatens to revoke, or imposes any penalty, financial or otherwise, by reason of the failure of any person to accept such matter, or by reason of the return of such matter, is guilty of a misdemeanor.

SECTION 7. That Section 18-4107, Idaho Code, be, and the same is hereby amended to read as follows:

18-4107. CONSPIRACY -- PENALTY. A conspiracy of two (2) or more persons to commit any of the crimes proscribed by this act is punishable as a misdemeanor felony. Any court
having jurisdiction of the conspiracy crime has concurrent jurisdiction to try all misdemeanor crimes committed in furtherance of the conspiracy.

SECTION 8. That Section 18-4109, Idaho Code, be, and the same is hereby amended to read as follows:

18-4109. PUNISHMENT FOR VIOLATIONS. The following punishments are applicable to this act:

Every person who violates section--{sections} 18-4103, 18-4104 or 18-4105, Idaho Code, is punishable by a fine of not more than three hundred dollars ($300), or by imprisonment in the county jail for not more than six (6) months, or by both such fine and imprisonment for each separate violation. If such person has twice been convicted within the immediately preceding two (2) years for any offense contained in chapter 41, title 18, Idaho Code, and these convictions were for offenses which occurred ten (10) or more days apart, a third or subsequent violation of sections 18-4103, 18-4104 or 18-4105, Idaho Code, within this two (2) year period is punishable as a felony.

SECTION 9. That Section 18-4110, Idaho Code, be, and the same is hereby amended to read as follows:

18-4110. EXPERT WITNESS TESTIMONY -- ADMISSIBILITY OF EVIDENCE. In any prosecution for a violation of the provisions of this act, neither the prosecution nor the defense shall be required to introduce expert witness testimony concerning the obscene or harmful character of the matter which is the subject of any such prosecution. Any evidence which tends to establish contemporary community standards of appeal to prurient interest or of customary limits of candor in the description or representation of nudity, sex, or excretion or which bears upon the question of redeeming social value, shall subject to the provisions of title 4 of the Idaho Code be admissible when offered by either the prosecution or the defense.

SECTION 10. That Section 18-4111, Idaho Code, be, and the same is hereby repealed.

SECTION 11. That Chapter 41, 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 18-4111, Idaho Code, and to read as follows:
18-4111. SEARCH WARRANT FOR SEIZURE OF OBSCENE MATERIAL. (A) An affidavit for a search warrant shall be filed with the magistrate describing the matter sought to be seized in detail. Where practical, the matter alleged to be obscene shall be attached to the affidavit for search warrant so as to afford the magistrate the opportunity to examine such material.

(B) Upon the filing of an affidavit for a search warrant, the magistrate shall determine, by examination of the matter sought to be seized, if attached, by an examination of the affidavit describing the matter, or by such other manner or means that he deems necessary, if probable cause exists to believe that the matter is obscene and that probable cause exists for the immediate issuance of a search warrant. Upon making such determination, he shall issue a search warrant ordering the seizure of the matter described in the affidavit for a search warrant according to the provisions of Idaho criminal rules of procedure.

(C) In the event that a search warrant is issued and matter alleged to be obscene is seized under the provisions of this section, any person alleged to be in possession of the said matter or claiming ownership of the matter at the time of its possession or seizure may file a notice in writing with the magistrate within ten (10) days of the date of the seizure alleging that the matter is not obscene and the magistrate shall set a hearing within one (1) day after request therefore, or at such time as the requesting party might agree, and at such hearing evidence may be presented as to the obscenity or nonobscenity of the matter seized and at the conclusion of such hearing, the magistrate shall make a further determination of whether probable cause exists to believe that the matter is obscene or nonobscene. A decision as to whether there is probable cause to believe the seized material to be obscene shall be rendered by the court within two (2) days of the conclusion of said hearing. If at such hearing the magistrate finds that no probable cause exists to believe that the matter is obscene, then the matter shall be returned to the person or persons from whom it was seized.

(D) If a motion to suppress the evidence is granted on the grounds of an unlawful seizure, the property shall be restored unless it is subject to confiscation as contraband, as provided for in section 18-4112, Idaho Code, in which case it shall not be returned.

(E) When a search warrant is issued under the provisions of this section, only that matter described in the complaint shall be seized by the executing peace officer or
officers.

(F) Procedures under this section for the seizure of allegedly obscene matter shall be cumulative of all other lawful means of obtaining evidence as provided by the laws of this state. Nothing contained in this section shall prevent the obtaining of alleged obscene matter by purchase or under injunction proceedings as authorized by this act or by any other statute of the state of Idaho.

SECTION 12. That Section 18-4112, Idaho Code, be, and the same is hereby repealed.

SECTION 13. That Chapter 41, 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 18-4112, Idaho Code, and to read as follows:

18-4112. CONTRABAND. Destruction of obscene matter or advertisement of matter represented to be obscene:

(A) Obscene matter and advertisements for matter represented to be obscene are contraband and shall be destroyed.

(B) Upon the conviction of the accused or rendition of a court order declaring such matter to be contraband and subject to confiscation, the court shall, when such judgments become final, and all appeal procedures have terminated, order, upon five (5) days' notice to the defendant, any matter or advertisement, in respect whereof the accused stands convicted, and which remains in the possession or under the control of the prosecuting attorney or any law enforcement agency, to be destroyed, and the court shall cause to be destroyed any such material in its possession or under its control, retaining only such copies as are necessary for law enforcement purposes.

SECTION 14. That Section 18-4114, Idaho Code, be, and the same is hereby amended to read as follows:

18-4114. ENFORCEMENT BY INJUNCTION, ETC. The district courts of this state and the judges thereof shall have full power, authority, and jurisdiction, upon application by any county prosecutor or city attorney within their respective jurisdictions, or the attorney general, to issue any and all proper restraining orders, temporary and permanent injunctions, and any other writs and processes appropriate to carry out and enforce the provisions of this act. Such restraining orders or injunctions may issue to prevent any person from violating any of the provisions of this act, in
addition to those powers provided under title 52 of the Idaho Code. However, no restraining order or injunction shall issue except upon notice to the person sought to be enjoined. Such person shall be entitled to a trial of the issues within one (1) day after filing of an answer to the complaint and a decision shall be rendered by the court within two (2) days of the conclusion of the trial. In the event that a final order or judgment of injunction be entered against the person sought to be enjoined, such final order or judgment shall contain a provision directing the person to surrender to the sheriff of the county in which the action was brought any obscene matter in his possession which is subject to such injunction and such sheriff shall be directed to seize and destroy such matter.

SECTION 15. That Section 18-1514, Idaho Code, be, and the same is hereby amended to read as follows:

18-1514. OBSCENE MATERIALS -- DEFINITIONS. The following definitions are applicable to this act:

1. "Minor" means any person less than eighteen (18) years of age.

2. "Nudity" means the showing of the human male or female genitals, pubic area or buttocks with less than a full opaque covering, or the showing of the female breast with less than a full opaque covering of any portion thereof below the top of the nipple, or the depiction of covered male genitals in a discernibly turgid state.

3. "Sexual conduct" means any act of masturbation, homosexuality, sexual intercourse, or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks or, if such person be a female, the breast.

4. "Sexual excitement" means the condition of human male or female genitals when in a state of sexual stimulation or arousal.

5. "Sado-masochistic abuse" means flagellation or torture by or upon a person who is nude or clad in undergarments, a mask or bizarre costume, or the condition of being fettered, bound or otherwise physically restrained on the part of one who is nude or so clothed.

6. "Harmful to minors" includes in its meaning one or both of the following:

(a) The quality of any material or of any performance or of any description or representation, in whatever form, of nudity, sexual conduct, sexual excitement, or sado-masochistic abuse, when it:

{i}--predominantly--appeals-to-the-prurient, shameful-or
morbid-interests-of-minors, and (2) is patently offensive to prevailing standards in the adult community as a whole, with respect to what is suitable material for minors, and (3) is utterly without redeeming social importance for minors.

(1) appeals to the prurient interest of minors as judged by the average person, applying contemporary community standards; and

(2) depicts or describes representations or descriptions of nudity, sexual conduct, sexual excitement, or sado-masochistic abuse which are patently offensive to prevailing standards in the adult community with respect to what is suitable material for minors and includes, but is not limited to, patently offensive representations or descriptions of:

(i) intimate sexual acts, normal or perverted, actual or simulated; or

(ii) masturbation, excretory functions or lewd exhibition of the genitals or genital area. Nothing herein contained is intended to include or proscribe any matter which, when considered as a whole, and in context in which it is used, possesses serious literary, artistic, political or scientific value for minors, according to prevailing standards in the adult community, with respect to what is suitable for minors.

(b) The quality of any material or of any performance or of any description or representation, in whatever form, which, as a whole, has the dominant effect of substantially arousing sexual desires in persons under the age of eighteen (18) years.

7. "Material" means anything tangible which is harmful to minors, whether derived through the medium of reading, observation or sound.

8. "Performance" means any play, motion picture, dance or other exhibition performed before an audience.

9. "Promote" means to manufacture, issue, sell, give, provide, deliver, publish, distribute, circulate, disseminate, present, exhibit or advertise, or to offer or agree to do the same.

10. "Knowingly" means having general knowledge of, or reason to know, or a belief or reasonable ground for belief which warrants further inspection or inquiry.

SECTION 16. If any phrase, clause, sentence, section, or provision of this act or application thereof to any person or circumstance is held invalid, such invalidity shall not affect any other phrase, clause, sentence,
section, provision, or application of this act which can be given effect without the invalid phrase, clause, sentence, section, provision, or application and to this end the provisions of this act are declared to be severable.

Approved March 10, 1976.
CHAPTER 82
(H.B. No. 620)

AN ACT
RELATING TO PUBLIC NUISANCES; REPEALING CHAPTER 1, TITLE 52, IDAHO CODE; AMENDING TITLE 52, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER TO BE KNOWN AND DESIGNATED AS CHAPTER 1, TITLE 52, IDAHO CODE, DEFINING THE TERM NUISANCE; DEFINING PUBLIC NUISANCE; DEFINING MORAL NUISANCES; DEFINING TYPES OF MORAL NUISANCES; DECLARING PERSONAL PROPERTY USED IN CONDUCTING AND MAINTAINING A MORAL NUISANCE TO BE A MORAL NUISANCE; DEFINING GAMBLING AS A MORAL NUISANCE; DEFINING PRIVATE NUISANCE; PROVIDING ANY ACTION UNDERTAKEN UPON AUTHORITY OF LAW SHALL NOT BE DEEMED A NUISANCE; PROVIDING THAT SUCCESSIVE OWNERS OF PROPERTY WHO NEGLECT TO ABATE A NUISANCE SHALL BE LIABLE; PROVIDING ABATEMENT DOES NOT PRECLUDE RECOVERY OF DAMAGES; PROVIDING ACTIONS FOR NUISANCES; REPEALING CHAPTER 4, TITLE 52, IDAHO CODE; AMENDING TITLE 52, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER TO BE KNOWN AND DESIGNATED AS CHAPTER 4, TITLE 52, IDAHO CODE, PROVIDING FOR CUMULATIVE REMEDIES IN THE ABATEMENT OF MORAL NUISANCES; PROVIDING WHO MAY MAINTAIN ACTIONS AGAINST MORAL NUISANCES; REQUIRING A BOND BE FILED BY A PRIVATE INDIVIDUAL MAINTAINING AN ACTION; PROVIDING FOR THE FILING OF AN ACTION IN A COURT WITHIN THE COUNTY WHERE THE ALLEGED NUISANCE OCCURS; PROVIDING FOR A TEMPORARY INJUNCTION; RESTRAINING INDIVIDUALS FROM REMOVING PROPERTY FROM THE PREMISES ON WHICH AN ALLEGED NUISANCE TAKES PLACE ONCE A TEMPORARY INJUNCTION HAS BEEN ISSUED; PROVIDING SERVICE OF AN ORDER; PROVIDING FOR VIOLATIONS OF AN ORDER; PROVIDING NOTICE OF HEARING FOR A TEMPORARY INJUNCTION; PROVIDING FOR A TEMPORARY FORFEITURE OF THE USE OF REAL PROPERTY AND PERSONAL PROPERTY LOCATED THEREIN; PROVIDING CONDITIONS FOR REENTRY AND REPOSSESSION; PROVIDING THAT UPON A DETERMINATION OF GOOD FAITH THAT THE OWNER SHALL ABATE THE NUISANCE OR THAT THE OWNER HAD NO KNOWLEDGE OF THE NUISANCE THE COURT REFRAIN FROM ISSUING A CLOSING ORDER OR IF THE ORDER HAS BEEN ISSUED SHALL DISCHARGE THE ORDER; PROVIDING A PRIORITY OF ORDER FOR NUISANCE CASES BEFORE THE COURTS; ALLOWING ADMISSIONS OR GUILTY DETERMINATIONS OF OTHER CRIMINAL LAWS TO BE ADMITTED TO DETERMINE THE EXISTENCE OF A NUISANCE; PROVIDING THAT SUCH EVIDENCE SHALL BE CONSIDERED
Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Chapter 1, Title 52, Idaho Code, be, and the same is hereby repealed.

SECTION 2. That Title 52, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 1, Title 52, Idaho Code, and to read as follows:

TITLE 52
CHAPTER 1
NUISANCES IN GENERAL

52-101. NUISANCE DEFINED. Anything which is injurious to health or morals, or is indecent, or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, stream, canal, or basin, or any public park, square, street, or highway, is a nuisance.

52-102. PUBLIC NUISANCE. A public nuisance is one which affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal.
52-103. MORAL NUISANCES -- DEFINITIONS. As used in title 52, Idaho Code, relating to moral nuisances.

(A) "Knowledge" or "knowledge of such nuisance" means having knowledge of the contents and character of the patently offensive sexual conduct which appears in the lewd matter, or knowledge of the acts of lewdness, assignation, or prostitution which occur on the premises.

(B) "Lewd matter" is synonymous with "obscene matter" and means any matter:

1. which the average person, applying contemporary community standards, would find, when considered as a whole, appeals to the prurient interest; and
2. which depicts or describes patently offensive representations or descriptions of:
   a. ultimate sexual acts, normal or perverted, actual or simulated; or
   b. masturbation, excretory functions, or lewd exhibition of the genitals or genital area.

Nothing herein contained is intended to include or proscribe any matter which, when considered as a whole, and in the context in which it is used, possesses serious literary, artistic, political or scientific value.

(C) "Lewdness" shall have and include all those meanings which are assigned to it under the common law.

(D) "Matter" means a motion picture film or a publication or both.

(E) "Moral Nuisance" means a nuisance which is injurious to public morals.

(F) "Motion picture film" shall include any:
1. film or plate negative;
2. film or plate positive;
3. film designed to be projected on a screen for exhibition;
4. films, glass slides or transparencies, either in negative or positive form, designed for exhibition by projection on a screen.
5. video tape or any other medium used to electronically reproduce images on a screen.

(G) "Person" means any individual, partnership, firm, association, corporation, or other legal entity.

(H) "Place" includes, but is not limited to, any building, structure or places, or any separate part or portion thereof, whether permanent or not, or the ground itself.

(I) "Publication" shall include any book, magazine, article, pamphlet, writing, printing, illustration, picture,
sound recording, or a motion picture film which is offered for sale or exhibited in a coin-operated machine.

(J) "Sale" means a passing of title or right of possession from a seller to a buyer for valuable consideration, and shall include, but is not limited to, any lease or rental arrangement or other transaction wherein or whereby any valuable consideration is received for the use of, or transfer or possession of, lewd matter.

52-104. MORAL NUISANCES -- TYPES. The following are declared to be moral nuisances:

(A) Any and every place in the state where lewd films are publicly exhibited as a regular course of business, or possessed for the purpose of such exhibition;

(B) Any and every place in the state where a lewd film is publicly and repeatedly exhibited, or possessed for the purpose of such exhibition;

(C) Any and every lewd film which is publicly exhibited, or possessed for such purpose at a place which is a moral nuisance under this section;

(D) Any and every place of business in the state in which lewd publications constitute a principal part of the stock in trade;

(E) Any and every lewd publication possessed at a place which is a moral nuisance under this section; and

(F) Every place which, as a regular course of business, is used for the purposes of lewdness, assignation, or prostitution, and every such place in or upon which acts of lewdness, assignation, or prostitution, are held or occur.

52-105. MORAL NUISANCES -- PERSONAL PROPERTY -- KNOWLEDGE OF NUISANCE. The following are also declared to be moral nuisances, as personal property used in conducting and maintaining a moral nuisance:

(A) All monies paid as admission price to the exhibition of any lewd film found to be a moral nuisance.

(B) All valuable consideration received for the sale of any lewd publication which is found to be a moral nuisance.

(C) The furniture and movable contents of a place which is a moral nuisance.

From and after service of a copy of the notice of hearing of the application for a preliminary injunction, provided for in section 52-405, Idaho Code, upon the place, or its manager, or acting manager, or person then in charge, all such parties are deemed to have knowledge of the acts, conditions or things which make such place a moral nuisance. Where the circumstantial proof warrants a determination that
a person had knowledge of the moral nuisance prior to such service of process, the court shall make such finding.

52-106. MORAL NUISANCES -- BUILDING WHERE GAMBLING IS CARRIED ON. Any building, place, or the ground itself, wherein or whereon gambling or any game of chance for money, checks, credit or other representatives of value is carried on or takes place, or gambling paraphernalia is kept, or any notice, sign or device advertising or indicating the existence or presence of such gambling or any game of chance is displayed or exposed to view, is declared a moral nuisance and shall be enjoined and abated as provided by law.

52-107. PRIVATE NUISANCE. Every nuisance not defined by law as a public nuisance or a moral nuisance, is private.

52-108. WHEN NOT A NUISANCE. Nothing which is done or maintained under the express authority of a statute can be deemed a nuisance.

52-109. LIABILITY OF SUCCESSIVE OWNERS FOR CONTINUING NUISANCE. Every successive owner of property who neglects to abate a continuing nuisance upon, or in the use of such property, created by a former owner, is liable therefor in the same manner as the one who first created it.

52-110. ABATEMENT DOES NOT PRECLUDE ACTION. The abatement of a nuisance does not prejudice the right of any person to recover damages for its past existence.

52-111. ACTIONS FOR NUISANCE. Anything which is injurious to health or morals, or indecent, or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property, is a nuisance and the subject of an action. In the case of a moral nuisance, the action may be brought by any resident citizen of the county; in all other cases the action may be brought by any person whose property is injuriously affected, or whose personal enjoyment is lessened by the nuisance; and by the judgment the nuisance may be enjoined or abated, as well as damages recovered.

SECTION 3. That Chapter 4, Title 52, Idaho Code, be, and the same is hereby repealed.

SECTION 4. That Title 52, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER,
to be known and designated as Chapter 4, Title 52, Idaho Code, and to read as follows:

CHAPTER 4
MORAL NUISANCES -- ACTION FOR
INJUNCTION AND ABATEMENT

52-401. CUMULATIVE REMEDY. In addition to any other remedy provided by law, any act, occupation, structure or thing which is a moral nuisance, may be abated, and the person doing such act or engaged in such occupation, and the owner and agent of the owner of any such structure or thing may be enjoined, as in this chapter provided.

52-402. WHO MAY MAINTAIN ACTION. The attorney general, prosecuting attorney, or any private resident citizen of the county may maintain an action of an equitable nature, as relator, in the name of the state of Idaho, to abate a moral nuisance, perpetually to enjoin all persons from maintaining the same, and to enjoin the use of any structure or thing adjudged to be a moral nuisance.

If such action is instituted by a private person, the complainant shall execute a bond prior to the issuance of a restraining order or a temporary injunction, with good and sufficient surety to be approved by the court or clerk thereof, in the sum of not less than five hundred dollars ($500), to secure to the party enjoined the damages he may sustain if such action is wrongfully brought, not prosecuted to final judgment, or is dismissed, or is not maintained, or if it is finally decided that the restraining order or temporary injunction ought not to have been granted. The party enjoined shall have recourse against said bond for all damages suffered, including damages to his property, person, or character and including reasonable attorney's fees incurred by him in making defense to said action. No bond shall be required of the prosecuting attorney or the attorney general, and no action shall be maintained against the public official for his official action when brought in good faith.

52-403. PLEADINGS -- JURISDICTION -- VENUE -- APPLICATION FOR TEMPORARY INJUNCTION. The action, provided for in this chapter, shall be brought in any court of competent jurisdiction in the county in which the property is located. Such action shall be commenced by the filing of a verified complaint alleging the facts constituting the nuisance. After the filing of said complaint, application for a temporary injunction may be made to the court in which the action
is filed, or to a judge thereof, who shall grant a hearing within ten (10) days after the filing.

52-404. ORDER RESTRAINING REMOVAL OF PERSONAL PROPERTY FROM PREMISES -- SERVICE -- PUNISHMENT. Where such application for a temporary injunction is made, the court may, on application of the complainant showing good cause, issue an ex parte restraining order, restraining the defendant and all other persons from removing or in any manner interfering with the personal property and contents of the place where such nuisance is alleged to exist, until the decision of the court or judge granting or refusing such temporary injunction and until the further order of the court thereon, except that, pending such decision, the stock in trade may not be so restrained, but an inventory and full accounting of all business transactions thereafter may be required.

The restraining order may be served by handing to and leaving a copy of such order with any person in charge of such place or residing therein, or by posting a copy thereof in a conspicuous place at or upon one or more of the principal doors or entrances to such place, or by both such delivery and posting. The officer serving such restraining order shall forthwith make and return into court an inventory of the personal property and contents situated in and used in conducting or maintaining such nuisance.

Any violation of such restraining order is a contempt of court, and where such order is posted, mutilation or removal thereof, while the same remains in force, is a contempt of court, provided such posted order contains therein a notice to that effect.

52-405. NOTICE OF HEARING ON TEMPORARY INJUNCTION -- CONSOLIDATION. A copy of the complaint, together with a notice of the time and place of the hearing of the application for a temporary injunction, shall be served upon the defendant at least five (5) days before such hearing. The place may also be served by posting such papers in the same manner as is provided for in section 52-404, Idaho Code, in the case of a restraining order. If the hearing is then continued at the instance of any defendant, the temporary writ as prayed shall be granted as a matter of course.

Before or after the commencement of the hearing of an application for a temporary injunction, the court, on application of either of the parties or on its own motion, may order the trial of the action on the merits to be advanced and consolidated with the hearing on the application for the temporary injunction. Any evidence received upon an applica-
tion for a temporary injunction which would be admissible upon the trial on the merits becomes a part of the record of the trial and need not be repeated as to such parties at the trial on the merits.

52-406. RIGHT TO POSSESSION OF REAL PROPERTY AND PERSONAL PROPERTY AFTER HEARING ON THE TEMPORARY INJUNCTION -- CONDITIONS FOR AVOIDANCE OF TEMPORARY FORFEITURE. If upon hearing, the allegations of the complaint are sustained to the satisfaction of the court, the court shall issue a temporary injunction, without additional bond, restraining the defendant and any other person from continuing the nuisance.

If at the time the temporary injunction is granted, it further appears that the person owning, in control, or in charge of the nuisance so enjoined had received five (5) days' notice of the hearing, then the court shall declare a temporary forfeiture of the use of the real property upon which such public nuisance is located and the personal property located therein and shall forthwith issue an order closing such place against its use for any purpose until final decision is rendered on the application for a permanent injunction, unless:

(1) the person owning, in control, or in charge of such nuisance shows to the satisfaction of the court or judge, by competent and admissible evidence which is subject to cross-examination, that the nuisance complained of has been abated by such person, or

(2) the owner of such property, as a "good faith" lessor, has taken action to void said lease as is authorized by section 52-414, Idaho Code.

Such order shall also continue in effect for such further period the order, authorized in section 52-404, Idaho Code, restraining the removal of personal property or, if not so issued, shall include such an order restraining for such period the removal or interference with the personal property and contents located therein. Such restraining order shall be served and the inventory of such property shall be made and filed as provided for in section 52-404, Idaho Code.

Such order shall also require such persons to show cause within thirty (30) days why such closing order should not be made permanent, as provided for in section 52-412, Idaho Code.

52-407. RIGHT TO POSSESSION OF REAL PROPERTY AND PERSONAL PROPERTY AFTER FINDING OF PUBLIC NUISANCE -- CONDI-
TIONS FOR REENTRY AND REPOSSESSION. The owner of any real or personal property to be closed or restrained, or which has been closed or restrained, may appear between the filing of the complaint and the hearing on the application for a permanent injunction, and upon payment of all cost incurred and upon the filing of a bond by the owner of the real property with sureties to be approved by the clerk in the full value of the property to be ascertained by the court, conditioned that such owner will immediately abate the nuisance and prevent the same from being established or kept, until the decision of the court is rendered on the application for a permanent injunction, then the court, if satisfied of the good faith of the owner of the real property and of the innocence on the part of any owner of the personal property of any knowledge of the use of such personal property as a nuisance and that, with reasonable care and diligence, such owner could not have known thereof shall, at the time of the hearing on the application for the temporary injunction, refrain from issuing any order closing such real property or restraining the removal or interference with such personal property, and, if such temporary injunction has already been issued, shall discharge said order and shall deliver such real or personal property, or both, to the respective owners thereof. The release of any real or personal property, under this section, shall not release it from any judgment, lien, penalty, or liability to which it may be subjected.

52-408. PRIORITY OF ACTION. The action provided for in this chapter shall be set down for trial at the first term of the court and shall have precedence over all other cases except crimes, election contests, or injunctions.

52-409. EVIDENCE. In such action, an admission or finding of guilty of any person under the criminal laws against lewdness, prostitution, or assignation at any such place, is admissible for the purpose of proving the existence of said nuisance, and is prima facie evidence of such nuisance and of knowledge of, and of acquiescence and participation therein, on the part of the person charged with maintaining said nuisance.

52-410. EVIDENCE OF REPUTATION ADMISSIBLE. At all hearings upon the merits, evidence of the general reputation of the building or place constituting the alleged nuisance, of the inmates thereof, and of those resorting thereto, is admissible for the purpose of proving the existence of such nuisance.
52-411. COSTS. If the action is brought by a private person and the court finds that there were no reasonable grounds or probable cause for bringing said action, and the case is dismissed for that reason before trial, or if the action is dismissed for want of prosecution, the costs may be taxed to such person.

If the existence of the nuisance is established upon the trial, a judgment shall be entered which shall perpetually enjoin the defendant and any other person from further maintaining the nuisance at the place complained of, and the defendant from maintaining such nuisance elsewhere, and the entire expenses of such abatement, including attorney's fees, shall be recoverable by plaintiff as a part of his costs of the lawsuit.

If the complaint is filed by a private person, it shall not be voluntarily dismissed except upon a sworn statement by the complainant and his attorney, setting forth the reason why the action should be dismissed and the dismissal approved by the prosecuting attorney in writing or in open court. If the judge is of the opinion that the action ought not to be dismissed, he may direct the prosecuting attorney to prosecute said action to judgment at the expense of the county, and if the action is continued more than one (1) term of court, any person who is a citizen of the county, or has an office therein, or the attorney general or the prosecuting attorney, may be substituted for the complainant and prosecute said action to judgment.

52-412. CONTENT OF FINAL JUDGMENT AND ORDER. If the existence of a nuisance is admitted or established in an action as provided for in this chapter, an order of abatement shall be entered as a part of the judgment in the case, which order shall direct the removal from the place of all personal property and contents used in conducting the nuisance, and not already released under authority of the court, as provided for in sections 52-406 and 52-407, Idaho Code, and shall direct the sale of such thereof as belong to the defendants notified or appearing, in the manner provided for the sale of chattels under execution. Lewd matter shall be destroyed and not be sold.

Such order shall also require the renewal for one (1) year of any bond furnished by the owner of the real property, as provided in section 52-407, Idaho Code, or, if not so furnished, shall continue for one (1) year any closing order issued at the time of granting the temporary injunction, or, if no such closing order was then issued, shall include an order directing the effectual closing of the
place against its use for any purpose, and keeping it closed for a period of one (1) year unless sooner released.

The owner of any place closed and not released under bond may then appear and obtain such release in the manner and upon fulfilling the requirements provided in section 52-407, Idaho Code.

Owners of unsold personal property and contents so seized must appear and claim the same within ten (10) days after such order of abatement is made, and prove innocence, to the satisfaction of the court, of any knowledge of said use thereof, and that with reasonable care and diligence they could not have known thereof. If such innocence is established, such unsold personal property and contents shall be delivered to the owner, otherwise it shall be sold as provided in this section. For removing and selling the personal property and contents, the officer shall be entitled to charge and receive the same fees as he would for levying upon and selling like property on execution; and for closing the place and keeping it closed, a reasonable sum shall be allowed by the court.

52-413. COURT SHALL PUNISH OFFENDER FOR VIOLATION OF INJUNCTION OR ORDER. In case of the violation of any injunction or closing order, granted under this chapter, or of a restraining order or the commission of any contempt of court in proceedings under this chapter, the court may summarily try and punish the offender. The trial may be had upon affidavits or either party may demand the production and oral examination of the witnesses.

52-414. LEASE VOID IF BUILDING USED FOR LEWD PURPOSES. If a tenant or occupant of a building or tenement, under a lawful title, uses such place for the purposes of lewdness, assignation, or prostitution, such use makes void the lease or other title under which he holds, at the option of the owner, and, without any act of the owner, causes the right of possession to revert and vest in such owner, who may without process of law make immediate entry upon the premises.

52-415. CIVIL PENALTY -- FORFEITURE -- ACCOUNTING LIEN AS TO EXPENSES OF ABATEMENT. Lewd matter is contraband, and there are no property rights therein. All personal property declared to be a moral nuisance in section 52-104, Idaho Code, and all monies and other considerations declared to be a moral nuisance under section 52-105, Idaho Code, are the subject of forfeiture to the local government and are
recoverable as damages in the county wherein such matter is sold, exhibited or otherwise used. Such monies may be traced to and shall be recoverable from persons who, under section 52-405, Idaho Code, have knowledge of the nuisance at the time such monies are received by them.

Upon judgment against the defendants in legal proceedings brought pursuant to this chapter, an accounting shall be made by such defendant or defendants of all monies received by them which have been declared to be a public nuisance under this section. An amount equal to the sum of all monies estimated to have been taken in as gross income from such unlawful commercial activity shall be forfeited to the general funds of the city and county governments wherein such matter is sold or exhibited, to be shared equally, as a forfeiture of the fruits of an unlawful enterprise, and as partial restitution for damages done to the public welfare, public health and public morals.

Where the action is brought pursuant to this chapter, special injury need not be proven, and the costs of abatement are a lien on both the real and personal property used in maintaining the nuisance. Costs of abatement include, but are not limited to the following:

1. investigative costs.
2. court costs.
3. reasonable attorney's fees arising out of the preparation for, and trial of the cause, and appeals therefrom, and other costs allowed on appeal.
4. printing costs of trial and appellate briefs, and all other papers filed in such proceedings.

52-416. IMMUNITY. The provisions of any criminal statutes with respect to the exhibition of, or the possession with the intent to exhibit, any obscene film shall not apply to a motion picture projectionist, usher, or ticket taker acting within the scope of his employment, provided that such projectionist, usher, or ticket taker: (1) has no financial interest in the place wherein he is so employed, and (2) freely and willingly gives testimony regarding such employment in any judicial proceedings brought under this chapter, including pre-trial discovery proceedings incident thereto, when and if such is requested, and upon being granted immunity by the trial judge sitting in such matters.

52-417. SEVERABILITY. If any section, subsection, sentence, or clause of this act is adjudged to be unconstitutional or invalid, such adjudication shall not affect the validity of the remaining portion of this act. It is hereby
declared that this act would have been passed, and each section, sentence, or clause thereof, irrespective of the fact that any one or more sections, subsections, sentences or clauses might be adjudged to be unconstitutional, or for any other reason invalid.

Approved March 10, 1976.
CHAPTER 83
(H.B. No. 433)

AN ACT
AMENDING SECTION 33-701, IDAHO CODE, RELATING TO THE DUTIES OF THE BOARD OF TRUSTEES REGARDING PAYMENT AND ACCOUNTING OF FUNDS, BY EXTENDING THE DEADLINE FOR PUBLICATION OF THE ANNUAL STATEMENT OF FINANCIAL CONDITION FROM SIXTY DAYS TO ONE HUNDRED TWENTY DAYS FOLLOWING THE END OF EACH FISCAL YEAR.

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

SECTION 1. That Section 33-701, Idaho Code, be, and the same is hereby amended to read as follows:

33-701. FISCAL YEAR -- PAYMENT AND ACCOUNTING OF FUNDS. The fiscal year of each school district shall be a period of twelve (12) months commencing on the first day of July in each year.

The board of trustees of each school district shall have the following powers and duties:

1. To determine and order paid all lawful expenses for salaries, wages and purchases, whether or not there be money in the treasury for payment of warrants drawn against any fund of the district.

Whenever any school district other than an elementary school district has sufficient funds on deposit so to do, it may pay any allowed claim for salaries, wages or purchases by regular bank check signed by the treasurer of the district and countersigned by the chairman, or vice-chairman, of the board of trustees.

The total amount of warrants or orders for warrants drawn on any fund, together with disbursements from such fund in any other manner made, shall not exceed ninety-five per cent (95%) of the estimated income and revenue accrued or accruing to such fund for the same school year, until such income and revenue shall have been paid into the treasury to the credit of the district.

2. To invest all or part of any plant facilities reserve fund, or any fund accumulated for the payment of interest on, and the redemption of, outstanding bonds of the district in bonds or certificates of indebtedness of the United States of America, or in bonds or warrants of the
state of Idaho, or in warrants or tax anticipation notes of any county or school district of the state of Idaho, when such investments shall be due and payable on or before the date any plant facilities reserve fund shall be required to be expended or any bonds, or interest thereon, of the investing district shall become payable.

Whenever in the judgment of the board of trustees, the proceeds of any bond issue should be temporarily invested pending the expenditure of such proceeds for the purposes for which such bonds were issued, the proceeds may be invested in the manner and form hereinabove prescribed. Any interest, or profits accruing from such investments shall be used for the purposes for which the bonds were issued. Unless otherwise provided by law, any interest or profits accruing from the investment of any funds shall be credited to the general fund of the district;

3. To insure any school house and other property, and the district, against any loss by fire, casualty, or liability, and the board, its officers and employees subject to the provisions of sections 41-3504 and 41-3505, Idaho Code, and to preserve its property for the benefit of the district. In case of loss of any insured property, any proceeds from insurance may be expended in constructing a temporary or permanent structure, but no sum greater than the insurance proceeds shall be so expended except upon approval of a majority of the school district electors voting in an election called for that purpose.

If the proceeds of any insurance received by a school district by reason of loss on real property shall be less than one thousand dollars ($1,000), such proceeds may be credited to the general fund of the district;

4. To pay from the general fund of the district the expense of any member of the board incurred while traveling on the business of the board, or attending any meeting called by the state board of education or by the state superintendent of public instruction, or attending any annual or special meetings of the state school trustees association, and to pay the membership fee of the board of trustees in said association. Whenever any member of the board of trustees resides at such distance from the meeting place of the board as to require, in the judgment of the board, such member to incur extraordinary expense in traveling from his home to and from said meeting place, the board may approve payment to such member of the extraordinary expense incurred in attending any meeting of the board.

For the purpose of this paragraph, the term "expense" or "extraordinary expense" shall include allowance for mileage
or actual travel expense incurred;

5. To prepare, or cause to be prepared and published, in the manner hereinafter prescribed, within sixty-(60) one hundred twenty (120) days from the last day of each fiscal year, an annual statement of financial condition and report of the school district as of the end of such fiscal year, showing assets and liabilities, the amounts of money received, from what sources, the amounts expended, for what purposes, and to whom paid; such annual statement of financial condition and report to show in full the financial condition of the district, and to contain a detailed itemization of expenditures of school district funds during the fiscal year, naming each recipient and the purposes and amounts of expenditures made to each; provided, however, that if during the same fiscal year more than one payment is made to the same recipient for the same purpose, the total of such payments to that recipient may be reported by purpose classification without itemization of warrants; and provided, further, that teacher salaries may be reported in gross amount, showing the number of teachers paid at each of the several stated gross salary levels in effect in the district, but without naming the individual recipients of teacher salary payments.

Nothing herein provided shall be construed as limiting any school district as to any additional or supplementary statements and reports it may elect to make for the purpose of informing the public of its financial operations, either as to form, content, method, or frequency; and if all the information required herein to be published shall have been published as provided herein at regular intervals during the fiscal year covering successive portions of the fiscal year, then such information may be omitted from the annual statement of financial condition and report for such portions of the fiscal year as already have been reported.

The annual statement of financial condition and report shall be published within the time above prescribed in one (1) issue of a newspaper printed and published within the district, or, if there be none, then in a newspaper printed and published in the county in which the school district is located, or, if more than one newspaper is printed and published in said district or county, then in the newspaper most likely to give notice of the contents of such annual statement of financial condition and report to the residents of said district; provided, that if no newspaper is printed and published in the said district or county, then such statement of financial condition and report shall be published in a newspaper of general circulation most likely to
give notice of the contents to the residents of said district.

The chairman, clerk and treasurer of each such school district shall certify said annual statement of financial condition and report to be true and correct, and the certification shall be included in each published statement.

In the event the board of trustees of any such school district shall fail to prepare or cause to be prepared or to publish the annual statement of financial condition and report as herein required, the state board of education shall cause the same to be prepared and published, and the cost thereof shall be an obligation of such school district. One (1) copy of such annual statement of financial condition and report shall be retained in the office of the clerk of the board of school trustees, where the same shall be open at all times to examination and inspection by any person;

6. To cause to be made each year, a full and complete audit of all of the financial transactions of the district, and of the activity or student body funds, except that in elementary school districts such audit shall be made at intervals of not more than two (2) years. Any audit shall be in accordance with uniform specifications prescribed therefore by the bureau of public accounts.

The auditor shall be employed on written contract, the form of which shall be prescribed by the bureau of public accounts.

One (1) copy of the report of the audit shall be filed with the bureau of public accounts, and one (1) copy shall be filed with the state board of education, not more than ten (10) days after its acceptance by the board of trustees;

7. To file annually with the state board of education such financial and statistical reports as said state board of education may require;

8. To order and have destroyed any canceled check or warrant, or any form of claim or voucher which has been paid, at any time after five (5) years from the date the same was canceled and paid.

9. To review the school district budget periodically and make appropriate budget adjustments to reflect the availability of funds and the requirements of the school district. Revenue derived from maintenance and operation levies made pursuant to section 33-802, Idaho Code, shall be excluded from budget adjustments as provided in this paragraph. Any person or persons proposing a budget adjustment under this section shall notify in writing each member of the board of trustees one (1) week prior to the meeting at which such proposal will be made. Prior to the final vote on
such a proposal, notice shall be posted and published once, as prescribed in section 33-401, Idaho Code. A budget adjustment shall not be approved unless voted affirmatively by sixty per cent (60%) of the members of the board of trustees. Such amended budgets shall be submitted to the state board of education.

Approved March 10, 1976.
AN ACT
AMENDING SECTION 33-513, IDAHO CODE, RELATING TO PROFESSIONAL PERSONNEL OF THE SCHOOL DISTRICT, BY REQUIRING PROFESSIONAL PERSONNEL TO ACKNOWLEDGE, BY SIGNED RECEIPT, A PROPOSED CONTRACT FROM A BOARD OF TRUSTEES.

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 date the contract is delivered by certified return receipt mail or is delivered in person and is so acknowledged by a signed receipt by the person of the proposed contract, in which 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 any teacher to make up time in attending any meeting called by the state board of 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 establish criteria 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 charted 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 10, 1976.
CHAPTER 85
(H.B. No. 467)

AN ACT
RELATING TO TRANSFER OF PUPILS; REPEALING SECTION 33-1402, IDAHO CODE, PROVIDING TRANSFER OF PUPILS BY APPLICATION; AMENDING SECTION 33-1403, IDAHO CODE, TO STRIKE OBSOLETE REFERENCES; AMENDING SECTION 33-1406, IDAHO CODE, TO PROVIDE THE CREDITOR DISTRICT MAY SUBMIT BILLS FOR TUITION TO PARENT OR GUARDIAN UNDER CERTAIN CONDITIONS, AND THAT THE PARENT OR GUARDIAN SHALL BE LIABLE FOR SUCH BILL IF SUBMITTED; AND DECLARING AN EMERGENCY.

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 repealed.

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.

SECTION 3. That Section 33-1406, Idaho Code, be, and the same is hereby amended to read as follows:

33-1406. BILLS OF TUITION. Bills of tuition for nonresident pupils shall be rendered by each creditor district. For nonresident pupils attending any school of the creditor district under the provisions of sections 33-1402A, 33-1403 or 33-1404, Idaho Code, the bill of tuition shall be submitted to the home district of such pupils. In all other cases, the creditor district may submit to the parent or guardian of any nonresident pupil attending school in its district a bill of tuition of such pupil, and such parent or guardian shall be liable for the payment of said tuition, if so billed.

Each bill of tuition submitted to a home district shall show the serial number of the tuition certificate last issued to the creditor district by the state board of education and shall show also the number of pupils for whom tuition is charged, which charge shall be as shown by the said tuition certificate.

Bills of tuition, if submitted other than annually, shall be apportioned according to the number of school months for which any such bill is applicable. A fraction of a school month shall be deemed a school month.
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, 1976.
CHAPTER 86
(H.B. No. 517)

AN ACT PROVIDING PROCEDURE FOR EXPULSION OR SUSPENSION OF STUDENTS; AMENDING SECTION 33-205, IDAHO CODE, RELATING TO THE DENIAL OF SCHOOL ATTENDANCE TO STUDENTS, BY PROVIDING THAT A BOARD OF TRUSTEES MAY DENY ATTENDANCE BY EXPULSION AND THAT PRINCIPALS AND SUPERINTENDENTS MAY DENY ATTENDANCE BY SUSPENSION, AND REQUIRING THAT PROCEDURES LEADING TO THE DENIAL OF SCHOOL ATTENDANCE TO STUDENTS CONFORM TO THE MINIMAL REQUIREMENTS OF DUE PROCESS OF LAW; AND AMENDING SECTION 33-513, IDAHO CODE, EMPOWERING A BOARD OF SCHOOL TRUSTEES TO EMPLOY PRINCIPALS.

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

SECTION 1. That Section 33-205, Idaho Code, be, and the same is hereby amended to read as follows:

33-205. DENIAL OF SCHOOL ATTENDANCE. The board of trustees may deny attendance at any of its schools; by expulsion, to any pupil who is an habitual truant, or who is incorrigible, or whose conduct, in the judgment of the board, is such as to be continuously disruptive of school discipline, or of the instructional effectiveness of the school, or whose presence in a public school is detrimental to the health and safety of other pupils. Any pupil having been expelled may be readmitted to the school by the board of trustees upon such reasonable conditions as may be prescribed by the board; but such readmission shall not prevent the board from again expelling such pupil for cause.

No pupil shall be expelled without the board of trustees having first given written notice to the parent or guardian of the pupil, which notice shall state the grounds for the proposed expulsion and the time and place where such parent or guardian may appear to contest the action of the board to deny school attendance, and which notice shall also state the rights of the pupil to be represented by counsel, to produce witnesses and submit evidence on its own behalf, and to cross-examine any adult witnesses who may appear against him. Within a reasonable period of time following such noti-
The board of trustees shall grant the pupil and his parents or guardian a full and fair hearing on the proposed expulsion. However, the board shall allow a reasonable period of time between such notification and the holding of such hearing to allow the pupil and his parents or guardian to prepare their response to the charge. Any pupil who is within the age of compulsory attendance, who is expelled as herein provided, shall come under the purview of the youth rehabilitation law, and an authorized representative of the board shall file a petition with the magistrate division of the district court of the county of the pupil's residence, in such form as the court may require under the provisions of section 16-1807, Idaho Code.

The superintendent of any district or the principal of any school may temporarily suspend any pupil for disciplinary reasons or for other conduct disruptive of good order or of the instructional effectiveness of the school. A temporary suspension shall not exceed five (5) school days in length. Prior to suspending any student, the superintendent or principal shall grant an informal hearing on the reasons for the suspension and the opportunity to challenge those reasons. Any pupil who has been suspended may be readmitted to the school by the superintendent or principal who suspended him upon such reasonable conditions as said superintendent or principal may prescribe. The board of trustees shall be notified of any temporary suspensions, the reasons therefor, and the response, if any, thereto.

The board of trustees of each school district shall establish the procedure to be followed by the superintendent and principals under its jurisdiction for the purpose of affecting a temporary suspension, which procedure must conform to the minimal requirements of due process.

SECTION 2. 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
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 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 any teacher to make up time in attending any meeting called by the state board of 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 employ through written contract principals who shall hold a valid certificate appropriate to the position for which they are employed, who shall supervise the operation and management of the school in accordance with the policies established by the board of trustees and who shall be under the supervision of the superintendent.

4. 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.

5. To establish criteria 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.

56. 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 10, 1976.
AN ACT
RELATING TO MOTOR VEHICLE REGISTRATION; AMENDING SECTION 49-117, IDAHO CODE, TO CORRECT A TYPOGRAPHICAL ERROR; AND DECLARING AN EMERGENCY.

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

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

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

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

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

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

Approved March 10, 1976.
CHAPTER 88
(H.B. No. 488)

AN ACT PROVIDING A REVISION OF LAWS RELATING TO ESTRAY LIVESTOCK; REPEALING CHAPTER 23, TITLE 25, IDAHO CODE, RELATING TO ESTRAYS; AMENDING TITLE 25, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 23, TITLE 25, IDAHO CODE, TO PROVIDE FOR ESTRAY LIVESTOCK; DEFINING THE TERMS ESTRAY AND STRAY LIVESTOCK; PROVIDING THE DUTIES OF THE SHERIFF OR BRAND INSPECTOR REGARDING ESTRAYS; PROVIDING NOTIFICATION OF THE OWNER IF HE IS KNOWN; PROVIDING NOTICE OF SALE; PROVIDING THAT THE OWNER SHALL BE NOTIFIED OF THE SALE OF STRAY LIVESTOCK IF HE IS KNOWN; PROVIDING FOR CLAIMING STRAY LIVESTOCK BY THE OWNER AND PAYMENT OF COSTS; PROHIBITING REMOVAL OF LIVESTOCK WITHOUT PAYMENT OF COSTS; PROVIDING SALE OF UNCLAIMED ANIMALS; PROVIDING COSTS FOR CARE, ADVERTISING AND SALE OF ESTRAYS; PROVIDING FOR DISPOSITION OF WORTHLESS ESTRAYS; PROVIDING FOR SALE BY THE BRAND INSPECTOR AND DEPOSIT OF THE PROCEEDS OF THE SALE; AND PROVIDING FOR SALE BY THE SHERIFF AND SUBSEQUENT CLAIMS BY PERSONS CLAIMING TO BE THE OWNER OF THE ANIMAL SOLD.

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

SECTION 1. That Chapter 23, Title 25, Idaho Code, be, and the same is hereby repealed.

SECTION 2. That Title 25, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 23, Idaho Code, and to read as follows:

CHAPTER 23

25-2301. STRAY OR ESTRAY DEFINED. Stray or estray means any livestock whose owner is unknown or cannot be located, or any livestock whose owner is known but who permits livestock to roam at large on public or private lands contrary to law or regulation and without permission.

25-2302. DUTY OF SHERIFF OR BRAND INSPECTOR. When a sheriff or brand inspector finds stray livestock or stray
livestock are reported to him, he shall attempt to locate
the owner and to notify the owner where the livestock may be
found. If the owner refuses to, or does not take possession
of the livestock within five (5) days after being notified
of the location of the livestock, or if the owner is unknown
or cannot be located, the sheriff or brand inspector shall
seize the livestock or have some person hold and care for
the livestock on behalf of the sheriff or brand inspector
and the sheriff or brand inspector shall proceed to sell the
livestock at a local public livestock market as provided for
by law to the highest bidder for cash, after giving at least
fifteen (15) days public notice of the sale.

25-2303. NOTIFICATION. If a recognized brand or mark is
found on stray livestock, the owner shall be notified by the
best method available. If an unrecognized brand or brands or
other marks are found on stray livestock, the local brand
inspector or the state brand board shall be notified by the
best method available.

25-2304. NOTICE OF SALE. Notice of the sale shall be
given by advertising the stray livestock for sale at least
twice in a daily newspaper of general circulation in the
area where the livestock was found and is being held. The
notice shall describe the livestock by giving number, marks,
brands, approximate age, sex and any other distinguishing
characteristics, and the notice shall describe when and
where the livestock will be sold.

25-2305. NOTICE OF SALE TO OWNER. If the owner of the
stray livestock is known and can be located, a copy of the
notice of sale shall be served upon the owner at least fif­
ten (15) days before the date of the sale. Service of the
notice may be made by certified or registered mail.

25-2306. CLAIMING OF STRAY LIVESTOCK. The owner of the
stray livestock may take possession of the livestock at any
time prior to sale by proving ownership and paying the costs
relative to taking up and caring for the animal or animals
and the costs of advertising, inspection, etc., as set forth
in section 25-2309, Idaho Code.

25-2307. Removal without payment prohibited. Removal of
the estray livestock from the custody of the sheriff, brand
inspector or any person holding the estray livestock for the
sheriff or brand inspector without payment in full of all
charges or costs that have been incurred under this chapter
shall be a misdemeanor and the livestock may be recovered to
be disposed of as provided for by this chapter by the sheriff, brand inspector or person authorized by either of them to hold the estray livestock.

25-2308. Sale of unclaimed animals. If the owner of stray livestock does not claim the animals before the day of sale or if the owner is unknown or cannot be located, the sheriff or brand inspector shall have the livestock sold pursuant to the notice of sale and shall execute and deliver a brand inspection certificate to the purchaser, stating that the livestock has been sold as estray to the purchaser, which certificate may thereafter be used by the purchaser to show ownership of the livestock sold.

25-2309. CHARGES FOR CARE, ADVERTISING AND SALE. The sheriff, brand inspector or person authorized by either of them to feed and care for stray livestock shall receive all actual expenses incurred; but food and care shall not be charged at a rate to exceed two dollars ($2.00) per head per day for cattle and horses nor more than seventy-five cents (75¢) per head per day for other animals from the time that the sheriff or brand inspector is notified that the livestock has been taken up as estray. The sheriff or brand inspector or livestock market shall receive like costs for any time during which the livestock are in their possession. The sheriff or brand inspector may also charge and receive mileage and inspection fees for inspecting any estray livestock for the purpose of determining ownership of the livestock at the rates provided for by law or regulation. Also, standard fees shall be payable for sale by the livestock market and for health and brand inspection and assessments or taxes for sale of livestock as provided for by law.

25-2310. DISPOSITION OF WORTHLESS ESTRAYS. If in the judgment of a sheriff or brand inspector estray livestock is of no value or its value would be less than the cost of feed, care and sale of the livestock under this chapter, the sheriff or brand inspector may dispose of the livestock by private sale or by slaughter. If the owner of such livestock is known, he shall be personally notified of the proposed disposition of the livestock at least three (3) days before the livestock is privately sold or slaughtered. The owner may claim such livestock by paying the expenses incurred against it.

25-2311. SALE BY BRAND INSPECTOR. If the estray livestock is sold by a brand inspector, he shall immediately
advise the state brand inspector of all the particulars of the matter and account for the proceeds and forward the net proceeds of the sale to the state brand inspector to be placed in the unclaimed livestock fund, to be handled as provided for by sections 25-1411 and 25-1412, Idaho Code, and the rules and regulations of the state brand board. The previous owner of the animal may make claim for the net proceeds as provided for by sections 25-1411 and 25-1412, Idaho Code.

25-2312. SALE BY SHERIFF -- SUBSEQUENT CLAIMS. If the estray livestock is sold by a sheriff, after deducting the costs provided for by this chapter, particularly by section 25-2309, Idaho Code, the net proceeds of the sale shall be forwarded to the county treasurer and the county treasurer shall hold the proceeds of the sale for six (6) months. At any time within the six (6) month period, any person claiming to be the owner of the animal sold may recover the net funds of the sale from the county treasurer by producing proof that the animal or animals were his property. Said proof shall be made before the sheriff who made the sale or his successor in office and for such purpose the sheriff is empowered to administer oaths to the claimant or his witnesses. Upon making such proof, the sheriff shall give the claimant an order on the county treasurer, which order shall be retained until the six (6) month period has expired. If such claimant is the only person claiming the livestock, the county treasurer shall turn over such monies to the claimant. If, however, there be more than one claimant for said monies, then such contesting claimants must bring an action within three (3) months to determine who is the owner of the livestock sold. The action shall be brought in the magistrate or district court having jurisdiction of the matter. The claimant receiving judgment in his favor shall be entitled to said monies. In case the ownership of the livestock be not proved, or there are no claims as to the ownership of such livestock within the time provided, then the monies in the hands of the county treasurer shall be forfeited to the school district where said animal or animals were taken up and shall, by the county treasurer, be turned over to such school district for the use of the school district.

Approved March 10, 1976.
CHAPTER 89
(H.B. No. 390)

AN ACT
RELATING TO COMPUTING TAXABLE INCOME OF PART-YEAR NONRESIDENT; AMENDING SECTION 63-3027A, IDAHO CODE, BY STRIKING SUBSECTION (a) TO ELIMINATE A REQUIREMENT OF APPORTIONING INDIVIDUALS TAXABLE INCOME PURSUANT TO IDAHO CODE SECTION 63-3027; DECLARING AN EMERGENCY AND PROVIDING FOR A RETROACTIVE EFFECTIVE DATE.

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

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

63-3027A. COMPUTING TAXABLE INCOME OF PART-YEAR OR NONRESIDENT INDIVIDUALS, TRUSTS AND ESTATES. (a) 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, and 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. 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, 1976.

Approved March 10, 1976.
CHAPTER 90
(H.B. No. 450)

AN ACT
RELATING TO THE DUTIES OF THE DIRECTOR OF THE DEPARTMENT OF AGRICULTURE; AMENDING SECTION 22-103, IDAHO CODE, BY PROVIDING THE DIRECTOR WITH THE DUTY AND AUTHORITY TO INVESTIGATE DISEASES OR CONTAMINATION OF LIVESTOCK, POULTRY, AGRICULTURAL, HORTICULTURAL AND FARM PRODUCTS SUSPECTED TO BE INFECTED OR CONTAMINATED BY CERTAIN DISEASE-PRODUCING AGENTS OR CARRYING A RESIDUE OF A DISEASE-PRODUCING AGENT OR CHEMICAL IN EXCESS OF ANY TOLERANCE ESTABLISHED BY FEDERAL OR STATE LAW OR REGULATION, AND PROVIDING THE DIRECTOR WITH AUTHORITY TO PRESCRIBE AND PROMULGATE RULES AND REGULATIONS.

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

SECTION 1. That Section 22-103, Idaho Code, be, and the same is hereby amended to read as follows:

22-103. DUTIES OF DIRECTOR. The director of the department of agriculture shall execute the powers and discharge the duties vested by law in him or in the department, including, but not limited to, the following:

(1) Pursuant to chapter 53, title 67, Idaho Code, hire, assign duties and evaluate the performance of all employees of the department.

(2) Designate employees for special assignment, office or function as the needs of the department may require.

(3) Acquire, generate, develop and disseminate information and data concerning agricultural pursuits, productivity and product quality.

(4) Encourage and promote in every practical manner, the interests of agriculture, horticulture, apiculture, the livestock industries, poultry and fowl raising, wool and fur-bearing animals and their allied industries.

(5) Assist, encourage and promote the organization of farmers' institutes, agricultural, horticultural, management or cooperative societies and organizations for the benefit of agricultural pursuits in this state.

(6) Promote improved methods of production, storage, sales and marketing of agricultural industries.

(7) Establish and promulgate standards of construc-
tion, use and sanitation of open and closed receptacles for farm products, and standards for grade or other classification of farm products.

(8) Prescribe and promulgate rules and regulations governing marks, brands and labels, and the registration thereof, for use upon receptacles for farm products.

(9) Promote, in the interest of the public, economical and efficient use of products and commodities used in the production of agricultural, horticultural, meats and other products and farm commodities and their distribution.

(10) Cooperate with producers, processors and consumers in devising and maintaining economical and efficient systems of distribution, and to assist in the reduction of waste and expense incidental to the marketing of agricultural products.

(11) Gather and diffuse timely information and statistics concerning supply, demand, prevailing prices and commercial movement of agricultural products.

(12) Maintain a market news service, including information concerning crops, freight rates, commission rates and such other information as may be of service to producers and consumers, and to act as a clearinghouse for information between producers and consumers.

(13) Cooperate with the secretary, colleges and universities, experiment stations, and other agencies which cooperate in devising, research and development and utilization of improved agricultural production and other activities.

(14) Investigate the practices, methods of factors, management techniques of commission merchants, track buyers and others who receive, solicit, buy, sell, handle on commission or otherwise, or deal in grains, eggs, livestock, vegetables or other products used as human foods, to the end that distribution of such commodities through such factors, commission merchants, track buyers and others be efficiently and economically accomplished without hardship, waste or fraud.

(15) Enter and inspect any right of way of any irrigation canal, railway, public highway, field, orchard, nursery, fruit or vegetable packing house, store room, sales room, storage facility, depot or other place where fruits and vegetables are grown or stored and to inspect fruits, trees, plants, vines, shrubs or other articles within the state, and if such places or articles are infested with pests, insects or their eggs or larvae, or with any contagious or transmissible diseases injurious to plant life, to abate or eradicate the same as a nuisance.
(16) Provide treatment for and prevent the spread of infectious or communicable diseases among bees, livestock, fur-bearing animals or domestic animals through the systematic and periodic inspection, testing or treatment of such bees and animals at the expense of the owner thereof.

(17) Protect the livestock interests of the state from losses due to disease or hazards to animal health and communicable to humans through agricultural products.

(18) Maintain recording of earmarks, eartags or other identifying marks not covered under any other provisions of law.

(19) Purchase, lease, hold, sell, and dispose of real and personal property of the department when, in the judgment of the director, such transactions promote the purposes for which the department is established.

(20) Contract with any state agency, federal agency or agency of another state concerning any matter, program or cooperative effort within the scope and jurisdiction of its authority pursuant to law.

(21) Assist in the improvement of country life, farm occupations and to cooperate in effectuating equality of opportunity of those employed in agricultural pursuits in the state of Idaho.

(22) Investigate diseases, contamination of livestock and poultry, agricultural, horticultural, and farm products, suspected to be infected or contaminated by bacterial, viral protozoal, parasitic, chemical, nuclear, botanical or other disease-producing agents, or carrying a residue of any such disease-producing agent or chemical in excess of any tolerance established by federal or state law or regulation and to examine, conduct tests, and issue "hold orders" on any livestock, poultry, agricultural, horticultural or farm products as deemed necessary to effectuate a diagnosis of disease, contamination or chemical level to safeguard and protect animal and man. In order to carry out the provisions of this subsection (22), the director shall prescribe and promulgate rules and regulations pursuant to chapter 52, title 67, Idaho Code.

Approved March 10, 1976.
CHAPTER 91
(H.B. No. 363)

AN ACT
RELATING TO REGISTRATION OF BRANDS AND GRADES OF COMMERCIAL FERTILIZERS; AMENDING SECTION 22-605, IDAHO CODE, TO PROVIDE NAME CHANGES.

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

SECTION 1. That Section 22-605, Idaho Code, be, and the same is hereby amended to read as follows:

22-605. REGISTRATION OF BRANDS AND GRADES. (1) Each brand and grade of commercial fertilizer shall be registered before being distributed in this state. Companies planning to mix customer-formula fertilizers shall include the statement "Customer-Formula Grade Mixes" under the column headed grades on the brand registration application form. The application for registration shall be submitted to the department on forms furnished by the department, and shall be accompanied by a fee of twenty-five dollars ($25.00) per brand, except that those brands or grades sold in packages of 25 pounds or less shall be registered at a fee of twenty-five dollars ($25.00) each. Upon approval by the department, a copy of the registration shall be furnished to the applicant. All registrations expire on December 31st of each year. The application shall include the following information:

(a) The brand name;
(b) Declaration of guaranteed analysis of formulations to be sold;
(c) The name and address of the registrant;
(d) The sources from which the guaranteed plant nutrients are derived;
(e) A label or labels which shall comply with section 22-607 shall accompany said application.

(2) A distributor shall not be required to register any grade brand of commercial fertilizer which is already registered under this act by another person.

(3) A distributor shall not be required to register each brand grade of a customer-formula fertilizer: Provided, that such grade shall be distributed under a registered brand.
(4) If an application for renewal of the brand registration provided for in this section is not filed prior to January 1st of any one (1) year, a penalty of ten dollars ($10.00) shall be assessed after February 1st of that year and added to the original fee and shall be paid by the applicant before the renewal brand registration shall be issued: Provided, that such penalty shall not apply if the applicant furnished an affidavit that he has not distributed this brand subsequent to the expiration of his prior registration.

Approved March 10, 1976.
AN ACT
RELATING TO DRAWING OF BLOOD; AMENDING SECTION 49-354, IDAHO
CODE, RELATING TO BLOOD ALCOHOL TESTING, BY PROVIDING
THAT A LICENSED PHYSICIAN MAY DRAW BLOOD, BY ADDING A
PROVISION THAT A QUALIFIED MEDICAL TECHNOLOGIST MAY DRAW
BLOOD FOR SUCH A TEST, AND BY DEFINING QUALIFIED MEDICAL
TECHNOLOGIST.

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

SECTION 1. That Section 49-354, Idaho Code, be, and the
same is hereby amended to read as follows:

49-354. PERSONS AUTHORIZED TO MAKE TEST. Only a
licensed physician, qualified medical technologist or regis­
tered nurse acting at the request of a police officer can
withdraw blood for the purpose of determining the alcoholic
content therein. This limitation shall not apply to the
taking of a urine, saliva or breath specimen. For purposes
of this section, the term "qualified medical technologist"
shall be deemed to mean a person who meets the standards of
a "clinical laboratory technologist" as set forth by then
current rules and regulations of the social security admin­
istration of the United States department of health, edu­
cation and welfare, pursuant to subpart M of part 405,
chapter III, title 20, of the code of federal regulations.

Approved March 10, 1976.
CHAPTER 93
(H.B. No. 486, As Amended in the Senate)

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 1976; 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 $6,761,500, or so much thereof as may be necessary, to be transferred and apportioned by the state auditor as soon as possible after July 1, 1976, 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 number of mills determined by dividing the total apportionment by the total adjusted assessed valuation of the state for 1976 applied to the 1976 adjusted assessed valuation of the county; and upon receipt of such appropriation, the levy for the county school tax for taxable year 1976 shall be reduced by the appropriate number of 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.

For the purposes of the distribution of moneys provided by section 63-3638(g)(1), Idaho Code, the moneys received into the county school fund from the appropriation herein made, shall be treated and considered as if such moneys had been raised by a county school tax levy.

SECTION 3. Each board of county commissioners shall be bound by the provisions of this act in fixing mill levies for tax year 1976 for the minimum county school fund levies.

SECTION 4. An emergency existing therefor, which emer-
gency 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, 1976.

Approved March 11, 1976.
CHAPTER 94
(H.B. No. 429, As Amended)

AN ACT
AMENDING SECTION 63-3022A, IDAHO CODE, TO PROVIDE FOR THE
DEDUCTION FROM INCOME, FOR INCOME TAX PURPOSES, OF
RETIREMENT BENEFITS PAID BY THE UNITED STATES OF AMERICA
TO A RETIRED MEMBER OF THE MILITARY SERVICE OF THE
UNITED STATES UPON SUCH MEMBER ATTAINING AGE 65, OR AGE
62 IF SUCH MEMBER IS DISABLED AND IMPOSING SOCIAL SECUR-
ITY EARNINGS LIMITATIONS IN COMPUTING MAXIMUM EXEMPTIONS
OF INCOME AND PROVIDING THE FORMULA FOR COMPUTATION OF
RETIREMENT BENEFITS WHICH ARE DEDUCTIBLE; DECLARING AN
EMERGENCY AND PROVIDING FOR RETROACTIVE EFFECT TO JANU-
ARY 1, 1976.

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

SECTION 1. That Section 63-3022A, Idaho Code, be, and
the same is hereby amended to read as follows:

63-3022A. DEDUCTION OF CERTAIN RETIREMENT BENEFITS. (a)
For taxable years commencing on or after January 1, 1973, an
amount specified by section 6 subsection (b) of this section
of the following retirement benefits may be deducted by an
Idaho resident from taxable income if such Idaho resident
has either attained age sixty-five (65), or has attained age
sixty-two (62) and is classified as disabled:

(1) Retirement annuities paid by the United States of
America to a retired civil service employee or the unremar-
ried widow of a retired civil service employee.

(2) Retirement benefits paid from the firemen's retire-
ment fund of the state of Idaho to a retired fireman or the
unmarried widow of a retired fireman.

(3) Retirement benefits paid from the policemen's
retirement fund of a city within this state to a retired
policeman or the unremarried widow of a retired policeman.

(4) Retirement benefits paid by the United States of
America to a retired member of the military services of the
United States or the unremarried widow of such member.

(b) The amount of retirement benefits that may be
deducted from taxable income shall be an amount equal to not
in excess of maximum retirement benefits under the social
security act, as amended, on the date on which this act is
passed and approved, including adjustments to be made based upon consumer price index adjustments provided in section 215 of the social security act. The state tax commission shall ascertain benefit changes made in accordance with the social security act and publish the appropriate deduction amounts provided by this section reflecting such changes annually. Maximum retirement benefits under the social security act shall mean:

(1) In the case of a taxpayer who is entitled to file a joint return with his spouse for the tax year, an amount equal to the maximum social security benefits payable for the tax year to a man attaining age sixty-five (65) in the tax year who has earned the maximum earnings creditable under social security for the years used in the computation of his benefits, and whose spouse has no social security benefits except those payable on his record of earnings.

(2) In the case of a taxpayer who is not married, an amount equal to maximum social security benefits payable for the tax year to a person attaining age sixty-five (65) in the tax year who has earned the maximum earnings creditable under social security for the years used in the computation of his benefits.

(3) In the case of an unremarried widow, an amount equal to the maximum social security benefits payable for the tax year to a widow attaining age sixty-five (65) in the tax year who has no social security benefits except those to which she is entitled on her deceased husband's record and whose husband had received no reduced retirement benefits prior to his death and whose husband had earned the maximum earnings creditable under social security for the years used in the computation of his benefits under social security.

(4) Maximum retirement benefits shall, in every case, take into consideration and be adjusted to reflect adjustments that would be made to such amounts had they been received as social security benefits as the result of the receipt of earnings in excess of earnings limitations. The terms in this paragraph are those defined in the social security act.

(5) Taxpayers not described in paragraphs (1), (2), (3) and (4) of this subsection may not deduct any amount of retirement benefits under this section.

(c) The total deduction under this section may not exceed the total amount of retirement benefits or annuities which are described in subsection (a) of this section and which are included in the taxpayer's gross income in the tax year. If the taxpayer or the taxpayer's spouse receives retirement benefits under the federal railroad retirement
act or the federal social security act in the tax year, then the amount of any retirement annuities otherwise—deductible under—the-provisions-of-this-section computed under subsection (b) of this section shall be reduced by the amount of such federal railroad retirement act or federal social security act retirement benefits, and the lesser of the amount so computed or the total amount of retirement benefits or annuities which are described in subsection (a) of this section and which are included in the taxpayer's gross income shall constitute the allowable deduction.

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, 1976.

Approved March 11, 1976.
AN ACT
RELATING TO FISH AND GAME; REPEALING TITLE 36, IDAHO CODE; ADDING A NEW TITLE 36, IDAHO CODE, RECODIFYING THE IDAHO FISH AND GAME CODE; ESTABLISHING A FISH AND GAME COMMISSION AND FISH AND GAME DISTRICTS; PROVIDING CLASSIFICATIONS AND DEFINITIONS; PROVIDING FOR THE ISSUANCE AND SALE OF LICENSES; REGULATING HUNTING, FISHING AND TRAPPING WITHIN THE STATE; PROVIDING RESTRICTIONS ON POSSESSION, TRANSPORTATION, SALE AND USE OF WILDLIFE; REGULATING COMMERCIAL TRAFFIC IN SKINS, HIDES, AND PELTS OF WILDLIFE; REGULATING CAPTIVE WILDLIFE; REGULATING COMMERCIAL FISHING IN PEND OREILLE LAKE, THE CLARK FORK RIVER AND THE PEND OREILLE RIVER; PROVIDING FOR THE PROTECTION OF FISH; PROVIDING FOR RECIPROCAL AGREEMENTS ON STATE BOUNDARY WATERS; PROVIDING FOR THE PROTECTION OF ANIMALS AND BIRDS; PROVIDING FOR CHECK STATIONS AND PROHIBITING WASTE OF WILDLIFE; PROVIDING FOR APPLICATION AND ENFORCEMENT OF FISH AND GAME LAW; PROVIDING PENAL PROVISIONS; PROVIDING FOR PUBLIC SAFETY AND REVOCATION OF LICENSES FOR CERTAIN ACTS; PROVIDING FOR RECREATIONAL TRESPASS AND LIMITING LANDHOLDER LIABILITY; PROVIDING FOR COUNTY FISH HATCHERIES; ASSenting TO FEDERAL ACTS AND PROVIDING FOR WILDLIFE RESTORATION PROJECTS; PROVIDING FOR WILDLIFE PRESERVES; PROVIDING FOR THE PACIFIC MARINE FISHERIES COMPACT; REGULATING OUTFITTERS AND GUIDES; DECLARING THE ACT SEVERABLE; CONFIRMING THE PRESENT FISH AND GAME COMMISSION AND OUTFITTERS AND GUIDES BOARD; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Title 36, Idaho Code, be, and the same is hereby repealed.

SECTION 2. That the Idaho Code be, and the same is hereby amended by the addition thereto of a NEW TITLE, to be known and designated as Title 36, Idaho Code, and to read as follows:
36-101. IDAHO FISH AND GAME CODE AND DEPARTMENT. A
department of fish and game is hereby established. Said
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 city of Boise, state of
Idaho.

36-102. IDAHO FISH AND GAME COMMISSION. (a) Creation.
There is hereby created the Idaho fish and game commission.
The department of fish and game of the state of Idaho is
hereby placed under the supervision, management and control
of said Idaho fish and game commission, hereinafter referred
to as the commission or as said commission.

(b) Membership -- Appointment Qualifications. The
commission shall consist of five (5) members, to be
appointed by the governor of the state of Idaho, who shall
hold office during the pleasure of the governor and who
shall be subject to removal by him. The selection and
appointment of said members shall be made solely upon con­
sideration of the welfare and best interests of fish and
game in the state of Idaho, and no person shall be appointed
a member of said commission unless he shall be well informed
upon, and interested in, the subject of wildlife conser­
vation and restoration. No member shall hold any other elec­
tive or appointive office, state, county or municipal, or
any office in any political party organization. Not more
than three (3) of the members of said commission shall at
any time belong to the same political party. Each of the
members of said commission shall be a citizen of the United
States, and of the state of Idaho, and a bona fide resident
of the district from which he is appointed as hereinafter
set forth. Said members so appointed shall act and assume
full powers and duties upon appointment, as herein provided,
but such appointments shall be subject to confirmation by
the senate at its next session.

(c) Creation of Districts -- Terms of Office. For the
purpose of this act, the state of Idaho is divided into five
(5) districts, numbered from one (1) to five (5) respec­
tively.

District No. 1 shall consist of the counties of Bound­
ary, Bonner, Kootenai, Shoshone, and Benewah;

District No. 2 shall consist of the counties of Latah,
Clearwater, Nez Perce, Lewis, and Idaho;
District No. 3 shall consist of the counties of Adams, Valley, Washington, Payette, Gem, Boise, Canyon, Ada, Elmore, and Owyhee;

District No. 4 shall consist of the counties of Camas, Gooding, Jerome, Twin Falls, Cassia, Blaine, Lincoln, Minidoka, Lemhi, Custer, and Butte;

District No. 5 shall consist of the counties of Clark, Fremont, Jefferson, Madison, Teton, Bingham, Bonneville, Power, Bannock, Caribou, Oneida, Franklin, and Bear Lake.

Each of the above enumerated districts shall, at all times, be represented by one (1) member of the commission, appointed from said district by the governor.

The members of said commission shall be appointed for a term of six (6) years; provided, that in the case of the death of any commissioner, or his removal from office as hereinbefore provided, the governor shall appoint a successor from the same district for the unexpired term.

(d) Oath of Office -- Bond. Each commissioner shall, before entering upon his official duties, take and subscribe to the official oath, in writing, as provided by section 59-401, Idaho Code, to which said official oath there shall be added a declaration as to the name of the political party to which such commissioner belongs, and said commissioner shall be bonded to the state of Idaho in the time, form, and manner prescribed by chapter 8, title 59, Idaho Code.

(e) Compensation and Reimbursement for Expenses. Each member of the commission shall receive twenty-five dollars ($25.00) for each day while attending official meetings of the commission called as provided herein, or while on official business authorized by said commission. Each commissioner, in the discharge of his official duties, authorized by the said commission, shall be entitled to reimbursements for actual and necessary expenses at the rate allowed by law to state employees. All such compensation and expenses shall be paid from the fish and game fund.

(f) Quorum. A majority of the commissioners shall constitute a quorum for the transaction of any business, for the performance of any duty, or for the exercise of any power.

(g) Office and Supplies. The commissioner shall have its principal office in the city of Boise and is authorized to purchase supplies, equipment, printed forms, and notices, and to issue such publications as may be necessary.

36-103. WILDLIFE PROPERTY OF STATE -- PRESERVATION. (a) Wildlife Policy. All wildlife, including all wild animals, wild birds, and fish, within the state of Idaho, is hereby
declared to be the property of the state of Idaho. It shall be preserved, protected, perpetuated, and managed. It shall be only captured or taken at such times or places, under such conditions, or by such means, or in such manner, as will preserve, protect, and perpetuate such wildlife, and provide for the citizens of this state and, as by law permitted to others, continued supplies of such wildlife for hunting, fishing and trapping.

(b) Commission to Administer Policy. 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 for regulation and control of fishing, hunting, trapping, and other activity relating to wildlife, and because it is inconvenient and impractical for the legislature of the state of Idaho to administer such policy, it shall be the authority, power and duty of the fish and game commission to administer and carry out the policy of the state in accordance with the provisions of the Idaho fish and game code. The commission is not authorized to change such policy but only to administer it.

36-104. GENERAL POWERS AND DUTIES OF COMMISSION. (a) Organization Meetings. The members of the commission shall annually 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 in January, said commission shall hold other regular quarterly meetings in April, July and October of each year at such 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 or a majority of the members of the commission. Notice of the time, place and purpose of any and all special meetings shall be given by the secretary to each member of the commission prior to said meeting.

(b) Authorization for Commission Powers and Duties. For the purpose of administering the policy as declared in section 36-103, Idaho Code, the commission is hereby authorized and empowered to:

1. Investigate and find facts regarding the status of the state's wildlife populations in order to give effect to the policy of the state hereinbefore announced.

2. Hold hearings for the purpose of hearing testimony,
considering evidence and determining the facts as to when the supply of any of the wildlife in this state will be injuriously affected by the taking thereof, or for the purpose of determining when an open season may be declared for the taking of wildlife. Whenever said commission determines that the supply of any particular species of wildlife is being, or will be, during any particular period of time, injuriously affected by depletion by permitting the same to be taken, or if it 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 make an order embodying its findings in respect to when, under what circumstances, in which localities, by what means, what sex, and in what amounts and numbers the wildlife of this state may be taken.

3. Whenever it finds it necessary for the preservation, protection, or management of any wildlife of this state, by reason of any act of God or any other sudden or unexpected emergency, declare by written order the existence of such necessity, and the cause thereof, and prescribe and designate all affected areas or streams, and close the same to hunting, angling or trapping, or impose such restrictions and conditions upon hunting, angling or trapping as said commission shall find to be necessary.

(A) Every such emergency order shall be made in accordance with the provisions of section 67-5202(2)(b), Idaho Code.

(B) Any person knowingly hunting, angling or trapping in an area or stream closed by any such emergency order, and before such order has been rescinded, shall be deemed guilty of a misdemeanor.

4. At any time it shall deem necessary for the proper management of wildlife on any game preserve in the state of Idaho, declare an open season in any game preserve as it deems appropriate.

5. Upon notice to the public, hold a public drawing giving to license holders, under the wildlife laws of this state, the privilege of drawing by lot for a controlled hunt permit authorizing the person to whom issued to hunt, kill, or attempt to kill any species of wild animals or birds designated by the commission under such rules and regulations as it shall prescribe. A nonrefundable fee of one dollar ($1.00) shall be charged each applicant for a controlled hunt permit as a means of funding the related controlled hunt application processing procedure; provided, however, there shall be no fees charged for controlled hunt
permits subsequently issued to successful applicants. All procedures under this section shall be under the control and in the discretion of the director of the department of fish and game. It is a misdemeanor for any person to transfer any such permit to any other person, or for any person to make use of such permit issued to any other person.

6. Adopt rules and regulations pertaining to the importation, exportation, release, sale, possession or transportation into, within or from the state of Idaho of any species of live, native or exotic wildlife or any eggs thereof.

7. Acquire for and on behalf of the state of Idaho, by purchase, condemnation, lease, agreement, gift, or other device, lands or waters suitable for the purposes herein-after 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) 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 regulation of the commission;
(D) To extend and consolidate by exchange, lands or waters suitable for the above purposes.

8. Enter into cooperative agreements with educational institutions, and state, federal, or other agencies to promote wildlife research and to train students for wildlife management.

9. Enter into cooperative agreements with state and federal agencies, municipalities, corporations, organized groups of landowners, associations, and individuals for the development of wildlife rearing, propagating, management, protection and demonstration projects.

10. Capture, propagate, transport, buy, sell or exchange any species of wildlife needed for propagation or stocking purposes, or to exercise control of undesirable species.

(c) Limitation on Powers. Nothing in this title 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 organize the department, in accordance with the provisions of
title 67, Idaho Code, into 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.

36-105. COMMISSION ORDERS AND REGULATIONS. (a) Adoption and Publication of Rules, Regulations and Orders. All rules, regulations and orders adopted pursuant to the provisions of this title shall be made in accordance with chapter 52, title 67, Idaho Code, and in addition, shall be published in the following manner: Those having general application throughout the state shall be published at least once in some newspaper having statewide general circulation; those of special character, having local applications only, shall be published at least once in some newspaper published and having general circulation in the locality wherein such rules, regulations, and orders are applicable; but if no such newspaper is so published and circulated, copies of such rules, regulations, and orders shall be posted in at least three (3) conspicuous places in the locality in which they are applicable. In addition, such copies shall be sent to the county law libraries concerned. Said rules, regulations, and orders may also be given such other publicity as the commission may deem desirable.

(b) Violation of Rules, Regulations and Orders. All rules, regulations and orders made as herein provided shall have full force and effect as law and any person violating any such rule, regulation, or order of the commission, adopted and published as herein set forth, shall be guilty of a misdemeanor.

36-106. DIRECTOR OF DEPARTMENT OF FISH AND GAME. (a) Office of Director Created. The commission shall appoint a director of the department of fish and game, hereinafter referred to as the director, who shall be a person with knowledge of, and experience in, the requirements for the protection, conservation, restoration, and management of the wildlife resources of the state. The director shall not hold any other public office, nor any office in any political party organization, and shall devote his entire time to the service of the state in the discharge of his official duties, under the direction of the commission.

(b) Secretary to Commission. The director shall serve as secretary to the commission.

(c) Compensation and Expenses. The director shall receive such compensation as the commission, with the
concurrence and approval of the governor, may determine and shall be reimbursed at the rate provided by law for state employees for all actual and necessary traveling and other expenses incurred by him in the discharge of his official duties.

(d) Oath and Bond. Before entering upon the duties of his office, the director shall take and subscribe to the official oath of office, as provided by section 59-401, Idaho Code, and shall, in addition thereto, swear and affirm that he holds no other public office, nor any position under any political committee or party. Such oath, or affirmation, shall be signed in the office of the secretary of state.

The director shall be bonded to the state of Idaho in the time, form and manner prescribed by chapter 8, title 59, Idaho Code.

(e) Duties and Powers of Director.
1. The director shall have general supervision and control of all activities, functions, and employees of the department of fish and game, under the supervision and direction of the commission, and shall enforce all the provisions of the laws of the state, and rules and regulations of the commission relating to wild animals, birds, and fish and, further, shall perform all the duties prescribed by section 67-2405, Idaho Code, and other laws of the state not inconsistent with this act, and shall exercise all necessary powers incident thereto not specifically conferred on the commission.

2. The director is hereby authorized to appoint as many classified employees as the commission may deem necessary to perform administrative duties, to enforce the laws and to properly implement management, propagation, and protection programs established for carrying out the purposes of the Idaho fish and game code.

3. The appointment of such employees shall be made by the director in accordance with the Idaho personnel commission act and rules promulgated pursuant to chapter 53, title 67, Idaho Code, and they shall be compensated as provided therein. Said employees shall be bonded to the state of Idaho in the time, form, and manner prescribed by chapter 8, title 59, Idaho Code.

4. The director is hereby authorized to establish and maintain fish hatcheries for the purpose of hatching, propagating, and distributing all kinds of fish.

5. (A) The director, or any person appointed by him in writing to do so, may take wildlife of any kind, dead or alive, or import the same, subject to such conditions, restrictions and regulations as he may provide, for the pur-
pose of inspection, cultivation, propagation, distribution, scientific or other purposes deemed by him to be of interest to the fish and game resource of the state.

(B) The director shall have supervision over all of the matters pertaining to the inspection, cultivation, propagation and distribution of the wildlife propagated under the provisions of title 36, Idaho Code. He shall also have the power and authority to obtain, by purchase or otherwise, wildlife of any kind or variety which he may deem most suitable for distribution in the state and may have the same properly cared for and distributed throughout the state of Idaho as he may deem necessary.

6. (A) The director shall have the power, at any time when it is desired to introduce any new species, or if at any time any species of wildlife of the state of Idaho shall be threatened with excessive shooting, trapping, or angling or otherwise, to close any open season for such time as he may designate; in the event an emergency is declared to exist such closure shall become effective forthwith upon written order of the director; in all other cases upon publication and posting as provided in section 36-105, Idaho Code.

(B) Any order issued under authority hereof shall be published in at least one (1) newspaper of general circulation in the area affected by the order for at least once a week for two (2) consecutive weeks, and such order shall be posted in public places in each county as the director may direct.

(C) During the closure of any open season by the director all provisions of laws relating to the closed season on such wildlife shall be in force and whoever violates any of the provisions shall be subject to the penalties prescribed therefore.

7. The director shall make an annual report to the governor, the legislature, and the secretary of state, of the doings and conditions of his office, which report shall be made in accordance with section 67-2509, Idaho Code.

36-107. FISH AND GAME FUND. (a) Creation of Fund. The director shall promptly transmit to the state treasurer all monies received by him, from the sale of hunting, fishing and trapping licenses, tags and permits or from any other source connected with the administration of the provisions of the Idaho fish and game code or any law or regulation for the protection of wildlife and the state treasurer shall deposit all such monies in a special fund to be known as the "fish and game fund," which is hereby established, reserved,
set aside, appropriated, and made available until expended as may be directed by the commission in carrying out the purposes of the Idaho fish and game code or any law or regulation promulgated for the protection of wildlife, and shall be used for no other purpose.

(b) Control of Expenditures. The commission shall govern the financial policies of the department and shall, as provided by law, fix the budget for the operation and maintenance of its work for each fiscal year. Said budget shall not be exceeded by the director.

(c) Big Game Range and Upland Game Bird Management Account. For the purpose of acquiring and rehabilitating big game ranges and upland game bird habitats, the director shall set aside monies within the fish and game fund in an amount equal to two dollars ($2.00) for each combination and/or each hunting license sold as provided in section 36-406 and 36-407, Idaho Code, provided that class 4 licenses, as provided for in section 36-404, Idaho Code (senior resident licenses issued to persons sixty-five (65) years of age and older), shall be exempt from the provisions of this subsection.

Said monies shall be placed in an account to be used only for the acquisition and rehabilitation of big game ranges and upland game bird habitat. Unless it is inconsistent with the goals of the commission and the account provided herein, it is the intent of the legislature of the state of Idaho that the commission negotiate lease arrangements as compared to outright purchase of private property.

(d) Predatory Animal Fund. The director shall set aside from the state fish and game fund the sum of not less than twelve thousand dollars ($12,000) per annum which amount shall be placed in a fund to be known as the director's predatory animal fund. Provided that the maximum sum and the dates on which this sum or any part thereof is set aside shall be determined by the director; and provided also that the total of any funds placed by the director in the predatory animal fund pursuant to any other provision of law shall be included in the minimum sum to be placed in the predatory animal fund as herein provided. The amount of money so set aside shall be used by the director in the control of predatory animals and predatory birds. Provided further that any monies which the director may derive from the sale of furs, taken under the provisions of this section, shall be deposited into the fish and game fund.

36-108. STATE GAME FARMS AND FISH HATCHERIES -- RESTRICTIONS ON EMPLOYEES: All classified personnel employed
at state game farms and state fish hatcheries shall devote their entire time to the duties of their office, and shall not engage in any manner whatever in the operation of any fish hatchery or game farm, public or private, unless so ordered by the director and they shall not be entitled to have any holding in or own any private fish ponds, lakes or streams of this state, nor shall they engage in the selling or disposal of any wildlife whatever, except in the duties of their office and as directed by said director.

36-109. SPECIAL COUNSEL FOR DEPARTMENT. The director, with the approval of the governor, is hereby authorized to employ special counsel for the department of fish and game, and to pay reasonable attorneys' fees and expenses of such counsel incurred in the conduct of business of the department of fish and game, or prosecution of violations thereof civilly or criminally, and such fees and expenses shall be a proper charge against the fish and game fund.

CHAPTER 2
CLASSIFICATIONS AND DEFINITIONS

36-201. FISH AND GAME COMMISSION AUTHORIZED TO CLASSIFY WILDLIFE. With the exception of predatory animals, the Idaho fish and game commission is hereby authorized to define by classification or reclassification all wildlife in the state of Idaho. Such definitions and classifications shall include:
(a) Game animals
(b) Game birds
(c) Game fish
(d) Fur-bearing animals
(e) Migratory birds
(f) Threatened or endangered wildlife
(g) Protected nongame species
(h) Unprotected wildlife
Predatory wildlife shall include:
1. Coyote
2. Bobcat
3. Lynx
4. Jackrabbit
5. Skunk
6. Weasel
7. Starling
8. Wolf

36-202. DEFINITIONS. Whenever the following words
appear in title 36, Idaho Code, and orders, rules and regulations promulgated by the Idaho fish and game commission or the director of the Idaho department of fish and game, they shall be deemed to have the same meaning and terms of reference as hereinafter set forth. The present tense includes the past and future tenses, and the future, the present.

(a) "Title" shall mean all of the fish and game laws and regulations promulgated pursuant thereto.

(b) "Commission" shall mean the Idaho fish and game commission.

"Commissioner" shall mean a member of the Idaho fish and game commission.

(c) "Department" shall mean the Idaho department of fish and game.

(d) "Director" shall mean the director of the Idaho department of fish and game or any person authorized to act in his name.

(e) "Employee" shall mean any employee of the Idaho department of fish and game whose salary is paid entirely or in part by funds administered by the Idaho fish and game commission and whose appointment is made in accordance with the Idaho personnel commission act and related rules and regulations.

(f) "Person" shall mean an individual, partnership, corporation, company or any other type of association, and any agent or officer of any partnership, corporation, company, or other type of association. The masculine gender includes the feminine and the neuter. The singular, the plural, and the plural, the singular.

(g) "Wildlife" shall mean any form of animal life, native or exotic, generally living in a state of nature.

(h) "Take" shall mean hunt, pursue, catch, capture, shoot, fish, seine, trap, kill, or possess or any attempt to so do.

(i) "Hunting" shall mean chasing, driving, flushing, attracting, pursuing, worrying, following after or on the trail of, trapping, shooting at, stalking, or lying in wait for, any wildlife whether or not such wildlife is then or subsequently captured, killed, taken, or wounded. Such term does not include stalking, attracting, searching for, or lying in wait for, any wildlife by an unarmed person solely for the purpose of watching wildlife or taking pictures thereof.

(j) "Fishing" shall mean any effort made to take, kill, injure, capture, or catch any fish or bullfrog.

(k) "Trapping" shall mean taking, killing, and capturing wildlife by the use of any trap, snare, deadfall, or
other device commonly used to capture wildlife, and the shooting or killing of wildlife lawfully trapped, and includes all lesser acts such as placing, setting or staking such traps, snares, deadfalls, and other devices, whether or not such acts result in the taking of wildlife, and every attempt to take and every act of assistance to any other person in taking or attempting to take wildlife with traps, snares, deadfalls, or other devices.

(1) "Possession" shall mean both actual and constructive possession, and any control of the object or objects referred to; provided that wildlife taken accidentally and in a manner not contrary to the provisions of this title shall not be deemed to be in possession while being immediately released live back to the wild.

(m) "Possession limit" shall mean the maximum limit in number or amount of wildlife which may be lawfully in the possession of any person. "Possession limit" shall apply to wildlife being in possession while in the field or being transported to final place of consumption or storage.

(n) "Bag limit" shall mean the maximum number of wildlife which may be legally taken, caught, or killed by any one person for any particular period of time, as provided by order of the commission. The term "bag limit" shall be construed to mean an individual, independent effort and shall not be interpreted in any manner as to allow one (1) individual to take more than his "bag limit" toward filling the "bag limit" of another.

(o) "Buy" shall mean to purchase, barter, exchange, or trade and includes any offer or attempt to purchase, barter, exchange, or trade.

(p) "Sell" shall mean to offer or possess for sale, barter, exchange, or trade, or the act of selling, bartering, exchanging or trading.

(q) "Transport" shall mean to carry or convey or cause to be carried or conveyed from one place to another and includes an offer to transport, or receipt or possession for transportation.

(r) "Resident" shall mean any person who has been domiciled in this state, with a bona fide intent to make this his place of permanent abode, for a period of not less than six (6) months immediately preceding the date of application for any license, tag, or permit required under the provisions of this title or orders of the commission and who, when temporarily absent from this state, continues residency with intent to return. Provided that, until any such person has been continuously domiciled outside the state of Idaho for a sufficient period of time to qualify for resident
hunting and fishing privileges in his new state of residence, said person shall be deemed not to have lost his residency in Idaho for the purposes of this title. Provided further that Idaho residents shall not lose their residency in Idaho if they are absent from the state for religious (not to exceed two (2) years) or educational (not to exceed five (5) years) purposes and do not claim residency or use resident privileges in any other state or country for the purpose of hunting, fishing, or trapping. Idaho residents who are in the military service of the United States and maintain Idaho as their official home of record shall be eligible for the purchase of resident licenses.

1. A member of the military service of the United States, together with his spouse and children under eighteen (18) years of age residing in his household, who have been officially transferred, stationed, domiciled and on active duty in this state for a period of thirty (30) days last preceding application shall be eligible, as long as such assignment continues, to purchase a resident license.

2. Any person enrolled as a corpsman at a job corps center in Idaho shall be eligible, as long as he is so enrolled, to obtain a resident fishing license irrespective of his length of residence in this state.

(s) "Senior resident" shall mean any person who is over sixty-five (65) years of age and who has been a resident of the state of Idaho as hereinbefore provided for not less than ten (10) years.
(t) "Nonresident" shall mean any person who does not qualify as a resident.
(u) "Order, rule, regulation" are all used interchangeably and each includes the others.
(v) "Blindness" shall mean sight that does not exceed 20/200 as provided by the administrative guidelines of section 56-213, Idaho Code.
(w) "Public highway" shall mean the traveled portion of, and the shoulders on each side of, any road maintained by any governmental entity for public travel, and shall include all bridges, culverts, overpasses, fills, and other structures within the limits of the right-of-way of any such road.
(x) "Motorized vehicle" shall mean any water, land or air vehicle propelled by means of steam, petroleum products, electricity, or any other mechanical power.
(y) "Commercial fish hatchery" shall mean any hatchery, pond lake or stream or any other waters where fish are held, raised, or produced for sale but shall not include facilities used for the propagation of fish commonly considered as
ornamental or aquarium varieties.

CHAPTER 3
ISSUANCE AND SALE OF LICENSES

36-301. FORMS OF LICENSES, TAGS AND PERMITS -- PRINTING -- CHARGEABLE TO DIRECTOR. The forms of the various fishing, hunting and trapping licenses, tags and permits and related applications shall be determined by the director. The director shall cause to be printed such number of blank licenses, tags, permits and related applications as may be required from time to time and shall supervise the selling of same throughout the state.

It is hereby made the duty of the state auditor to keep and maintain a record of the number of such licenses, tags and permits so printed, and to hold the director accountable for same and for monies received therefor.

36-302. SUMMARY OF LAWS PRINTED -- DISTRIBUTION. The director shall have copies of applicable fish and game laws and regulations printed and supplied to license vendors for distribution to the public and license purchasers.

36-303. DISTRIBUTION, ISSUANCE, AND SALE OF LICENSES, TAGS AND PERMITS -- BONDING OF VENDORS. The director shall distribute such licenses, tags and permits to any person he may select for the purpose of sale and distribution. Provided that all resident licenses shall be sold only within the state of Idaho. Any person to whom licenses, tags and permits are consigned shall be charged with the full value thereof, less the authorized sales commission therefor as provided in section 36-306, Idaho Code, and such persons shall be responsible for all sums received by them from the sale of such licenses, tags and permits and shall be liable upon their official bonds, and should any person fail to account for the same, any sum remaining due by reason of such failure may be recovered from such person or his bondsman in a civil action. Provided, that any and all persons to whom licenses, tags and permits are consigned for sale, other than employees of the department of fish and game of the state of Idaho, shall be required to furnish to the director, before entering upon the sale of said licenses, tags and permits, a good and sufficient surety bond to the state of Idaho in an amount sufficient to cover all licenses, tags and permits so consigned. Provided further that when a surety bond is furnished by a surety company authorized to do business in the state of Idaho, said bond
shall be approved and accepted by the director and filed in the state office of the department of fish and game. All bonds executed by any person required to furnish the same shall cover a period of two (2) years and said bond shall be in a form prescribed by said director.

Any bond given in accordance with this section of the statute is declared to be an official bond of the state of Idaho.

Provided further that no person except an employee of the department shall be authorized to issue and sell such licenses, tags and permits until the bond hereinbefore provided for shall have been properly signed, approved and filed with the director. All monies collected by any person for the sale of such licenses, tags and permits in the state of Idaho, with the exception of any commission on said amount that may be due any person selling the same as vendor thereof, shall be and remain the property of the department. Any person appropriating any of said funds of the department of fish and game for his own use shall be guilty of a felony.

36-304. RECEIPT CANNOT BE ISSUED IN LIEU NOR ALTERATIONS MADE. It is a misdemeanor for any person authorized to sell licenses, tags or permits, to issue a receipt in lieu of a license, tag or permit or to alter any license, tag or permit as to its fee, type, class or privileges.

36-305. HONORARY OR TEMPORARY LICENSES OR PERMITS — ISSUANCE UNLAWFUL — PENALTY. It is a misdemeanor for the director, any employee of the department of fish and game or vendor or agent thereof to at any time or under any circumstances issue any honorary license or any temporary permit or license permitting any person or persons to hunt, fish or trap in the state of Idaho, and no fishing, hunting, or trapping license shall be issued to any person except in accordance with the provisions of subsection 36-106(e)5, Idaho Code.

36-306. COMMISSION ON SALES — WRITTEN APPLICATION OF PURCHASER. All persons authorized to sell licenses, except the director and employees of the department of fish and game, shall be entitled to receive a commission of five percent (5%) upon all licenses, to be retained by them as compensation for the sale of such licenses; provided that the commission on any individual license, tag or permit for which a fee is charged shall not be less than fifteen cents (15¢) nor more than five dollars ($5.00). Be it further pro-
vided that no resident or duplicate license shall be issued without taking the written application of the purchaser in the manner prescribed by section 36-405(a), Idaho Code.

36-307. REPORTS OF SALES. Any person authorized to issue licenses, tags and permits shall make a report on or before the fifteenth day of each month to the director stating the number of each type sold by him during the preceding month, and shall deposit at the same time with the director all monies reportable from such sales.

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

36-308. MONTHLY REPORTS TO STATE AUDITOR. On or about the first day of each month, the director shall make a report to the state auditor showing the number of blank licenses received from said auditor and the total number of each type sold. All monies from such sales received by the director shall be deposited with the state treasurer and credited to the state fish and game fund.

36-309. DISPOSITION OF MUTILATED OR UNSOLD LICENSES, TAGS OR PERMITS. All persons to whom blank licenses, tags or permits have been consigned as herein provided, shall turn over and deliver to said director all mutilated and unsold licenses, tags or permits, and the director shall then turn over and deliver forthwith to the state auditor all said mutilated and unsold licenses, tags and permits, and each of said persons authorized to handle licenses shall be held accountable for all mutilated or unsold licenses, tags and permits not so turned over and delivered to the director.

Provided, that when satisfactory proof is presented to the board of examiners, of unavoidable loss or destruction of blank licenses, tags or permits, the said board may relieve the person charged with accountability therefor, and order repaid to him any monies already paid by him into the treasury on said account.

36-310. VENDORS NEGLECTING TO ACCOUNT -- PENALTY. Any person who shall refuse or neglect to turn over, as herein
provided, any monies collected or authorized to be collected under the provisions of this act, or who shall fail, neglect or refuse to turn over and deliver all mutilated and unsold licenses, tags and permits, shall be guilty of a felony, and upon conviction shall be immediately removed from office.

CHAPTER 4
LICENSES TO HUNT, FISH AND TRAP

36-401. HUNTING, TRAPPING, FISHING OR CARRYING UNCASED FIREARM LICENSE REQUIREMENT -- EXCEPTIONS. It is a misdemeanor for any person to hunt, trap, or fish for or take any wild animal, bird or fish of this state or have in his possession any uncased firearm while in the fields or forests of the state, without first having procured a license as hereinafter provided. Provided that no license shall be required:

(a) Uncased Firearms. For residents of this state to carry uncased firearms on property owned, leased or controlled by them or on adjoining property for the purpose of taking predatory animals.

(b) 1. For children under the age of fourteen (14) years who are residents of this state to fish during the open season therefor.

2. For nonresident children under the age of fourteen (14) years to fish during the open season therefor provided they are accompanied by the holder of a valid fishing license, and provided further that any fish caught by such nonresident children shall be included in the bag and possession limit of such license holder.

3. For resident children under the age of twelve (12) years to hunt, take or kill predatory, unprotected birds and animals by means other than with firearms.

4. For resident children under the age of fourteen (14) years to trap muskrats from irrigation ditches or property on which they live during the open season.

(c) Senior Residents. For "senior residents" age seventy (70) years or older who are holders of a "senior resident permit" to hunt and fish during the open season.

(d) Blind Persons. For resident blind persons who are holders of a "permit for the blind" to fish during the open season.

(e) Institutional Inmates. For any inmate of the State Hospital North, State Hospital South, Idaho State School and Hospital, and State Veteran's Home to fish during open seasons, provided said inmate has a permit therefor from the director. The director is authorized to issue such permits.
upon the request of the head of the respective institution having custody of said inmate upon a showing that the institution recommends the issuance of such permit and will assume full responsibility for and control over said inmate while using said permit.

(f) Resident Military Personnel. For resident persons engaged in the military service of the United States, while on temporary furlough or leave, upon receipt of a temporary permit from the director, to hunt and fish during the open season.

(g) Disabled Persons. For any resident person who is permanently and totally disabled as certified by a physician licensed to practice in the state of Idaho, to hunt and fish during the open season, providing such person has obtained a permit from the director.

(h) Youth Training Center Students. For students of the Idaho Youth Training Center, under the supervision of an officer of said school, to fish during the open season.

(i) Boy Scouts. For boy scouts who are official participants in attendance at national or international encampments at Farragut State Park to take fish during the encampment period from Lake Pend Oreille in such areas and such numbers as may be designated by the commission.

(j) Nothing contained herein shall be construed to prohibit citizens of the United States who are residents of the state of Idaho from carrying arms for the protection of life and property.

36-402. LICENSES -- AUTHORITY -- LIMITATIONS. The licenses mentioned in this chapter shall entitle the person to whom issued to take such wildlife as may be authorized by said license, subject to the limitations set forth under this title and commission regulations promulgated pursuant thereto.

34-403. EXPIRATION DATES -- LICENSES, TAGS AND PERMITS.

(a) Annual Licenses -- Tags and Permits. All annual hunting and fishing licenses shall expire December 31 of the year for which they are valid. Trapping licenses shall expire on June 30 next following date of issuance. All tags and permits issued pursuant to the provisions of this chapter shall be valid only during the time that the corresponding basic license is valid.

(b) Senior Resident Permits. Senior resident permits shall expire and must be renewed five (5) years from date of issuance. Said permit shall become null and void if the holder fails to maintain continuous bona fide Idaho resi-
dency. All free senior resident permits issued informally prior to January 1, 1972, shall be valid until the expiration date shown on said permits.

36-404. CLASSES OF LICENSES. The licenses required by the provisions of this title shall be of six (6) classes. Licenses of the first four (4) classes mentioned in this section may be purchased only by persons who meet residency requirements under the provisions of subsections 36-202(r) and (s), Idaho Code.

Class 1: Adult Combination -- Hunting -- Fishing -- Trapping Licenses. Licenses to be issued only to persons who are residents of the state of Idaho.

Class 2: Youth Hunting -- Trapping Licenses. Licenses to be issued only to persons who are residents of the state of Idaho and are between twelve (12) and seventeen (17) years of age, inclusive.

Class 3: Youth Combination -- Fishing Licenses. Licenses to be issued only to persons who are residents of the state of Idaho between fourteen (14) and seventeen (17) years of age, inclusive.

Class 4: Senior Resident Combination License. Licenses to be issued only to persons over sixty-five (65) years of age who have been bona fide residents of the state of Idaho for a continuous period of not less than ten (10) years last preceding application.

Class 5: Nonresident Hunting -- Fishing -- Trapping -- Licenses. Licenses required of persons who are nonresidents.

Class 6: Duplicate License -- Tag. A license or tag to be issued as a replacement for an original license or tag lost or mutilated. Said license or tag shall be issued in the same class and type as the original and upon issuance of such duplicate license or tag the original license or tag shall become null and void.

36-405. APPLICATION FOR LICENSE -- DUPLICATE LICENSE -- UNLAWFUL PURCHASE, POSSESSION, AND USE OF LICENSE, TAGS OR PERMITS. (a) Application Required.

1. Any person making application for a senior resident license or permit, or resident license shall produce his Idaho driver's license as proof of residence, or in the case of nondrivers, other suitable proof of residency, and shall make and sign a written application stating the class of license applied for, the name of the applicant, the age of the applicant, his length of residence, his current address, and such other information as may be required by the director.
2. Any person making application for a duplicate license or tag shall make and sign a written application stating the type and class of license or tag originally purchased and such other information as may be required by the director.

3. It is a misdemeanor for:
   (A) Any person to willfully make a false statement as to name, age, length of residence or current address when such statement is made for the purpose of obtaining a license, tag or permit of a type or class he is not entitled to.
   (B) Any person to willfully make a false statement as to type and class of original license or tag purchased when applying for a duplicate license or tag.
   (b) Loss of License -- New One Required. In case of loss of a license or tag, a new one shall be required to entitle the person who lost the same to hunt, fish or trap. Such person may upon application:
      1. Purchase a new license or tag at the regular fee; or
      2. Replace a lost license or tag with a duplicate license or tag for which a fee of one dollar ($1.00) shall be charged.
   3. When a duplicate tag or license has been issued the original license or tag shall become null and void.
   (c) Unlawful Purchase, Possession and Use of License, Tag and Permit.
      1. Every person buying a license, tag or permit must buy a license, tag or permit of the proper type or class according to his residence and age. Purchase or possession of a license, tag or permit of the wrong class by any person is a misdemeanor and such license, tag or permit shall be void and of no effect from the date of issuance.
      2. It is a misdemeanor for any person to:
         (A) Acquire additional licenses or permits for the purpose of obtaining more than the legal number of tags provided for by this title and regulations promulgated pursuant thereto or to have said license, permits or tags in his possession.
         (B) Transfer any fishing, hunting, or trapping license, permit or tag to any other person or for any person to make use of such license, permit or tag issued to any other person.

36-406. RESIDENT FISHING, HUNTING AND TRAPPING LICENSES -- FEES. (a) Adult Licenses -- Combination -- Fishing -- Hunting -- Trapping. A license of the first class may be had by a person possessing the qualifications therein described
on payment of ten dollars ($10.00) for a combined fishing and hunting license, six dollars ($6.00) for a fishing license, five dollars ($5.00) for a hunting license, and five dollars ($5.00) for a trapping license.

(b) Youth Hunting -- Trapping Licenses. A license of the second class may be had by a person possessing the qualifications therein described on payment of three dollars ($3.00) for a hunting license, and five dollars ($5.00) for a trapping license.

(c) Youth Combination -- Fishing Licenses. A license of the third class may be purchased by a person possessing the qualifications therein described on payment of six dollars ($6.00) for a combined fishing and hunting license, and four dollars ($4.00) for a fishing license.

(d) Senior Resident Combination. A license of the fourth class may be had by a person possessing the qualifications therein described on payment of one dollar ($1.00) for a combined fishing and hunting license.

36-407. NONRESIDENT FISHING, HUNTING, AND TRAPPING LICENSES -- FEES -- RIGHTS UNDER. Licenses of the fifth class shall be issued to nonresidents in the several kinds and for fees as follows:

(a) Nonresident Hunting License. A license issued only to a person twelve (12) years of age or older entitling said person to pursue, hunt, or kill game birds, small game animals, unprotected birds and animals and predatory birds and animals and to purchase game tags as provided in subsection 36-409(b), Idaho Code. A license of this kind may be had upon payment of fifty dollars ($50.00).

(b) Nonresident Season Fishing License. A license entitling a person to fish in the public waters of the state. A license of this kind may be had by persons fourteen (14) years of age or older upon payment of twenty dollars ($20.00).

(c) Nonresident Trapping License. A license entitling a person to trap fur-bearing, unprotected, and predatory animals. A license of this kind may be had upon payment of seventy-five dollars ($75.00) providing the state of residence of said person grants similar trapping license privileges to residents of Idaho.

(d) Nonresident Nongame License. A license entitling a person to carry a shotgun or rifle for the protection of livestock, or to pursue, hunt and kill unprotected birds and animals and predatory birds and animals of this state. A license of this kind may be had by a nonresident person who is twelve (12) years of age or older upon payment of five dollars ($5.00). This license shall be valid only during
period of January 1 to August 31 of the calendar year in which issued, unless verified by the director that the licensee requires such a license to authorize him to carry a shotgun or rifle for the protection of livestock, in which case said license shall be valid until December 31 of the year in which issued.

(e) Nonresident Seven Day Fishing License. A license entitling a person to fish in the waters of the state for a period of seven (7) consecutive days only. A license of this kind may be had upon payment of seven dollars ($7.00).

(f) Daily Fishing License -- Resident May Purchase. A license entitling a person to fish in the waters of the state on a day-to-day basis. A license of this kind may be had by a resident or nonresident person (the provisions of section 36-405, Idaho Code, notwithstanding), upon payment of three dollars ($3.00) per day for each effective day thereof.

36-408. COMMISSION'S AUTHORITY -- TAGS -- PERMITS -- NONRESIDENTS LIMITED. (a) Tags and Permits -- Method of Use. The commission is hereby authorized to prescribe the number and kind of wildlife that may be taken under authority of the several types of tags and permits provided for in this title, and the manner in which said tags and permits shall be used and validated.

(b) Limit -- Licenses, Tags or Permits -- Controlled Hunts. The commission is hereby authorized to establish a limit annually as to the number of each kind and class of licenses, tags, or permits to be sold or issued and is further authorized to limit the number or prohibit entirely, the participation by nonresidents in controlled hunts.

36-409. GAME TAGS -- ARCHERY PERMITS -- FEES -- PENALTY. (a) Resident Game Tags. A resident who has purchased a license to hunt, as provided in section 36-406, Idaho Code, upon payment of the fees provided herein shall be eligible to receive a resident game tag to hunt and kill a moose, bighorn sheep, mountain goat, elk, deer, antelope, mountain lion, bear, or turkey in accordance with the laws of this state and regulations promulgated by the commission.

(b) Nonresident Game Tags. A nonresident who has purchased a hunting license, as provided in section 36-407(a), Idaho Code, upon payment of the fees provided herein, shall be eligible to receive a nonresident tag to hunt and kill a moose, bighorn sheep, mountain goat, elk, deer, antelope, mountain lion, bear or turkey in accordance with the laws of
this state and regulations promulgated by the commission.

(c) Schedule of Game Tag Fees.

<table>
<thead>
<tr>
<th>Game</th>
<th>Resident</th>
<th>Nonresident</th>
</tr>
</thead>
<tbody>
<tr>
<td>Moose</td>
<td>$45.00</td>
<td>$100.00</td>
</tr>
<tr>
<td>Bighorn Sheep</td>
<td>45.00</td>
<td>100.00</td>
</tr>
<tr>
<td>Mountain Goat</td>
<td>15.00</td>
<td>35.00</td>
</tr>
<tr>
<td>Elk</td>
<td>8.00</td>
<td>100.00</td>
</tr>
<tr>
<td>Deer</td>
<td>4.00</td>
<td>35.00</td>
</tr>
<tr>
<td>Antelope</td>
<td>10.00</td>
<td>25.00</td>
</tr>
<tr>
<td>Mountain Lion</td>
<td>5.00</td>
<td>35.00</td>
</tr>
<tr>
<td>Bear</td>
<td>4.00</td>
<td>15.00</td>
</tr>
<tr>
<td>Turkey</td>
<td>4.00</td>
<td>7.00</td>
</tr>
</tbody>
</table>

(d) Game Tags Required -- To Be Endorsed on License. The appropriate tag must be had for the hunting or taking of each and every one of the aforementioned wildlife. Provided, however, that the requirements for a mountain lion tag or a bear tag, as to different periods of time and areas of the state, shall be determined and specified by the commission. All of said tags are to bear and have serial numbers to be endorsed on the purchaser's license by the vendor at the time of sale.

(e) Game Tag to be Validated and Attached to Carcass. As soon as any person kills any wildlife for which a tag is required, said tag, belonging to him, must be validated and attached to said wildlife in a manner provided by commission regulation.

(f) Archery Permits. In addition to meeting the license and tag requirements provided in this chapter, any persons participating in any controlled or general game season which has been specifically designated as an archery hunt must have in his possession an archery hunt permit which may be purchased at a fee of three dollars ($3.00).

(g) Penalty. Failure to comply with any of the provisions of this section shall constitute a misdemeanor.

36-410. STEELHEAD TROUT -- ANADROMOUS SALMON PERMITS. It is a misdemeanor to fish for steelhead trout or anadromous salmon except as herein provided:

(a) Permits Required -- Fee. Any person holding a valid fishing or combined fishing and hunting license of a class and kind mentioned in section 36-406 or in subsection 36-407(b), Idaho Code, shall be eligible to purchase one (1) steelhead trout permit or one (1) anadromous salmon permit at a fee of two dollars ($2.00) for each kind of permit. The person to whom such permits are issued shall then be entitled to fish for and take steelhead trout and/or
C. 95 '76  IDAHO SESSION LAWS  339

anadromous salmon subject to the limitations prescribed in this title and regulations promulgated by the commission. Permits shall be valid only during the period of time that the corresponding basic license is valid.

(b) Unlicensed Resident. Bona fide residents of Idaho who are expressly exempt from license requirements to fish in the public waters of the state may choose one (1) of the following options:

1. Purchase and use such permits as an individual; or
2. May fish for and take steelhead trout and/or anadromous salmon without having permits therefor if accompanied by a properly licensed permit holder, provided that any such fish caught shall be included in the daily, seasonal and possession limit of the accompanying licensed permit holder.

(c) Unlicensed Nonresident Children. Unlicensed nonresident children under the age of fourteen (14) years shall not be eligible to obtain a steelhead trout or anadromous salmon permit, but may take such fish if accompanied by a holder of a valid license and permit, provided that any steelhead trout or anadromous salmon caught by such children shall be included in the daily, seasonal and possession limit of the accompanying licensed permit holder.

CHAPTER 5
RESTRICTIONS ON POSSESSION, TRANSPORTATION, SALE AND USE OF WILDLIFE

36-501. SALE AND PURCHASE OF WILDLIFE — RESTRICTIONS — EXCEPTIONS. It is a misdemeanor for any person to sell or buy any species of wildlife or parts thereof except as hereinafter provided.

(a) Sale of Mounted Specimens. The sale or purchase of mounted species of wildlife legally taken shall be lawful provided, however, that no mounted specimens of migratory birds shall be sold.

(b) Sale of Game Animal Heads. The sale of legally taken horns or heads of game animals, when detached from the carcass, shall be lawful only when accompanied by a statement showing that the animals were lawfully killed.

(c) Sale of Hides. The sale of hides or pelts of legally taken wildlife shall be lawful.

(d) Sale of Seized Wildlife. The sale and purchase of court confiscated, abandoned, or unclaimed wildlife shall be lawful when made in accordance with the provisions of section 36-1405, Idaho Code.

(e) Sale of Commercially Raised Wildlife. The sale of
wildlife raised commercially by properly licensed commercial park or pond facilities shall be lawful.

36-502. POSSESSION -- TRANSPORTATION -- SHIPMENT OF WILDLIFE -- RESTRICTIONS -- EXCEPTIONS. It is a misdemeanor for any person to possess, transport or ship in any manner, or accept for transportation or shipment any wildlife except as hereinafter provided.

(a) Possession and Transportation.

1. The possession and transportation of any legally taken wildlife shall be lawful when the same is in the possession of or is being transported by the taker of said wildlife and is accompanied by the appropriate licenses, tags, and/or permits attached and/or validated in the manner prescribed by the provisions of sections 36-409(e) and 36-410(a), Idaho Code.

2. Possession or transportation of any legally taken wildlife by any person other than the taker shall be lawful when such wildlife is accompanied by a written statement prepared and signed by the taker showing the number, kind, and date taken and the name, address and license number of the taker and other such information as may be specified by the commission. In addition to such statements said wildlife shall be accompanied by the appropriate validated tag therefor and/or such permits as may be required under the provisions of this title. Provided, however, that no person may lawfully claim, be granted or assume ownership of more game animals, game birds, or game fish taken within the state than allowed by possession limits established by the commission.

3. It shall be lawful for a person to ship or a common carrier to accept for shipment any legally taken wildlife provided that all packages containing such wildlife shall be plainly labeled designating numbers, sex and species of wildlife contained therein and the name and address of the consignor and consignee.

(b) Unlawful Possession. It is a misdemeanor for any person to have in his possession any wildlife or parts thereof protected by the provisions of this title and the taking or killing of which is unlawful.

36-503. STORAGE OF WILDLIFE -- PROCESSING -- RESTRICTIONS -- EXCEPTIONS -- RECORDS REQUIRED. It is a misdemeanor for any person to store or cause to be stored or leave for storage, cleaning or processing any wildlife or for any person owning or operating any locker, storage or processing business, to accept any wildlife for storage,
cleaning or processing except as hereinafter provided.

(a) Owner May Store. Any person who may be legally in possession of wildlife may store said wildlife for such time as he may desire or have such wildlife cleaned or processed provided the appropriate, properly validated tags, permits or statements, required by this title, shall accompany said wildlife.

(b) Storage Facilities — Records Required. Any person may accept for storage, cleaning or processing any legally taken wildlife provided:

1. Such wildlife is accompanied by the appropriate properly validated tags, permits or statements required by this title.

2. A written record is made of all such wildlife received showing numbers, species, and sex, when discernable, as well as the name, address and fish or game license class and number of the owner of said wildlife. Such record shall be available to the director for inspection upon request.

3. The operator of such storage facility shall, upon request of the director, provide full information concerning all tenants and all persons having access to lockers, lock boxes, and storage compartments leased by him.

CHAPTER 6
COMMERCIAL TRAFFIC IN SKINS, HIDES, AND PELTS OF WILDLIFE

36-601. TAXIDERMIST AND FUR BUYERS MUST PROCURE LICENSE. (a) Taxidermy — License Required. Any person who at any time within the state of Idaho desires to mount, preserve or prepare for preservation any of the dead bodies of any wildlife or any part thereof not personally taken by him in compliance with the provisions of this title, must obtain a taxidermist license.

(b) Purchase of Hides, Skins or Pelts — License Required. Any person who engages in the business of buying the hides, skins, or pelts of any of the fur bearers of this state must obtain a fur-buyer's license.

(c) Said taxidermist and fur-buyer licenses shall be obtained from the director for a fee and subject to the limitations hereinafter provided.

36-602. LICENSE FEE. (a) A fee of ten dollars ($10.00) shall be charged for a taxidermist license.

(b) Resident Fur-buyers License. A fee of five dollars ($5.00) shall be charged for a resident fur-buyers license.

(c) Nonresident Fur-buyers License. A fee of twenty
dollars ($20.00) shall be charged for a nonresident fur-buyers license.

(d) The expiration date for such licenses shall be June 30 next following the date of issuance.

36-603. TAXIDERMISTS AND FUR-BUYERS RECORDS. Any person licensed under the provisions of this chapter shall keep a written record for two (2) years last past of wildlife or the hides, skins, or pelts thereof received for preserving or sale. Such record shall be made upon a form provided by the department which sets forth such information as may be required by the director and shall be subject to his inspection at any time.

36-604. PENALTIES FOR FAILURE TO KEEP RECORD. Failure to keep a complete written record as required by this chapter and/or related commission regulations and any falsification, omissions or alterations as to such records shall constitute a misdemeanor and shall be grounds for the revocation of any license issued pursuant to the provisions of this chapter for a period of not to exceed twelve (12) months.

36-605. UNLICENSED TRAFFIC -- PENALTY. Any person who shall engage in or conduct a business as hereinbefore provided without first having obtained a license as specified herein, or who shall continue in such business after the revocation of such license shall be guilty of a misdemeanor.

36-606. CONFISCATION OF WILDLIFE -- PROOF OF OWNERSHIP REQUIRED. The director is hereby authorized to seize and confiscate any wildlife or the skins, hides, pelts, horns or antlers or other portions thereof in the possession of any fur-buyer or taxidermist, licensed or unlicensed, unless the person having same is able to produce satisfactory record of lawful origin and proof of ownership.

CHAPTER 7
CAPTIVE WILDLIFE

36-701. WILDLIFE HELD CAPTIVE WITHOUT LICENSE OR PERMIT UNLAWFUL -- EXCEPTIONS. (a) Possession of Live Wildlife Without License or Permit Unlawful. It is a misdemeanor for any person to engage in any wildlife propagation or to hold in captivity or to release in the wild any protected species of wildlife found in this state except by license or permit issued by the director as hereinafter provided.
(b) Exceptions. 1. No such license or permit shall be required of any municipal, county, state or other publicly owned zoo or wildlife exhibit or of any regularly organized traveling circus, menagerie or trained act of wild animals not permanently located within the state of Idaho nor of any bona fide pet store displaying lawfully acquired wildlife for sale.

2. Except for the provisions of section 36-710(b), Idaho Code, relating to inspection of same, nothing in this chapter shall be so construed as to apply to any domestic fur farm operated under the provisions of title 25, Idaho Code, or any live fish of a type commonly held and/or sold for aquaria, ornamental ponds, or other such containers of ornamental fish.

36-702. COMMERCIAL FISH FACILITIES -- RESTRICTIONS -- LICENSE. No person shall obtain, possess, preserve, or propagate fish in this state for the purpose of selling same unless he has first secured a commercial fish rearing license from the director.

(a) License Provisions. Such license may be issued by the director upon his finding that:

1. Such commercial facility is not constructed in or across any natural stream bed, lake or other watercourse containing wild fish.

2. Said facility is located entirely on private property owned or leased by the applicant.

3. Any dam constructed to divert water into said facility meets all the requirements of section 36-906(a), Idaho Code.

4. All water inlets to said facility are screened at the point of diversion in the manner provided in section 36-906(b), Idaho Code.

5. The application for such license is made upon a form provided by the department which sets forth such information as may be required by the director.

6. The property boundaries are posted as being a commercial fish hatchery in at least three (3) conspicuous, separate places in addition to all entrance roads.

7. The effluent control facilities have been approved by the Idaho department of health and welfare.

8. The approved application is accompanied by a license fee of ten dollars ($10.00).

(b) Separate License Required. A valid license must be had for each and every separate location and water source; said license shall expire December 31 next following the date of issuance.
(c) Record of Transactions Required. A current record shall be kept by such licensee of each and every sale, purchase or shipment and such records shall be retained for two (2) years and shall be subject to inspection by the director upon his request.

(d) Receipt Required. A receipt shall be issued to each purchaser identifying the hatchery source and specifying the numbers and species of fish and the date of sale.

36-703. COMMERCIAL WILDLIFE FARMS -- RESTRICTIONS LICENSE. No person shall obtain, possess, preserve, or propagate wild animals or wild birds in this state for the purpose of selling the same unless he has first secured a commercial wildlife farm license from the director.

(a) License Provisions. Such license may be issued by the director upon his finding that:
1. Such commercial wildlife farm is located entirely on private property owned or leased by the applicant.
2. Said farm is constructed so as not to contain any land where wild game animals or wild game birds naturally abound.
3. Said farm is so fenced as to prevent escape of game farm animals or birds therefrom and prevent entry thereon of the same species of publicly owned game animals or game birds.
4. The application for such license is made upon a form provided by the department which sets forth such information as may be required by the director.
5. The property boundaries are posted as being a commercial wildlife farm in at least three (3) separate, conspicuous places in addition to all entrance roadways.
6. All pertinent facilities of the farm have been approved by the Idaho department of health and welfare as being adequate to protect the public's health, and said facilities meet all requirements of the commission regulations promulgated pursuant to section 36-709, Idaho Code.
7. The approved application is accompanied by a license fee of ten dollars ($10.00).

(b) Separate Locations to be Licensed. A license must be had for each and every separate location. Said license shall expire December 31 next following the date of issuance.

(c) Records of Transactions Required. A current record shall be made by the licensee of each and every sale, purchase or shipment and such records shall be kept for two (2) years and shall be subject to inspection by the director upon his request.
(d) Receipt Required. A receipt shall be issued to each purchaser identifying the wildlife farm source and specifying the number and kinds of animals or birds and the date of sale.

36-704. PROPAGATION OF PUBLICLY OWNED WILDLIFE PROHIBITED. It is a misdemeanor for any person to capture or possess any wildlife, owned or held in trust by the state, for any purpose, except as otherwise provided in this title or by commission regulation promulgated pursuant hereto.

36-705. STEALING FROM AUTHORIZED HATCHERIES -- FARMS -- FELONY. It is a felony for any person to steal, take or carry away any fish or wild animal or wild bird from any county, state, federal or private fish hatchery, fish trap, fish holding pond, or wildlife farm authorized to operate in this state under provisions of this title.

36-706. PRIVATE PARKS AND PONDS -- NON-COMMERCIAL -- PERMIT REQUIRED. Any person may establish and maintain a private park or pond on premises owned or leased by him and obtain, possess, propagate and process for his own personal pleasure and use any wildlife provided he has first obtained a permit as specified herein.

(a) Permit Requirements. Such permit may be issued by the director upon his finding that:

1. Such private park or pond is not constructed in or across any natural stream bed, lake, or other watercourse containing wild fish, or on lands where wildlife abounds, except when it has been determined by the commission that the water flow and volume of wildlife concerned in such proposed private ponds, waters or parks are not a significant part of the wildlife resource of the state.

2. The private park or pond is located entirely on private property owned or leased by the applicant.

3. Any dam constructed to divert water into such private pond meets all requirements as provided in section 36-906(a), Idaho Code.

4. All inlets to such private pond are screened at the point of diversion as provided in section 36-906(b), Idaho Code, to prevent the entrance of wild fish into the private pond.

5. The application for such permit is made upon a form provided by the department which sets forth such information as may be required by the director.

6. The lands proposed for use as a park are so fenced as to prevent the escape of private wildlife therefrom and
prevent the entry thereon of publicly owned game animals or game birds.

7. The facilities for propagation of fish and wildlife have been approved by the Idaho department of health and welfare as adequate to protect the health and welfare of the public and said facilities meet all requirements of commission regulations promulgated pursuant to section 36-709, Idaho Code.

8. Said park or pond shall be posted in three (3) separate conspicuous places and all entrance roads.

(b) Separate Locations -- Permits Required. Such a park or pond permit must be had for each and every location. Said permit shall expire December 31 next following the date of issuance.

36-707. UNLAWFUL TO SELL OR PURCHASE WILDLIFE FROM PRIVATE PARK OR POND. It is a misdemeanor for any person to maintain a private park or pond without having a valid permit or to sell or purchase any wildlife possessed or propagated in such private park or pond. Any person who shall trespass upon a private park or pond posted in accordance with subsection 36-706(a)8, Idaho Code, shall be guilty of a misdemeanor.

36-708. PRIVATELY OWNED WILDLIFE EXHIBITS -- PERMIT REQUIRED. (a) Wildlife Exhibits -- Permits. No person shall establish, maintain, or operate a zoo, menagerie or public display of wild animals, wild birds, or reptiles, either native or exotic, when done as part of or adjunct to any commercial establishment unless he has first secured an animal display permit from the director. Such animal display permit may be issued by the director on his finding that:

1. The application for such permit is made upon a form provided by the department which sets forth such information as may be required by the director.

2. The applicant has conformed to the commission regulations promulgated pursuant to authority hereinafter granted by section 36-709, Idaho Code.

(b) Separate Location Permits Required. An animal display permit must be had for each and every separate location of such wildlife display. Said permit shall expire December 31 of the year of issuance.

36-709. HUMANE TREATMENT -- COMMISSION AUTHORIZED TO MAKE RULES. The commission is hereby authorized to promulgate regulations relating to standards of sanitation, humane treatment, proper care, and the maintenance of wild animals,
wild birds, and reptiles in captivity, including such wildlife held in private and public wildlife exhibits which have been issued licenses or permits under the provisions of this chapter, and the failure of such a licensee or permittee to comply with said regulations shall be grounds for the director to revoke such license or permit.

36-710. REASONABLE INSPECTION -- NOTICE OF VIOLATION. (a) Inspection by Director. As a condition to the issuance of a license or permit for the confinement of wildlife as hereinbefore provided in this chapter, the director shall have the right at any reasonable time to enter upon and inspect the facilities and captive wildlife covered by such license or permit. The director shall give written notice of any violation and shall specify a reasonable time of not less than ten (10) days to remove or eliminate the violation. If upon the expiration of such time the violation has not been removed or eliminated, he may revoke said license or permit.

(b) Fur Farm Inspection. The director shall have the right at any time to go upon and inspect any fur farm operated under the provisions of title 25, Idaho Code, as amended, in discharging said department's powers and duties relating to the capture or taking of nondomestic fur-bearing animals.

36-711. PENALTY. Except where a higher penalty is otherwise prescribed, any person who shall violate any of the provisions of this chapter or commission regulations promulgated pursuant hereto shall be guilty of a misdemeanor. Provided further, any licensee or permittee who shall be convicted of violating any of the provisions of this chapter shall have his license or permit revoked by the court for a period of twelve (12) months next following such conviction. All wildlife held under said license or permit so revoked shall be disposed of in accordance with the provisions of section 36-1304(b), Idaho Code.

CHAPTER 8
COMMERCIAL FISHING IN PEND' OREILLE LAKE AND CLARK FORK AND PEND' OREILLE RIVERS

36-801. COMMERCIAL FISHING -- WHITEFISH -- BLUEBACK SALMON. The taking of whitefish and blueback salmon (kokanee) for commercial purposes from any of the waters of the state of Idaho shall be unlawful except as hereinafter provided.
36-802. COMMERCIAL FISHING AUTHORIZED ON PEND' OREILLE LAKE AND RIVER AND CLARK FORK RIVER. The commission shall at such times and in such amounts as, through investigations it deems proper, allow commercial fishing in the waters of Pend' Oreille Lake, Clark Fork River below Cabinet Gorge Dam, and Pend' Oreille River above Albeni Falls Dam. Any person, before engaging in such commercial fishing, shall obtain from the director a commercial whitefish and blueback salmon license; the director shall charge for such license the sum of ten dollars ($10.00). Said license shall expire on June 30 next following date of issuance. Only persons who are residents of the state of Idaho shall be entitled to receive such license.

36-803. PURCHASE FROM OTHER THAN LICENSED FISHERMAN PROHIBITED. No person shall purchase whitefish or blueback salmon taken from the waters of Pend' Oreille Lake and Pend' Oreille and Clark Fork Rivers except from a fisherman licensed as provided in section 36-802, Idaho Code.

36-804. COMMISSION AUTHORIZED TO MAKE REGULATIONS. The commission shall be authorized to promulgate such regulations as may be necessary relating to:
1. Fishing gear and methods of use.
2. Seasons.
3. Catch and possession limits.
4. Sales and catch records.
5. Necessary forms and their use.

36-805. VIOLATIONS A MISDEMEANOR -- LICENSE REVOKED. Any person violating the provisions of this chapter or regulations made pursuant thereto shall be guilty of a misdemeanor and, conviction thereof shall be cause for the director to suspend or cancel any license issued under the terms of this chapter.

CHAPTER 9
PROTECTION OF FISH

36-901. FISHING UNLAWFUL EXCEPT BY COMMISSION REGULATION. It is a misdemeanor to take by any method or means, at any place or time or in any amount, or to have in possession fish from any of the waters of the state of Idaho except as permitted by provisions of this title and commission regulations promulgated pursuant thereto.

36-902. UNLAWFUL FISHING METHODS -- DESTRUCTION OF FISH
PROHIBITED -- EXCEPTIONS. Except as may be otherwise permitted by law or commission regulation it shall be a misdemeanor for any person to:

(a) Destructive Substances. Deposit, throw, place, allow or cause to pass into any of the waters of this state any deleterious drugs, toxicants, chemicals, poisonous substances, explosives, electrical current, or other material which may tend to destroy, kill, disable, or drive away fish.

(b) Mills. Operate any sawmill, reduction works or quartz mill upon any natural stream course or lake without having first constructed a proper dam for settling purposes as approved by the director.

(c) Net, Spear, Artificial Light. Catch, attempt to catch or kill any species of fish whatever in any of the streams, rivers, lakes, reservoirs or waters of this state with any seine, net, spear, snag hook, weir, fence, basket, trap, gill net, dip net, trammel net or any other contrivance or to fish for trout with or by the aid of artificial light.

(d) Minnows. Take, transport, use or have in possession minnows, fish or the young of any fish or parts thereof for bait or to release in any manner live minnows, fish or the young of any fish into the waters of this state except where such use, possession or taking is done in connection with fishing in the waters of the Kootenai River.

(e) Chumming. Deposit or distribute any substance not attached to a hook for the purpose of attracting fish. Salmon eggs or other spawn may be used for bait only when attached to a hook on a line and fished in the conventional manner.

(f) Penalty. Any person who shall violate any of the provisions of this section shall be guilty of a misdemeanor and shall, upon conviction thereof: for subsections (a) and (b), be fined in a sum of not less than one hundred fifty dollars ($150) nor more than three hundred dollars ($300) for each offense, and/or by commitment to jail for a period of not more than six (6) months; for subsection (c), not less than fifty dollars ($50.00) nor more than three hundred dollars ($300), and/or by commitment to jail for a period of not more than six (6) months; for subsections (d) and (e), as provided in section 36-1402, Idaho Code.
any species of fish is of such density as to be detrimental to the overall fishery resource, the commission may authorize the reduction or removal of such fish. The fish so taken shall be disposed of, with or without royalty, and in such manner as the commission may determine.

(b) Commission to Authorize Rehabilitation. The commission may authorize the director to rehabilitate any fishery in such waters of the state as found, through proper investigation, to be desirable.

36-904. WHITEFISH -- TAKING WITH SEINE. Upon the issuance of a permit by the director, whitefish may be taken with seine for local consumption of the communities where they are found to be of sufficient number or quantity to supply such demand. All seining shall be done under the supervision of the director. It shall be a misdemeanor to keep any other game fish in the seining of whitefish under the provisions of this section.

36-905. FISH RACKS OR TRAPS UNLAWFUL EXCEPT BY PERMIT. It is a misdemeanor to place racks or traps or any other obstruction across any of the streams or waters of the state of Idaho in order to take fish for any purpose without first obtaining a permit from the director. It is a misdemeanor for any unauthorized person to tamper with, damage or destroy any such permitted rack, trap or other obstruction.

36-906. FISHWAYS IN DAMS -- SCREENS IN DIVERIONS -- REMOVAL OF UNUSED DAMS -- PENALTY. (a) Fishways Required. It is a misdemeanor for any person to construct or maintain a dam or other obstruction which restricts the free and uninterrupted passage of fish in any stream in this state without a proper fishway therein. Such fishway shall be installed and maintained at the owner's expense and shall be of a sufficient kind and capacity as to accommodate seasonal movements of fish up and down the stream. Said fishway shall be constructed according to plans and specifications approved by the director and such plans shall be incorporated into the overall design of said dam prior to the start of construction. The director, upon request, shall furnish design criteria for such fishway construction.

(b) Screening of Diverted Waters. It is a misdemeanor for any person to operate any mill, factory, power plant or other manufacturing concern run by water power and having either a head or tail race, or for any person to maintain and operate any ditch, flume, canal or other water conduit receiving or taking water from any stream or lake in this state without first installing and maintaining a suitable
screen or other device to prevent fish from entering therein; said screens shall be installed and maintained in a manner and to such specifications and at such locations as may be required by the director and at the expense of the owner or operation of such diversion.

(c) Notification of Need -- Screens or Fishways. When a need is found for screens or fishways in planned or existing diversions, dams or obstructions, the director shall order in writing the construction and installation of such screens or fishways. Said order shall specify the type, design and location of said screen or fishway and the time within which said screen or fishway must be installed. Said time shall not be less than thirty (30) days nor more than six (6) months from the date of service of said order.

(d) Removal of Existing Structures - Removal of Abandoned Structures. When it is found that dams or other obstructions which have been placed in the rivers or streams of this state have been abandoned or are not serving any useful purpose and it appears the same are detrimental to the fishery resource, the director may cause the removal of same in such manner as he may see fit.

36-907. OPEN PASSAGE -- REPLACEMENT BY DEPARTMENT -- MAINTENANCE BY OWNER. When it is determined that any existing or proposed dam or obstruction requires a fishway and none has been installed therein, the director shall keep the same open until said fishway is put therein by the owner. Where a fishway has heretofore been constructed and approved by the director and has proved useless or inadequate for such purpose, the director shall have authority to construct a new fishway and to pay the expense of such construction out of the fish and game fund. However, when such fishway is then properly functioning, it shall be maintained and replaced as required at the expense of the person owning the dam or other obstruction.

36-908. THE DEPARTMENT IS AUTHORIZED TO ESTABLISH OR MAINTAIN SCREENING DEVICES IN ARTIFICIAL WATERCOURSES. The department may install and maintain screening and bypass devices in any gravity-fed diversion taking or receiving one hundred twenty-five (125) cubic feet of water per second or less from any stream or lake in this state in which fish may exist or are placed or planted, to prevent said fish from leaving such waters. For such purposes, the department may install, maintain, repair, relocate or reinstall all such screens, gratings, or other devices and all bypasses thereto. No screen or other device shall be installed which...
will diminish the flow of water in such diversion. It shall be unlawful for any person to interfere with, tamper with, damage, destroy or remove any fish screening or bypass device installed pursuant to this chapter.

36-909. PENALTY. Any person violating any of the provisions of this chapter relating to fish racks or traps, fishways, fish ladders or screens shall be guilty of a misdemeanor. Provided, that the continuance from day to day of the neglect or refusal to correct the violation shall constitute a separate offense for each day.

CHAPTER 10
STATE BOUNDARY WATERS -- RECIPROCAL AGREEMENTS

36-1001. IDAHO, OREGON, WASHINGTON BOUNDARY WATERS
SNAKE RIVER -- RECIPROCITY. (a) Oregon, Idaho Boundary Waters. The right to fish, hunt, or trap in the waters or on the islands of the Snake River where said river forms the boundary line between the state of Oregon and the state of Idaho by the holder of either a valid Oregon or Idaho license therefor in accordance with the laws and rules of the respective state is hereby recognized and made lawful.

(b) Washington, Idaho Boundary Waters. The right to fish or hunt in the waters or on the islands of the Snake River where said river forms the boundary line between the state of Idaho and the state of Washington by the holder of a valid Idaho or Washington license therefor in accordance with the fish and game laws of the respective state is hereby recognized and made lawful.

(c) Purpose and Limitation. The purpose of this section is to avoid the conflict, confusion and difficulty of an attempt to find the exact locations of the state boundary in or on said waters and on said islands of the Snake River. Provided, however, nothing in this section shall be construed to authorize:

1. The holder of an Oregon or Washington license to fish, hunt or trap on the shoreline, sloughs or tributaries on the Idaho side of the Snake River.

2. The holder of an Idaho license to angle, hunt or trap on the shoreline, sloughs or tributaries on the Oregon or Washington side of the Snake River.

3. The holder of licenses for both Idaho and Oregon or for both Idaho and Washington to exercise the privileges of both such licenses at the same time.

36-1002. ENFORCEMENT. For the purposes of enforcing the
provisions of section 36-1001, Idaho Code, the courts of this state sitting in the various counties contiguous to said waters, and the officers of this state empowered to enforce laws pertaining to fish or game are hereby given and shall have jurisdiction over the entire boundary waters aforesaid to the furthermost shoreline. Concurrent jurisdiction with the courts and administrative officers of the states of Washington and Oregon over the said boundary waters is hereby expressly recognized and established.

36-1003. BEAR LAKE -- RECIPROCAL RECOGNITION OF LICENSING RIGHTS -- IDAHO AND UTAH. The Idaho fish and game commission is authorized to enter into reciprocal agreements with the Utah fish and game commission for the purpose of recognizing license rights of both Idaho and Utah fishing license holders to fish in the waters of Bear Lake, whether or not the said waters are within the state of Idaho or the state of Utah.

36-1004. VIOLATIONS A MISDEMEANOR. Any person violating the provisions of this chapter or regulations made pursuant thereto shall be guilty of a misdemeanor.

36-1005. BEAR LAKE WATERSHED -- COOPERATIVE AGREEMENTS WITH UTAH AND WYOMING AUTHORIZED. The Idaho fish and game commission is authorized to enter into cooperative agreements with the Utah and Wyoming fish and game commissions for the purpose of development, construction, and maintenance of the fishing resources of the Bear Lake watershed.

CHAPTER 11
PROTECTION OF ANIMALS AND BIRDS

36-1101. METHODS PROHIBITED -- EXCEPTIONS. It is a misdemeanor, except as may be otherwise provided under this title or commission regulations promulgated pursuant thereto, for any person to take any of the game animals, birds or fur-bearing animals of this state and provided further it is a misdemeanor for any person to:

(a) Hunt from Motorized Vehicles. Hunt any of the game animals or game birds of this state from or by the use of any motorized vehicle.

(b) Molest with Motorized Vehicles. Use any motorized vehicle to molest, stir up, rally or drive in any manner any of the game animals or game birds of this state.

(c) Communicate from Aircraft. Make use of aircraft in any manner to spot or locate game animals, game birds or
fur-bearing animals of this state from the air and communicate the location or approximate location thereof by any signals whatsoever, whether radio, visual or otherwise, to any person then on the ground.

(d) Hunt from Helicopter. Make use of any helicopter in any manner in the taking of game or loading, transporting, or unloading hunters, game or hunting gear in any manner except when such use is at recognized airports or airplane landing fields, or at heliports which have been previously established on private land or which have been established by a department or agency of the federal, state or local government or when said use is in the course of emergency or search and rescue operations.

(e) Artificial Light. Hunt any game animal or game bird by the aid of a spotlight, flashlight or artificial light of any kind. The act of casting or throwing, after sunset, the beam or rays of any spotlight, headlight or other artificial light capable of utilizing six (6) volts or more of electrical power upon any field, forest or other place where big game animals may be reasonably expected to be present, or upon any big game animal, or in attempting to locate any such big game animal by any person while having in his possession or under his control any uncased firearm or contrivance capable of killing same, shall be prima facie evidence of hunting with an artificial light. Provided nothing in this subsection shall apply where the headlights of a motor vehicle, operated and proceeding in a normal manner on any highway or roadway, cast a light upon such game animal on or adjacent to such highway or roadway and there is no intent or attempt to locate such animal.

(f) Regulation of Dogs. 1. No person shall make use of a dog for the purpose of pursuing, taking or killing any of the big game animals of this state except as otherwise provided by regulations of the commission.

2. The owner of any dog found running at large and which is actively tracking, pursuing, harassing or attacking deer or any other big game animal within this state shall be guilty of a misdemeanor. It shall be no defense that such dog or dogs were pursuing said big game animals without the aid or direction of their master.

3. Any dog found running at large and which is actively tracking, pursuing, harassing, attacking or killing deer or any other big game animal may be destroyed without criminal or civil liability by the director, or any peace officer, or other persons authorized to enforce the Idaho fish and game laws.
36-1102. PROTECTION OF BIRDS. (a) Game, Song, Insectivorous, Rodent Killing, and Innocent Birds Protected. Except for English sparrows and starlings, it is a misdemeanor at any time of the year for any person to hunt, kill or capture any game, song, rodent killing, insectivorous or other innocent bird, except as provided by commission regulations promulgated pursuant hereto, or for any person to intentionally disturb or destroy the eggs or nests of such birds at any time.

(b) Migratory Birds. 1. It is a misdemeanor for any person to hunt, take or have in possession any migratory birds except as provided by federal regulations made pursuant to the Federal Migratory Bird Treaty Act, as amended, and in accordance with related rules and regulations promulgated by the commission.

2. It is a misdemeanor for any person subject to the Federal Migratory Bird Hunting Stamp Act tax to hunt any migratory waterfowl unless at the time of such hunting he carries on his person an unexpired Federal Migratory Bird Hunting Stamp validated by his signature in ink across the face of the stamp while hunting such birds.

(c) Falconry. The commission is authorized to establish a falconry program and to promulgate rules and regulations governing same.

36-1103. FUR-BEARING ANIMALS -- SEASONS -- METHODS -- AMOUNTS. It is a misdemeanor to trap or take by any method or means and at any place or time or in any amount or to have in possession any wild fur-bearing animals or pelts thereof except as permitted by provisions of this title and commission regulations promulgated pursuant thereto.

(a) Trapping -- Fur-bearing Animals. It is a misdemeanor to:

1. Use any part of a game bird, game animal, or game fish for bait in trapping or taking of any wildlife.

2. Destroy, disturb, or remove the trap or traps of any licensed trapper within this state provided, however, that the director may inspect such traps and seize same when unlawfully set.

(b) Seizure and Sale of Unclaimed Traps. Traps or other trapping equipment unlawfully set shall be seized by the director or any officer charged with the enforcement of the wildlife laws and may be sold and the monies of such sale shall be credited to the state fish and game fund.

(c) Muskrat House Protected. It is a misdemeanor for any person to trap in or on or to destroy or damage any muskrat house at any time. For the purpose of this section
what is known as a push-up is not construed to be a muskrat house in the sense of the law pertaining to trapping in or on muskrat houses.

36-1104. SPECIAL BEAVER TAGS -- FEE -- USE. (a) Commission to Regulate Issuance and Fee. Whenever the commission declares an open season on beaver, said commission may pursuantly regulate the issuance of special beaver tags to licensed trappers, including the maximum number to be issued to any one person and the price to be paid for each, provided that the fee for such tag shall not exceed two dollars ($2.00).

(b) Tag to be Attached -- Authority for Sale of. When a properly licensed person kills a beaver, for which a tag is required, such a person shall immediately affix such tag in the manner prescribed by regulation of the commission. After any beaver pelt has been so tagged, the same shall become the property of the trapper and may be sold, transferred or shipped in ordinary trade.

(c) Tag Must be Carried on Person. No person shall take, trap or kill any beaver for which such a tag is required unless he has the tag on his person and any such tag so issued shall at all times be subject to the inspection of the director.

(d) Beaver Unlawfully Taken, Possessed -- Subject to Seizure. The possession of any beaver or pelt therefrom taken in contravention to the provisions of this section is prima facie evidence that the same has been unlawfully taken and any such beaver or pelt so taken shall remain the property of the state of Idaho. The director may at any time seize as contraband any beaver or pelt therefrom which may have been taken, killed, trapped or held in possession unlawfully; such seized beaver or pelts therefrom shall be sold by the director and the proceeds derived therefrom shall be credited to the fish and game fund.

36-1105. REPORT OF TRAPPERS -- PENALTY FOR FAILURE TO REPORT. By the 31st of July of each year, the director shall be furnished with an accurate, written report from all persons who held a trapping license during the preceding license year as to the number and kinds of wild animals caught, killed and pelted during the open season, where the hides and pelts were sold and the amount derived from the sale thereof. Any trapper failing to make such a report by said date shall be refused a license to trap animals for the ensuing year.
36-1106. AIRCRAFT USE IN CONTROLLING UNPROTECTED OR PREDATORY ANIMALS. The department is hereby designated as the authorized agent of this state to aid in the administration or protection of land, water, wildlife, livestock, domesticated animals, human life or crops for the purposes of issuing permits to persons to shoot or attempt to shoot, capture, harass or kill unprotected or predatory animals, as designated by the commission, while such person is airborne in an aircraft, under authority vested in such agency by public laws 92-159 and 92-502.

The director shall issue such permits to applicants at no charge and shall require each permittee to submit a report each calendar quarter. The director also shall file with the United States secretary of the interior an annual report as prescribed in public laws 92-159 and 92-502.

The commission is authorized to promulgate such regulations as may be necessary for the effective administration of this subsection. Any violation of such regulations shall constitute a misdemeanor.

36-1107. WILD ANIMALS AND BIRDS DAMAGING PROPERTY. Other provisions of this title notwithstanding, any person may control, trap, and/or remove any wild animals or birds or may destroy the houses, dams, or other structures of fur-bearing animals for the purpose of protecting property from the depredations thereof as hereinafter provided.

(a) Director to Authorize Removal of Wildlife Causing Damage. When any wildlife, protected by this title, is doing damage to or is destroying any property or is likely to do so, the owner or lessee thereof may make complaint and report the facts to the director who shall investigate the conditions complained of. If it appears that the complaint is well-founded and the property of such complainant is being or is likely to be damaged or destroyed by any such wildlife protected under this title, the director may:

1. Send a representative onto the premises to control, trap, and/or remove such protected wildlife as will stop the damage to said property. Any animals or birds so taken shall remain the property of the state and shall be turned over to the director.

2. Grant properly safeguarded permission to the complainant to control, trap and/or remove such protected wildlife or to destroy any houses, dams, or other structures erected by said animals or birds. Any protected wildlife so taken shall remain the property of the state and shall be turned over to the director.

3. Whenever deemed to be in the public interest,
authorize or cause the removal or destruction of any dam, house, structure or obstruction erected by any fur-bearing animals, provided that no liability whatever shall accrue to the department or the director by reason of any direct or indirect damage arising from such destruction or removal.

4. Issue a permit to any bona fide owner or lessee of property which is being actually and materially damaged by fur-bearing animals, to trap or kill such animals on his own or leased premises. Such permit may be issued without cost to a landholder applicant who possesses a valid trapping license and shall designate therein the number of fur-bearing animals that may be trapped or killed. Beaver so taken shall be handled in the manner provided in section 36-1104, Idaho Code. The term "premises" shall be construed to include any irrigation ditch or right-of-way appurtenant to the land for which said permit is issued.

(b) Control of Depredation of Bear, Mountain Lion, and Predators Within Wildlife Preserves. Bear and mountain lion, and predators within wildlife preserves, may be disposed of by livestock owners or their employees when same are molesting livestock and it shall not be necessary to obtain any permit from the department. Mountain lion so taken shall be reported to the director. Livestock owners may take steps they deem necessary to protect their livestock.

(c) Taking of Muskrats in Irrigation Systems Authorized. Muskrats may be taken at any time in or along the banks of irrigation ditches, canals, reservoirs or dams, by the owners, their employees, or those in charge of said irrigation ditches or canals.

36-1108. PENALTIES. (a) Any person violating any of the provisions of this title with respect to methods of take, seasons or limits relating to deer, bighorn sheep, mountain lion, mountain goat, antelope, bear, shall be guilty of a misdemeanor and upon conviction thereof shall be fined in a sum of not less than one hundred dollars ($100) nor more than three hundred dollars ($300) for each offense and/or by commitment to jail for a period of not more than six (6) months.

(b) Any person violating the provisions of this chapter with respect to the protection of moose, elk, buffalo and caribou shall be guilty of a misdemeanor and shall be fined in a sum of not less than one hundred fifty dollars ($150) nor more than three hundred dollars ($300) and/or by commitment to jail for not more than six (6) months.
(c) Any person violating any of the provisions of this chapter for which no penalty is specified shall be guilty of a misdemeanor and subject to the penalty prescribed by section 36-1402, Idaho Code.

CHAPTER 12
CHECK STATIONS -- WASTE OF WILDLIFE

36-1201. PRODUCTION OF LICENSE OR WILDLIFE FOR INSPECTION -- STOP AT CHECKING STATIONS. It is a misdemeanor for any fisherman, hunter or trapper to refuse or fail to:

(a) Inspection of License and Wildlife. Upon request of the director, produce for inspection any wildlife in his possession or any license, tag or permit as may be required pursuant to the provisions of this title.

(b) Check Stations. Stop and report at a wildlife check station encountered on his route of travel when directed to do so by personnel on duty. Such direction may be accomplished by signs prominently displayed along the route of travel indicating those persons required to stop.

36-1202. WASTEFUL DESTRUCTION OF WILDLIFE OR MUTILATION UNLAWFUL. It is a misdemeanor for any person to:

(a) Waste. Through carelessness, neglect or otherwise, to allow or cause the waste of any game bird, game animal or game fish or any portion thereof usually eaten by humans.

(b) Destruction -- Mutilation. Capture or kill any game animal, except a carnivore, and detach or remove from the carcass only the head, hide, antlers, horns or tusks and leave the carcass to waste.

(c) Prima Facie. To fail to properly dress and care for any game animal except carnivore killed by him and if the carcass is reasonably accessible; failure to take or transport same to his camp within twenty-four (24) hours shall be prima facie evidence of a violation of the provisions of this section.

CHAPTER 13
ENFORCEMENT AND APPLICATION OF FISH AND GAME LAW

36-1301. POWER AND DUTY OF OFFICERS -- OFFICIAL BADGE -- WHO MAY WEAR -- SEPARABILITY. (a) Authorized Officers. The director, all conservation officers and other classified department employees, and all sheriffs, deputy sheriffs, forest supervisors, marshals, police officers, state forest department officers, and national forest rangers shall have
statewide jurisdiction and it is hereby made their duty to enforce the provisions of the Idaho fish and game code.

(b) Authority and Limitations as Peace Officers. All conservation officers and all other classified employees appointed by the director shall have the power of peace officers limited to:

1. The enforcement of the provisions of title 36, Idaho Code, and commission regulations promulgated pursuant thereto.

2. The arrest of persons having domestic animals unlawfully in their possession.

3. The enforcement of the provisions of chapter 25, title 39, Idaho Code (watercraft regulations), provided that such authority is exercised in cooperation with sheriffs of the respective counties.

4. Responding to express requests from other law enforcement agencies for aid and assistance in enforcing other laws. For purposes of this section, such a request from a law enforcement agency shall mean only a request for assistance as to a particular and singular violation or suspicion of violation of law, and shall not constitute a continuous request for assistance outside the purview of enforcement of title 36, Idaho Code.

(c) Additional Authority and Duties. Said officers and employees shall have additional peace officer power, but not constituting an obligation beyond their regular course of duty, relative to:


3. The enforcement of the provisions of sections 18-3906 and 18-7031, Idaho Code, relating to littering.

(d) Official Badge -- Who May Wear. It is a misdemeanor for any person who is not at the time a classified employee or conservation officer, duly authorized and commissioned by the director, to wear or exhibit in public an official badge of the department of fish and game of the state of Idaho.

36-1302. ARRESTS -- JURISDICTION -- BAIL -- TRIAL.
(a) Arrests -- Citations. All arrests pursuant to the provisions of title 36, Idaho Code, may be effected by:

1. Taking the offender into custody for immediate appearance before any magistrate of the state having jurisdiction over the alleged offense; or

2. Issuing a citation to the offender to appear before
such magistrate.

(A) Said citation shall bear the name and address of
the offender, the date, time and place for his appearance
before a magistrate, the offense charged, the approximate
location where and the approximate time when the offense was
committed and other such essential descriptive information
related to the offense as prescribed by the director.

(B) A citation shall be issued only by mutual agreement
of the officer and the accused as evidenced by both their
signatures on said citation. The citation shall specify
appearance before a magistrate court having jurisdiction
over the alleged offense in any county mutually agreed to be
convenient. The accused shall be given a copy thereof and
thereupon may be released from custody.

(C) Failure of the accused to appear at the time and
place specified in the citation shall constitute a mis­
demeanor and shall be cause for issuance of a warrant for
his arrest.

(b) Actions -- How Brought. All actions brought for
violation of the provisions of this title shall be in the
name of the state of Idaho and shall be prosecuted by an
attorney representing the county having jurisdiction.

(c) Bond -- Waiver of Trial -- Guilty Plea. For the
purpose of posting bail bonds or cash bail, waivers of trial
or entering pleas of guilty, the officer shall take the
defendant before any magistrate or other designated person
within the state who has sufficient jurisdiction to accept
the bond, waiver, or plea.

(d) Trial. Upon a plea of not guilty by the defendant
before a court in a county other than where the offense was
committed, the action shall be returned for trial to a court
in the county where the offense is alleged to have occurred.

36-1303. RIGHT OF SEARCH. Officers are hereby vested
with authority and it is their duty to:

(a) Inspection of Storage Facilities. Inspect all
depots, cars, warehouses, cold storage rooms, warerooms,
restaurants, hotels, motels, markets, air terminals and all
baggage, packages, and packs held either for sale, shipment
or storage which they shall have probable cause to believe
contain evidence of the violation of any provisions of this
title.

(b) Right of Search. Search, with or without a warrant,
the tents, wagons, autos, boats, aircraft (private or char­
tered), campers, camp trailers, or other vehicles, camps,
baggage or packs of any person in the state, when they shall
have probable cause to believe such person has in his pos-
session any unlawfully taken wildlife or any equipment or substances used to take such wildlife.

36-1304. SEIZURE OF EQUIPMENT AND WILDLIFE. (a) Seizure of Evidence -- Confiscation of Unlawfully Used Equipment. The director and all other officers empowered to enforce fish and game laws are hereby authorized at any time to seize and hold as evidence any powder, explosives, lime, toxicants, drugs, spears, traps, snares, guns, tackle, nets, seines or any other hunting, trapping or fishing equipment or devices used in the commission of a violation of any provisions of this title or regulations promulgated pursuant thereto, provided that all lawful traps, guns, spears, tackle, nets and seines taken from the possession of any person arrested for a violation of this title and held as evidence in any prosecution resulting from such arrest shall not be subject to confiscation but the same shall be returned to the person from whom taken when no longer needed as evidence. Provided, however, if it appears from the evidence before the magistrate hearing the case that the powder, explosive, lime, toxicants, drugs, or other unlawful means and devices were used or were about to be used for the unlawful taking or killing of wildlife, said magistrate shall order the same confiscated and sold by the director at public or private sale, the proceeds therefrom turned into the fish and game fund.

(b) Unlawfully Taken Wildlife -- Seizure, Confiscation, Disposition. The director or any other officer empowered to enforce the fish and game laws may at any time seize and take into his custody any wildlife or any portion thereof which may have been taken unlawfully, or which may be unlawfully in the possession of any person. If it appears from the evidence before the magistrate hearing the case that said wildlife was unlawfully taken, the magistrate shall:

1. Order the same confiscated or sold by the director and the proceeds deposited in the fish and game fund; or

2. In his discretion, order such confiscated wildlife given to a designated tax-supported, nonprofit or charitable institution or indigent person.

(c) Unclaimed Wildlife -- Seizure, Disposition. All carcasses, hides, pelts or portions of any wildlife protected by the provisions of this title which are deemed to be unclaimed or abandoned may be seized by the director or any other officer empowered to enforce game laws and, upon being so seized, the director shall:

1. Sell same at public or private sale and deposit the proceeds therefrom in the fish and game fund.
2. In his discretion, order such wildlife to be given to a designated tax-supported nonprofit or charitable institution or indigent person.

(d) Receipt Required. A written receipt must be executed for all equipment or wildlife disposed of in accordance with the provisions of this section.

36-1305. PRESUMPTION FROM POSSESSION. Except as in this title otherwise provided, the possession of any wildlife during the closed season for such wildlife shall be prima facie evidence that the same was taken unlawfully.

CHAPTER 14
GENERAL PENAL PROVISIONS

36-1401. VIOLATIONS A MISDEMEANOR. Any person who shall violate any of the provisions of this title or regulations promulgated pursuant thereto, except where an offense is expressly declared to be a felony, shall be guilty of a misdemeanor.

36-1402. PENALTY -- MISDEMEANOR -- FELONY -- REVOCATION OF LICENSE -- DISPOSITION OF MONIES. (a) Misdemeanor Penalty. Any person convicted of a misdemeanor under the provisions of this title or regulations promulgated pursuant thereto shall, except in cases where a higher penalty is prescribed, be fined in a sum of not less than twenty-five dollars ($25.00) nor more than three hundred dollars ($300) and/or by commitment to jail for not more than six (6) months.

(b) Felony Penalty. Any person convicted of a felony under the provisions of this title shall be punished in accordance with section 18-112, Idaho Code.

(c) License Revocation. Any person convicted of violating any of the provisions of this title may, in addition to any other penalty assessed by the court, have his hunting and/or fishing privileges revoked for such period of time as may be determined by the court not to exceed three (3) years, said period beginning on the date of conviction. The revocation shall consist of cancellation of an existing license for the required length of time and/or denial of the privilege of purchasing an applicable license for the length of time required to meet the revocation period decreed. For the purpose of this section, the term "conviction" shall mean a final conviction. A forfeiture of bail or collateral shall be equivalent to a conviction.

(d) Disposition of Fines and Forfeitures. Distribution
of fines and forfeitures remitted shall be in accordance with section 19-4705, Idaho Code.

36-1403. MAGISTRATE TO REPORT REVOCATIONS. Records of all revocations of fishing and/or hunting privileges shall be submitted to the department by the magistrates concerned. A list of all such revocations so received by said department shall be compiled and sent to all conservation officers and fish and game license vendors showing thereon the name, address, and term of revocation of all persons who have been denied fishing and/or hunting privileges.

CHAPTER 15
PUBLIC SAFETY

36-1501. REVOCATION OF LICENSE FOR IMPROPER HANDLING OF GUN. The director of the Idaho department of fish and game shall revoke the hunting license of any person, and deny them the right to secure any hunting license, in the manner hereinafter provided, for any of the following acts, and for the periods specified. The director, or a referee he may appoint, shall have authority to hold a hearing, subpoena any witness requested by the complainant or by the person accused, administer oaths, and require and receive evidence, oral or in written deposition, in any case where any person who, according to information received, while hunting is alleged:

(a) To have carelessly handled a gun that caused accident and injury to person or property;
(b) To have carelessly handled a gun that caused injury to livestock of another;
(c) To have carelessly injured a human being by gunfire;
(d) To have caused accidental injury or death to a person by gunfire and fled or failed to render assistance;
(e) To have caused injury or death to a person by gunfire, and not furnished proof to the director or his referee that he has been released from all liability for ambulance, hospital, medical, funeral bills, and other related expense, from the injured person, or his heirs in case of death; provided that a satisfaction of any judgment rendered against the person accused because of any such act shall be deemed a satisfactory release hereunder;
(f) To have caused damage to livestock by gunfire, and not furnished proof to the director or his referee, that he has been released from all liability by the owner of such livestock therefor; provided that a satisfaction of any
judgment rendered against the person accused because of any such act shall be deemed a satisfactory release hereunder.

36-1502. PREFERING CHARGES FOR IMPROPER HANDLING OF GUN -- HEARING -- PROCEDURE. Any person may prefer charges, based on any of the above grounds, against any hunting licensee. Such charges shall be in writing, and shall be sworn to and filed with said director. All charges, unless dismissed by the director as unfounded or trivial, shall be heard by the director or his referee within sixty (60) days of the time of filing. The time and place for such hearing shall be fixed by the director or his referee, and such hearing shall be held either in the county where the offense is alleged to have occurred or in the county of the defendant's residence, and a copy of the charges stating the violations of this act alleged to have occurred, together with a notice of the time and place of hearing shall be personally served on such licensee at least fifteen (15) days prior to the time of hearing. In the event that such licensee resides outside the state of Idaho, such notice shall be served by registered mail with return receipt, mailed to the last known address of such licensee. At any hearing the accused shall have the right to appear personally and by counsel and to testify or to present witnesses and evidence in his own behalf and to cross-examine witnesses in his own defense. Any person who shall be subpoenaed before said director or his referee and shall fail to appear before him, without furnishing satisfactory reason for failure to do so, shall be subject to the penalties of contempt upon application to any district court.

36-1503. PERIOD OF REVOCATION. In all such hearings before a referee, he shall submit to the director and to the accused licensee a certified stenographic transcript, together with his findings of fact and recommendations, and in hearings held before the director a certified stenographic transcript shall be made which together with his findings of fact, shall be furnished to the accused licensee, and upon the findings in either case showing violation of the acts specified in section 36-1501, Idaho Code, the director is hereby required to revoke the license of the offender and to deny him the right to hunt in Idaho for the following periods:

(a) For the first offense, for a period to be fixed by the director, with or without the recommendation of his referee, not to exceed five (5) years;

(b) For each additional offense a period of five (5)
36-1504. COURT REVOCATION. Any court having jurisdiction in any case coming before it involving any of the offenses contained in this act, shall have authority to revoke a hunter's license, and to deny the right to secure a license to hunt in Idaho, for the several periods herein indicated. Certified notices of such revocation shall be submitted to the director within thirty (30) days following such order by a court.

36-1505. SURRENDER OF LICENSE. Upon revocation of a hunting license then in force for any period, the director shall send a written notice to that effect to such person at his last known address either by registered mail, or have it delivered in person by a representative of the department of fish and game, and such licensee shall thereupon surrender his hunting license to the director.

36-1506. LIST OF PERSONS DENIED RIGHT TO HUNT FURNISHED HUNTING LICENSE VENDORS. The director shall forthwith, following revocation of license to hunt hereunder, send a list with current revocations to all Idaho hunting license vendors showing the name, address, and the term of revocation of all persons that have been denied the right to hunt in Idaho in accordance with this act.

36-1507. APPEAL FROM ORDER OF REVOCATION. Any person dissatisfied by any action of the director made hereunder may appeal to any district court of competent jurisdiction, which shall require a trial de novo of all matters of fact and law. Such appeal shall be perfected by filing with the clerk of such district court, within thirty (30) days after the action of which complaint is made, a petition setting forth the action complained of. Such petition shall constitute the complaint, and summons may be issued thereon directed to the director as defendant, and served upon him. The pleadings thereafter shall conform to the practice in other civil proceedings. The court in its decree may sustain, modify, or reverse the action of the director, and shall render its opinion and judgment on the case appealed.

36-1508. SHOOTING FROM PUBLIC HIGHWAY -- CHILDREN IN POSSESSION OF FIREARMS. It is a misdemeanor for any person:

(a) Shooting from Public Highway. To discharge any firearm from or across a public highway.
(b) Children with Firearms. Under the age of twelve (12) years to have in his possession any shotgun, rifle or other firearm while in the fields or forests or in any tent, camp, auto or any other vehicle in the state of Idaho.

CHAPTER 16
RECREATIONAL TRESPASS -- LANDHOLDER LIABILITY LIMITED

36-1601. PUBLIC WATERS -- HIGHWAYS FOR RECREATION.
(a) Navigable Streams Defined. Any stream which, in its natural state, during normal high water, will float cut timber having a diameter in excess of six (6) inches or any other commercial or floatable commodity or is capable of being navigated by oar or motor propelled small craft for pleasure or commercial purposes is navigable.

(b) Recreational Use Authorized. Navigable rivers, sloughs or streams within the meander lines or, when not meandered, between the flow lines of ordinary high water thereof, and all rivers, sloughs and streams flowing through any public lands of the state shall be open to public use as a public highway for travel and passage, up or downstream, for business or pleasure, and to exercise the incidents of navigation -- boating, swimming, fishing, hunting and all recreational purposes.

(c) Access Limited to Navigable Stream. Nothing herein contained shall authorize the entering on or crossing over private land at any point other than within the high water lines of navigable streams except that where irrigation dams or other obstructions interfere with the navigability of a stream, members of the public may remove themselves and their boats, floats, canoes or other floating crafts from the stream and walk or portage such crafts around said obstruction re-entering the stream immediately below such obstruction at the nearest point where it is safe to do so.

36-1602. HUNTING ON CULTIVATED OR INCLOSED LANDS WITHOUT PERMISSION. Any person who shall hunt with dog or gun upon the cultivated or inclosed lands of another, without first obtaining permission from the owner or occupant thereof or his agent, shall be responsible to the owner of such cultivated or inclosed land for all damages, and any person or persons violating the provisions of this section resulting in injuring or killing any livestock on said cultivated or inclosed lands, shall be deemed guilty of a misdemeanor.

36-1603. TRESPASSING IN VIOLATION OF WARNING SIGNS --
PERMISSION FROM OWNER, EMPLOYEE OR TENANT RESIDING ON LAND --PENALTY. Whenever a tract of land shall have been inclosed by the owner with a fence and signs legibly printed or painted in the English language, warning persons not to trespass thereon, shall have been posted in a conspicuous manner on each side thereof, upon or near the boundaries at intervals of not more than eighty (80) rods, it shall be a misdemeanor for any person to enter upon said inclosed land and discharge any firearm thereupon or to enter said land for the purpose of hunting or trapping thereon without the consent of the owner or person in charge of said land. All fences of any description sufficient to show the boundaries of the land inclosed that present an effective obstruction to stock shall be deemed a sufficient fence under the terms of this section. An entryman upon land under the laws of the United States, or a lessee or contract-purchaser of state lands, shall be deemed an owner within the meaning of this section. Provided, however, that if the owner or his salaried employee or tenant is residing upon cultivated lands so inclosed, he shall not be required under the provisions of this section to post warning signs on such premises and any person desiring to enter thereon for the purposes stated in this section must first secure from such owner or his salaried employee or tenant consent to enter thereon. Cultivated lands within the meaning of this section shall be lands of which at least fifty percent (50%) of the area within the inclosure is used for cultivated crop purposes and for artificially irrigated pasturage.

36-1604. LIMITATION OF LIABILITY OF LANDOWNER. (a) Statement of Purpose. The purpose of this section is to encourage owners of land to make private land and water areas available to the public without charge for recreational purposes by limiting their liability toward persons entering thereon for such purposes.

(b) Definitions. As used in this section:
1. "Land" means private land, roads, water-courses, private ways and buildings, structures, and machinery or equipment when attached to the realty.
2. "Owner" means the possessor of a fee interest, a tenant, lessee, occupant or person in control of the premises.
3. "Recreational Purposes" includes, but is not limited to, any of the following or any combination thereof: Hunting, fishing, swimming, boating, camping, picnicking, hiking, pleasure driving, nature study, water skiing, winter sports, and viewing or enjoying historical, archeological,
scenic, or scientific sites, when done without charge of the owner.

(c) Owner Exempt from Warning. An owner of land owes no duty of care to keep the premises safe for entry by others for recreational purposes, or to give any warning of a dangerous condition, use, structure, or activity on such premises to persons entering for such purposes.

(d) Owner Assumes No Liability. An owner of land who either directly or indirectly invites or permits without charge any person to use such property for recreational purposes does not thereby:

1. Extend any assurance that the premises are safe for any purpose.
2. Confer upon such person the legal status of an invitee or licensee to whom a duty of care is owed.
3. Assume responsibility for or incur liability for any injury to person or property caused by an act of omission of such persons.

(e) Provisions Apply to Leased Public Land. Unless otherwise agreed in writing, the provisions of this section shall be deemed applicable to the duties and liability of an owner of land leased to the state or any subdivision thereof for recreational purposes.

(f) Owner not Required to Keep Land Safe. Nothing in this section shall be construed to:

1. Create a duty of care or ground of liability for injury to persons or property.
2. Relieve any person using the land of another for recreational purposes from any obligation which he may have in the absence of this section to exercise care in his use of such land and in his activities thereon, or from legal consequences or failure to employ such care.
3. Apply to any person or persons who for compensation permits the land to be used for recreational purposes.

(g) User Liable for Damages. Any person using the land of another for recreational purposes, with or without permission, shall be liable for any damage to property, livestock or crops which he may cause while on said property.

CHAPTER 17
COUNTY FISH HATCHERIES

36-1701. DECLARATION OF PUBLIC BENEFIT. The legislature of the state of Idaho declares that it would be for the public good to authorize and empower the boards of commissioners of the respective counties of the state to raise
through taxation to be expended in the artificial propagation of game fish and in the distribution and planting of such fish within their respective counties and within the limitations and restrictions prescribed in and by section 36-1702, Idaho Code.

36-1702. OPERATION OF COUNTY FISH HATCHERIES -- SPECIAL TAX LEVY. In addition to any and all other powers conferred upon them in this chapter, the board of county commissioners in any county of the state shall have jurisdiction and power to be exercised at its option:

(a) Construction and Operation by Counties. To construct, maintain, operate, and improve such fish hatcheries, rearing ponds and such other facilities as it may deem necessary for the propagation and distribution of game fish within its own county.

(b) Authorized Expenditures. To expend monies to be raised by taxation, as hereinafter provided, for the purpose of propagation and distribution of game fish within its own county provided that no monies shall be so expended by any such board of county commissioners except in the direct payment of expenses and accounts which shall have been contracted or incurred by or under the immediate direction and with the approval of such board of county commissioners. Provided further that no monies shall be expended under the provisions of this section upon or for the benefit of any such hatchery unless the entire output thereof shall be used in stocking waters within the county in which such hatchery is situated.

(c) Special Tax Levy. To levy annually for such purposes at the same time other taxes are levied a special tax of not to exceed one-quarter (1/4) mill on each dollar of assessed valuation of all taxable property in the county provided that all monies to be derived from such tax shall be deposited and kept by the county treasurer in a special fund to be designated as "fish hatchery fund" and no portion of such monies shall be withdrawn from such fund except upon warrants drawn at the direction of the board of county commissioners and no portion of such monies shall be expended or used except for said purposes and subject to the restrictions specified in this section.

CHAPTER 18
FEDERAL AID FOR FISH AND WILDLIFE RESTORATION PROJECTS

36-1801. ASSENT TO PITTMAN-ROBERTSON FEDERAL AID ACT -- ESTABLISHMENT OF WILDLIFE RESTORATION PROJECTS. The state of
Idaho hereby assents to the provisions of the act of Congress entitled, "An Act to Provide that the United States shall aid the States in Wildlife Restoration Projects." Approved September 2, 1937 (Public Law 415, 75th Congress), as amended July 24, 1946, 60 Stat. 656, and as amended October 23, 1970 (Public Law 503, 91st Congress), and the commission is hereby authorized, empowered and directed to perform such acts as may be necessary to the conduct and establishment of cooperative wildlife restoration projects, in compliance with said act, and with rules and regulations promulgated by the secretary of agriculture thereunder and no funds accruing to the state of Idaho from license fees paid by hunters shall be diverted for any other purpose than the administration of the department of fish and game and for the protection, propagation, preservation and investigation of wildlife.

36-1802. ASSENTING TO PROVISIONS OF DINGELL-JOHNSON ACT OF CONGRESS. The state of Idaho hereby assents to the provisions of the act of Congress entitled, "An Act to Provide that the United States shall aid the States in Fish Restoration and Management Projects, and for other Purposes," approved August 9, 1950, being Public Law 681 of the 81st Congress of the United States, and the commission is hereby authorized, empowered, and directed to perform such acts as may be necessary to the conduct and establishment of cooperative fish restoration projects, as defined in said act of Congress, in compliance with said act and rules and regulations promulgated by the secretary of the interior thereunder and no funds accruing to the state of Idaho from license fees paid by fishermen shall be diverted for any other purpose than the administration of the department for the protection, propagation, preservation and investigation of wildlife.

36-1803. WILDLIFE RESTORATION PROJECT FUND AND FISH RESTORATION AND MANAGEMENT FUND. The commission shall budget from any of the monies of the fish and game fund an amount requisite and necessary to meet and match cooperative grants of the federal government, which amounts so set aside shall be placed in two (2) separate funds to be known as the wildlife restoration project section and the fish restoration and management project section of the department of fish and game and which said monies so set aside and placed in said project sections shall be used and expended by the commission, or under its direction and control, in cooperative activities in wildlife restoration projects and fish
restoration and management projects under the provisions of sections 36-1801 and 36-1802, Idaho Code. Provided that the dates on which said amounts, or any part thereof, are budgeted from the fish and game fund and transferred to said project sections shall be left to the discretion of the commission, except that such amounts shall be budgeted each year.

36-1804. MANNER OF USE AND PURPOSES OF FUNDS. The amount of money so set aside and transferred shall be used by the commission in the selection, restoration, rehabilitation, and improvement of areas of land or water adaptable as feeding, resting, or breeding places for wildlife and fish, and the construction thereon or therein of such works as may be necessary to make them available and adequate for such purposes and, also, including such research into problems of wildlife management and fish restoration and management projects as may be necessary to efficient administration affecting wildlife and fish resources, and such preliminary or incidental costs and expenses as may be incurred in and about such wildlife projects and such fish restoration and management projects and in cooperation with the provisions of the Wildlife Restoration Projects Act and the Fish Restoration and Management Projects Act. Wildlife restoration projects monies may also be used in the establishment and maintenance of a hunter safety training program and the acquisition, construction, operation and maintenance of public outdoor target ranges as a part of such program.

36-1805. REVOLVING FUND. The monies set aside by the fish and game commission of the state of Idaho from the fish and game fund and any monies coming into the said fish and game fund as grants-in-aid under the provisions of the Wildlife Restoration Projects Act shall be transferred to the wildlife restoration projects fund which shall be used as a revolving fund for the purposes hereinbefore set forth and not otherwise in wildlife restoration projects.

36-1806. FEDERAL MIGRATORY BIRD RESERVATIONS — ACQUISITION CONSENTED TO. Consent of the state of Idaho is given to the acquisition by the United States by purchase, gift, devise, or lease of such areas of land or water, or of land and water, in the state of Idaho, as the United States may deem necessary for the establishment of migratory bird reservations in accordance with the act of Congress approved February 18, 1929, entitled "An Act to more effectively meet the obligations of the United States under the migratory
bird treaty with Great Britain by lessening the dangers threatening migratory game birds from drainage and other causes by the acquisition of areas of land and water to furnish in perpetuity reservations for the adequate protection of such birds and authorizing appropriations for the establishment of such areas, their maintenance and improvement and for other purposes," reserving, however, to the state of Idaho full and complete jurisdiction and authority over all such areas not incompatible with the administration, maintenance, protection, and control thereof by the United States under the terms of said act of Congress.

36-1807. PUBLIC HEARINGS -- INFORMATION -- APPROVAL OR DISAPPROVAL -- PURCHASES OF FIVE ACRES OR LESS. Whenever the creation, establishment or enlargement of any heretofore established or hereafter to be established cooperative wildlife restoration project or migratory bird reservation, as provided in sections 36-1801 and 36-1806, Idaho Code, shall contemplate, require or involve the acquisition of privately owned property by either the state of Idaho or the United States, neither the state of Idaho, the Idaho fish and game commission, nor any other officer, person or agency of the state of Idaho authorized to act for the state of Idaho shall consent to, approve of, concur in, assent to or authorize establishment of or enlargement of any cooperative wildlife restoration project or migratory bird reservation unless a public hearing has been held in the county or counties where the proposed cooperative wildlife restoration project or migratory bird reservation is to be established or enlarged or the proposed lands are to be acquired and until fifteen (15) days shall have elapsed following such hearing.

Notice of such public hearing shall be given by certified mail to the board of county commissioners of the county or counties affected and by publication in a newspaper or newspapers having general circulation within such county or counties. Such publication shall be given so that the first such publication shall be at least ten (10) and not more than fifteen (15) days before the date of hearing and if published weekly, shall be published in at least two (2) successive issues and if published daily, shall be published in at least seven (7) successive issues. The notices shall contain a brief description of the proposed project and a general description of the proposed location thereof and the place and time of hearing and state that all interested persons may appear and be heard.

At the hearing, the commission shall present or cause to
be presented oral and documentary evidence as to the land areas affected, the existing use of and production from said lands, the probable changes in use and production of said lands if included in such project, the existing tax to all taxing districts payable from such lands and the estimated amount of any payments in lieu of taxes, if any, and to what taxing district such in-lieu payments will be made if the lands be included in such project. The board of county commissioners of the county or counties affected and other persons present may present oral or documentary evidence upon any of the above matters and upon any other matters showing the economic effect the proposal would have upon the county or counties and their residents. Statements will be received, either oral or written, from any county resident present who shall wish to make his views known either in favor of or in opposition to such proposed project. From and after such hearing the board of county commissioners of the county or counties affected shall have fifteen (15) days to recommend and file approval or disapproval of such proposed project. Failure of the board to act within said period shall be deemed approval by them of the proposed project. If the board of any county affected shall recommend disapproval of such project, then the state of Idaho or any agency, commission or officer thereof shall not consent, concur, approve or assent to such project without first giving serious consideration to the objections of the board of county commissioners and filing with the board of county commissioners a written statement reasonably explaining the reasons for giving the consent, concurrence, approval or assent in the face of such objections. In the event of no such consent, concurrence, approval or assent is given, nothing herein contained shall be construed to prevent reconsideration of such proposals, or modification thereof, from time to time upon the same procedures for notice and hearing as set forth hereinabove.

No assent, approval, consent, or recommendation, as required by sections 36-1801 or 36-1806, Idaho Code, shall be of any force or effect until the requirements for notice and hearing as set forth herein have been satisfied. Nothing in this chapter shall be applicable to land purchases of five (5) acres or less.

CHAPTER 19
WILDLIFE PRESERVES

36-1901. PURPOSE OF PRESERVES. The wildlife preserves herein described are created for the better protection of
wild animals and birds, for the establishment of breeding places therefor and for the preservation of the species thereof.

36-1902. WILD ANIMALS AND WILD BIRDS PROTECTED. It is a misdemeanor for any person to take any wild animals or wild birds in any of the wildlife preserves within the state of Idaho which have been created by law except as hereinafter provided or by commission regulation promulgated pursuant to the provisions of section 36-104(b)4, Idaho Code.

36-1903. DEPREDATION CONTROL. (a) Conservation Officers to Authorize Taking of Predatory Animals. Predatory animals may be taken within a wildlife preserve by conservation officers or persons authorized by conservation officers when such animals are causing damage.

(b) Control of Other Wildlife Causing Damage. Other wildlife causing damage to any private property within said preserve shall be controlled in accordance with the provisions of section 36-1107, Idaho Code.

36-1904. POSSESSION AS PRIMA FACIE EVIDENCE OF VIOLATION -- EXCEPTION. Possession of any of the wild animals or birds or any part thereof, the killing of which is unlawful, except as otherwise provided by section 36-104(b)4, Idaho Code, by any person within its boundaries shall be deemed prima facie evidence of a violation of the provisions of this chapter provided that bona fide established residents within said preserve may, with the knowledge of the director, have in their possession such animals which have been lawfully taken.

36-1905. MYRTLE CREEK PRESERVE. There is hereby created within the boundaries of Boundary county, within the state of Idaho, a wildlife preserve to be known as Myrtle Creek preserve, the boundaries of which are as follows: Beginning at the southwest corner of Section 23, Township 62 north, Range 1 west of the Boise Meridian; thence north along the west line of Section 23 to the summit of the ridge between Myrtle Creek and Cascade Creek, thence northwesterly along this ridge to Burton Peak, then westerly along the summit of the ridge between Myrtle Creek and Ball Creek to Myrtle Peak, then southerly around the head of Myrtle Creek following the summit of the ridge between Myrtle Creek and Two Mouth Creek, to Harrison Peak, then following the summit of the ridge between Myrtle Creek and Snow Creek in an easterly direction to a point approximately
l mile east of Kootenai Point where this ridge intersects the east line of Section 28, Township 62 north, Range 1 west of the Boise Meridian; thence in a northeasterly direction to the point of beginning.

(a) Fishing Restricted. In addition to the provisions of section 36-1902 of this chapter, it shall be unlawful for any person at any time to fish within the boundaries of the aforesaid Myrtle Creek preserve. Provided that the Idaho fish and game commission may, after receiving concurrent written approval from the Idaho department of health and welfare and the Bonners Ferry city council, open certain waters and lands lying within the Myrtle Creek preserve to hunting, fishing or trapping during prescribed seasons. Provided further that any fish eradication treatment of waters in the Myrtle Creek preserve by the Idaho department of fish and game shall be undertaken only with the concurrent written permission of the Idaho department of health and welfare and the Bonners Ferry city council and under the direct supervision of the Idaho department of health and welfare.

36-1906. DAVID THOMPSON PRESERVE. There is hereby created within the boundaries of Bonner county in the state of Idaho a wildlife preserve to be known as the David Thompson wildlife preserve, the boundaries of which are described as follows: Commencing where the east and west 1/2 section line of Section 1, Township 56 north, Range 1 east, Boise Meridian, leaves Lake Pend Oreille at elevation 2,061 feet above sea level; thence east on said line until it crosses the east and west state highway; thence along said highway until said highway crosses the north and south 1/2 section line on Section 7, Township 56 north, Range 2 east, Boise Meridian; thence south on said 1/2 section line through Sections 7, 18 and 19 to where the line intersects the Clark Fork River; thence following the shoreline of said river to the shoreline of Lake Pend Oreille, thence at an elevation of 2,061 feet above sea level, along the shoreline of Lake Pend Oreille to the place of beginning.

36-1907. LEWISTON ORCHARDS PRESERVE. The area embraced within the following described boundaries within Nez Perce county, state of Idaho, is set aside and designated as a game preserve to be known as the Lewiston Orchards preserve: Commencing at the northwest corner of Section 7, Township 35 north, Range 5 west of the Boise Meridian, in Nez Perce county, Idaho; thence south on the west line of said Section 7, 1 mile to the southwest corner of said Section 7, thence west on the north line of Section
13, Township 35 north, Range 6, west of Boise Meridian, 1/2 mile to the north and south center lines of said Section 13; thence south on said center line of said Section 13, 1 mile to the south line of said Section 13; thence east on the south line of said Section 13 and continuing on the south line, and said south line extended east, of Section 18, Township 35 north, Range 5 west of the Boise Meridian, to its intersection with the easterly line of Sixth Street, Lewiston Orchard Tracts according to the official plat and plats thereof now of record in the office of the county recorder of Nez Perce county, Idaho; thence southerly along the easterly line of said Sixth Street and the road extending therefrom known as the Sixth Street road, to its intersection with the north line of the Tammany Creek road in the southwest 1/4 of Section 20, Township 35 north, Range 5, west of the Boise Meridian; thence easterly along the north line of said Tammany Creek road to its intersection with the center line of Tammany Creek; thence easterly on the center line of Tammany Creek to its intersection with the northerly line of the Lewiston Orchards-Tammany road; thence easterly on the northerly line of said road to its intersection with the west line of the road, which is an extension southerly of Twenty-first Street in said Lewiston Orchard Tracts; thence northerly on the west line of said road and said Twenty-first street to the south line of Richardson Avenue in said Lewiston Orchard Tracts; thence east on the south line of said Richardson Avenue to its intersection with the west line of Twenty-second Street in said Lewiston Orchard Tracts; thence north on the west line of said Twenty-Second Street to its intersection with the north line of Powers Avenue in said Lewiston Orchard Tracts; thence east on the north line of said Powers Avenue to the west line of Twenty-eighth Street in said Lewiston Orchard Tracts; thence north along the west line of said Twenty-eighth Street to its intersection with the south line of Burrell Avenue, in said Lewiston Orchard Tracts; thence west on the south line of said Burrell Avenue to its intersection with the center line of the south branch of Lindsay Creek; thence westerly along the center line of said south branch of Lindsay Creek to its intersection with the west line of the Lindsay Creek road in Section 14, Township 35 north, Range 5 west of the Boise Meridian; thence northerly and westerly along the westerly line of the said Lindsay Creek road to its intersection with the east boundary line of the corporate limits of the city of Lewiston, Idaho; thence southerly on said east boundary line of the corporate limits of said city of Lewiston to the south boundary line.
of the corporate limits of said city of Lewiston; thence westerly on the south boundary line of the corporate limits of the said city of Lewiston to the point of beginning; all being in Nez Perce county, state of Idaho.

36-1908. LEWISTON PRESERVE. There is hereby created within the boundaries of Nez Perce county, within the state of Idaho, a preserve to be known as Lewiston preserve, the boundaries of which are described as follows: All that territory on both sides of the Clearwater River between Spalding and the Eighteenth Street Bridge across the Clearwater River, in the city of Lewiston, Idaho, and the north and south highway on the north side of the said Clearwater River, and Camas Prairie railroad on the south side of said Clearwater River.

36-1909. PAYETTE RIVER, SOUTH FORK, PRESERVE. There is hereby created within the area embraced by the following described boundaries a wildlife preserve to be known as the Payette River, South Fork preserve: Beginning at a point on the north bank of the south fork of the Payette River, Township 9 north, Range 8 east, Boise Meridian, thence following the divide between Kirkum Creek and Lick Creek in a northerly direction and continuing on the divide between Clear Creek and Five Mile Creek to the boundary of the Boise National Forest, which at that point is also the divide or watershed between Payette and Salmon Rivers; thence in a northerly, easterly and southerly direction on this watershed to a point in Township 7 north, Range 12 east, Boise Meridian, where said boundary strikes the divide between the middle fork of the Boise River and the south fork of the Payette River; thence in a westerly, southerly and northerly direction following the watershed divide separating the Boise River from the south fork of the Payette River to the point of beginning, embracing all the land drained by the tributaries of the south fork of the Payette River, lying to the east of the point of beginning.

36-1910. SOLDIER MOUNTAIN WILDLIFE PRESERVE. There is hereby created within the area embraced by the following described boundaries a wildlife preserve to be known as Soldier Mountain wildlife preserve: Commencing at a point where the east boundary line of Camas county intersects the south boundary line of the Sawtooth National Forest, thence west along said south boundary line of the Sawtooth National Forest to the northwest corner of Section 22, Township 1 north, Range 10 east, Boise Meridian, thence west to the
south fork of the Boise River, thence northeast following the south fork of the Boise River to the town of Featherville, thence north following the east boundary of the Boise National Forest to the northwest corner of Section 3, Township 3 north, Range 10 east, Boise Meridian, thence east along the north line of said Section 3 to the northeast corner thereof, which is also a point on the west boundary of the Sawtooth National Forest, thence north, west and east along the boundary of the Sawtooth National Forest to a point on the same boundary common to Elmore, Blaine and Camas counties, thence south and east along the common boundary line between Blaine and Camas counties to the point of beginning.

36-1911. SPRINGFIELD BIRD PRESERVE. There is hereby created within the county of Bingham, in the state of Idaho and within the following described boundaries, a limited wildlife preserve to be known as the Springfield Bird Haven: Beginning at the north 1/4 corner of Section 15 in Township 4 south, Range 32 east of the Boise Meridian, and running thence north to the northwest corner of the southwest 1/4 of the southeast 1/4 of Section 10 in the Township and Range aforesaid; thence east to the northeast corner of the southeast 1/4 of said Section; thence south to the Roosevelt highway; thence east along the north line of said highway, a distance of 160 rods, more or less, to the east line of the southwest 1/4 of Section 11 in the Township and Range aforesaid; thence south to the center of Section 14, in the Township and Range aforesaid; thence west to the southwest corner of the southeast 1/4 of the northeast 1/4 of Section 15 aforesaid; thence northwesterly in a straight diagonal line to the point of beginning.

(a) Game Birds and Waterfowl Protected. Other provisions of section 36-1902, Idaho Code, notwithstanding, this section shall apply only to protected wild birds.

36-1912. MINIDOKA FOREST STATE BIRD PRESERVE. There is hereby created within the boundaries of Twin Falls, Cassia, Power and Oneida counties four (4) bird refuges which are to be known as the Minidoka Forest State Bird Sanctuary, the boundaries of which are described as follows: Beginning at the northeast corner of Township 13 south, Range 20 east, Boise Meridian; thence south 2 miles; thence east 1 mile; thence south 1 mile; thence east 2 miles; thence south 3 miles; thence east 1/2 mile; thence south 7 miles; thence west 1/2 mile; thence south 7 miles; thence west 3 miles; thence south 3 miles; thence west 3 miles; thence 19.82
chains to Idaho-Nevada state line; thence west 12 miles; thence north 6 1/4 miles; thence west 1 mile; thence north 2 miles; thence west 1 1/2 miles; thence north 2 miles; thence west 1/2 mile; thence north 3 miles; thence west 2 miles; thence north 1 mile; thence west 1 mile; thence north 3 miles; thence west 1 mile; thence north 6 miles; thence east 22 miles to place of beginning; the area therein being known as the Cassia division within the Minidoka National Forest.

The area embraced within the Albion mountain division of the Minidoka National Forest boundary, beginning at the corner common to Sections 8, 9, 16, and 17, Township 12 south, Range 24 east, Boise Meridian; thence south 1 mile; thence east 1 mile; thence south 1 1/2 miles; thence east 1 1/2 miles; north 1/2 mile; east 1/2 mile; east 2 miles; thence south 1 1/2 miles; thence east 2 miles; thence south 3 miles; thence west 1 mile; thence south 1 mile; thence west 1/2 mile; thence south 1 mile; thence west 4 1/2 miles; thence south 1/2 mile; thence west 1/2 mile; thence south 1 mile; thence east 1/2 mile; thence south 1 mile; thence east 1 mile; thence south 1/2 mile; thence east 2 miles; thence south 4 miles; thence west 1 mile; thence south 1 mile; thence west 3 miles; thence south 1 mile; thence west 1 mile; thence south 1 mile; thence west 1 mile; thence south 3 miles; thence west 2 miles; thence north 2 miles; thence west 1/2 mile; thence north 1 mile; thence west 1/2 mile; thence north 5 1/2 miles; thence east 2 miles; thence north 6 miles; thence east 1/2 mile; thence north 2 1/2 miles; thence east 1/2 mile; thence north 2 1/2 miles; thence east 1/2 mile; thence north 1 1/2 miles; thence east 1 1/2 miles to the place of beginning.

The area embraced within the Black Pine division of the Minidoka National Forest, beginning at the corner common to Sections 35 and 36, Township 13 south, Range 28 east, Boise meridian, and Sections 1 and 2, Township 14 south, Range 28 east, Boise Meridian; thence south 2 miles; thence east 1 mile; thence south 1 mile; thence east 1 mile; thence south 2 miles; thence east 2 miles; thence south 4 miles; thence west 1 mile; thence south 1 mile; thence west 3 miles; thence south 1 mile; thence west 1 mile; thence south 1 mile; thence west 1 mile; thence south 3 miles; thence west 2 miles; thence north 2 miles; thence west 1/2 mile; thence north 5 1/2 miles; thence east 2 miles; thence north 6 miles; thence east 1/2 mile; thence north 2 1/2 miles; thence east 1/2 mile; thence north 2 1/2 miles; thence east 1/2 mile; thence north 1 1/2 miles; thence east 1 1/2 miles to the place of beginning.

The area embraced within the Black Pine division of the Minidoka National Forest, beginning at the corner common to Sections 35 and 36, Township 13 south, Range 28 east, Boise meridian, and Sections 1 and 2, Township 14 south, Range 28 east, Boise Meridian; thence south 2 miles; thence east 1 mile; thence south 1 mile; thence east 1 mile; thence south 2 miles; thence east 2 miles; thence south 4 miles; thence west 1 mile; thence south 1 mile; thence west 3 miles; thence south 1 mile; thence west 1 mile; thence south 1 mile; thence west 1 mile; thence south 3 miles; thence east 1 mile; thence south 6 miles; thence west 1 mile; thence south 1 mile; thence east 2 miles; thence south 2 miles; thence east 1 mile; thence south 3 miles; thence east 1 mile; thence south 6 miles; thence west 1 mile; thence south 1 mile; thence west 1 mile; thence south 1/2 mile; thence west 1 mile; thence south 1/2 mile to Idaho-Utah state line; thence west on state line 4 miles; thence north 1 mile; thence west 1 mile; thence north 2 miles; thence west 1 mile; thence north 8 miles; thence west 1/2 mile; thence north 6 1/2 miles; thence east 1/2 mile; thence south 1/2 mile; thence east 3 miles to place of beginning.
Beginning at a point on the Township line common to Sections 32 and 33, Township 10 south, Range 30 east, and Sections 4 and 5, Township 11 south, Range 30 east, Boise Meridian; thence south 2 miles; thence east 1 mile; thence south 1 mile; thence east 1 mile; thence south 3 miles; thence east 1 mile; thence south 7 miles; thence east 1/2 mile; thence south 1 1/2 miles; thence east 1/2 mile; thence south 2 1/2 miles; thence west 2 miles; thence north 1 mile; thence west 5 miles; thence north 4 miles; thence west 4 miles; thence north 9 miles; thence east 3 miles; thence north 1 mile; thence east 1 mile; thence north 1 mile; thence east 2 miles; thence north 1 mile; thence east 1 mile; to point of beginning; embracing that territory within Cassia, Power and Oneida counties known as the Sublett Division of the Minidoka National Forest.

36-1913. POCATELLO FOREST PRESERVE. There is hereby created within the boundaries of the Pocatello forest reserve within the state of Idaho a game preserve, the boundaries of which said game preserve are described as follows: Beginning at the northwest corner of Section 6, Township 7 south, Range 34 east of the Boise Meridian; thence east along the township line between Township 6 and 7 south, Range 34 east, Boise Meridian, a distance of 5 miles to the northeast corner of Section 2, Township 7 south, Range 34 east, Boise Meridian; thence south along the Section lines between Sections 1, 12, 13, 24 and 2, 11, 14 and 23 in Township 7 south, Range 34 east, Boise Meridian, 3 1/2 miles; thence east through the center of Section 24, Township 7 south, Range 34 east, Boise Meridian, 1 mile to the Township line between Township 7 south, Range 35 east and Township 7 south, Range 34 east, Boise Meridian; thence south along said Township line 2 1/2 miles to the northeast corner of Section 1, Township 8 south, Range 34 east, Boise Meridian; thence east 1 mile to the northeast corner of Section 6, Township 8 south, Range 35 east, Boise Meridian, being a point on the west bank of Mink Creek; thence south along the west bank of Mink Creek following the meanderings of said stream a distance of about 7 miles, more or less, to the southwest corner of Section 26, Township 8 south, Range 34 east, Boise Meridian; thence north 1 mile to the northwest corner of said section; thence west 1 mile to the northeast corner of Section 28, Township 8 south, Range 34 east, Boise Meridian; thence north 2 miles to the northeast corner of Section 16, Township 8 south, Range 34 east, Boise Meridian; thence west 1 mile to the northwest corner of Section 16,
Township 8 south, Range 34 east, Boise Meridian; thence north 1 mile to the northeast corner of Section 8, Township 8 south, Range 34 east, Boise Meridian; thence west 1 mile to the northwest corner of Section 8, Township 8 south, Range 34 east, Boise Meridian; thence north 1 mile to the northeast corner of Section 6, Township 8 south, Range 34 east, Boise Meridian; thence west 1 mile to the northwest corner of Section 6, Township 8 south, Range 34 east, Boise Meridian; thence north along the Township line between Township 7 south, Range 34 east and Township 7 south, Range 33 east, Boise Meridian, a distance of 6 miles to the place of beginning. The foregoing description by metes and bounds including the following section, to-wit: All of Sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, the south 1/2 of 24, Sections 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, in Township 7 south, Range 34 east, Boise Meridian; including the westerly portions of Sections 5 and 18, and Section 6 and all except the southeastern portion of Section 7, Township 8 south, Range 35 east, Boise Meridian; and Sections 1, 2, 3, 4, 5, 9, 10, 11, 12, 14, 15, 22 and 23, and the westerly portions of Sections 24 and 26 and all but the southeastern portion of Section 13, Township 8 south, Range 34 east, Boise Meridian.

36-1914. GENERAL PENAL PROVISIONS APPLICABLE TO VARIOUS PRESERVES. Any person who violates any of the provisions of this chapter shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine of not less than one hundred dollars ($100) nor more than five hundred dollars ($500) or imprisonment in the county jail for a period of not more than six (6) months, or by both such fine and imprisonment, in the discretion of the court.

CHAPTER 20
PACIFIC MARINE FISHERIES COMPACT

36-2001. PACIFIC MARINE FISHERIES COMPACT -- EXECUTION. The governor of the state of Idaho is authorized to execute a compact on behalf of this state with the states of California, Oregon and Washington for the purpose of cooperating with those states in the Pacific Marine Fisheries Commission.

36-2002. FORM AND CONTENTS. The form and contents of such compact shall be substantially as provided in this section, and the effect of its provisions shall be interpreted and administered in conformity with the provisions of
THE PACIFIC MARINE FISHERIES COMPACT

The contracting states do hereby agree as follows:

Article I

The purposes of this compact are and shall be to promote the better utilization of fisheries, marine, shell, and anadromous, which are of mutual concern, and to develop a joint program of protection and prevention of physical waste of such fisheries in all of those areas of the Pacific Ocean and adjacent waters over which the compacting states jointly or separately now have or may hereafter acquire jurisdiction.

Nothing herein contained shall be construed so as to authorize the compacting states or any of them to limit the production of fish or fish products for the purpose of establishing or fixing the prices thereof or creating and perpetuating a monopoly.

Article II

This agreement shall become operative immediately as to those states executing it whenever two (2) or more of the compacting states have executed it in the form that is in accordance with the laws of the executing states and the Congress has given its consent.

Article III

Each state joining herein shall appoint, as determined by state statutes, one (1) or more representatives to a commission hereby constituted and designated as the Pacific Marine Fisheries Commission, of whom one (1) shall be the administrative or other officer of the agency of such state charged with the conservation of the fisheries resources to which this compact pertains. This commission shall be invested with the powers and duties set forth herein. The term of each commissioner of the Pacific Marine Fisheries Commission shall be four (4) years. A commissioner shall hold office until his successor shall be appointed and qualified, but such successor's term shall expire four (4) years from legal date of expiration of the term of his predecessor. Vacancies occurring in the office of such commissioner from any reason or cause shall be filled for the unexpired term, or a commissioner may be removed from office, as provided by the statutes of the state concerned. Each commissioner may delegate in writing from time to time to a deputy the power to be present and participate, including voting as his representative or substitute, at any meeting of or hearing by or other proceeding of the commission.

Voting powers under this compact shall be limited to one (1) vote for each state regardless of the number of repre-
sentatives.

Article IV

The duty of the said commission shall be to make inquiry and ascertain from time to time such methods, practices, circumstances, and conditions as may be disclosed for bringing about the conservation and the prevention of the depletion and physical waste of the fisheries, marine, shell, and anadromous, in all of those areas of the Pacific Ocean over which the states signatory to this compact jointly or separately now have or may hereafter acquire jurisdiction. The commission shall have power to recommend the coordination of the exercise of the police powers of the several states within their respective jurisdictions and said conservation zones to promote the preservation of those fisheries and their protection against overfishing, waste, depletion, or any abuse whatsoever and to assure a continuing yield from the fisheries resources of the signatory parties hereto.

To that end the commission shall draft and, after consultation with the advisory committee hereinafter authorized, recommend to the governors and legislative branches of the various signatory states hereto legislation dealing with the conservation of the marine, shell, and anadromous fisheries in all of those areas of the Pacific Ocean over which the signatory states jointly or separately now have or may hereafter acquire jurisdiction. The commission shall, more than one (1) month prior to any regular meeting of the legislative branch in any state signatory hereto, present to the governor of such state its recommendations relating to enactments by the legislative branch of that state in furthering the intents and purposes of this compact.

The commission shall consult with and advise the pertinent administrative agencies in the signatory states with regard to problems connected with the fisheries and recommend the adoption of such regulations as it deems advisable and which lie within the jurisdiction of such agencies. The commission shall have power to recommend to the states signatory hereto the stocking of the waters of such states with marine, shell, or anadromous fish and fish eggs or joint stocking by some or all of such states, and, when two (2) or more of the said states shall jointly stock waters, the commission shall act as the coordinating agency for such stocking.

Article V

The commission shall elect from its number a chairman and a vice-chairman and shall appoint and at its pleasure remove or discharge such officers and employees as may be required to carry the provisions of this compact into effect.
and shall fix and determine their duties, qualifications, and compensation. Said commission shall adopt rules and regulations for the conduct of its business. It may establish and maintain one (1) or more offices for the trans­action of its business, and may meet at any time or place within the territorial limits of the signatory states, but must meet at least once a year.

Article VI

No action shall be taken by the commission except by the affirmative vote of a majority of the whole number of compacting states represented at any meeting. No recommendation shall be made by the commission in regard to any species of fish except by the vote of a majority of the compacting states which have an interest in such species.

Article VII

The fisheries research agencies of the signatory states shall act in collaboration as the official research agency of the Pacific Marine Fisheries Commission.

An advisory committee to be representative of the commercial fisherman, commercial fishing industry, and such other interests of each state as the commission deems advisable shall be established by the commission as soon as practicable for the purpose of advising the commission upon such recommendations as it may desire to make.

Article VIII

Nothing in this compact shall be construed to limit the powers of any state or to repeal or prevent the enactment of any legislation or the enforcement of any requirement by any state imposing additional conditions and restrictions to conserve its fisheries.

Article IX

Continued absence of representation or of any representative on the commission from any state party hereto shall be brought to the attention of the governor thereof.

Article X

The states agree to make available annual funds for the support of the Commission on the following basis: Eighty percent (80%) of the annual budget shall be shared equally by those member states having as a boundary the Pacific Ocean; five percent (5%) of the annual budget shall be contributed by any other member state; the balance of the annual budget shall be shared by those member states, having as a boundary the Pacific Ocean, in proportion to the primary market value of the products of their commercial fisheries on the basis of the latest five (5) year catch records.

The annual contribution of each member state shall be
figured to the nearest one hundred dollars ($100). This amended article shall become effective upon its enactment by the states of Alaska, California, Idaho, Oregon, and Washington and upon ratification by Congress by virtue of the authority vested in it under Article I, Section 10, of the Constitution of the United States.

Article XI
This compact shall continue in force and remain binding upon each state until renounced by it. Renunciation of this compact must be preceded by sending six (6) months' notice in writing of intention to withdraw from the compact to the other parties hereto.

Article XII
The states of Alaska or Hawaii, or any state rivers and streams tributary to the Pacific Ocean may become a contracting state by enactment of the Pacific Marine Fisheries Compact. Upon admission of any new state to the compact, the purposes of the compact and the duties of the commission shall extend to the development of joint programs for the conservation, protection, and prevention of physical waste of fisheries in which the contracting states are mutually concerned and to all waters of the newly admitted state necessary to develop such programs. This article shall become effective upon its enactment by the states of California, Oregon and Washington, and upon ratification by Congress by virtue of the authority vested in it under Article I, Section 10, of the Constitution of the United States.

36-2003. COMMISSION -- MEMBERS. In furtherance of the provisions contained in the compact, there shall be three (3) members of the commission from the state of Idaho. One (1) such commissioner shall be the director or other officer of the Idaho department of fish and game charged with the conservation of the state's anadromous fisheries resource. The other two (2) commissioners shall be members of the Idaho fish and game commission who shall be appointed by the chairman of the Idaho fish and game commission.

CHAPTER 21
OUTFITTERS AND GUIDES

36-2101. DECLARATION OF POLICY. The natural resources of the state of Idaho are an invaluable asset to every community in which they abound. Every year, in rapidly increasing numbers, the inhabitants of the state of Idaho and non-residents are enjoying the recreational value of Idaho's mountains, rivers and streams, many of which are far remote
and removed from ordinary auto travel. The tourist trade is of vital importance to the state of Idaho, and the recreational value of these natural resources is such that the number of persons who are each year participating in their enjoyment is steadily increasing. The intent of this legislation is to promote and encourage residents and nonresidents alike to participate in the enjoyment and use of the mountains, rivers and streams of Idaho, and the fish and game therein, and to that end to regulate and license those persons who undertake for compensation to provide equipment or personal services to such persons, for the explicit purpose of safeguarding the health, safety, welfare and freedom from injury or danger of such persons, in the exercise of the police power of this state. It is not the intent of this legislation to interfere in any way with the business of livestock operations, nor to prevent the owner of pack animals from using same to accommodate friends where no consideration is involved for the use thereof, nor is it the intent of this legislation to interfere in any way with the right of the general public to enjoy the recreational value of Idaho's mountains, rivers and streams when the services of commercial outfitters and guides are not utilized, nor to interfere with the right of the United States to manage the public lands under its control.

36-2102. DEFINITIONS. (a) "Person" includes any individual, firm, partnership, corporation or other organization or any combination thereof.

(b) "Outfitter" includes any person who, in any manner, advertises or holds himself out to the public for hire providing facilities and services for the conduct of hunting, fishing, or other recreational excursions, and maintains, leases or otherwise uses equipment or accommodations for such purposes, including boats or other floating craft, when used on any stream and the rivers of Idaho, excepting such as may be reasonable or necessary for the purpose of conducting or operating his personal business or occupation, other than outfitting. Any firm, partnership, corporation or other organization or combination thereof operating as an outfitter shall designate one (1) or more individuals as agents who shall conduct its operations and who shall meet all of the qualifications of a licensed outfitter.

(c) "Guide" is any natural person who, for compensation or other gain, or promise thereof furnishes personal services in assisting or guiding any person to locate, hunt, trap, capture, photograph or kill any animal or bird, or to catch any fish in the state of Idaho, except any employee of
the state of Idaho or the United States when acting in his official capacity. Any such person must be employed by an outfitter and anyone offering or providing such services who is not so employed shall be deemed to be an outfitter. The term "guide" shall also include the furnishing of personal services in power boating, float boating or rafting on any streams or rivers in the state of Idaho.

(d) "Board" means the Idaho outfitters and guides board.

(e) "Resident" means a person who has resided in the state of Idaho for a period of six (6) months next preceding the time of application for license.

(f) "Nonresident" means any person not included in subsection (e) above.

(g) "License year" means that period of time beginning on April 1 and ending with March 31 of the following year.

(h) "Big game hunting area" means department of fish and game management unit or units, or portions thereof.

(i) "Individual" means any person other than a partnership, corporation or any other organization or combination thereof.

36-2103. EXCEPTIONS. The foregoing definitions of the terms "outfitter" and "guide" will not apply to a person who, for accommodation and not for compensation or gain or promise thereof, furnishes a pack or saddle horse, or other equipment, to a hunter or a fisherman when such furnishing is for a temporary use.

36-2104. LICENSE A PREREQUISITE FOR OUTFITTING AND GUIDING. It shall be unlawful for any person to engage in the business of or act in the capacity of, an outfitter or outfitting, or in the occupation of guiding, as an independent contractor or as the agent or employee of another, unless such person has first secured an outfitter's or guide's license in accordance with the provisions of this act.

36-2105. CREATION OF IDAHO OUTFITTERS AND GUIDES BOARD. There is hereby created in the department of self-governing agencies the Idaho outfitters and guides board, herein referred to as "the board," consisting of five (5) members appointed by the governor, as provided in section 36-2106, Idaho Code.

36-2106. APPOINTMENT AND QUALIFICATION OF MEMBERS -- ORGANIZATION OF BOARD. One (1) member of the Idaho fish and
game commission, selected by that body, shall be a permanent member of the board. One (1) member shall be selected from the public. Three (3) members of the board shall be qualified and licensed outfitters and guides who have not had less than five (5) years' experience in the business of outfitting and guiding in the state of Idaho. Each appointment shall be for the term of three (3) years and each board member shall hold office for a term of three (3) years. Upon the death, resignation or removal of any but the permanent member of the board the governor shall appoint a member to fill out the unexpired term. Immediately upon the creation of a vacancy in one of the positions held by an outfitter or guide, either through expiration of term, death, resignation or removal, the Idaho outfitters and guides association shall submit to the governor the names of two (2) qualified men for each such vacancy created and the appointment to fill such vacancy shall be made by the governor from the names submitted within thirty (30) days after the receipt by the governor of the names submitted. Appointments to fill any vacancy other than that created by the expiration of a term shall be made for the unexpired term. A majority of said board shall constitute a quorum. The board shall meet at least four (4) times a year, and at least two (2) meetings shall be held in Boise, Idaho. Each member of the board shall receive compensation at the rate of twenty-five dollars ($25.00) per day while attending official meetings of the board or on official business authorized by said board and they shall be compensated for their actual and necessary expenses while engaged in the business of the board, such compensation to be paid from the Idaho outfitters and guides license fund, except for the permanent member who shall receive the compensation and expenses provided for in chapter 1, title 36, Idaho Code, which shall be paid by the Idaho fish and game commission; provided, that for the purposes of this act, the limitation upon salary in section 36-102(b), Idaho Code, shall not apply.

36-2107. POWERS AND DUTIES OF BOARD. The board which may by written agreement authorize the bureau of occupational licenses as agent to act in its interest, shall have the following duties and powers:

(a) To conduct examinations to ascertain the qualifications of applicants for outfitter's or guide's licenses, and to issue such licenses to qualified applicants, with such restrictions and limitations thereon as the board may find reasonable.

(b) To prescribe and establish rules of procedure and
regulations to carry into effect the provisions of this act, including but not limited to regulations prescribing all requisite qualifications of training, experience, knowledge of rules and regulations of governmental bodies, condition and type of gear and equipment, examinations to be given, applicants, whether oral, written or demonstrative, or a combination thereof.

(c) To conduct hearings and proceedings to suspend or revoke licenses of outfitters and/or guides, and to suspend or revoke said licenses for due cause in the manner herein­after provided.

(d) The board is expressly vested with the power and the authority to make and enforce any and all reasonable rules and regulations which shall by it be deemed necessary and which are not in conflict with the provisions of this act, for the express purpose of safeguarding the health, safety, welfare and freedom from injury or danger of those persons utilizing the services of outfitters and guides, and for the conservation of wildlife and range resources.

(e) The board shall have the power to cooperate with the federal government through its appropriate agency or instrumentality in matters of mutual concern regarding the business of outfitting and guiding in Idaho.

(f) The board shall have the power throughout the state of Idaho to request the attendance of witnesses and the production of such books, records and papers as may be required at any hearing before it, and for that purpose the board may request a district court to issue a subpoena for any witness or a subpoena duces tecum to compel the production of any books, records or papers. Subpoenas shall be directed to the sheriff of any county in the state of Idaho where such witness resides or may be found. Subpoenas shall be served and returned in the same manner as subpoenas in a criminal case. The fees and mileage of the sheriff and witnesses shall be the same as that allowed in district court criminal cases, which fees and mileage shall be paid from any funds in the state treasury available therefor in the same manner as other expenses of the board are paid. Disobedience of any subpoena issued by the district court or the refusal by any witness in failing to testify concerning any matter regarding which he may lawfully be interrogated, or the failure to produce any books, records or papers shall constitute a contempt of the district court of any county where such disobedience or refusal occurs, and said court, or any judge thereof, by proceedings for contempt in said court, may, if such contempt be found, punish said witness as in any other case of disobedience of a subpoena issued from such court or
refusal to testify therein.

36-2108. APPLICATION FOR LICENSE -- CONTENTS -- FEE -- QUALIFICATIONS -- TERM -- BOND. (a) Each applicant for an outfitter's or guide's license shall make application for such license upon a form to be prescribed and furnished by the board.

1. All applications for an outfitter's license shall be signed by the applicant, under oath or affirmation that all information supplied by him in the application form is true and correct as he verily believes and shall be duly notarized. Such applications shall include, but are not limited to, a worded description of the big game hunting boundaries for which application is made for a license, if applying for an outfitter's license to hunt big game.

2. All applications for a guide's license shall be signed by the applicant. Such application shall contain the written endorsement of the outfitter by whom the applicant will be employed for the license year for which application is made.

(b) Applications shall be made to and filed with the board and accompanied by:

1. A statement by the appropriate Idaho department of fish and game district or regional conservation officer indicating whether or not the applicant has been convicted of, or forfeited bond upon, a violation of the fish and game laws of the state of Idaho in the five (5) year period next preceding the application date.

2. A license fee as hereinafter provided, which will not be refunded, except where a license is denied to an applicant who had held during the preceding license year a license of the same kind for which application is made, in order that such fee may be used in investigation of the applicant, for enforcement of this act, and for the administration costs of the board.

3. The license fee for outfitters shall be fifty dollars ($50.00) and for guides fifteen dollars ($15.00) and the license fee for nonresidents for whom the resident requirements have been waived as herein provided shall be no less than one hundred fifty dollars ($150) for outfitters and one hundred dollars ($100) for guides; provided however, that if such nonresident resides in a state requiring citizens of the state of Idaho to pay in excess of said amounts for similar licenses, the fee for such nonresident outfitter or guide shall be the same amount as such higher fee charged in the state where such nonresident resides; provided further, that no outfitter's or guide's license shall be issued
to any applicant residing in a state which does not allow an Idaho resident to get a similar license in such state; and provided further that residential requirements herein provided for procuring an outfitter's or guide's license are hereby waived for the citizens of any state or states to the same extent the home state of the applicant waives such requirements for the citizens of Idaho. A penalty fee in the amount of fifty dollars ($50.00) shall be charged in addition to the regular resident or nonresident outfitter's license fee for any such applicant whose application is not complete by March 31 of the year in which application for such license is made.

4. A bond to the state of Idaho for the benefit of person or persons employing the licensee and in a form approved by the board in the sum of five thousand dollars ($5,000) for outfitters, executed by a qualified surety, duly authorized to do business in this state, conditioned that for the current license year said applicant, his agents and employees, if said license is issued to him, shall conduct his business as an outfitter without fraud or fraudulent representation, and will faithfully perform his contracts with and duties to his patrons; said bond shall be filed with the board before issuance of the license as provided herein.

(c) The board, in its discretion, may make such additional investigation and inquiry relative to the applicant and his qualifications as it shall deem advisable, provided that final decision by the board upon an application submitted by an applicant who has held during the preceding license year a license of the same kind for which application is made shall not be later than March 31 of the year in which the board receives all materials required to be submitted in order to complete a license application or thirty (30) days from the date the board receives all such materials, whichever is later; and upon an application submitted by an applicant not holding during the preceding license year a license of the same kind or embracing the same big game hunting area for which application is made, not later than March 31 of the year in which the board receives all materials required to be submitted in order to complete a license application or ninety (90) days from the date the board receives all such materials, whichever is later.

36-2109. FORM AND TERM OF LICENSE -- NOTICE OF DENIAL. (a) Upon concurrence of a majority, the board, in its discretion may issue a license to any applicant who has filed an application in proper form with the board, includ-
ing but not limited to payment of the license fee and furnishing of bond. Said license shall be in the form prescribed by the board, and shall be valid for the licensing year in which issued from the date issued until the end of the license year in which it is issued; provided, that no outfitter's or guide's license may be assigned or otherwise transferred either by any holder thereof or by the operation of law except as provided in this chapter.

(b) A license granted by the board shall specify the activities licensed and the exact territorial limits of the outfitter's area of operation, and, when the license includes outfitting for big game hunting, it shall specify the species of game to be hunted. In so approving and/or licensing any outfitter's or guide's activity, the board shall consider the following matters, among others:

1. The length of time in which the applicant has operated in that area;
2. The extent to which the applicant is qualified by reason of experience, equipment or resources to operate in that area;
3. The applicant's previous safety record;
4. The accessibility of the area, the particular terrain, and the weather conditions normal to that area during the outfitter's or guide's season;
5. The total amount of outfitter's area requested by any applicant giving due consideration to the effect which such area license grant would have upon the environment, the amount of game which can be harvested, and the number of persons which can be adequately served in the area.

(c) The board shall refuse to issue any license to any applicant for an outfitter's or guide's license whom the board finds is not a competent person of good moral character; not a citizen of the United States; less than eighteen (18) years of age; not a resident of Idaho, unless waived as provided herein, and does not possess a working knowledge of the game and fishing laws of the state of Idaho and the regulations of the United States forest service. The board shall also refuse to issue an outfitter's license to any applicant whom the board finds does not have sufficient financial responsibility to conduct adequately the business of an outfitter. The board shall refuse to issue any license to a firm, partnership, corporation or other organization or any combination thereof which fails to have at least one (1) designated agent conducting its outfitting business who meets all of the qualifications and requirements of a licensed outfitter. The board may also refuse to grant an outfitter's or guide's license to any applicant for viola-
tion of any of the provisions hereinafter specified in this chapter as grounds for revocation or suspension of an outfitter's or guide's license. If the application is denied, the board shall notify the applicant, in writing, of the reasons for such denial within ten (10) days and if the applicant shall correct, to the satisfaction of the board, such reasons within thirty (30) days of receipt of such notice and if, thereafter, a majority of the board concur, the board may issue a license to the applicant.

(d) No license shall be issued by the board until a majority thereof has reported favorably thereon.

36-2110. OPERATIONS OF LICENSEES -- ADJUSTMENT OF AREA -- RULES AND REGULATIONS. (a) Possession of a valid license issued by the board shall be a prerequisite to acting as an outfitter or guide.

1. No more than one (1) person may operate as an outfitter or guide under one (1) license.

2. The big game hunting area as set forth on the license shall be the limit of such operations for each licensee, subject to subsection (b) below.

(b) The board may adjust the territorial scope of operations of any licensed outfitter or guide for reasons of game harvest, where territorial conflict exists between the big game operations of outfitters and guides, or for the safety of persons utilizing the services of outfitters and guides.

(c) The board shall adopt rules and regulations to carry out the provisions of this section.

36-2111. DISPOSITION OF FUNDS -- CONTINUING APPROPRIATION. All fees collected by the board under the provisions of this chapter shall be deposited with the state treasurer in a special fund, which fund is hereby created, and designated as the Idaho outfitters and guides board fund. All monies deposited in such fund are hereby continually appropriated to the outfitters and guides board for the purpose of conducting all operations of the board.

36-2112. LICENSED OUTFITTERS MAY ACT AS GUIDES. Any natural person holding a current and valid outfitter's license may act as a guide without a guide's license if he possesses the qualifications of a guide as determined by the board.

36-2113. REVOCATION OR SUSPENSION OF LICENSE GROUNDS. (a) Every license shall, by virtue of this chapter,
be subject to suspension or revocation by the board in the manner hereinafter set forth: for the following acts whether or not such acts were committed by the applicant before an application for license was filed or a license was granted:

1. For supplying false information on the application form or for failure to provide information required to be furnished by the license application form for a license currently valid or for other fraud or deception in procuring a license under the provisions of this chapter.

2. For fraudulent, untruthful or misleading advertising in the five (5) year period next preceding the date of application for an outfitter's or guide's license.

3. For conviction for a felony.

4. For conviction of violation of regulations of the United States forest service in regard to the business of outfitting and guiding in the five (5) year period next preceding the date of application for an outfitter's or guide's license.

5. For immoral, unethical or dishonorable conduct in the licensee's relation to his guest or patron in the five (5) year period next preceding the date of application for an outfitter's or guide's license.

6. For conviction of any violation of the fish and game laws of the state in the five (5) year period next preceding the date of application for an outfitter's or guide's license. For the purposes of this chapter, the term "conviction" shall mean a final conviction and/or a forfeiture of bail or collateral deposited to secure a defendant's appearance shall be equivalent to a conviction.

7. For a substantial breach of any contract with any person utilizing his services in the five (5) year period next preceding the date of application for an outfitter's or guide's license.

8. For willfully operating as an outfitter in any area for which he is not licensed in the two (2) year period next preceding the date of application for an outfitter's or guide's license.

9. For the knowing employment of an unlicensed guide by an outfitter in the three (3) year period next preceding the date of application for an outfitter's or guide's license.

10. For inhumane treatment of any animal used by the licensed outfitter or guide in the conduct of his business which endangers the health or safety of any guest or patron or which interferes with the conduct of his business in the three (3) year period next preceding the date of application for an outfitter's or guide's license.

11. For failure by any firm, partnership, corporation
or other organization or any combination thereof licensed as an outfitter to have at least one (1) licensed outfitter as designated agent conducting its outfitting business who meets all of the qualifications and requirements of a licensed outfitter in the three (3) year period next preceding the date of application for an outfitter's or guide's license.

12. For the failure to provide any animal used by the licensed outfitter or guide in the conduct of his business with proper food, drink and shelter, or for the subjection of any such animal to needless abuse or cruel and inhumane treatment.

13. For failure to serve the public. A showing by any interested person to the board that an outfitter has limited his scope of service to any individual, group, corporation or club which limits its services to a membership, or who does not offer services to the general public, shall be grounds for revocation of a license.

36-2114. REVOCATION OR SUSPENSION OF LICENSE -- REVIEW OF DENIAL OF LICENSE -- PROCEDURE. Proceedings for the revocation or suspension of a license issued hereunder may be taken upon information and recommendation of any person. All accusations must be made in writing and signed by a person familiar therewith and submitted to the board. Thereupon, the board, acting as a board, or through its secretary, shall make a preliminary investigation of all facts in connection with such charge. The board in its discretion may either decide to take no further action and the results of such investigation shall remain confidential, or the board may decide to initiate proceedings to suspend or revoke the license of the outfitter or guide against whom a complaint has been filed, in which case the board shall set a time and place for hearing as provided in section 67-5209, Idaho Code. Notice of such hearing shall be given to the licensee against whom accusations have been filed not later than sixty (60) days after the filing of such accusations. If, after full, fair and impartial hearing, the majority of the board shall find the accused has committed the violations alleged, the board may suspend the license for a period not to exceed one (1) year, or the board may order the license revoked. The board shall forthwith suspend or revoke such license in accordance with and pursuant to its order hereunder the procedure established by sections 67-5211 and 67-5212, Idaho Code, provided that any applicant aggrieved by a denial of his application for an outfitter's or guide's license by the board shall have twenty (20) days from the
day of receiving such notice of denial in which to submit a written request for a hearing before the board to review such action. Upon receipt of such request, the board shall hold a hearing as hereinbefore provided.

36-2115. REVIEW OF BOARD ACTION. Any person aggrieved by any action of the board in denying the issuance of or in the suspension or revocation of an outfitter's or guide's license may proceed as provided in sections 67-5215 and 67-5216, Idaho Code.

36-2116. COMPLAINT FOR VIOLATION -- PROSECUTION BY COUNTY ATTORNEY. The board, its designated agent or any other person may prefer a complaint for violation of any section of this chapter before any court of competent jurisdiction in the county where the defendant resides, or in the county where the offense occurred. It shall be the duty of the prosecuting attorney of each county in the state to prosecute all violations of the aforesaid provisions of this chapter in their respective counties in which said violations occur. All such violations are hereby declared to be misdemeanors.

36-2117. PENALTY FOR ACTING AS AN OUTFITTER OR GUIDE WITHOUT LICENSE. Any person acting as an outfitter or guide within the meaning of this chapter, without a license as herein provided, shall, upon conviction thereof be punished by a fine of not less than three hundred dollars ($300) nor more than one thousand dollars ($1,000), or by imprisonment in the county jail for a term not to exceed ninety (90) days, if other than a corporation; or by both such fine and imprisonment in the discretion of the court. All fines and penalties collected for violation of this section, under sentence or judgment of any court, shall be paid over by such court in the same manner as provided for disposition of fish and game law violations, except that the outfitters and guides board fund shall receive the amount that would otherwise be paid over to the fish and game fund. Such court shall also send to the Idaho outfitters and guides board a statement setting forth the title of the court and of the cause for which such monies were collected, the name and residence of the defendant or defendants, the nature of the offense or offenses and the fine and the sentence or judgment imposed and such monies so received by the board shall be deposited with the state treasurer and the state treasurer shall credit the same to the Idaho outfitters and guides board fund.
36-2118. LICENSE A PREREQUISITE FOR RECOVERY OF COMPENSATION. No person engaged in the business, or acting in the capacity, of an outfitter or guide, as defined in this chapter, within this state shall bring or maintain any action in the courts of this state for the collection of compensation for the performance of any services as such outfitter or guide, without alleging and proving that such person, partnership, or corporation was a duly licensed outfitter or guide at the time the alleged cause of action arose.

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. The members of the fish and game commission and the outfitters and guides board serving on the effective date of this act are hereby confirmed and retained for the duration of each member's term of office.

SECTION 5. This act shall be in full force and effect on and after January 1, 1977.

Approved March 11, 1976.
RELATING TO TAX RELIEF FOR CERTAIN TAXPAYERS; AMENDING SECTION 63-120, IDAHO CODE, PROVIDING FOR THE ESTIMATE DETERMINING THE AMOUNT OF STATE REIMBURSEMENT TO THE COUNTY, PROVIDING THAT A CLAIMANT'S TAX REDUCTION SHALL BE BASED UPON CURRENT YEAR'S ASSESSED VALUE AND LEVY, AND INCREASING THE AMOUNT OF HOUSEHOLD INCOME UPON WHICH TAX REDUCTIONS ARE ALLOWED FROM FIVE THOUSAND DOLLARS TO FIFTY-FIVE HUNDRED DOLLARS; AMENDING SECTION 63-121, IDAHO CODE, TO PROVIDE THAT ESTIMATES SHALL BE MADE UPON PREVIOUS YEAR'S LEVIES, BUT THAT ACTUAL RELIEF SHALL BE MADE UPON CURRENT YEAR'S LEVIES; AMENDING CHAPTER 1, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-122A, IDAHO CODE, BY PROVIDING THE TAX COMMISSION WITH A METHOD OF RECOVERING PAYMENT MADE FOR ERRONEOUS CLAIMS; DECLARING AN EMERGENCY AND PROVIDING FOR RETROACTIVE APPLICATION.

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

SECTION 1. 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 (5) 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 taxes he is charged with.

(3) The amount of tax reduction that each claimant may receive shall be initially estimated by the county assessor by estimating the amount of taxes due for the current
year by applying the previous year's mill levies to the current year's assessed value of the property of the claimant. The estimate shall be used for determining the amount of state reimbursement to the county under section 63-124, Idaho Code, but shall not determine the final amount of the claimant's tax reduction.

(4) The claimant property owner's tax reduction shall be based upon the current year's assessed value and the current year's levy.

(5) Reductions Tax reductions qualified under this act shall be allowed as follows:

When the claimant's household income is: The reduction may be:

- $3,000, or under $200, or actual taxes, whichever is less;
- $3,001, but not more than $3,500 $175, or actual taxes, whichever is less;
- $3,501, but not more than $4,000 $150, or actual taxes, whichever is less;
- $4,001, but not more than $4,500 $125, or actual taxes, whichever is less;
- $4,501, but not more than $5,000 $100, or actual taxes, whichever is less;
- $5,001, but not more than $5,500 $75, or actual taxes, whichever is less.

SECTION 2. That Section 63-121, Idaho Code, be, and the same is hereby amended to read as follows:

63-121. TIME REQUIREMENTS FOR FILING CLAIM. (1) Any claim for tax reduction to be granted under the provisions of sections 63-117 through and including 63-125, Idaho Code, shall be filed in the office of the county assessor between January 1 and March 15 of each year. The county assessor shall approve, modify the reduction claimed to conform with statutory standards or amounts, or disapprove the claim in total at the time the application is received. Additionally, the county assessor shall notify the claimant in writing by April 1 if his claim has been modified or has been disapproved. The notice of modification or disapproval shall declare that the claimant may appeal the assessor's decision to the county board of equalization, and shall state the time and place that the county board of equalization shall meet for such purposes.

(2) All claims filed with the county assessor shall be
completed by him and forwarded to the board of county commissioners, which shall convene as a board of equalization, any other provision of law notwithstanding, on or before April 15, and shall approve all claims approved by the county assessor, and shall approve the action of the county assessor in modifying or disapproving all other claims unless an appeal has been filed with the board prior to April 15. In considering any appeal of the assessor's decision in modifying or disapproving a claim, the board of equalization may affirm the assessor's decision, may modify the assessor's decision, or may reject the assessor's decision and proceed to allow all or any part of the claim as submitted to the assessor originally. No informality on the part of the board of equalization shall invalidate any action of the board. The decision of the board of equalization shall be final, except that within thirty (30) days the claimant may appeal to the district court on matters of law, and may appeal the decision of the board when the board has acted arbitrarily. The claimant shall be notified immediately, in writing, of the board's action on his appeal to it.

(3) For calendar year 1974 only, the time requirements imposed by subsection (1) of this section are extended to May 1, and the time requirements imposed by subsection (2) of this section are extended to May 15. The board of equalization, or state tax commission, in acting on a claim shall determine the amount of tax relief based upon the previous year's levies, as provided in section 63-120(3), Idaho Code. In notifying the claimant, either the board or commission shall advise the claimant that actual relief will be adjusted based upon the current year's levies.

SECTION 3. That Chapter 1, 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 63-122A, Idaho Code, and to read as follows:

63-122A. RECOVERY OF ERRONEOUS CLAIMS. Within three (3) years of payment, the state tax commission may recover any erroneous or incorrect payment made under this act, or from any "claimant" as defined by section 63-117(e), Idaho Code. The deficiency determination, collection, and enforcement procedures provided by the Idaho income tax act, sections 63-3039, 63-3042, 63-3043 through 63-3064, Idaho Code, shall apply and be available to the commission for enforcement and collection under this act and such sections shall, for this purpose, be considered part of this act. Wherever liens or
any other proceedings are defined as income tax liens or proceedings, they shall, when applied in enforcement or collection under this act, be described as tax relief act liens and proceedings. In connection with such sections, a deficiency shall consist of any amount erroneously claimed by or paid to a claimant under 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 and retroactively to January 1, 1976.

Approved March 12, 1976.
CHAPTER 97
(S.B. No. 1312)

AN ACT
RELATING TO THE PUBLIC EMPLOYEE RETIREMENT SYSTEM; AMENDING SECTION 59-1302, IDAHO CODE, BY REDEFINING "BENEFICIARY", "EMPLOYEE" AND "MILITARY SERVICE"; AMENDING SECTION 59-1307, IDAHO CODE, TO PROVIDE FOR A MANDATORY EXTENSION OF THE TIME WITHIN WHICH ACCUMULATED CONTRIBUTIONS SHALL BE REPAYED AND PROVIDING THAT REGULAR INTEREST SHALL BE INCLUDED IN SUCH REPAYMENT; AMENDING SECTION 59-1309, IDAHO CODE, BY STRIKING REFERENCES TO STUDIES FOR INCLUDING EMPLOYEES OF POLITICAL SUBDIVISIONS IN THE SYSTEM; AMENDING CHAPTER 13, TITLE 59, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 59-1310B, IDAHO CODE, TO PROVIDE ADDITIONAL PROVISIONS FOR MEETING REQUIREMENTS OF SIX MONTHS MEMBERSHIP SERVICE; AMENDING SECTION 59-1313, IDAHO CODE, BY STRIKING SUBSECTION (1)(a) AND STRIKING A SIX-MONTH REQUIREMENT FOR PAYMENT OF DISABILITY RETIREMENT AND SUBSTITUTING IN LIEU THEREOF FIVE MONTHS; AMENDING SECTION 59-1316, IDAHO CODE, BY STRIKING THEREFROM THE REQUIREMENT THAT CERTAIN MEMBERS RETIRE UPON ATTAINING AGE SEVENTY; AMENDING SECTION 59-1317, IDAHO CODE, BY PROVIDING THAT A DEATH BENEFIT SHALL BE APPLICABLE TO OPTION 3; AMENDING SECTION 59-1319A, IDAHO CODE, BY REVISING THE LIMITS OF AND PROCEDURE FOR DETERMINING POST RETIREMENT ALLOWANCE ADJUSTMENTS; AMENDING SECTION 59-1324, IDAHO CODE, WITH RESPECT TO THE METHOD OF PAYMENT OF DEATH BENEFITS AND REDUCING THE REQUIREMENT OF TEN YEARS OF CREDITED SERVICE TO FIVE YEARS AND STRIKING A REFERENCE TO SECTION 59-1321, IDAHO CODE; AMENDING SECTION 59-1332, IDAHO CODE, BY SUBSTITUTING THE WORD AUDITOR FOR TREASURER AND THE WORDS FISCAL YEAR FOR BIENNIAL AND STRIKING A REQUIREMENT TO TAKE LEGAL STEPS TO COLLECT DELINQUENCY; AMENDING SECTION 59-1339, IDAHO CODE, BY STRIKING REFERENCES TO SUPPLEMENTAL TEACHERS SERVICE RETIREMENT ALLOWANCE AND METHOD OF COMPUTATION AND PROVIDING THAT CERTAIN SERVICE SHALL BE DEEMED TO BE MEMBERSHIP SERVICE; 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) consecutive 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 active duty 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 termination of such service is granted available 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. That Section 59-1307, Idaho Code, be, and the same is hereby amended to read as follows:

59-1307. CESSATION OF MEMBERSHIP -- REINSTATEMENT. A person shall cease to be a member when his accumulated contributions become payable to him. If no more than ten (10) years separates his periods of employee status, or if his accumulated contributions become payable during military service, he may reinstate his previous credited service by repaying to the retirement fund the full amount of his accumulated contributions within two (2) years after again becoming an employee. The period for repayment shall be extended provided such repayment includes regular interest on any amount remaining unpaid two (2) years after again becoming an employee.

SECTION 3. That Section 59-1309, Idaho Code, be, and the same is hereby amended to read as follows:

59-1309. PROCEDURE FOR EMPLOYEES OF POLITICAL SUBDIVISIONS TO BE INCLUDED IN RETIREMENT SYSTEM. A political subdivision not participating in the system may, through its governing body, notify the board in writing that it elects to include its employees in the system. The board shall make a study and estimate the cost of including such employees in the system. Upon completion of the study and estimate, the employer may apply for admission to the system. Thereupon the board may upon such terms, not inconsistent with this act, as are set forth in a contract between the board and the employer, integrate said employer and its employees into the system established by this act unless otherwise prohibited by law. The contract shall have no effect, however, until notice and hearing regarding it is afforded to such employees. Such contract shall provide for the appropriate funding of accrued benefits under any existing retirement program at the time the employer is admitted to the system.

SECTION 4. That Chapter 13, 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 59-1310B,
59-1310B. ADDITIONAL PROVISIONS FOR MEETING REQUIREMENT OF SIX MONTHS MEMBERSHIP SERVICE. A former employee who had met the requirements for service or disability retirement on the date of ceasing to be an employee prior to the date of establishment of his employer except for the requirement of six (6) months membership service shall be eligible for a monthly service or disability retirement allowance commencing on July 1, 1976 or six (6) months after the date of establishment of the employer, whichever occurs later, by contributing to the board an amount equal to the sum such person would have contributed during six (6) months of membership service computed on the basis of the monthly salary such person received at the time of ceasing to be an employee. This contribution shall be in lieu of the requirement of six (6) months membership service. The amount so contributed shall not be included in the computation of service or disability retirement allowance.

SECTION 5. That Section 59-1313, Idaho Code, be, and the same is hereby amended to read as follows:

59-1313. TIME FOR PAYMENT OF DISABILITY RETIREMENT. (1) A disability retirement allowance shall become payable to a member on the first of the month next following the latest later of:

pect (a) the day the member files a written application for a disability retirement allowance acceptable to the board; or

pect (b) the day salary or other benefits terminate under any temporary disability policy, or sick leave or other plan paid for in whole or in part by the employer of the member; or

pect (c) the day six (6) five (5) months after the member becomes eligible for disability retirement.

(2) The disability retirement allowance shall be paid monthly thereafter to, but not including, the first of the month next following the earliest of:

pect (a) the day of the retired member's death; or

pect (b) the day the retired member would be eligible for service retirement, were he still an active member; or

pect (c) the day the retired member ceases to be disabled.

(3) When a disability retirement allowance ceases pursuant to (b) of subsection (2) of this section, the retired member shall thereupon become eligible for service retirement, his service retirement allowance to commence on the
first of the month following the date of the last payment of the disability retirement allowance.

(4) When a disability retirement allowance ceases pursuant to (c) of subsection (2) of this section, the retired member shall thereupon resume the status of an active member. Should he not become an employee or elect to receive an early retirement allowance within sixty (60) days thereafter, his status shall be considered to be an inactive member for the purposes of this act as of the date his disability retirement allowance ceases.

SECTION 6. That Section 59-1316, Idaho Code, be, and the same is hereby amended to read as follows:

59-1316. COMPULSORY-RETIREMENT—POSTPONEMENT -- REEMPLOYMENT OF SERVICE RETIRED MEMBERS. (1) Any member who becomes eligible for service retirement shall thereupon be retired except as provided in this section. If the employer of any member shall submit a written request for postponement of retirement, with a certification that such postponement is in the public interest, the board may allow such postponement on an annual basis in accordance with its rules.

(2) A service retired member may again become employed by an employer only if his employer certifies that an emergency exists, that such reemployment is in the public interest, and is limited to periods of casual employment, all in accordance with rules of the board. No contributions shall be made by the member or his employer during such reemployment and any benefit under this act payable on behalf of such member shall continue.

(3) Nothing in this section shall be construed to prevent the election or appointment of any person, regardless of age or credited service, to any office having a term fixed by statute or charter where the appointee serves at the pleasure of the governor or governing body of an employer.

SECTION 7. That Section 59-1317, Idaho Code, be, and the same is hereby amended to read as follows:

59-1317. CONVERSION OF SERVICE RETIREMENT OR EARLY RETIREMENT OR VESTED RETIREMENT ALLOWANCES INTO OPTIONAL RETIREMENT ALLOWANCES -- FORM OF OPTIONAL RETIREMENT. (1) The service retirement allowance, the early retirement allowance or the vested retirement allowance of a member who
so elects shall be converted, in lieu of all other, benefits under this act, into an optional retirement allowance which is the actuarial equivalent of such other allowance. The optional retirement allowance may take one of the forms listed below and shall be in lieu of all other benefits under this act except that the provisions of section 59-1324(1), Idaho Code, shall be applicable to Option 3:

(a) Option 1 provides a reduced retirement allowance payable during the lifetime of the retired member, and a continuation thereafter of such reduced retirement allowance during the lifetime of his named contingent annuitant.

(b) Option 2 provides a reduced retirement allowance payable during the lifetime of the retired member, and a continuation thereafter of one half (1/2) of such reduced retirement allowance during the lifetime of his named contingent annuitant.

(c) Option 3, which is available only if the member retires before the date of his sixty-fifth (65th) birthday, provides an increased retirement allowance until such date and a reduced retirement allowance thereafter, the difference between the two (2) amounts approximately equaling the governmental old-age benefit becoming payable at such date as estimated by the board.

(2) Option 1 or 2 may not be chosen if initial payments of less than ten dollars ($10.00) per month would result.

(3) Application for any optional retirement allowance shall be in writing, duly executed and filed with the board. Such application shall contain all information required by the board, including such proofs of age as are deemed necessary by the board.

SECTION 8. That Section 59-1319A, Idaho Code, be, and the same is hereby amended to read as follows:

59-1319A. POST RETIREMENT ALLOWANCE ADJUSTMENTS. (1) Each retirement allowance payment shall equal the product of a cost-of-living factor and the amount of the initial retirement allowance. During the calendar year of final contribution, a member's cost-of-living factor shall be 1.000. During each subsequent calendar year, the cost-of-living factor shall be the ratio of the consumer price index for October of the previous year to the consumer price index for October preceding the calendar year of the member's final contribution, except that no cost-of-living factor shall be:

(a) less than 1.000; or

(b) more than 106% one hundred six per cent (106%) or less than 94% ninety-four per cent (94%) of the previous
year's cost-of-living factor; or

(c) increased more than one per cent (1%) over the previous year's cost-of-living factor unless the board, at its sole discretion, finds the value of the actuarial assets of the system to be no less than its actuarial liabilities, including those created by the increased factor.

(2) The consumer price index shall be that published by the bureau of labor statistics, United States department of labor.

SECTION 9. That Section 59-1324, Idaho Code, be, and the same is hereby amended to read as follows:

59-1324. COMPUTATION OF DEATH BENEFITS -- METHOD OF PAYMENT -- OPTIONAL DEATH BENEFIT. (1) The death benefit of an active or inactive member shall equal the excess, if any, of the member's accumulated contributions at the time the benefit becomes payable over the aggregate of all retirement allowance payments ever made to the deceased member. The death benefit of a retired member, except as provided by section 59-1317, Idaho Code, shall equal the excess, if any, of the member's accumulated contributions at the time the member retired over the aggregate of all retirement allowance payments ever made to the deceased member.

(2) The death benefit, if any, will be paid to the beneficiary surviving the member; otherwise, it will be paid in accordance with the laws of descent and distribution of the state of Idaho as they may then be in effect.

(3) Upon the death of a member who has at least ten (10) years of credited service and is: (a) active; or (b) inactive and eligible to receive a retirement allowance; or (c) receiving a disability retirement allowance; his beneficiary may elect, in lieu of any death benefit otherwise payable, an allowance to be paid to the member's surviving spouse as provided in option 1 under section 59-1317, Idaho Code. The initial retirement allowance upon which such optional retirement allowance is based shall be calculated as if the member had retired immediately before his death. If the member were not then eligible to receive a service or early retirement allowance, such initial retirement allowance shall equal the actuarial equivalent of his accrued retirement allowance, as determined pursuant to section 59-13217, Idaho Code.

SECTION 10. That Section 59-1332, Idaho Code, be, and the same is hereby amended to read as follows:
59-1332. EMPLOYER REMITTANCE TO BOARD -- 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 retirement board 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 are required by rules of the board.

(2) If any employer shall fail or refuse to remit any such contributions within thirty (30) days after the date due, the board may certify to the state treasurer auditor the fact of such failure or refusal and the amount of the delinquent contribution or contributions, together with its request that such amount be set over from funds of the delinquent employer to the credit of the retirement 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 treasurer 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 fiscal year. If such moneys are not so available, the state treasurer shall take any legal steps necessary to collect such amount.

SECTION 11. That Section 59-1339, Idaho Code, be, and the same is hereby amended to read as follows:

59-1339. ACCUMULATED TEACHER MEMBER CONTRIBUTIONS -- REMAINING CONTRIBUTIONS -- SUPPLEMENTAL--TEACHERS-SERVICE RETIREMENT-ALLOWANCE MEMBERSHIP SERVICE CREDIT. Accumulated teacher member contributions, unless previously withdrawn, shall be paid to teacher members prior to January 1, 1968, by the board from the clearing account of the employee system. All remaining contributions shall be considered as accumulated contributions as defined in section 59-1302(3), Idaho Code, except that they shall not be used in the computation--of--the-membership-service-retirement-allowance-as defined in section 59-1319(6), Idaho Code. A--supplemental teacher--service--retirement-allowance--shall--be--credited-for each month of service of any teacher member between July 1, 1965 and July 1, 1967 during which the teacher member was a member of the teachers system shall be deemed to be membership service. The annual amount of such supplemental teacher--service--retirement-allowance--for each year of service shall be equal to the sum of it of that part of--the
teacher's annual salary on the date of establishment which is net in excess of $4000 and 20% of the balance of his annual salary.

SECTION 12. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Approved March 15, 1976.
CHAPTER 98
(H.B. No. 411)

AN ACT
RELATING TO THE ALCOHOLISM AND INTOXICATION TREATMENT ACT;
AMENDING SECTION 39-301, IDAHO CODE, TO EXPAND THE DECLARATION OF POLICY; AMENDING SECTION 39-303, IDAHO CODE, TO PROVIDE FOR STATEWIDE AND REGIONAL INTERDEPARTMENTAL COORDINATING COMMITTEES; ADDING A NEW SECTION 39-307A, IDAHO CODE, TO PROVIDE FOR PROTECTIVE CUSTODY FOR THOSE INCAPACITATED BY ALCOHOL AND THOSE WHO CONSENT TO ASSISTANCE; AMENDING SECTION 39-309, IDAHO CODE, TO PROVIDE THAT A PATIENT IS LIABLE FOR TRANSPORTATION COSTS; AND AMENDING SECTION 2, CHAPTER 149, LAWS OF 1975, TO PROVIDE NEW EFFECTIVE DATES.

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

SECTION 1. That Section 39-301, Idaho Code, be, and the same is hereby amended to read as follows:

39-301. DECLARATION OF POLICY {Effective-July-17-1976}. 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.

The legislature hereby finds and declares that it is essential to the health and welfare of the people of this state that action be taken by state government to effectively and economically utilize federal and state funds for alcoholism research, and the prevention and for the treatment and rehabilitation of alcoholics. To achieve this, it is necessary that existing fragmented, uncoordinated and duplicative alcoholism programs be merged into a comprehensive and integrated system for the prevention, treatment and rehabilitation of alcoholics.

SECTION 2. That Section 39-303, Idaho Code, be, and the same is hereby amended to read as follows:

39-303. DESIGNATION OF STATE SUBSTANCE ABUSE AUTHORITY {Effective-July-17-1976}. The Idaho department of health and
welfare is hereby designated as the state substance abuse authority.

(a) Statewide and regional interdepartmental coordinating committees are established, composed of the bureau chiefs or regional program managers of public health, mental health, education, public welfare, correction, highway, public safety, vocational rehabilitation, judicial districts, representatives of local government units, and other appropriate public and private agencies and the bureau chief or regional program managers. The committees shall meet at least quarterly at the call of the bureau chief or regional program managers. The committees shall provide for the coordination of, and exchange of information on, all programs relating to alcoholism, and shall act as a permanent liaison among the departments engaged in activities affecting alcoholics and intoxicated persons. The statewide committee shall assist the director and the bureau chief in formulating a comprehensive plan for prevention of alcoholism and for treatment of alcoholics and intoxicated persons.

(b) In exercising their coordinating functions, the committees shall assure that:

1. the appropriate agencies provide all necessary medical, social, treatment, and educational services for alcoholics and intoxicated persons and for the prevention of alcoholism, without unnecessary duplication of services;

2. the several agencies cooperate in the use of facilities and in the treatment of alcoholics and intoxicated persons; and

3. all agencies adopt approaches to the prevention of alcoholism and the treatment of alcoholics and intoxicated persons consistent with the policy of this act.

SECTION 3. That Chapter 3, 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 39-307A, Idaho Code, and to read as follows:

39-307A. PROTECTIVE CUSTODY. (a) An intoxicated person may come voluntarily to an approved public treatment facility for emergency treatment. A person who appears to be intoxicated in a public place and to be in need of help, if he consents to the proffered help, may be assisted to his home, an approved public treatment facility, an approved private treatment facility, or other health facility by a law enforcement officer.

(b) A person who appears to be incapacitated by alcohol
shall be taken into protective custody by a law enforcement officer and forthwith brought to an approved treatment facility for emergency treatment. If no approved treatment facility is readily available he may be taken to a city or county jail where he may be held until he can be transported to an approved treatment facility, but in no event shall such confinement extend more than twenty-four (24) hours. A law enforcement officer, in detaining the person and in taking him to an approved treatment facility, is taking him into protective custody and shall make every reasonable effort to protect his health and safety. In taking the person into protective custody, the detaining officer may take reasonable steps to protect himself. A taking into protective custody under this section is not an arrest. No entry or other record shall be made to indicate that the person has been arrested or charged with a crime.

(c) A person who comes voluntarily or is brought to an approved treatment facility shall be examined as soon as possible. He may then be admitted as a patient or referred to another health facility. The referring approved treatment facility shall arrange for his transportation.

(d) A person who by examination is found to be incapacitated by alcohol at the time of his admission or to have become incapacitated at any time after his admission, may not be detained at the facility (1) once he is no longer incapacitated by alcohol or (2) if he remains incapacitated by alcohol for more than seventy-two (72) hours after admission as a patient. A person may consent to remain in the facility as long as the person in charge believes appropriate.

(e) If a patient is admitted to an approved treatment facility, his family or next of kin shall be notified as promptly as possible. If an adult patient who is not incapacitated requests that there be no notification, his request shall be respected.

(f) Law enforcement officers, personnel of the department, and personnel of an alcohol treatment facility who act in compliance with this section are acting in the course of their official duty and are not criminally or civilly liable therefor.

(g) If the person in charge of the approved treatment facility determines it is for the patient's benefit, the patient shall be encouraged to agree to further diagnosis and appropriate voluntary treatment.

(h) That any person taken to a seventy-two (72) hour evaluation and treatment facility shall be informed immediately that he has the right to request and take a chemical
test in order to ascertain whether he is an intoxicated person. If the person requests to take the test and the professional person in charge of the facility then determines that the person taken to the facility is not intoxicated, he shall immediately release him. A record shall be maintained by the facility of the results of the test.

SECTION 4. That Section 39-309, Idaho Code, be, and the same is hereby amended to read as follows:

39-309. PAYMENT FOR TREATMENT -- FINANCIAL ABILITY OF PATIENTS [Effective--July-1-1976]. -- (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 transportation, maintenance and treatment of the patient therein in 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.

SECTION 5. That Section 2, Chapter 149, Laws of 1975, be, and the same is hereby amended to read as follows:

SECTION 2. This act shall be in full force and effect on--and-after-July-1-1976, in accordance with the following schedule:


Approved March 15, 1976.
CHAPTER 99
(H.B. No. 413)

AN ACT
RELATING TO FEES PAID FOR MOTOR VEHICLE TRIP PERMITS; AMEND-
ING SECTION 49-120, IDAHO CODE, TO INCREASE NONRESIDENT
96 HOUR TRIP PERMIT FEES TO REFLECT INCREASED SIZES AND
WEIGHTS; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 49-120, Idaho Code, be, and the
same is hereby amended to read as follows:

49-120. REGISTRATION BY NONRESIDENTS -- FEES. All motor
vehicles, trailers and semi-trailers owned by nonresidents
and operated in this state shall be subject to the same fees
as are required with respect to like vehicles operated by
residents of this state; provided, that such vehicles may be
operated without the payment of any license, use or regis-
tration fees to the extent that exemption therefrom is pro-
vided in agreements or regulations for reciprocal privileges
issued under and pursuant to the Idaho motor vehicle reci-
procity act, provided further, that if the nonresident vehi-
cles' state of residence grants temporary trip permit privi-
lege in that state to like vehicles from the state of Idaho,
the nonresident operator of any such vehicle may in lieu of
full licensing and registration under the laws of this state
obtain a temporary trip permit from the department of law
enforcement authorizing operation of such vehicle in the
state for a period not to exceed ninety-six (96) hours and
shall pay a base insurance issuance fee of four five dollars
($4.00) ($5.00) per trip permit on any vehicle over six
eight thousand (68,000) (8,000) pounds gross weight in addi-
tion to the following fees:

Vehicles of a gross weight of sixteen thousand (16,000)
pounds, or less, one two dollar dollars ($1.00) ($2.00) for
each one hundred (100) miles, or part thereof, traveled on
the highways of this state;

Vehicles of a gross weight in excess of sixteen thousand
(16,000) pounds, two three dollars ($2.00) ($3.00) for each
one hundred (100) miles or part thereof, traveled on the
highways of this state.

Such temporary trip permit shall contain such informa-
tion, and be in such form, and shall be issued under such rules and regulations as may be prescribed by the department of law enforcement, and shall be displayed at all times while such vehicle is being operated on the highways of this state by posting the same upon the windshield of each such vehicle or in another prominent place thereon, where it may be readily legible.

The director may select vendors to serve as his agents on state highways for the purpose of selling trip permits where fixed ports of entry do not adequately serve a respective highway entering the state. The vendor shall be remunerated effective July 1, 1957, at the rate of fifty cents per permit sold, and he shall collect the fees herein provided by this section, and pay the same to the director. The vendor shall guarantee such payment by giving a bond to the state of Idaho in such sum as shall be fixed by the director, the premium on such bond to be paid by the department of law enforcement.

The director may, by reasonable rules, permit nonresident owners and/or operators of vehicles in lieu of obtaining such permits for each individual trip, to make monthly reports to the director, by the 20th day of the month, showing all movements of such vehicles within the state during the previous month and, at time of making such report, pay the required fees. Such owners and/or operators shall be required to furnish a bond to the state of Idaho in such sum as the director may determine, to insure payment of such fees; and such owner or operator shall pay the cost of auditing such reports by the director at least once a year.

All fees received for the permits herein mentioned shall be remitted by the department of law enforcement to the state treasurer and by him placed in the state highway 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 15, 1976.
AN ACT
APPROPRIATING MONEYS FROM THE GENERAL FUND TO THE STATE
BOARD OF EDUCATION FOR THE FAMILY PRACTICE RESIDENCY
PROGRAM FOR THE PERIOD JULY 1, 1976, THROUGH JUNE 30,
1977; AND SPECIFYING CONDITIONS ATTACHED TO SUCH APPROPRIATION.

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

SECTION 1. There is hereby appropriated to the State Board of Education the amount of $195,000 from the General Fund, to be expended for the Family Practice Residency Program, for the period July 1, 1976, through June 30, 1977.

SECTION 2. The following conditions are attached to the appropriation made in section 1 of this act:

(1) Of the appropriation, the amount of $15,000 shall be set aside to pay for malpractice insurance premiums if such additional payment is necessary. In the event such amount, or any portion thereof, is not needed for such purpose, the balance of such $15,000 shall not be used for any other purpose and shall revert to the General Fund as of June 30, 1977.

(2) In the event income from clinic revenues exceeds the amount of $182,000, the moneys appropriated from the General Fund shall be reduced by such excess and shall revert to the General Fund as of June 30, 1977.

Approved March 16, 1976.
CHAPTER 101
(H.B. No. 646)

AN ACT
RELATING TO FEES FOR RECORDS OF MOTOR VEHICLES; AMENDING
SECTION 49-104, IDAHO CODE, PROVIDING FOR AN INCREASE IN
THE FEE FOR A DUPLICATE COPY OF CERTIFICATE OF TITLE,
OPERATOR'S OR CHAUFFEUR'S LICENSE OR RECEIPT OR REGIS-
TRATION FROM ONE DOLLAR TO THREE DOLLARS AND PROVIDING
FOR THE ASSESSOR TO RECEIVE ONE DOLLAR OF THE FEE, AND
PROVIDING FOR AN INCREASE IN THE FEE PER HOUR FOR SER-
VICES IN FURNISHING COPIES OF FILES OF ALL RECORDS IN
ANY ONE PARTICULAR FILE OF MOTOR VEHICLE REGISTRATIONS,
MOTOR VEHICLE TITLE, DRIVERS' LICENSES OR CHAUFFEURS'
LICENSES.

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

SECTION 1. That Section 49-104, Idaho Code, be, and the
same is hereby amended to read as follows:

49-104. RECORDS OF DEPARTMENT -- FEES FOR SERVICES BY
DIRECTOR -- PORTION OF FEES TO COUNTY. a. All registration
and license records in the office of the department shall be
public records and open to inspection by the public during
business hours.

b. In addition to all other fees required by law to be
collected by the director, the director shall collect for
the following services the following fees:

1. For certifying a copy of any record pertaining to
any motor vehicles license, any certificate of title, or any
operator's or chauffeur's license ..................$2.00

2. For recording the transfer of any interest upon a
certificate of title .................................$1.50

3. For issuance of every certificate of title on a new
motor vehicle sold by a registered dealer to a purchaser..
.............................................................$1.50

4. For furnishing a duplicate copy of any certificate
of title or operator's or chauffeur's license or receipt of
registration ...........................................$1.50 $3.00

5. For issuing an Idaho certificate of title, or an
interstate letter in lieu of the Idaho certificate of title
on any motor vehicle that has previously been licensed in
another state ...........................................$2.50

6. For answering inquiries as to owners of motor vehicles or driver's license records, per vehicle or per driver's license record respectively ......................$1.50

7. For services in furnishing copies of files of motor vehicle registrations, motor vehicle titles, driver's licenses, or chauffeur's licenses, per hour ......$3.00 $5.00

8. Placing "stop" cards in motor vehicle file, each ...

..................................................$ .75

c. Provided the fees required by this section shall not apply when the service is furnished to any federal, state, county, or city official when such service is required in the performance of official duties of their respective offices.

d. The director shall pay $.50 of the fee collected by a county assessor or an agent of the department under subsections b 1,2,3,4,5,7, and $1.00 of the fee collected under subsection b.4 of this section to the assessor of the county collecting such fee, and which shall be deposited with the county treasurer and credited to the county general fund; the remainder of the fees collected under this section shall be paid by the director to the state treasurer and placed in the motor vehicle fund.

Approved March 16, 1976.
AN ACT
RELATING TO CONTRACTS OF CASUALTY INSURANCE; ADDING A NEW
SECTION 41-2514, IDAHO CODE, TO PROVIDE THAT NO AUTOMO-
BILE MEDICAL PAYMENTS INSURANCE CONTRACT SHALL CONTAIN A
PROVISION WHICH LIMITS RECOVERY UNDER THE POLICY TO
COSTS INCURRED IN LESS THAN THREE YEARS AFTER THE INJURY
IS SUSTAINED, AND PROVIDING THAT THE SECTION SHALL NOT
APPLY TO AN INJURY NOT DISCOVERED AND TREATED WITHIN ONE
YEAR FROM THE DATE OF THE OCCURRENCE.

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

SECTION 1. That Chapter 25, 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 41-2514,
Idaho Code, and to read as follows:

41-2514. MEDICAL PAYMENTS LIMITATION PROHIBITED. Recov-
er of costs incurred for injuries sustained under an auto-
mobile medical payments insurance contract shall not be
limited to less than three (3) years from the date of the
injury. This section shall not pertain to any injury that
is not discovered and treated within one year from the date
of the occurrence that caused the injury.

Approved March 16, 1976.
AN ACT
RELATING TO LICENSE PLATE FEES; AMENDING SECTION 49-157, IDAHO CODE, RAISING THE FEE OF REFLECTORIZED PLATES FROM FIFTY CENTS TO SEVENTY-FIVE CENTS PER PLATE.

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

SECTION 1. That Section 49-157, Idaho Code, be, and the same is hereby amended to read as follows:

49-157. ADDITIONAL FEE FOR EACH PLATE ISSUED. Whenever any reflectorized plate or plates are issued for vehicle registration, there shall be charged a fee of fifty-cents {50¢} seventy-five cents (75¢) per plate, which shall be in addition to the vehicle registration fee provided in this chapter. All moneys collected under the provisions of this section shall be paid into the motor vehicle fund, any other provision of law notwithstanding.

Approved March 16, 1976.
AN ACT

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, 1976, THROUGH JUNE 30, 1977.

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

SECTION 1. There is hereby appropriated to the State Board of Education for the Idaho State School for the Deaf and 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, 1976, through June 30, 1977:
<table>
<thead>
<tr>
<th>PROGRAM</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><strong>A. EDUCATION AND SUPPORT SERVICES:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Fund</td>
<td>$1,382,100</td>
<td>$156,100</td>
<td>$18,800</td>
<td>$1,000</td>
<td>$1,558,000</td>
</tr>
<tr>
<td>State School for the Deaf &amp; Blind Income Fund</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Deaf and Blind Children Fund</td>
<td>35,100</td>
<td></td>
<td></td>
<td></td>
<td>35,100</td>
</tr>
<tr>
<td>Miscellaneous Receipts</td>
<td>92,400</td>
<td>7,900</td>
<td>1,800</td>
<td></td>
<td>102,100</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$1,474,500</td>
<td>$239,100</td>
<td>$20,600</td>
<td>$1,000</td>
<td>$1,735,200</td>
</tr>
<tr>
<td><strong>B. SPECIAL SERVICES:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Deaf &amp; Blind Children Fund</td>
<td>$30,400</td>
<td>$32,100</td>
<td>$6,500</td>
<td></td>
<td>$69,000</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$30,400</td>
<td>$32,100</td>
<td>$6,500</td>
<td></td>
<td>$69,000</td>
</tr>
<tr>
<td><strong>GRAND TOTAL</strong></td>
<td>$1,504,900</td>
<td>$271,200</td>
<td>$27,100</td>
<td>$1,000</td>
<td>$1,804,200</td>
</tr>
</tbody>
</table>

Approved March 16, 1976.
AN ACT

APPROPRIATING MONEYS FROM THE FUND ENUMERATED TO THE STATE TREASURER TO BE EXPENDED FOR DESIGNATED PROGRAM, ACCORDING TO DESIGNATED EXPENSE CLASSES FROM THE LISTED FUND FOR THE PERIOD JULY 1, 1976 THROUGH JUNE 30, 1977.

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 program, according to expense classes designated therein from the listed fund for the period July 1, 1976 through June 30, 1977:

A. PROVIDING A CENTRAL DEPOSITORY OF ALL STATE MONEYS PROGRAM:

<table>
<thead>
<tr>
<th>FOR:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel Costs</td>
<td>$213,800</td>
</tr>
<tr>
<td>Operating Expenditures</td>
<td>63,900</td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>2,000</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$279,700</strong></td>
</tr>
</tbody>
</table>

FROM:

| General Fund | $279,700 |

Approved March 16, 1976.
AN ACT
APPROPRIATING MONEYS FROM THE GENERAL FUND TO THE DEPARTMENT
OF INSURANCE TO BE EXPENDED FOR THE DESIGNATED PROGRAM,
ACCORDING TO DESIGNATED EXPENSE CLASSES, FOR THE PERIOD

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

SECTION 1. There is hereby appropriated to the Depart­
ment of Insurance the following amount to be expended for
the designated program, according to expense classes desig­
nated for the period July 1, 1976, through June 30, 1977:
REGULATION OF INSURANCE INDUSTRY PROGRAM:
FOR:
Personnel Costs $326,800
Operating Expenditures 104,400
Capital Outlay 4,800

TOTAL $436,000

FROM:
General Fund $436,000

Approved March 16, 1976.
AN ACT
APPROPRIATING MONEYS FROM THE GENERAL FUND TO THE STATE BOARD OF EDUCATION FOR MEDICAL STUDENTS AT THE UNIVERSITY OF UTAH MEDICAL SCHOOL, FOR THE PERIOD FROM JULY 1, 1976, THROUGH JUNE 30, 1977.

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

SECTION 1. There is hereby appropriated to the State Board of Education the amount of $66,500 from the General Fund, to be expended for five freshman medical students at the University of Utah Medical School, for the period July 1, 1976, through June 30, 1977.

Approved March 16, 1976.
CHAPTER 108

(H.B. No. 492)

RELATING TO TRIPlicate BLANKS FOR CONTROLLED SUBSTANCES; AMENDING SECTION 37-2724, IDAHO CODE, TO PROVIDE AN EXEMPTION FOR NURSING HOMES AND EXTENDED CARE FACILITIES FROM THE REQUIREMENTS OF THE CONTROLLED SUBSTANCES ACT WITH REFERENCE TO THE WRITING OF PRESCRIPTIONS ON OFFICIAL TRIPlicate BLANKS, AND PROVIDING RULES AS TO FORM OF ORDER AND RECORD KEEPING.

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

SECTION 1. That Section 37-2724, Idaho Code, be, and the same is hereby amended to read as follows:

37-2724. USE IN HOSPITAL -- FORM OF ORDER -- RECORD -- NURSING HOME, EXTENDED CARE FACILITY. An order for schedule II substance for use by a patient in a county or licensed hospital, or in a licensed nursing home or extended care facility employing a unit dose distribution system, shall be exempt from all requirements of this act with reference to the writing of prescriptions on official triplicate blanks, but shall be in writing on the patient's record, signed by the prescriber, dated, and shall state the name and quantity of the drug ordered and the quantity actually administered, strength and dosage schedule of the drug ordered. A direct copy of this order will be furnished within seventy-two (72) hours to the pharmacist supplying the medication. The record of said orders and the administration record shall be maintained as a hospital record in the hospital, nursing home or extended care facility for a minimum of three (3) years and shall be available for inspection by all inspectors of the board.

Approved March 16, 1976.
AN ACT
RELATING TO CAREY ACT DEVELOPMENTS; AMENDING SECTION
42-2014, IDAHO CODE, TO PROVIDE THAT APPLICANTS SHALL
PROVIDE EVIDENCE OF ABILITY TO MEET STANDARDS OF FINAN­
CIAL RESPONSIBILITY AND MINIMUM EXPERIENCE; AND AMENDING
SECTION 42-2039, IDAHO CODE, TO PROVIDE A MAXIMUM
EXPENDITURE FOR GRAZING RESTORATION, TO PROVIDE REIM­
BURSEMENT IN THE EVENT NO SUITABLE LANDS ARE AVAILABLE
FOR RESTORATION, AND TO PROVIDE REPLACEMENT OF CERTAIN
IMPROVEMENTS NOTWITHSTANDING THE MAXIMUM REPLACEMENT
COSTS PROVIDED IN THIS SECTION.

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

SECTION 1. That Section 42-2014, Idaho Code, be, and
the same is hereby amended to read as follows:

42-2014. APPLICATION TO ENTER -- PREFERENCE TO
EX-SERVICE PERSON -- "EX-SERVICE PERSON" DEFINED. Any citi­
zen of the United States or any person having declared his
intention to become a citizen of the United States may make
application under oath, to the department of water
resources, to enter any of said land in an amount not to
exceed the maximum number of acres for which such person is
permitted to apply by federal law for any one (1) person:
provided, that ex-service persons as herein defined shall
have a thirty (30) day preference right of entry upon any
and all lands opened for entry by the state of Idaho under
this act; and such application shall set forth that the
person desiring to make such entry does so for the purpose
of actual reclamation, cultivation and settlement in accord­
ance with the act of congress and the laws of this state
relating thereto, and that the applicant has never received
the benefit of the provisions of this chapter to an amount
greater than the maximum number of acres for which such
person is permitted to apply by federal law, including the
number of acres specified in the application under consider­
ation.

Each application shall be accompanied by evidence of the
applicant's ability to meet standards of financial responsi­
bility and minimum experience as such standards are pre-
scribed by the director by rule and regulation. Such application must be accompanied by a certified copy of a contract for a perpetual water right, made and entered into by the party making application with the person, company or association who has been authorized by the director to furnish water for the reclamation of said lands; and if said applicant has at any previous time entered lands under the provisions of this chapter he shall so state in his application, together with description, date of entry and location of said land. The director shall thereupon file in his office the application and papers relating thereto, and, if allowed, issue a certificate of location to the applicant. All applications for entry shall be accompanied by the payment of five dollars ($5.00) per acre, which shall be paid as a partial payment on the land if the application is allowed; and all certificates when issued shall be recorded in a book to be kept for the purpose. If the application is not allowed, the five dollars ($5.00) per acre accompanying it shall be refunded to the applicant. The director shall dispose of all lands accepted by the state under the provisions of this chapter at a uniform price of ten dollars ($10.00) per acre, half to be paid at the time of entry and the remainder at the time of making final proof by the settler: provided further, that the term ex-service person as used in this act is hereby defined to mean any person who was regularly enlisted, inducted or commissioned, and who served on active duty in any branch of the armed forces of the United States during the period of the Civil War, the Spanish-American War, World War I between April 6, 1917 and November 11, 1918, World War II between December 8, 1941 and October 24, 1951, the Korean conflict between June 26, 1950 and January 31, 1955, or the Viet Nam conflict beginning August 5, 1964 during its duration and is a citizen of the United States and has resided in the state of Idaho for a period of six (6) months or more, preceding the date of such opening.

SECTION 2. That Section 42-2039, Idaho Code, be, and the same is hereby amended 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 for grazing restoration and one dollar ($1.00) per acre for wildlife restoration 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 for grazing restoration and one dollar ($1.00) per acre for wildlife restoration.

In the event that no suitable lands are available for restoration as grazing lands as provided herein, the director is authorized to so certify, and the payment in lieu of restoration shall be made directly to the person with previous grazing rights to the land under Carey Act development.

In those instances where a Carey Act project application is filed for land on which any livestock watering improvements, established trail rights, or recent successful reseedings of less than five (5) years usage are in place and functional at the time of the filing, then these watering improvements, trail rights or reseedings shall be replaced in kind notwithstanding costs in excess of the limitation of five dollars ($5.00) imposed herein. The director of the department of water resources shall be responsible for the negotiation and determination of the values in excess of five dollars ($5.00) per acre which are involved in qualifying water improvements, trail rights or recent reseedings and to whom the payments for excess values shall be made.

Approved March 16, 1976.
CHAPTER 110
(H.B. No. 402, As Amended, As Amended in the Senate)

AN ACT
RELATING TO EXPENSE ALLOWANCES FOR MEMBERS OF THE LEGISLATURE; AMENDING SECTION 67-412, IDAHO CODE, BY ALLOWING EXPENSES FOR ONE EXTRA DAY PRIOR TO AND IMMEDIATELY FOLLOWING EACH SESSION OF THE LEGISLATURE, BY INCREASING THE ALLOWANCE PER DAY FOR EXPENSES OF BOARD AND MAINTAINING THE OFFICE OF A LEGISLATOR, BY INCREASING THE TRAVEL ALLOWANCE TO THAT PROVIDED FOR STATE EMPLOYEES, AND INCREASING FROM THREE DOLLARS AND FIFTY CENTS TO FIVE DOLLARS PER DAY THE AMOUNT FOR EXPENSES OF MAINTAINING THE OFFICE OF LEGISLATOR WHILE THE LEGISLATURE IS NOT IN SESSION; AND PROVIDING AN EFFECTIVE DATE.

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

SEC. 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, 1976, a member of the legislature of the state of Idaho who, while serving during any session of the legislature, and a lieutenant-governor who maintains a second home in Ada County during such period shall receive an allowance of thirty-five forty dollars ($35.40) per day while away from home during such period for his away from home expenses. Such expenses shall be allowed for one (1) extra day prior to and immediately following each session of the legislature.

(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 per mile 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, 1976, which expenses shall be accounted for to the pre-
siding officer of the legislative body in which the member serves, and shall additionally receive the sum of twenty-five thirty dollars ($25.30) 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-fourth 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 five 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 installments 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, 1976.

SECTION 2. This act shall be in full force and effect on and after December 1, 1976.

Approved March 16, 1976.
CHAPTER 111
(H.B. No. 491, As Amended)

AN ACT
RELATING TO POWERS AND DUTIES OF THE BOARD OF PHARMACY;
AMENDING SECTION 54-1707, IDAHO CODE, BY STRIKING REFERENCE.
TO THE DIRECTOR OF THE DEPARTMENT OF HEALTH AND
WELFARE.

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

SECTION 1. That Section 54-1707, Idaho Code, be, and
the same is hereby amended to read as follows:

54-1707. POWERS AND DUTIES OF BOARD. The board of phar-
macy shall have the following powers and duties:
(1) To exercise all the rights, powers, and duties with
respect to the regulation of pharmacy and pharmacists under
chapter 17, title 54, Idaho Code.
(2) To make by-laws for its own government and proce-
dure not inconsistent with the laws of the state.
(3) With the consent of the director of the department
of health and welfare, to make such regulations as are
necessary and feasible to carry out its powers and duties
under this act regulating the practice of pharmacy and
pharmacists.

Approved March 16, 1976.
CHAPTER 112
(H.B. No. 403, As Amended)

AN ACT
AMENDING TITLE 18, IDAHO CODE, BY THE ADDITION THERETO OF A NEW CHAPTER TO BE KNOWN AND DESIGNATED AS CHAPTER 76, TITLE 18, IDAHO CODE, RELATING TO TAPE PIRACY, BY PROVIDING A SHORT TITLE; BY PROVIDING FOR DEFINITIONS; BY PROVIDING FOR THE UNLAWFUL TRANSFER, SALE, DISTRIBUTION, AND ADVERTISEMENT OF UNLAWFUL TRANSFERRED SOUNDS; BY PROVIDING FOR PENALTIES; BY PROVIDING FOR CONFISCATION AND DESTRUCTION OF EQUIPMENT; BY PROVIDING FOR EXCEPTIONS; BY PROVIDING THAT THIS ACT IS NOT AN EXCLUSIVE REMEDY; AND PROVIDING FOR SEVERABILITY.

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

SECTION 1. That Title 18, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 76, Title 18, Idaho Code, and to read as follows:

CHAPTER 76
TAPE PIRACY ACT

18-7601. SHORT TITLE. This act shall be known as the "Idaho Tape Piracy Act of 1976."

18-7602. 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. "Person" means any individual, firm, partnership, corporation or association of individuals.

2. "Owner" means the person who owns the original fixation of sounds embodied in the master phonograph record, master disc, master tape, master film, or other device used for reproducing sounds on phonograph records, discs, tapes, films, or other articles upon which sound is recorded, and from which transferred recorded sounds are directly derived.

18-7603. UNLAWFUL TRANSFER - SALE, DISTRIBUTION, ADVERTISEMENT. It shall be unlawful and punishable:

1. For any person to knowingly, and without the consent of the owner, transfer or cause to be transferred or
recorded any sounds previously recorded on a phonograph record, disc, wire, tape, film or other article on which sounds are recorded with the intent to sell such articles, or cause them to be sold for profit or used to promote the sale of any product.

(2) For any person to knowingly, or with reasonable grounds to know, advertise, or offer for sale or resale, or sell or resell, distribute or possess for such purposes, any article that has been produced in violation of the provisions of subsection (1) of this section.

(3) For any person to advertise, or offer for sale or resale, or sell or resell, or possess for such purposes, any phonograph record, disc, wire, tape, film or other article on which sounds are recorded, unless the outside cover, box, jacket or container clearly and conspicuously discloses the actual name and address of the manufacturer thereof, and the name of the actual performer or group.

18-7604. PENALTIES. (1) Any person who violates subsection (1) of section 18-7603, Idaho Code, is guilty of a felony and upon conviction may be fined not more than ten thousand dollars ($10,000), or imprisoned for not more than four (4) years, or both such fine and imprisonment. Each recording of the original fixation of sounds without consent of the owner thereof shall constitute a separate offense.

(2) Any person who violates subsection (2) or (3) of section 18-7603, Idaho Code, is guilty of a misdemeanor and upon conviction may be fined not more than one thousand dollars ($1,000) or imprisoned for not more than six (6) months, or both such fine and imprisonment.

18-7605. CONFISCATION OF EQUIPMENT. Any article produced in violation of section 18-7603, Idaho Code, and any equipment used for such purpose, shall be subject to confiscation and destruction by the appropriate law enforcement agency.

18-7606. EXCEPTIONS. The provisions of this act shall not apply to any broadcaster, who, in connection with or as part of a radio, television, or cable broadcast transmission, or for the purpose of archival preservation, transfers any such sounds recorded on a sound recording.

18-7607. ACT NOT AN EXCLUSIVE REMEDY. This act shall not be deemed an exclusive remedy for persons affected or injured by acts herein proscribed.
SEVERABILITY. If any provisions of this act, or the application thereof to any person or circumstances, is held invalid as unconstitutional or ineffective for any reason, such invalidity shall not affect other provisions or applications of the act, and to this end the provisions of this are severable.

Approved March 16, 1976.
AN ACT
RELATING COVERAGE FOR COMPLICATIONS OF PREGNANCY UNDER
HEALTH INSURANCE CONTRACTS; AMENDING SECTION 41-2140,
IDAHO CODE, TO PROVIDE THAT DISABILITY INSURANCE CON­
TRACTS SHALL COVER INVOLUNTARY COMPLICATIONS OF PREG­
NANCY; AMENDING SECTION 41-2210, IDAHO CODE, TO PROVIDE
THAT GROUP AND BLANKET POLICIES SHALL COVER INVOLUNTARY
COMPLICATIONS OF PREGNANCY; ADDING A NEW SECTION
41-3438, IDAHO CODE, TO PROVIDE THAT HOSPITAL OR MEDICAL
SERVICE CORPORATION CONTRACTS SHALL COVER INVOLUNTARY
COMPLICATIONS OF PREGNANCY; ADDING A NEW SECTION
41-3932, IDAHO CODE, TO PROVIDE THAT HEALTH MAINTENANCE
ORGANIZATION CONTRACTS SHALL COVER INVOLUNTARY
COMPLICATIONS OF PREGNANCY; ADDING A NEW SECTION
41-4023, IDAHO CODE, TO PROVIDE THAT INFANTS SHALL BE
COVERED FROM THE MOMENT OF BIRTH IN SELF-FUNDED PLANS,
AND TO PROVIDE THAT SELF-FUNDED HEALTH CARE PLANS SHALL
COVER INVOLUNTARY COMPLICATIONS OF PREGNANCY; AND PRO­
VIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 41-2140, Idaho Code, be, and
the same is hereby amended to read as follows:

41-2140. REQUIRED PROVISIONS. (1) Any disability
insurance contract delivered or issued for delivery in this
state more than one hundred twenty (120) days after the
effective date [July 1, 1974] of this act, which provides
coverage for injury or sickness for newborn dependent chil­
dren of the insured, shall provide such coverage for such
newborn and infants from and after the moment of birth.
Coverage provided in accord with this section shall include,
but not be limited to, coverage for congenital anomalies of
such infant children from the moment of birth.

(2) No policy of disability insurance which provides
maternity benefits for a person covered continuously from
conception shall be issued, amended, delivered, or renewed
in this state on or after January 1, 1977, if it contains
any exclusion, reduction, or other limitations as to coverage, deductibles, or coinsurance provisions, as to involuntary complications of pregnancy, unless such provisions apply generally to all benefits paid under the policy. If a fixed amount is specified in such policy for surgery, the fixed amounts for surgical procedures involving involuntary complications of pregnancy shall be commensurate with other fixed amounts payable for procedures of comparable difficulty and severity. In a case where a fixed amount is payable for maternity benefits, involuntary complications of pregnancy shall be deemed an illness and entitled to benefits otherwise provided by the policy. Where the policy contains a maternity deductible, the maternity deductible shall apply only to expenses resulting from normal delivery and cesarean section delivery; however, expenses for cesarean section delivery in excess of the deductible shall be treated as expenses for any other illness under the policy. This section shall apply to all disability policies except individual noncancelable or guaranteed renewable policies, issued or delivered before January 1, 1977.

With respect to such individual noncancelable or guaranteed renewable policies issued or delivered before January 1, 1977, the insurer shall communicate the availability of involuntary complications when negotiating any changes in such policies.

For purposes of this section, involuntary complications of pregnancy shall include, but not be limited to, puerperal infection, eclampsia, cesarean section delivery, ectopic pregnancy, and toxemia.

All policies subject to this section and issued, amended, delivered, or renewed in this state on or after January 1, 1977, shall be construed to be in compliance with this section, and any provision in any such policy which is in conflict with this section shall be of no force or effect.

SECTION 2. That Section 41-2210, Idaho Code, be, and the same is hereby amended to read as follows:

41-2210. REQUIRED PROVISION IN GROUP AND BLANKET POLICIES. (1) Any group disability insurance contract or blanket disability insurance contract, delivered or issued for delivery in this state more than one hundred twenty (120) days after the effective date of this act, which provides coverage for injury or sickness for newborn dependent children of subscribers or other members of the covered group, shall provide coverage for such newborn and
infants from and after the moment of birth. Coverage provided in accord with this section shall include, but not be limited to, coverage for congenital anomalies of such infant children from the moment of birth.

(2) No policy of disability insurance which provides maternity benefits for a person covered continuously from conception shall be issued, amended, delivered, or renewed in this state on or after January 1, 1977, if it contains any exclusion, reduction, or other limitations as to coverage, deductibles, or coinsurance provisions, as to involuntary complications of pregnancy, unless such provisions apply generally to all benefits paid under the policy. If a fixed amount is specified in such policy for surgery, the fixed amounts for surgical procedures involving involuntary complications of pregnancy shall be commensurate with other fixed amounts payable for procedures of comparable difficulty and severity. In a case where a fixed amount is payable for maternity benefits, involuntary complications of pregnancy shall be deemed an illness and entitled to benefits otherwise provided by the policy. Where the policy contains a maternity deductible, the maternity deductible shall apply only to expenses resulting from normal delivery and cesarean section delivery; however, expenses for cesarean section delivery in excess of the deductible shall be treated as expenses for any other illness under the policy. This section shall apply to all disability policies except any group disability policy made subject to an applicable collective-bargaining agreement in effect before January 1, 1977.

For purposes of this section, involuntary complications of pregnancy shall include, but not be limited to, puerperal infection, eclampsia, cesarean section delivery, ectopic pregnancy, and toxemia.

All policies subject to this section and issued, amended, delivered, or renewed in this state on or after January 1, 1977, shall be construed to be in compliance with this section, and any provision in any such policy which is in conflict with this section shall be of no force or effect.

SECTION 3. That Chapter 34, 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 41-3438, Idaho Code, and to read as follows:

41-3438. COMPLICATIONS OF PREGNANCY. No hospital or medical service corporation contract which provides mater-
nity benefits for a person covered continuously from conception shall be issued, amended, delivered, or renewed in this state on or after January 1, 1977, if it contains any exclusion, reduction, or other limitations as to coverage, deductibles, or coinsurance provisions as to involuntary complications of pregnancy, unless such provisions apply generally to all benefits paid under the contract. If a fixed amount is specified in such contract for surgery, the fixed amounts for surgical procedures involving involuntary complications of pregnancy shall be commensurate with other fixed amounts payable for procedures of comparable difficulty and severity. In a case where a fixed amount is payable for maternity benefits, involuntary complications of pregnancy shall be deemed an illness and entitled to benefits otherwise provided by the contract. Where the contract contains a maternity deductible, the maternity deductible shall apply only to expenses resulting from normal delivery and cesarean section delivery; however, expenses for cesarean section delivery in excess of the deductible shall be treated as expenses for any other illness under the contract. This section shall apply to all hospital or medical service corporation contracts except any group hospital or medical service corporation contract made subject to an applicable collective-bargaining agreement in effect before January 1, 1977.

For purposes of this section, involuntary complications of pregnancy shall include, but not be limited to, puerperal infection, eclampsia, cesarean section delivery, ectopic pregnancy, and toxemia.

All contracts subject to this section and issued, amended, delivered, or renewed in this state on or after January 1, 1977, shall be construed to be in compliance with this section, and any provision in any such contract which is in conflict with this section shall be of no force or effect.

SECTION 4. That Chapter 39, 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 41-3932, Idaho Code, and to read as follows:

41-3932. COMPLICATIONS OF PREGNANCY. No health maintenance organization contract which provides maternity benefits for a person covered continuously from conception shall be issued, amended, delivered, or renewed in this state on or after January 1, 1977, if it contains any exclusion, reduction, or other limitations as to coverage, deductibles,
or coinsurance provisions as to involuntary complications of pregnancy, unless such provisions apply generally to all benefits paid under the plan. If a fixed amount is specified in such plan for surgery, the fixed amounts for surgical procedures involving involuntary complications of pregnancy shall be commensurate with other fixed amounts payable for procedures of comparable difficulty and severity. In a case where a fixed amount is payable for maternity benefits, involuntary complications of pregnancy shall be deemed an illness and entitled to benefits otherwise provided by the plan. Where the plan contains a maternity deductible, the maternity deductible shall apply only to expenses resulting from normal delivery and cesarean section delivery; however, expenses for cesarean section delivery in excess of the deductible shall be treated as expenses for any other illness under the plan.

Where a plan which provides or arranges direct health care services for its members contains a maternity deductible, the maternity deductible shall apply only to expenses resulting from prenatal care and delivery. However, expenses resulting from any delivery in excess of the deductible amount shall be treated as expenses for any other illness under the plan. If the pregnancy is interrupted, the maternity deductible charged for prenatal care and delivery shall be based on the value of the medical services received, providing that it is never more than two-thirds \( \frac{2}{3} \) of the plan's maternity deductible.

For purposes of this section, involuntary complications of pregnancy shall include, but not be limited to, puerperal infection, eclampsia, cesarean section delivery, ectopic pregnancy, and toxemia.

All health maintenance organization contracts subject to this section and issued, amended, delivered, or renewed in this state on or after January 1, 1977, shall be construed to be in compliance with this section, and any provision in any such plan which is in conflict with this section shall be of no force or effect.

SECTION 5. That Chapter 40, 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 41-4023, Idaho Code, and to read as follows:
41-4023. COVERAGE FROM MOMENT OF BIRTH -- COMPLICATIONS OF PREGNANCY. (1) Every self-funded plan issued or amended on or after the operative date of the amendments to this section shall contain a provision granting immediate accident and sickness coverage, from and after the moment of birth, to each newborn infant of any family covered. No such plan may be issued or amended if it contains any disclaimer, waiver, or other limitation of coverage relative to the coverage or insurability of newborn infants of a family covered from and after the moment of birth.

(2) No self-funded plan which provides maternity benefits for a person covered continuously from conception shall be issued, amended, delivered, or renewed in this state on or after January 1, 1977, if it contains any exclusion, reduction, or other limitations as to coverage, deductibles, or coinsurance provisions as to involuntary complications of pregnancy, unless such provisions apply generally to all benefits paid under the plan. If a fixed amount is specified in such plan for surgery, the fixed amounts for surgical procedures involving involuntary complications of pregnancy shall be commensurate with other fixed amounts payable for procedures of comparable difficulty and severity. In a case where a fixed amount is payable for maternity benefits, involuntary complications of pregnancy shall be deemed an illness and entitled to benefits otherwise provided by the plan. Where the plan contains a maternity deductible, the maternity deductible shall apply only to expenses resulting from normal delivery and cesarean section delivery; however, expenses for cesarean section delivery in excess of the deductible shall be treated as expenses for any other illness under the plan. This subdivision shall apply to all self-funded plans except any such plan made subject to an applicable collective-bargaining agreement in effect before January 1, 1977.

For purposes of this subdivision, involuntary complications of pregnancy shall include, but not be limited to, puerperal infection, eclampsia, cesarean section delivery, ectopic pregnancy, and toxemia.

All plans subject to this subdivision and issued, amended, delivered, or renewed in this state on or after January 1, 1977, shall be construed to be in compliance with this section, and any provision in any such plan which is in conflict with this section shall be of no force or effect.

SECTION 6. This act shall be in full force and effect on and after January 1, 1977.

Approved March 16, 1976.
CHAPTER 114
(H.B. No. 375)

AN ACT
RELATING TO GROUP LIFE INSURANCE; AMENDING SECTION 41-2009, IDAHO CODE, TO STRIKE THE LIMITATION ON CERTAIN GROUP POLICIES WHICH LIMITS THE AMOUNT OF INSURANCE WITH RESPECT TO SPOUSES AND CHILDREN.

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

SECTION 1. That Section 41-2009, Idaho Code, be, and the same is hereby amended to read as follows:

41-2009. DEPENDENTS' COVERAGE. Any group life policy issued under sections 41-2003 (employee groups), or 41-2004 (labor union groups), or 41-2006 (public employee groups), or 41-2007 (trustee groups) may be extended to insure the employees or members against loss due to the death of their spouses and minor children, or any class or classes thereof, subject to the following requirements:

(1) The premium for the insurance shall be paid by the policyholder, either from the employer's or union's funds or funds contributed by the employer or union, or from funds contributed by the insured employees or members, or from both. If any part of the premium is to be derived from funds contributed by the insured employees or members, the insurance, with respect to spouses and children may be placed in force only if at least seventy-five per cent (75%) of the then eligible employees or members, excluding any as to whose family members evidence of insurability is not satisfactory to the insurer, elected to make the required contribution. If no part of the premium is to be derived from funds contributed by the employees or members, all eligible employees or members, excluding any as to whose family members evidence of insurability is not satisfactory to the insurer, must be insured with respect to their spouses and children.

(2) The amounts of insurance must be based upon some plan precluding individual selection either by the employees or members or by the policyholder, employer or union, and with respect to any spouse of such employee or member shall not exceed one-half -\( \frac{1}{2} \) - of the amount of insurance on the life of the employee or member, but not to exceed five-thou-
(3) Upon termination of the insurance with respect to the members of the family of any employee or member by reason of the employee's or member's termination of employment, termination of membership in the class or classes eligible for coverage under the policy, or death, the spouse shall be entitled to have issued by the insurer, without evidence of insurability, an individual policy of life insurance, without disability or other supplementary benefits, providing application for the individual policy shall be made, and the first premium paid to the insurer, within thirty-one (31) days after such termination, subject to the requirements of subdivisions (1), (2) and (3) of section 41-2018 of this chapter. If any group policy terminates or is amended so as to terminate the insurance of any class of employees or members and the employee or member is entitled to have issued an individual policy, under section 41-2019 of this chapter, the spouse shall also be entitled to have issued by the insurer an individual policy, subject to the conditions and limitations provided above. If the spouse dies within the period during which he would have been entitled to have an individual policy issued in accordance with this provision, the amount of life insurance which he would have been entitled to have issued under such individual policy shall be payable as a claim under the group policy, whether or not application for the individual policy or the payment of the first premium therefor has been made.

(4) Notwithstanding section 41-2017 of this chapter, only one (1) certificate need be issued for delivery to an insured person if a statement concerning any dependent's coverage is included in such certificate.

Approved March 16, 1976.
AN ACT
RELATING TO MEDICAL MALPRACTICE INSURANCE; ADDING A NEW
SECTION 41-336A, ESTABLISHING REPORTING REQUIREMENTS OF
INSURERS FOR STATISTICAL DATA CONCERNING MALPRACTICE
INSURANCE.

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

SECTION 1. That Chapter 3, 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 41-336A,
Idaho Code, and to read as follows:

41-336A. MALPRACTICE INSURANCE REPORTS. As a condition
of doing business in the state of Idaho, each insurer trans­
acting insurance covering liability for malpractice of any
person licensed under chapter 18, title 54, Idaho Code,
shall annually, before the 1st day of March, report to the
director of the department of insurance the following sta­
tistics as of the 31st day of December preceding:

(1) The total number of insureds as of December 31 of
the calendar year next preceding.

(2) The total amount of premiums paid by the insureds
in such profession during the calendar year next preceding.

(3) The number of claims filed against the insurer's
insureds during, and the total number of claims outstanding
as of December 31 of the calendar year next preceding.

(4) The number of claims paid by the insurer during the
calendar year next preceding, and the total monetary amount
thereof.

(5) The number of lawsuits filed against the insurer's
insureds, and the number of insureds included therein,
during the calendar year next preceding.

(6) The number of lawsuits previously filed against the
insurer's insureds which were dismissed without settlement
or trial, the total monetary amount prayed for in such dis­
missed cases, and the number of insureds included therein,
during the calendar year next preceding.

(7) The number of lawsuits previously filed against the
insurer's insureds which were settled without trial, the
total monetary amount prayed for in such settled cases, the
total monetary amount paid out as settlements in such settled cases, and the number of insureds included therein, during the calendar year next preceding.

(8) The total number of lawsuits against the insurer's insureds which went to trial during the calendar year next preceding, and the number of such cases ending in:

(a) Mistrial.
(b) Nonsuit.
(c) Directed verdict for plaintiff.
(d) Directed verdict for defendant.
(e) Judgment notwithstanding the verdict for the plaintiff.
(f) Judgment notwithstanding the verdict for the defendant.
(g) Judgment for the plaintiff.
(h) Judgment for the defendant.
(i) Other.

(9) The total monetary amount prayed for in those lawsuits specified in paragraphs (a), (b), (d), (f), and (h) of subsection (8) of this section.

(10) The total monetary amount prayed for, and the total monetary amount paid out, in those lawsuits specified in paragraphs (c), (e), and (g) of subsection (8) of this section.

(11) The total number of the insurer's insureds included in those lawsuits specified in paragraphs (a), (b), (d), (f), and (h) of subsection (8) of this section.

(12) The total number of the insurer's insureds included in those lawsuits specified in paragraphs (c), (e), and (g) of subsection (8) of this section.

(13) The number of new trials granted during the calendar year next preceding.

(14) The number of lawsuits pending on appeal as of December 31 of the next preceding calendar year.

The names of individuals and the titles of cases which may be contained in reports required by this section are confidential information, and shall not be disclosed nor be subject to discovery procedure without the written consent of the individuals, associations, or corporations therein named.

Approved March 16, 1976.
CHAPTER 116
(H.B. No. 490)

AN ACT
RELATING TO REVIEW OF PLANS FOR SEWAGE FACILITIES CONSTRUCTION; AMENDING SECTION 39-118, IDAHO CODE, REQUIRING APPROVAL OF DEVIATION FROM APPROVED PLANS AND PROVIDING AUTHORITY TO THE DEPARTMENT OF HEALTH AND WELFARE FOR APPROVAL OF NEWLY CONSTRUCTED SEWAGE RELATED FACILITIES PRIOR TO THE OPERATION OF SUCH FACILITIES; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 39-118, Idaho Code, be, and the same is hereby amended to read as follows:

39-118. REVIEW OF PLANS. All plans and specifications for the construction of new sewage systems, sewage treatment plants or systems, other waste treatment or disposal facilities, public water supply systems or public water treatment systems or for modification or expansion to existing sewage treatment plants or systems, waste treatment or disposal facilities, public water supply systems or public water treatment systems, shall be submitted to and approved by the department of health and welfare before construction may begin, and all construction shall be in compliance therewith. No deviation shall be made from the approved plans and specifications without the prior approval of the department. Within thirty (30) days of the completion of construction, alteration, or modification of any new sewage systems, sewage treatment plants or systems, other waste treatment or disposal facilities, public water supply systems or public water treatment systems, complete and accurate plans and specifications depicting the actual construction, alteration, or modification performed must be submitted to the department of health and welfare. If construction does not deviate from the original plans previously submitted for approval, a statement to that effect shall be filed with the department. If the department determines that any particular facility or category of facilities will produce no significant impact on the environment or on the public health, the department shall be authorized to waive this requirement
for that facility or category of facilities.

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

Approved March 16, 1976.
CHAPTER 117

(H.B. No. 437)

AN ACT

AMENDING SECTION 33-1707, IDAHO CODE, RELATING TO THE ALLOWABLE REIMBURSEMENT FOR DRIVER TRAINING PROGRAMS, BY INCREASING THE MAXIMUM ALLOWABLE REIMBURSEMENT PER PUPIL FROM FIFTY-FIVE DOLLARS TO SIXTY 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-five sixty dollars ($55.00 $60.00), whichever is the 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 16, 1976.
CHAPTER 118

(S.B. No. 1299, As Amended in the House)

AN ACT

RELATING TO REQUIREMENTS FOR INSURANCE LICENSING; AMENDING SECTION 41-1034, IDAHO CODE, BY PROVIDING THAT A LICENSEE MUST BE A UNITED STATES CITIZEN OR HAVE APPLIED FOR PERMANENT RESIDENCY AND HAVE DECLARED AN INTENTION TO BECOME A UNITED STATES CITIZEN, AND BY PROVIDING THAT THE DIRECTOR OF THE DEPARTMENT OF INSURANCE MAY WAIVE THE REQUIREMENT THAT A LICENSE APPLICANT MUST HAVE NEVER BEEN CONVICTED OF A FELONY OR CRIME OF MORAL TURPITUDE; AMENDING SECTION 41-1043, IDAHO CODE, BY PROVIDING THAT A TEMPORARY LICENSE MAY BE ISSUED PENDING A REPORT FROM THE FEDERAL BUREAU OF INVESTIGATION ON FINGERPRINTS OF THE APPLICANT; AMENDING SECTION 41-1223, IDAHO CODE, BY PROVIDING THAT A SURPLUS LINES LICENSEE BE REQUIRED TO HAVE HAD TWO YEARS' EXPERIENCE AS AN AGENT OR BROKER IN THE LINES FOR WHICH HE IS LICENSED AS A SURPLUS LINES BROKER.

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

SECTION 1. That Section 41-1034, Idaho Code, be, and the same is hereby amended to read as follows:

41-1034. QUALIFICATIONS -- AGENTS, BROKERS, SOLICITORS. For the protection of the people of this state, the director shall not issue, continue, or permit to exist any agent, broker or solicitor license except in compliance with this chapter, or as to any individual not qualified therefor as follows:

(1) Must be a natural person eighteen (18) years or more of age;

(2) Must be a citizen of the United States of America, or have applied to the United States department of immigration for permanent residency and declared to the director of the department of insurance intention to apply for citizenship. If citizenship is not granted within six (6) years of such declaration, any license issued to such person shall be revoked automatically;

(3) Must be domiciled in and have been a bona fide resident of this state for not less than the six (6) months next preceding the date of application for the license;
except that the director may, in his discretion, waive such advance residence requirement as to an applicant who (a) has been engaged fulltime in the insurance business as a licensed insurance agent, broker, or solicitor as to the same kind or kinds of insurance in another state for not less than the eighteen (18) months next preceding application for license in this state, or (b) is brought into this state by an authorized insurer or by an established licensed insurance agency or brokerage to fill a vacancy in this state resulting from the death, disability, or termination in this state of another licensed agent, broker, or solicitor, or for other justifiable reason satisfactory to the director. This provision does not apply as to any person licensed as a nonresident agent or broker under section 41-1066, Idaho Code;

(4) Must be trustworthy, be of good character and reputation as to morals, integrity, financial responsibility, and, at the director's discretion, must not have been convicted of a felony or of any crime involving moral turpitude. The director may at his discretion waive the requirement that the individual must not have been convicted of a felony or of any crime involving moral turpitude;

(5) If for a broker's license, must have had experience either as an agent, consultant, service representative, adjuster, managing general agent, or broker, or other special experience, education or training, all of sufficient content and duration as deemed by the director to be reasonably necessary for competence in fulfilling the responsibilities of a broker, and must have filed the bond required by section 41-1054, Idaho Code;

(6) Must be competent as to the business to be transacted under the license applied for, and pass to the director's satisfaction any written examination required under this chapter to test such competency;

(7) Must not be a service representative, as defined in section 41-1032(3), Idaho Code;

(8) Must intend in good faith to engage actively in the insurance business under the license with respect to the general public, and not use or intend to use the license principally for the purpose of writing controlled business as defined in section 41-1033, Idaho Code.

SECTION 2. That Section 41-1043, Idaho Code, be, and the same is hereby amended to read as follows:

41-1043. ISSUANCE, REFUSAL OF LICENSE. If after completion of application for a license and the taking and pass-
ing of any examination required under this chapter and a report from the Federal Bureau of Investigation has been received by the director on the fingerprints of the applicant, the director finds that the applicant has fully met the requirements therefor, the director shall issue the license to the applicant; otherwise, the director shall refuse to issue the license and shall promptly notify the applicant and appointing insurer (if application is for an agent's license) or agent or broker (if application is for a solicitor license) or such refusal, stating the grounds thereof. Pending the receipt of the report from the Federal Bureau of Investigation the director may in his discretion, issue a temporary license if all other qualifications have been met. The temporary license shall be issued in accord with section 41-1051(b)(3), (4) and (5), Idaho Code.

SECTION 3. That Section 41-1223, Idaho Code, be, and the same is hereby amended to read as follows:

41-1223. LICENSING OF SURPLUS LINE BROKERS. (1) Any individual while licensed in this state as a resident general lines agent who has had at least two (2) years' experience as a licensed agent or broker for the lines of insurance for which he is seeking to be licensed as a surplus lines broker, and who is deemed by the director to be competent and trustworthy with respect to the handling of surplus lines, and while maintaining an office at a designated location in this state, may be licensed as a surplus line broker.

(2) Application for the license shall be made to the director on forms as designated and furnished by the director.

(3) The license fee shall be as specified in section 41-401, Idaho Code (fee schedule).

(4) The license and licensee shall be subject to the applicable provisions of chapter 10, title 41, Idaho Code (agents, brokers, solicitors and consultants--licensing requirements and procedures).

Approved March 17, 1976.
CHAPTER 119
(S.B. No. 1373)

AN ACT
RELATING TO AN ANNUAL ASSESSMENT PER COLONY OF BEES; AMEND­ING SECTION 22-2536, IDAHO CODE, TO PROVIDE FOR AN ABSENTEE BALLOT METHOD OF VOTING ON THE TAX LEVY ON BEES.

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

SECTION 1. That Section 22-2536, Idaho Code, be, and the same is hereby amended to read as follows:

22-2536. TAX ON BEES -- ASSESSMENT -- COLLECTION -- PROCEEDS. (a) There is hereby levied and imposed upon each colony or hive of bees within the state of Idaho on July 1st of each year a continuing annual tax of three cents (3¢) per hive or colony of bees beginning in the year 1970 for the purpose of carrying on the provisions of chapter 25 of title 22, Idaho Code.

(b) The tax may be increased to not more than ten cents (10¢) per hive or colony per year, if approved by a majority of the beekeepers voting in a referendum held for the pur­pose of determining whether such levy of the tax shall or shall not be changed. If the levy of the tax is changed, the levy of the tax will continue annually at the changed rate until again changed by another referendum. Any resident of Idaho who is registered under this chapter as an Idaho bee­keeper with the Idaho department of agriculture may vote at such referendum. The vote at such referendum may be cast by absentee ballot. Request for absentee ballots must be made no less than thirty (30) days prior to the annual meeting of the Idaho honey industry association or any successor orga­nization. The ballot shall be prepared by the department of agriculture and forwarded no less than twenty (20) days prior to the date fixed for the annual meeting to all regis­tered Idaho beekeepers who request such absentee ballot. The ballots must be returned to the department of agriculture at least five (5) days prior to the date fixed for such annual meeting. Any referendum to be held for the purpose of chang­ing the levy of such tax shall be held at the annual meeting of the Idaho honey industry association or any successor organization to this group.
(c) On or before the 15th day of August of each year any person engaging in the business of apiculture shall make and file in writing with the Idaho department of agriculture a statement specifying the name, residence, place of business of the beekeeper, number of hives or colonies of bees owned or controlled, number of apiaries maintained and the location of such hives, colonies and apiaries by governmental subdivision or such other designation of location as may be provided for by the department of agriculture, and such other information as may be required.

(d) The tax provided for in this section shall be due and payable on or before October 31st of each year, and it shall be collected by the Idaho department of agriculture. Upon receipt of the annual statements provided for above in this section, the Idaho department of agriculture shall bill each beekeeper for said tax and it shall take the necessary steps to collect such tax, including civil action in the proper courts.

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

(f) The department of agriculture shall devise a system of identification for apiaries including a permanent number to be assigned to each beekeeper. The system may include placards which shall be permanently posted and maintained by each beekeeper at each apiary. The department may also require that each hive be stenciled with the beekeeper's permanent number. If it does so, it shall issue stencils for that purpose.

Approved March 17, 1976.
CHAPTER 120  
(S.B. No. 1334)

AN ACT
RELATING TO THE WEIGHMASTER'S LICENSING ACT; AMENDING
SECTION 71-401, IDAHO CODE, BY THE ADDITION OF
DEFINITIONS.

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

SECTION 1. That Section 71-401, Idaho Code, be, and the
same is hereby amended to read as follows:

71-401. SHORT TITLE --DEFINITIONS.
(a) This chapter may be cited as the "Weighmaster's
Licensing Act."
(b) Definitions - When used in this act:
1. "Director" means the director of the Idaho depart-
ment of agriculture.
2. "Department" means the department of agriculture of
the state of Idaho.
3. "Public weighmaster" means any person licensed as a
weighmaster by the director of the state department of agri-
culture.
4. "Licensed weighmaster" or "weighmaster" means any
person licensed under the provisions of this chapter, who
weighs grains, dry peas, potato starch, dry beans,
leguminous and all other small seeds, hay, wool, bulk pota-
toes, bulk fertilizers, sugar beets, and feeds, not includ-
ing minerals, or any of them.

Approved March 17, 1976.
CHAPTER 121
(S.B. No. 1392, As Amended)

AN ACT
RELATING TO PROVISION OF CARE FOR THE MEDICALLY INDIGENT BY
THE COUNTIES OF THE STATE OF IDAHO; AMENDING SECTION
31-3402, IDAHO CODE, TO PROVIDE THAT THE BOARD OF COUNTY
COMMISSIONERS MAY EMPLOY A PHYSICIAN; AMENDING SECTION
31-3404, IDAHO CODE, TO PROVIDE THE APPLICATION FOR
COUNTY AID TO AN INDIGENT PERSON AND THE PROCEDURE FOR
MAKING SUCH APPLICATION; AMENDING SECTION 31-3405, IDAHO
CODE, TO PROVIDE FOR INVESTIGATION OF THE APPLICATION BY
THE CLERK OF THE BOARD OF COUNTY COMMISSIONERS; AMENDING
SECTION 31-3406, IDAHO CODE, TO PROVIDE FOR PROVISION
FOR RELIEF IF THE BOARD FINDS THE APPLICANT MEDICALLY
INDIGENT; AMENDING SECTION 31-3407, IDAHO CODE, TO PROV-
IDE THAT APPROVED CLAIMS ONLY SHALL BE ALLOWED, AND
THAT CLAIMS MUST BE FILED PRIOR TO PROVIDING SERVICES
EXCEPT IN THE EVENT OF AN EMERGENCY; AMENDING SECTION
31-3502, IDAHO CODE, TO PROVIDE A DEFINITION OF MEDICI-
CALLY INDIGENT; AMENDING SECTION 31-3504, IDAHO CODE, TO
PROVIDE TIME LIMITS FOR FILING APPLICATIONS FOR PERSONS
RECEIVING EMERGENCY CARE; AMENDING SECTION 31-3505,
IDAHO CODE, TO PROVIDE APPEAL FROM DENIAL OF APPLICANTS
SHALL BE SUBSTANTIALLY AS PROVIDED IN THE ADMINISTRATIVE
PROCEDURES ACT; AMENDING SECTION 31-3506, IDAHO CODE, TO
STRIKE PROVISIONS OBLIGATING THE COUNTY WHEREIN THE
HOSPITAL IS LOCATED IF THE PERSON IS NOT RESIDING IN ANY
COUNTY IN IDAHO; AMENDING SECTION 31-3508, IDAHO CODE,
TO STRIKE PROHIBITION ON PRESENTATION OF BILLS WITHIN
THIRTY DAYS FOLLOWING DEATH OR DISCHARGE; AMENDING
SECTION 31-3509, IDAHO CODE, TO PROVIDE THE HOSPITAL
SHALL MAKE REASONABLE EFFORTS TO DETERMINE LIABILITY FOR
CARE; AND AMENDING SECTION 31-3511, IDAHO CODE, TO
STRIKE REFERENCES TO PERSONS WHO ENTER THE STATE FOR THE
PRIMARY PURPOSE OF OBTAINING HOSPITALIZATION AS A MEDIC-
CALLY INDIGENT PERSON.

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

SECTION 1. That Section 31-3402, Idaho Code, be, and
the same is hereby amended to read as follows:

31-3402. EMPLOYMENT OF PHYSICIAN. The board shall may
employ a physician to attend, when necessary, the patients of the county hospital, provided, however, that the board of county commissioners may enter into contracts with groups of licensed physicians for medical attendance upon patients of the county hospital or other persons receiving medical attendance at county expense. They may provide for the employment, at some kind of manual labor, of such of the patients as are capable and able to work and the attending physicians must certify to the person in charge or lessee of the county hospital the names of such of the patients as are incapable of manual labor, and when any such patient becomes capable the physician shall certify the fact.

SECTION 2. That Section 31-3404, Idaho Code, be, and the same is hereby amended to read as follows:

31-3404. APPLICATION FOR COUNTY AID. Any Except as pro­vided in section 31-3504, Idaho Code, any medically indi­gent, sick or otherwise indigent person desiring aid from any county of this state, shall before such aid can be given, make a written application to the clerk of the board of county commissioners of the county where such applicant may reside, setting forth and describing all the property, real, personal, and mixed, wherever it is situated, owned in whole or in part by such applicant or in which he or she has any legal or equitable interest resources of the applicant; which application must be signed by the party or parties making such application and sworn to before some officer authorized by the laws of this state to administer oaths, and filed in the office of the clerk of the board of county commissioners not less than ten (10) days prior to admission to any health care facility or hospital; provided however, except in the case of a medically-indigent person, an emergency or extreme necessity no person shall receive the benefit of this chapter who shall not have been a resi­dent of the state of Idaho for at least one (1) year and of the county at least six (6) months next preceding the applica­tion for county aid.

An application for hospitalization for a medically indi­gent person shall be on a standard form provided by the board of county commissioners. sufficient if in substan­tially the following form:

State of Idaho
County of __________

________{name-of-Person} the ______{Position--of--Applicant} of ______{Institution--if-applicable} being first
duly-sworn, deposes and says:

That -- whose address is -- (is to be) (is now) -- (was) -- (Name of Institution) -- being -- admitted -- on -- (Date) -- and -- discharged -- on -- (Date)

Said patient is a medically indigent person as defined in -- Section -- 31-3405, Idaho Code, and property (both real and personal) -- assets -- average monthly income and dependents being as follows:

{Insert relevant information here}

The undersigned is informed that the last county in which said patient resided for six (6) months or more within the last five (5) years is County. Application for costs of hospitalization of said patient is hereby made by the undersigned:

{Signature of Applicant}

Subscribed and sworn to before me this -- day of -- 19--

Notary Public for Idaho

Residing at --

Note: Where provisions of form not applicable, so indicate.

SECTION 3. That Section 31-3405, Idaho Code, be, and the same is hereby amended to read as follows:

31-3405. INVESTIGATION OF APPLICATION --- CERTIFICATE. It is the duty of the clerk of the board of county commissioners, to whom such application is made, to immediately investigate, or cause to be investigated, the grounds of such application, and for such purpose he may require the person to submit to physical and mental examination to be performed by the county physician or by someone else approved by the county commissioners at the expense of the county, and require the person, and such other persons as may be deemed necessary, to testify under oath, and if such officer is fully satisfied that the person is medically indigent or sick or otherwise indigent and in destitute circumstances that there is no work available to him which he is mentally and physically capable of performing and would suffer unless aided by the county, he must file a certificate to that effect. He shall file a statement of his findings with the board of county commissioners of such county, and in case if said board of county commissioners is not to meet in regular session within ten (10) days of the date on which the application is filed at the time of the date of such certificate, the clerk to whom said appli-
cation is made shall may authorize the person to be hospital­
alized or placed in the county hospital or, if the county
is not provided with a hospital, he may authorize said
person to be placed in some other suitable institution, and
he shall may authorize the expenditure of any sume not
exceeding two hundred dollars ($200) in the aggregate as may
be necessary to provide for the hospitalization or immediate
necessities of such person, and the bill for such hospi­
talization or expenditure shall be presented to the board of
county commissioners, duly verified under oath, and the
board must audit and pay such bill out of the proper fund of
such county at their next regular session.

SECTION 4. That Section 31-3406, Idaho Code, be, and
the same is hereby amended to read as follows:

31-3406. PROVISION FOR RELIEF. The county commissioners
of such county shall, after the filing of the certificate
application and findings of the clerk as aforesaid, if in
their judgment the applicant is medically indigent make such
provisions for his relief, or pay for his hospitalization,
as may be necessary under the circumstances.

SECTION 5. That Section 31-3407, Idaho Code, be, and
the same is hereby amended to read as follows:

31-3407. CERTIFIED APPROVED CLAIMS ONLY TO BE ALLOWED.
The county commissioners shall not allow any claim or demand
against the county for services rendered to any medically
indigent, sick, or otherwise indigent person until the
filing and approval of the application and issuance of a
certificate; provided, that the board of county commision­
ers, or, if such board be not then in session, any member
thereof, by written order to be filed with the clerk of said
board, may authorize the expenditure of not to exceed fifty
two hundred dollars ($50,00 200), in the aggregate, to pro­
vide for the immediate necessities of any indigent person
where, in the opinion of said board of commissioners, or the
member so making said order, it is proper so to do rather
than send such person to the county hospital; provided fur­
ther that a claim against the county shall be allowed for
services rendered prior to obtaining the certificate
approval of the application heretofore mentioned where a
hospital renders the services to a medically indigent person
in an emergency and subsequently there is obtained said
certificate approval heretofore mentioned. Except as pro­
vided in section 31-3506, Idaho Code, such Services rendered
in an emergency are defined as those reasonably necessary to alleviate illness or injury which if untreated is likely to cause death or serious disability. Such services shall be paid for by the county of residence of the sick or otherwise indigent person and, if not a resident of Idaho, by the county where the sick or otherwise-indigent person became ill or was injured. Bills for such expenditures, duly verified under oath, shall be presented to said board and the board shall audit and pay such bills out of the proper fund of such county at their next regular meeting. Payment for hospitalization of medically indigent persons shall be controlled and determined by the provisions of chapter 35, title 31, Idaho Code.

SECTION 6. That Section 31-3502, Idaho Code, be, and the same is hereby amended to read as follows:

31-3502. DEFINITIONS. As used in this chapter, and chapter 34, title 31, Idaho Code, the terms defined in this section shall have the following meaning, unless the context clearly indicates another meaning:

(1) "Medically indigent" means any person who has been hospitalized or is in need of hospitalization and who, if an adult, together with his or her spouse, or whose parents or guardian if a minor, does not own assets or does not have an average monthly income from all sources from which said parties could reasonably be expected to pay the amount incurred or to be incurred for such hospitalization have income and other resources available to him from whatever source which shall be sufficient to enable the person to pay for necessary medical services.

(2) "Hospital" means a facility licensed as such in Idaho providing community service for in-patient, medical and/or surgical care of acute illness or injury and/or obstetrics, and excluding state institutions.

(3) "Dependent" means any person whom a taxpayer could claim as a dependent under the income tax laws of the state of Idaho.

(4) "Regular hospital charges" means all charges normally and necessarily made by a hospital in connection with the care of a patient.

(5) "Board" means the board of county commissioners.

(6) "Sick" means any person affected with disease or who is unable to care for himself and who does not have the means to provide for his own support, but who does not necessarily require the services of a hospital as defined in subsection (2) of this section.
(7) "Indigent" means any person who is destitute of property and unable to provide for the necessities of life.

(8) "County hospital" means any county approved institution or facility for the care of indigent persons, sick or otherwise.

SECTION 7. That Section 31-3504, Idaho Code, be, and the same is hereby amended to read as follows:

31-3504. TIME FOR FILING APPLICATIONS -- NOTICE TO COUNTIES. An application for or on behalf of a medically indigent person receiving emergency medical services may be made any time within one---(4)---year forty-five (45) days following the death---or-discharge admission of said person from the hospital furnishing said care. If a person becomes medically indigent subsequent to admission to a hospital or subsequent to receiving treatment by a hospital, an application for the person, or on his behalf, shall be made within thirty (30) days of the time the person becomes medically indigent. The chargeable county or counties shall be notified as soon as practicable upon the hospital's obtaining information disclosing that a patient is medically indigent.

SECTION 8. That Section 31-3505, Idaho Code, be, and the same is hereby amended to read as follows:

31-3505. DENIAL OF APPLICATION -- APPEAL. If the clerk of the board of county commissioners fails to file a certificate with the board in the case of a medically indigent person as provided by section 31-3405, Idaho Code, act upon an application within thirty---(30)---sixty (60) days from the receipt of said application, he or she shall notify the applicant in writing stating the reasons for his failure to file said certificate, or upon his or her failure to give notice within said time, the application shall be deemed granted approved, and the applicant entitled to payment as if said application had been approved. A certificate had been filed upon presentation of the bill as provided in said section.

An applicant may appeal the refusal of the clerk to file a certificate as provided by section 31-3405, Idaho Code, to the district court in and for the county in which such application was made.

Such appeal shall be perfected by filing with the clerk of the district court within sixty---(60)---days from the date of service of notice of refusal to file said certificate. On appeal, the verified application shall constitute the cem-
If the application is denied, the applicant may request a hearing before the board of county commissioners. The applicant shall be entitled to judicial review of the decision of the board, in substantially the manner provided in the administrative procedures act, chapter 52, title 67, Idaho Code.

SECTION 9. That Section 31-3506, Idaho Code, be, and the same is hereby amended to read as follows:

31-3506. DETERMINATION OF OBLIGATED COUNTY. Payment for hospitalization of a medically indigent individual shall be provided by the county in which such individual last resided for a period of six (6) months during the five (5) years maintained a residence immediately preceding hospitalization or institutionalization. If such individual has not resided in any county of Idaho for a period of six (6) months within the five (5) years preceding hospitalization, then the county where the individual maintains a residence immediately preceding hospitalization shall be the obligated county. If the individual does not reside in any county in Idaho at the time, then the county where the hospital rendering services is located shall be the obligated county, except that in the case of automobile accidents involving nonresident individuals traveling in the state, the county wherein the accident occurred shall be the obligated county. A husband's place of residence shall be deemed the place of residence of his wife and children, unless the husband's residence is out of state, in which case the place of residence of the wife in Idaho shall control. If a man maintains a family residence in one (1) county and maintains another residence in a different county for purposes of employment, the county where the family residence is maintained shall be deemed the man's place of residence.

SECTION 10. That Section 31-3508, Idaho Code, be, and the same is hereby amended to read as follows:
31-3508. AMOUNT OF AID FOR HOSPITALIZATION. The county responsible for payment shall pay regular hospital charges for the eost-of-the hospitalization of a medically indigent person to the hospital rendering such services. The bill submitted for payment pursuant to section 31-3405, Idaho Code, shall not be presented before thirty (30) days following the death or discharge of the medically indigent person and shall show the total hospital charges less any amounts which have been received under any other federal or state law. Bills of less than twenty-five dollars ($25.00) shall not be presented for payment.

SECTION 11. That Section 31-3509, Idaho Code, be, and the same is hereby amended to read as follows:

31-3509. COLLECTIONS BY HOSPITALS. Hospitals making claims for the hospitalization of medically indigent persons shall make all reasonable efforts to determine liability for the account so incurred from any available insurance or other sources available for payment of such expenses prior to submitting the bill to the county for payment. In the event any payments are thereafter received for charges which have been paid by a county pursuant to the provisions of chapters 34 and 35, title 31, Idaho Code, said sums shall be paid over to such county.

SECTION 12. That Section 31-3511, Idaho Code, be, and the same is hereby amended to read as follows:

31-3511. VIOLATIONS AND PENALTIES. Any person who enters this state for the primary purpose of obtaining hospitalization as a medically indigent person, or any person who transports another into this state for the primary purpose of obtaining such hospitalization, or any person who wilfully gives false or misleading information to a hospital, a county or an agent thereof, or to any individual in order to obtain hospitalization as a medically indigent person, or any person who obtains hospitalization as a medically indigent person who fails to disclose insurance, workmen's compensation, or other benefits available to him as payment or reimbursement of such expenses incurred, shall be guilty of a misdemeanor and punishable under the general provisions for punishment of a misdemeanor.

Approved March 17, 1976.
CHAPTER 122
(S.B. No. 1344)

AN ACT
RELATING TO ALLOCATION OF HOSPITAL SERVICES AND FACILITIES; AMENDING CHAPTER 13, TITLE 39, IDAHO CODE, RELATING TO LICENSURE AND INSPECTION OF HOSPITALS, BY THE ADDITION OF A NEW SECTION 39-1303c, IDAHO CODE, TO PROVIDE THAT HOSPITALS IN THE SAME AREA MAY ELIMINATE DUPLICATION BY_ALLOCATING REQUIRED SERVICES AND FACILITIES BETWEEN THEMSELVES; AMENDING CHAPTER 13, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-1303d, IDAHO CODE, TO PROVIDE THAT HOSPITALS MAY, UPON PETITION AND SHOWING OF GOOD CAUSE, REDUCE, CURTAIL OR ELIMINATE SERVICES TO PROVIDE THAT SHOWING OF SUCH AN ARRANGEMENT WITH ANOTHER HOSPITAL SHALL BE CONCLUSIVELY DEEMED GOOD CAUSE, AND TO PROVIDE FURTHER THAT A HOSPITAL WITH AN EXISTING SUCH ARRANGEMENT PRIOR TO JANUARY 1, 1976, SHALL BE DEEMED TO HAVE COMPLIED.

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

SECTION 1. That Chapter 13, 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 39-1303c, Idaho Code, and to read as follows:

39-1303c. AGREEMENTS FOR ALLOCATION OF SERVICES BETWEEN NEIGHBORING HOSPITALS. Hospitals serving the same, or generally the same, geographical area may, by agreement or other arrangement to eliminate duplication, allocate as between themselves, in whole or in part, the provision of those services and facilities defined by the board of health and welfare as requisite to their licensure as hospitals.

SECTION 2. That Chapter 13, 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 39-1303d, Idaho Code, and to read as follows:

39-1303d. CURTAILMENT OF REQUIRED SERVICES. Any licensed hospital, upon petition and showing of good cause therefor, to the satisfaction of the board of health and welfare, may reduce, curtail or eliminate any service or
facility which might otherwise be required for licensure by the board. A showing that the service or facility is unnecessary by reason of an arrangement with another hospital pursuant to section 39-1303c, Idaho Code, shall be conclusively deemed to be a showing of good cause under this section, and any licensed hospital which, prior to January 1, 1976, had already reduced, curtailed or eliminated any service or facility by reason of the same being provided by another licensed hospital in the same community shall be deemed to have complied with this section.

Approved March 17, 1976.
CHAPTER 123
(S.B. No. 1266, As Amended)

AN ACT
RELATING TO ALCOHOLIC BEVERAGES; AMENDING SECTION 23-1001, IDAHO CODE, BY DEFINING THE WORD "PREMISES" FOR THE RETAIL SALE OF BEER.

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

SECTION 1. That Section 23-1001, Idaho Code, be, and the same is hereby amended to read as follows:

23-1001. DEFINITIONS. As used in this act:
(a) The word "beer" means any beverage obtained by the alcoholic fermentation of an infusion or decoction of barley, malt, and/or other ingredients in drinkable water.
(b) The word "person" includes any individual, firm, copartnership, association, corporation or any group or combination acting as a unit, and the plural as well as the singular number unless the intent to give a more limited meaning is disclosed by the context.
(c) The term "dealer" shall include any person who imports beer into this state for sale or produces or manufactures beer in the state for sale.
(d) The word "retailer" means any person engaged in the sale or distribution of beer to the consumer.
(e) The word "director" means the director of the department of law enforcement.
(f) The word "brewer" means any person having a factory or an establishment adapted for the making of beer.
(g) The word "wholesaler" means any person having a store or establishment for the wholesale and distribution of beer in wholesale or jobbing quantities to retailers.
(h) The word "package" means any container of bottled beer of not less than two (2) gallons capacity or keg of not less than four (4) gallons capacity.
(i) The word "carrier" means any person as herein defined who by any means transports beer in or into the state of Idaho.
(j) The word "premises" means the place or building in which the sale of beer at retail is authorized under the provisions of this act.

Approved March 17, 1976.
CHAPTER 124
(S.B. No. 1327, As Amended)

AN ACT
RELATING TO THE AUTHORITY OF GOVERNING BODIES TO HOLD EXECUTIVE SESSIONS; AMENDING SECTION 67-2345, IDAHO CODE, TO AUTHORIZE AN EXECUTIVE SESSION WHEN CONSIDERING MATTERS OF STUDENT DISCIPLINE AND STUDENT ATTENDANCE AND WHEN CONSIDERING THE EVALUATION OF THE SUPERINTENDENT OF THE SCHOOL DISTRICT.

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

SECTION 1. That Section 67-2345, Idaho Code, be, and the same is hereby amended to read as follows:

67-2345. EXECUTIVE SESSIONS -- WHEN AUTHORIZED. (1) Nothing contained in this act shall be construed to prevent, upon a two-thirds (2/3) vote recorded in the minutes of the meeting by individual vote, a governing body of a public agency from holding an executive session during any meeting, after the presiding officer has identified the authorization under this act for the holding of such executive session. An executive session may be held:

(a) to consider the employment of a public officer, employee, staff member or individual agent. This paragraph does not apply to filling a vacancy in an elective office;
(b) to consider the dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent;
(c) to conduct deliberations concerning student discipline and student attendance;
(d) to conduct deliberations concerning labor negotiations or to acquire an interest in real property;
(e) to consider records that are exempt by law from public inspection;
(f) to consider matters of trade or commerce;
(g) to consider the evaluation of the superintendent of the school district.

(2) Labor negotiations may be conducted in executive session if either side requests closed meetings. Notwithstanding the provisions of section 67-2343, subsequent sessions of the negotiations may continue without further public notice.
(3) No executive session may be held for the purpose of taking any final action or making any final decision.

Approved March 17, 1976.

CHAPTER 125
(S.B. No. 1383, As Amended)

AN ACT
RELATING TO THE JURISDICTION OF THE SMALL CLAIMS DEPARTMENT OF THE MAGISTRATE'S DIVISION OF THE DISTRICT COURT; AMENDING SECTION 1-2301, IDAHO CODE, TO INCREASE THE JURISDICTION OF THE SMALL CLAIMS DEPARTMENT TO FIVE HUNDRED DOLLARS.

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

SECTION 1. That Section 1-2301, Idaho Code, be, and the same is hereby amended to read as follows:

1-2301. SMALL CLAIMS DEPARTMENT -- CREATION AND JURISDICTION. In every magistrate's division of the district court of this state, the district court may create and organize a "Small Claims Department of the Magistrate's Division," which shall have jurisdiction only in cases for the recovery of money where the amount of each claim does not exceed three five hundred dollars ($300 500) and where the defendant resides within the county of such magistrate's division. Either party to an action may request a change of venue as provided by chapter 4 of title 5, Idaho Code.

Approved March 17, 1976.
AN ACT
AMENDING SECTION 28-22-105, IDAHO CODE, BY PROVIDING THAT EXCEPT FOR CONTRACTS SECURED BY RESIDENCES, PARTIES MAY AGREE IN WRITING TO PAY ANY RATE OF INTEREST ON MONEY DUE, OR TO BECOME DUE, ON ANY CONTRACT NOT SUBJECT TO THE UNIFORM CONSUMER CREDIT CODE, OR EXTENSION OR RENEWAL THEREOF, WHERE THE ORIGINAL INDEBTEDNESS TO BE REPaid SHALL NOT BE LESS THAN $25,000, OR, ON ANY SERIES OF ADVANCES OF MONEY PURSUANT TO A SINGLE CONTRACT WHERE THE AGGREGATE OF THE SUMS TO BE REPaid SHALL NOT BE LESS THAN $25,000; AND PROVIDING FURTHER ON ANY SUCH OBLIGATIONS THE CLAIM OR DEFENSE OF USURY BY THE OBLIGOR, SUCCESSORS, GUARANTORS OR ASSIGNS OF THE OBLIGOR, OR ANYONE ON BEHALF OF THE OBLIGOR IS PROHIBITED.

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

SECTION 1. That Section 28-22-105, Idaho Code, be, and the same is hereby amended to read as follows:

28-22-105. MAXIMUM RATE OF INTEREST. Parties may agree in writing for the payment of any rate of interest, on money due or to become due on any contract, not to exceed the sum of ten per cent (10%) per annum; provided, however, that on all loans where the interest charged for the duration of the loan is less than seven dollars and fifty cents ($7.50) a service charge in lieu of interest, may be made in an amount not to exceed the sum of seven dollars and fifty cents ($7.50); any judgment rendered on such contract shall bear interest at the rate of six per cent (6%) per annum until satisfied. Provided further, that notwithstanding the foregoing, and any other provisions of the law to the contrary, any domestic or foreign corporation organized for profit, except a corporation engaged principally in agricultural pursuits, herein defined as cultivating the soil, raising or harvesting acres of commodities, including the raising, shearing, feeding, caring for and management of livestock, poultry and fur-bearing animals and wildlife, may agree in writing which clearly spells out the amount or the rate of interest charged, to pay any rate of interest in excess of the maximum rate provided in this section, but not
exceeding twelve per cent (12%) per annum on money due, or to become due, on any contract, or any extension, renewal or rewrite thereof, where the original indebtedness to be repaid shall not be less than ten thousand dollars ($10,000), or on any series of advances of money pursuant to contract, if the aggregate of the sums shall not be less than ten thousand dollars ($10,000), and, on any such obligations, the claims or defense of usury by such corporation, its successors, guarantors, assigns, or anyone on its behalf is prohibited.

(1) Provided further, that notwithstanding the foregoing, and except where the contract is secured by a security interest in real property which is used or expected to be used as the residence of the contract obligor unless it is a government guaranteed loan as defined in subparagraph (2), parties may agree in writing which clearly sets forth the rate of interest charged, to pay any rate of interest in excess of the maximum rates provided in this section on money due, or to become due, or on any extension or renewal thereof, if:

(a) the contract is not subject to the rate limitations of the Uniform Consumer Credit Code; and

(b) the original indebtedness to be repaid is not less than twenty-five thousand dollars ($25,000), or on any series of advances of money pursuant to a single contract the aggregate of the sums shall not be less than twenty-five thousand dollars ($25,000).

On any obligation complying with the provisions of paragraphs (a) and (b) above the claim or defense of usury by the obligor, the successors, guarantors or assigns of the obligor, or anyone on behalf of the obligor is prohibited.

(2) Provided further, notwithstanding the provision of this section 28-22-105, a government guaranteed loan is defined as one which is wholly or partially secured or covered by guarantees or insurance by the Federal Housing Administration or the Veterans' Administration, or one where the maximum rate of interest is controlled by any Federal Reserve Bank or other government agency including the Federal National Mortgage Association, the Government National Mortgage Association, the Federal Home Loan Mortgage Corporation and the Farmers' Home Administration, in all which events any maximum rate set herein for residences as so defined shall not be subject to the claim or defense of usury.

Approved March 17, 1976.
CHAPTER 127
(S.B. No. 1426)

AN ACT
RELATING TO THE PRACTICE OF COSMETOLOGY, AMENDING SECTION 54-802, IDAHO CODE, TO PROVIDE DEFINITIONS; AMENDING SECTION 54-803, IDAHO CODE, TO PERMIT THE PRACTICE OF A MANICURIST IN A LICENSED BARBER SHOP AND TO STRIKE REFERENCES TO MANAGING COSMETOLOGIST; AMENDING SECTION 54-805, IDAHO CODE, TO PROVIDE REQUIREMENTS FOR A LICENSE; AMENDING SECTION 54-806, IDAHO CODE, TO STRIKE REFERENCES TO MANAGING COSMETOLOGIST; AMENDING SECTION 54-807, IDAHO CODE, TO CORRECT REFERENCES TO REGISTERED COSMETOLOGISTS; AMENDING SECTION 54-808, IDAHO CODE, TO PROVIDE THAT THE BOARD SHALL ESTABLISH BY REGULATION THE PRACTICES REGARDING REGISTRATION FOR TRAINING; AMENDING SECTION 54-812, IDAHO CODE, TO REMOVE RESTRICTIONS FOR RECIPROCAL CERTIFICATION; AMENDING SECTION 54-815, IDAHO CODE, TO INCREASE THE REINSTATMENT FEE; AMENDING SECTION 54-816, IDAHO CODE, TO PROVIDE ADDITIONAL GROUND FOR REFUSAL, REVOCATION OR SUSPENSION OF CERTIFICATE; AMENDING SECTION 54-818, IDAHO CODE, TO INCREASE FEES FOR VARIOUS APPLICATIONS; AMENDING SECTION 54-828, IDAHO CODE, TO INCREASE THE BOARD OF COSMETOLOGY TO INCLUDE ONE CURRENTLY ACTIVE COSMETOLOGY SCHOOL REPRESENTATIVE; AMENDING SECTION 54-829, IDAHO CODE, TO PROVIDE THAT THE QUALIFICATION OF THE COSMETOLOGY SCHOOL REPRESENTATIVE SHALL BE PROVIDED BY BOARD REGULATIONS; AND AMENDING SECTION 54-832, IDAHO CODE, TO INCREASE COMPENSATION OF MEMBERS OF THE BOARD TO THIRTY-FIVE DOLLARS.

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

SECTION 1. That Section 54-802, Idaho Code, be, and the same is hereby amended to read as follows:

54-802. DEFINITIONS. For the purpose of this chapter, the following definitions shall apply:

(a) "Cosmetology" shall constitute any one (1) or 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:

1. Cutting, trimming, arranging, dressing, curling, waving by any method, cleansing, singeing, bleaching, color-
ing, or similar work upon the hair.

2. Applying cosmetic preparations, antiseptics, tonics, lotions or creams, or massaging, cleansing, stimulating, manipulating, exercising, beautifying, or similar applications or work upon the scalp, face, neck, arms, hands, busts, or upper part of the body.

3. Manicuring the nails.

(b) "Cosmetologist" or "Cosmetician" shall mean any person not-an-apprentice-or-student-or-manicurist-who-practices-any-one-or-more-of-the-practices-of-cosmetology licensed to practice cosmetology under the immediate personal supervision of a registered cosmetologist.

(c) "Managing Registered Cosmetologist" shall mean a cosmetologist who manages-or-supervises-the-operation-of-a cosmetological-establishment-or-a-school-of-cosmetology has completed one or more years of experience under licensure as a cosmetologist.

(d) "Manicurist" shall mean any person whose practice of cosmetology is limited to manicuring the nails.

(e) "Apprentice" shall mean any person who is engaged in learning or acquiring of any or all of the practices of cosmetology, and while so learning performs or assists in any of the practices of cosmetology.

(f) "Student" shall mean any person who is engaged in the learning or acquiring of any or all of the practices of cosmetology in a registered school of cosmetology, and while so learning performs or assists in any of the practices of cosmetology.

(g) "Instructor" shall mean a cosmetologist who teaches cosmetology or any practices thereof in a school of cosmetology.

(h) "Student Instructor" shall mean a cosmetologist who is receiving training to teach cosmetology.

(i) "Cosmetological establishment" shall mean any place or part thereof other than a school of cosmetology wherein cosmetology is practiced.

(j) "School of Cosmetology" shall mean any place or part thereof wherein cosmetology is taught to students.

(k) "Board" refers to the Idaho board of cosmetology.

(l) "Department" refers to the Idaho department of self-governing agencies.

(m) "Chapter" as used in this act refers to title 54, chapter 8, Idaho Code.

SECTION 2. That Section 54-803, Idaho Code, be, and the same is hereby amended to read as follows:
54-803. REGULATION OF COSMETOLOGICAL ESTABLISHMENTS. Every cosmetological establishment shall meet the following requirements:

1. It shall be unlawful to practice cosmetology in any place not a cosmetological establishment, except in a school of cosmetology or manicuring in a licensed barber shop or to operate a cosmetological establishment without a certificate of registration therefor.

2. Every cosmetological establishment and school shall at all times be in charge of and under the immediate supervision of a managing cosmetologist.

3. It shall be unlawful for any person to employ, or to allow to be employed, in or about a cosmetological establishment in any of the fields of cosmetology, any person not duly licensed under the provisions of this chapter. The managing cosmetologist in any cosmetological establishment must have at least one year's experience as a cosmetologist.

4. Where a cosmetological establishment is located in or as a part of a home or other building containing living quarters, the portions thereof which are used for the practice of cosmetology shall not be used as living, dining, or sleeping quarters.

SECTION 3. That Section 54-805, Idaho Code, be, and the same is hereby amended to read as follows:

54-805. REQUIREMENTS FOR LICENSE. Except as herein otherwise provided, the following shall be considered minimum requirements for license in the respective categories, and all applicants shall be citizens of the United States, or have declared their intention to become a citizen, and be of good moral character and temperate habits:

1. As Cosmetologist:
   (a) Completion of two years' high school education or its equivalent.
   (b) Completion of two thousand (2000) hours' training in a school of cosmetology, or four thousand (4000) hours' training as an apprentice covering all phases of the practice of cosmetology.
   (c) Successful passage of the examination for cosmetologist given under the supervision of the board.

2. As a Managing Registered Cosmetologist:
   (a) One year's experience as a licensed cosmetologist in a registered cosmetological establishment.

3. As an Instructor: [This provision shall not become effective until January 1963] Twelve (12) semester college credit hours as approved by the board and successful comple-
tion of the examination as may be required by board rules and regulations, and
(a) One year's experience as a licensed cosmetologist in a registered cosmetological establishment and six months of teacher's training in a school of cosmetology, or
(b) Two years' experience as a licensed cosmetologist in a registered cosmetological establishment and three months of teacher's training in a school of cosmetology, or
(c) Five years' experience as a licensed cosmetologist, immediately preceding the application for license, and
4. As a Student:
(a) Be sixteen and one-half years of age.
(b) Have completed at least two years of high school education or its equivalent, or, if the applicant is over 35 years of age, the applicant need only have an 8th-grade education or its equivalent.
5. As an Apprentice:
(a) Be sixteen and one-half years of age.
(b) Have completed at least two years of high school education or its equivalent, or, if the applicant is over 35 years of age, the applicant need only have an 8th-grade education or its equivalent.
6. As a Manicurist:
(a) Be sixteen and one-half years of age.
(b) Have completed at least two years of high school education or its equivalent, or, if the applicant is over 35 years of age, the applicant need only have an 8th-grade education or its equivalent.
(c) Have completed at least three hundred (300) hours of training for such in a school of cosmetology.
(d) Successful passage of the examination for manicurist given under the supervision of the board.

SECTION 4. That Section 54-806, Idaho Code, be, and the same is hereby amended to read as follows:

54-806. SCHOOLS AND ESTABLISHMENTS -- WHO MAY OPERATE -- REGISTRATION -- MANAGEMENT. Any person, firm, association or corporation may own and operate a cosmetological establishment or school of cosmetology, provided that such establishment or school has been duly registered with the board and instruction therein is at all times under the direct personal supervision of a managing-cosmetologist licensed cosmetology instructor.
SECTION 5. That Section 54-807, Idaho Code, be, and the same is hereby amended to read as follows:

54-807. PRACTICE OF APPRENTICE. No licensed apprentice may practice independently, but he may do any and all acts necessary for his training as a cosmetologist providing the same is done under the immediate personal supervision of a licensed cosmetician registered cosmetologist, in an establishment where one (1) of said cosmeticians registered cosmetologists is a licensed instructor, and only one such apprentice shall be employed for each two licensed cosmeticians registered cosmetologists in any cosmetological establishment. Cosmetological establishments employing apprentices shall keep a daily work record of the attendance of such apprentices and shall, upon the termination of such apprenticeship, certify to the board the total number of hours worked and the types of instruction given the apprentice.

SECTION 6. That Section 54-808, Idaho Code, be, and the same is hereby amended to read as follows:

54-808. REGULATIONS FOR SCHOOLS. Every domestic school of cosmetology must be registered under the provisions of this chapter and shall meet the following standards and provisions:
1. Employ and maintain at least one (1) licensed instructor for every fifteen (15) students or fraction thereof;
2. Possess sufficient apparatus and equipment for the proper and full teaching of all subjects of its curriculum;
3. Keep a daily attendance record for each student;
4. Maintain regular class and instruction hours, establish grades, and hold monthly examinations;
5. Prescribe a school term for training in all phases of the practice of cosmetology;
6. Enforce minimum and maximum hour requirements;
7. Provide a curriculum embracing subjects covering the scientific fundamentals for cosmetology, hygiene, bacteriology, histology of the hair, skin, muscles, nails 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 body, permanent waving, haircutting and arranging, dressing, coloring, bleaching and tinting of the hair, and a study of electricity as applied to cosmetology, in addition to teaching the acts prescribed
in section 54-802, Idaho Code.

8. Denote with clarity that the establishment is a school and that work is done by students. Such fact shall be made clear to the patron by signs conspicuously posted in the school and the adjoining shop, if any.

9. All instructors must be licensed to practice cosmetology in this state.

10. Each student instructor receiving instruction in such school shall be the equivalent of two (2) students for the purposes of subsection 1 above.

11. Such school shall not permit any student or apprentice to receive instruction unless licensed under the provisions of this chapter.

12. Every instructor shall devote his entire time during school or class hours to that of instructing the students and shall not apply his time to that of private or public practice.

13. School hours for the purpose of instruction shall be offered on not less than a five (5) day week.

14. Each student shall be required to receive at least six (6), and not more than eight (8), hours of instruction each day.

15. Training received in an establishment not meeting the requirements for schools as herein set forth shall receive credit for said training as an apprentice rather than as a student, provided said training meets the requirements for apprentice training.

16. All students, including those enrolled for instructor's training, shall be registered by the school with the board, listing the name, age, and qualifications of the student required for such training. Forms for such enrollment may be provided by the board and a register of such enrollments shall be maintained by the board. Hours of instruction shall be registered quarterly with the board as established by board regulations, and a student may be permitted to transfer the credits earned at one (1) school to another school with permission of the board.

The board shall certify and maintain a list of names and addresses of foreign schools outside the state of Idaho, meeting the qualifications for registration under this chapter.

SECTION 7. That Section 54-812, Idaho Code, be, and the same is hereby amended to read as follows:

54-812. RECIPROCAL CERTIFICATION. The board, upon application and the payment of the fee required therefor,
shall issue a license without examination to any person who holds a certificate of qualification or license issued to him by the proper authority of any state, territory, or possession of the United States, or of a foreign country, provided that the requirements for license under which the certificate was issued are of a standard not lower than those specified in this chapter, or upon proof that said person has practiced the pursuit for which license is requested for at least three (3) years prior to such application, provided such state, territory, possession, or country will license or register without examination and upon substantially the same conditions, applicants holding licenses or certificates of registration issued under this chapter. The board shall evaluate the applications for license by reciprocity. No reciprocal license shall be issued except by the board.

SECTION 8. That Section 54-815, Idaho Code, be, and the same is hereby amended to read as follows:

54-815. RENEWAL OF LICENSES. Upon the renewal date of June 30, 1965, every license or certificate of registration required by this chapter must be renewed for a period of eighteen (18) months, thereby making such renewed license or certificate of registration valid until December 31, 1966. A fee of one and one-half (1 1/2) times the ordinary renewal fee shall be charged for such eighteen (18) month renewal. Commencing with the year 1966, every license or certificate of registration required by this chapter must be renewed annually, at the prescribed annual fee, on or before December 31. An expired license or certificate may be reinstated within five (5) years of the date of expiration upon payment of the reinstatement fees and the furnishing of said person's qualifications to resume practice. The reinstatement fee shall be the sum of the accumulated annual renewal fees for the lapsed period, plus the current renewal fee and a ten twenty-five dollar ($25.00) penalty.

SECTION 9. That Section 54-816, Idaho Code, be, and the same is hereby amended to read as follows:

54-816. REFUSAL, REVOCATION OR SUSPENSION OF CERTIFICATE. The board may either refuse to issue or renew, or may suspend or revoke, any certificate of registration or license for any one (1) of the following causes:

1. Conviction of a felony evidenced by a certified copy of the record of the court of conviction;
2. Malpractice or incompetency;
3. Continued practice by a person knowingly having an infectious or contagious disease;
4. Advertising by means of knowingly false or deceptive statements;
5. Habitual intoxication or addiction to the use of morphine, cocaine, or other habit-forming drugs;
6. Immoral or unprofessional conduct;
7. Where the application is fraudulently made or the certificate fraudulently obtained;
8. The violation of any of the provisions of this act, or rules and regulations adopted pursuant thereto.

SECTION 10. That Section 54-816, 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:

<table>
<thead>
<tr>
<th>Description</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cosmetological establishment, original registration</td>
<td>$25.00</td>
</tr>
<tr>
<td>Domestic school of cosmetology, original registration</td>
<td>$250.00</td>
</tr>
<tr>
<td>Domestic school of cosmetology, annual renewals</td>
<td>$100.00</td>
</tr>
<tr>
<td>Manicurists, original license</td>
<td>$12.00</td>
</tr>
<tr>
<td>Apprentice, original license (no renewal fees required)</td>
<td>$10.00</td>
</tr>
<tr>
<td>Managing registered cosmetologist, original license</td>
<td>$12.00</td>
</tr>
<tr>
<td>Managing registered cosmetologist, annual renewals</td>
<td>$12.00</td>
</tr>
<tr>
<td>Instructor, original license</td>
<td>$12.00</td>
</tr>
<tr>
<td>Instructor, annual renewals</td>
<td>$12.00</td>
</tr>
<tr>
<td>Student instructor certificate</td>
<td>$10.00</td>
</tr>
<tr>
<td>Reciprocity certificate</td>
<td>$50.00</td>
</tr>
<tr>
<td>Reciprocity certificate</td>
<td>$50.00</td>
</tr>
<tr>
<td>Instructor, original license</td>
<td>$18.00</td>
</tr>
<tr>
<td>Instructor, annual renewals</td>
<td>$18.00</td>
</tr>
<tr>
<td>Student instructor certificate</td>
<td>$10.00</td>
</tr>
<tr>
<td>Reciprocity certificate</td>
<td>$50.00</td>
</tr>
</tbody>
</table>
interim certificate when reciprocity denied, also constitutes examination .................................................. $10.00 25.00
temporary license to practice, demonstrate and teach ........................................................... $10.00 6.00

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

(b) Examination: as a cosmetologist ............. $10.00 25.00
as a manicurist .................................................. $5.00 15.00
as an instructor when required by board regulation .... 25.00

Fees shall not be prorated or returnable.
All certificates expire December 31.

SECTION 11. That Section 54-828, Idaho Code, be, and the same is hereby amended to read as follows:

54-828. IDAHO BOARD OF COSMETOLOGY -- APPOINTMENT -- TERM. There is hereby created in the department of self-governing agencies a board to be known as the "Idaho Board of Cosmetology." It shall consist of three (3) registered cosmetologists and one (1) currently active cosmetology school representative, appointed by the governor from among nominees recommended by any organized and generally recognized group of cosmetologists in this state. The members of the first board shall be appointed within thirty (30) days after the adoption of this act becomes effective without reference to recommendations, and one (1) member shall be appointed to serve a term for one (1) year, one (1) for two (2) years, and one (1) for three (3) years and the cosmetology school representative for one (1) year from the date of appointment. Members of the board shall be appointed from and generally be representatives of the northern, southern, central, and southeastern sections of the state. On the expiration of the term of any member, his successor shall be appointed in like manner by the governor for a term of three (3) years except that the cosmetology school representative shall be appointed for a term of one (1) year. Vacancies shall be filled in like manner for the unexpired portion of the term. Members of the board shall hold office until their successors have been appointed and have qualified. The board may, by written agreement, authorize the bureau of occupational licenses as agent to act in its interest. The cosmetology school representative member shall serve as a consultant, without voting power.

The governor shall appoint two (2) active, licensed cosmeticians in each district who shall have authority to assist in conducting cosmetology examinations and they shall be paid the same as board members, when performing board
duties.

The action and report in writing of a majority of the board with reference to the violation of any of the provisions of this act shall be basis for the board to proceed according to the provisions of sections 54-816, 54-817, and 54-821, Idaho Code.

SECTION 12. That Section 54-829, Idaho Code, be, and the same is hereby amended to read as follows:

54-829. BOARD -- QUALIFICATIONS OF MEMBERS. Members of the board shall be at least twenty-five (25) years of age, *citizens of the United States*, and residents of this state for at least five (5) years prior to their appointment, and they shall have been engaged in the practice of cosmetology for at least three (3) years immediately preceding their appointment, and shall be licensed cosmetologists under the provision of this act. No member of the board shall be affiliated with a school of cosmetology or company selling cosmetic supplies while in office, and no two (2) members of the board can be graduates of the same school of cosmetology except that the qualifications for the cosmetology school representative shall be established by board regulations.

SECTION 13. That Section 54-832, Idaho Code, be, and the same is hereby amended to read as follows:

54-832. COMPENSATION AND EXPENSES OF BOARD MEMBERS. Each member of the board shall receive as compensation for his services the sum of $35.00 for each day actually spent in the discharge of the official duties of the board, including time spent in necessary travel; and, in addition thereto, board members shall be reimbursed within legal limitations for all actual travel, clerical, and incidental expense necessarily incurred in carrying out the provisions of this act.

Approved March 17, 1976.
CHAPTER 128
(S.B. No. 1397)

AN ACT
RELATING TO REVENUE BONDS FOR REGIONAL AIRPORT AUTHORITIES; ADDING A NEW SECTION 21-812, IDAHO CODE, TO PROVIDE FOR REVENUE BONDS ISSUED BY A REGIONAL AIRPORT AUTHORITY.

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

SECTION 1. That Chapter 8, Title 21, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 21-812, Idaho Code, and to read as follows:

21-812. ISSUANCE OF REVENUE BONDS. Regional airport authorities may issue revenue bonds in the same manner and form as under the municipal bond law contained in chapter 10, title 50, Idaho Code; provided that the ordinance required therein shall be by resolution of the board of trustees. For the purpose of this section, the term "city" in the municipal bond law shall include the term "regional airport authority."

Approved March 17, 1976.
CHAPTER 129
(S.B. No. 1448)

AN ACT
RELATING TO THE DEFINITION OF RECREATIONAL VEHICLES UNDER THE BUILDING CODE ADVISORY ACT; AMENDING SECTION 39-4105, IDAHO CODE, TO DEFINE RECREATIONAL VEHICLE TO CONFORM WITH NATIONAL STANDARDS.

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

SECTION 1. That Section 39-4105, Idaho Code, be, and the same is hereby amended to read as follows:

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 regu-
lations 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.

"Camping trailer" means a vehicular portable unit mounted on wheels and constructed with collapsible partial side walls which fold for towing by another vehicle and unfold at the camp site to provide temporary living quarters for recreational, camping, or travel use.

"Motor home" means a vehicular unit designed to provide temporary living quarters for recreational, camping or travel use built on or permanently attached to a self-
propelled motor vehicle chassis or on a chassis cab or van which is an integral part of the completed vehicle.

"Travel trailer or fifth-wheel camper" means a vehicular unit, mounted on wheels, designed to provide temporary living quarters for recreational, camping or travel use and of such size or weight as not to require special highway movement permits when drawn by a motorized vehicle, and with a living area of less than two hundred twenty (220) square feet, excluding built-in equipment (such as wardrobes, closets, cabinets, kitchen units or fixtures) and bath and toilet rooms.

"Truck camper" means a portable unit constructed to provide temporary living quarters for recreational, travel or camping use, consisting of a roof, floor, and sides, designed to be loaded onto and unloaded from the bed of a pick-up truck.

(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.

Approved March 17, 1976.
AN ACT
RELATING TO COUNTY FINANCIAL PARTICIPATION IN COSTS OF REGIONAL AIRPORT AUTHORITIES; AMENDING SECTION 21-807, IDAHO CODE, TO PROVIDE THAT A COUNTY'S TAX LEVY SHALL BE TO FUND THE AD VALOREM TAX PORTION OF THE BUDGET OF A REGIONAL AIRPORT AUTHORITY; AND AMENDING SECTION 63-624, IDAHO CODE, TO PROVIDE THAT BUDGET CERTIFICATION OF REGIONAL AIRPORT AUTHORITIES SHALL BE MADE AS PROVIDED BY OTHER LAW.

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

SECTION 1. That Section 21-807, Idaho Code, be, and the same is hereby amended to read as follows:

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

(1) To sue and be sued;
(2) To acquire, hold, and dispose of personal property;
(3) To acquire, in the name of the authority by purchase or condemnation, real property or rights or easements therein necessary or convenient for its purposes, and, except as may otherwise be provided herein, to use the same in acquiring property, any such authority may exercise the right of eminent domain as provided in chapter 7, title 7, Idaho Code;
(4) To establish rules and regulations for the management and regulation of its affairs, and to make rules and regulations for the use of projects, and the establishment and collection of rentals, fees, and all other charges for services or commodities sold, furnished, or supplied by such authority;
(5) To appoint a chairman from the membership of the board, and to appoint officers, agents, and employees and fix their compensation;
(6) To make contracts, leases, and all other instruments necessary or convenient to the purposes of the authority;
(7) To design, construct, maintain, operate, improve, and reconstruct such projects as shall be necessary and
convenient to the maintenance and development of aviation services to and for the region in which such authority is established, including landing fields, heliports, hangars, shops, passenger and freight terminals, control towers, and all facilities necessary or convenient in connection with any such project and also to contract for the construction, operation, or maintenance of any parts thereof, or for services to be performed thereon, and to rent parts thereof and grant concessions thereon; all on such terms and conditions as the authority may determine;

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

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

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

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

(12) To accept grants, loans, or contributions from the United States, the state of Idaho, or any agency or instrumentality of either of them, or from any private group or individual, and to expend the proceeds thereof consistent with the laws of the United States and of the state of Idaho;

(13) To enter on any lands, waters, and premises for the purposes of making surveys, soundings, and examinations; and to do all things necessary or convenient to carry out the powers expressly conferred on such authorities by this act;

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

SECTION 2. That Section 63-624, Idaho Code, be, and the same is hereby amended to read as follows:

63-624. TAX LEVY DETERMINED IN DOLLARS -- CERTIFICATION DATE. When the equalized or adjusted assessed valuations have been determined, in the manner set forth in section 63-623, Idaho Code, the council, trustees, board or other governing body of any taxing district shall certify the total amount required from a property tax upon property within the district to raise the amount of money fixed by their budget as previously prepared or approved. The amount of money so determined shall be certified in dollars to the appropriate board of county commissioners. Any taxing unit, except regional airport authorities, located in more than one (1) county shall divide its dollar budget for certification to the separate counties by multiplying the amount of such budget by a fraction, the numerator of which shall be the total "full cash value" of all property in such taxing
unit within the county to which such certification is to be made, and the denominator of which shall be the total "full cash value" of property in such taxing unit in all such counties. Budget certification to the participating counties of regional airport authorities shall be made in the manner prescribed by section 21-807(10), Idaho Code. Full cash value shall be certified by the county assessor of each affected county to such taxing unit and such certification shall be used in this formula. The certification to the board of county commissioners required by this section shall be made not later than the second Monday in September, unless, upon application therefor, the board of county commissioners grants an extension of not more than one (1) week. After receipt of this certification, the board of county commissioners shall make a tax levy in mills, which when applied to the tax rolls to which reference is made in section 63-625, Idaho Code, as amended, will meet the budget requirements certified by such taxing districts.

Approved March 17, 1976.
CHAPTER 131
(S.B. No. 1520)

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, 1976 THROUGH JUNE 30, 1977.

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 do not exceed the following amounts for the period July 1, 1976 through June 30, 1977:

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel Costs</td>
<td>$1,817,600</td>
</tr>
<tr>
<td>Operating Expenditures</td>
<td>590,300</td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>150,800</td>
</tr>
<tr>
<td>Trustee &amp; Benefit Payments</td>
<td>2,000</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>$2,560,700</td>
</tr>
</tbody>
</table>

FROM:

General Fund: 510,000

Dedicated Funds:

<table>
<thead>
<tr>
<th>Fund Name</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Electrical Board Fund</td>
<td>946,400</td>
</tr>
<tr>
<td>Plumbing Board Fund</td>
<td>397,000</td>
</tr>
<tr>
<td>Idaho Building Code Fund</td>
<td>707,300</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>$2,560,700</td>
</tr>
</tbody>
</table>

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 funds for the period July 1, 1976, through June 30, 1977.
<table>
<thead>
<tr>
<th>PROGRAM</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>A. ADMINISTRATION:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Fund</td>
<td>$51,600</td>
<td>$4,900</td>
<td></td>
<td></td>
<td>$56,500</td>
</tr>
<tr>
<td>Electrical Board Fund</td>
<td>$25,800</td>
<td>$4,100</td>
<td></td>
<td></td>
<td>$29,900</td>
</tr>
<tr>
<td>Idaho Building Code Fund</td>
<td>$25,800</td>
<td>$4,100</td>
<td></td>
<td></td>
<td>$29,900</td>
</tr>
<tr>
<td>Plumbing Board Fund</td>
<td>$25,800</td>
<td>$4,100</td>
<td></td>
<td></td>
<td>$29,900</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$129,000</td>
<td>$17,200</td>
<td></td>
<td></td>
<td>$146,200</td>
</tr>
<tr>
<td>B. INDUSTRIAL SAFETY BUREAU:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Fund</td>
<td>$183,200</td>
<td>$36,000</td>
<td>$5,900</td>
<td></td>
<td>$225,100</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$183,200</td>
<td>$36,000</td>
<td>$5,900</td>
<td></td>
<td>$225,100</td>
</tr>
<tr>
<td>C. MINE SAFETY BUREAU:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Fund</td>
<td>$101,600</td>
<td>$24,200</td>
<td>$7,300</td>
<td></td>
<td>$133,100</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$101,600</td>
<td>$24,200</td>
<td>$7,300</td>
<td></td>
<td>$133,100</td>
</tr>
<tr>
<td>D. UNIFORM BUILDING SAFETY BUREAU:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Idaho Building Code Fund</td>
<td>$426,500</td>
<td>$164,700</td>
<td>$86,200</td>
<td></td>
<td>$677,400</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$426,500</td>
<td>$164,700</td>
<td>$86,200</td>
<td></td>
<td>$677,400</td>
</tr>
<tr>
<td>E. ELECTRICAL SAFETY BUREAU:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Electrical Board Fund</td>
<td>$623,600</td>
<td>$245,500</td>
<td>$47,400</td>
<td></td>
<td>$916,500</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$623,600</td>
<td>$245,500</td>
<td>$47,400</td>
<td></td>
<td>$916,500</td>
</tr>
<tr>
<td>F. PLUMBING SAFETY BUREAU:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Plumbing Board Fund</td>
<td>$278,900</td>
<td>$84,200</td>
<td>$2,000</td>
<td></td>
<td>$367,100</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$278,900</td>
<td>$84,200</td>
<td>$2,000</td>
<td></td>
<td>$367,100</td>
</tr>
<tr>
<td>G. WAGE &amp; HOUR &amp; LABOR RELATIONS BUREAU:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Fund</td>
<td>$74,800</td>
<td>$18,500</td>
<td>$2,000</td>
<td></td>
<td>$95,300</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$74,800</td>
<td>$18,500</td>
<td>$2,000</td>
<td></td>
<td>$95,300</td>
</tr>
<tr>
<td>GRAND TOTAL</td>
<td>$1,817,600</td>
<td>$530,700</td>
<td>$150,800</td>
<td>$2,000</td>
<td>$2,560,700</td>
</tr>
</tbody>
</table>

Approved March 17, 1976.
CHAPTER 132
(S.B. No. 1284, As Amended)

AN ACT
AUTHORIZING HOSPITAL DISTRICTS TO OPERATE MEDICAL CLINICS;
AMENDING SECTION 39-1318, IDAHO CODE, TO INCLUDE MEDICAL
CLINICS WITHIN THE DUTIES OF A HOSPITAL BOARD CREATED
PURSUANT TO THIS ACT; AMENDING SECTION 39-1319, IDAHO
CODE, TO INCLUDE MEDICAL CLINIC SERVICES WITHIN THE
DEFINITION OF A HOSPITAL DISTRICT, AND TO DEFINE MEDICAL
CLINIC; AMENDING SECTION 39-1331, IDAHO CODE, TO AUTHORIZE
CHARGING A REASONABLE RATE FOR SERVICES PROVIDED AT
A MEDICAL CLINIC; AMENDING SECTION 39-1339, IDAHO CODE,
TO INCLUDE A MEDICAL CLINIC WITHIN THE IMPROVEMENTS FOR
WHICH DEBT MAY BE INCURRED; PROVIDING THAT THIS ACT
SHALL NOT AUTHORIZE ANY HOSPITAL DISTRICT OR HOSPITAL
THEREIN TO ENGAGE IN THE PRACTICE OF MEDICINE; AND
DECLARING AN EMERGENCY.

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

SECTION 1. That Section 39-1318, Idaho Code, be, and
the same is hereby amended to read as follows:

39-1318. HOSPITAL BOARDS -- DUTY TO ACQUIRE, CONSTRUCT,
IMPROVE AND MAINTAIN PUBLIC HOSPITALS AND MEDICAL CLINICS.
The betterment and protection of the public health and care
of the sick and afflicted are hereby declared to be the
established and permanent policy of the state of Idaho, the
duty is hereby imposed upon the hospital boards provided for
by this act of acquiring, constructing, improving and main­
taining public hospitals or medical clinics within their
districts for the necessary care and treatment of persons
requiring hospital medical services.

SECTION 2. That Section 39-1319, Idaho Code, be, and
the same is hereby amended to read as follows:

39-1319. DEFINITIONS. A "hospital district" is one to
furnish general hospital services or medical clinic services
to the general public and all other such services as may be
necessary for the care of the injured, maimed, sick, dis­
abled or convalescent patients. As used in sections 39-1318
through 39-1353, Idaho Code, "medical clinic" means a place
devoted primarily to the maintenance and operation of
facilities for outpatient medical, surgical and emergency
care of acute and chronic conditions or injury.
The word "board" as used in this act shall mean the board of trustees of the district. A "qualified elector" of a district within the meaning of and entitled to vote under this act, 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. A "taxpayer" within the meaning of and as used in this act is a person or the husband or wife of a person whose name appears on the tax rolls of the county and is there assessed with unexempted real or personal property owned and subject to taxation within the boundaries of the district.

Whenever 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 first day of publication), shall intervene between the first publication and the last publication, and publication shall be complete on the day of the last publication.

SECTION 3. That Section 39-1331, Idaho Code, be, and the same is hereby amended to read as follows:

39-1331. POWERS AND DUTIES OF BOARD. For and on behalf of the district the board shall have the following powers:

a. To have and use a corporate seal.
b. To have perpetual existence.
c. To sue and be sued and be a party to suits, actions and proceedings.
d. To purchase, acquire, dispose of and encumber real and personal property and hold lands, buildings, and all types of property, make such contracts and purchases, acquire and hold such personal property as may be necessary or convenient for its purposes, provided, however, that before any real property of such district may be sold, notice thereof must be given by publication in a legal newspaper of general circulation in the county where such district is situated for three (3) consecutive weekly issues.
e. In addition to the other means providing revenue for such districts as herein provided, the board shall have the power and authority to levy and collect ad valorem taxes on and against all taxable property within the district, as hereinafter provided.
f. To borrow money and incur indebtedness and evidence
the same by certificates, notes or debentures, and to issue 
bonds in accordance with the provisions of this act.

g. To refund any bonded indebtedness of the district 
without an election, provided, however, that the obligations 
of the district shall not be increased by any refund of 
bonded indebtedness. Otherwise the terms and conditions of 
refunding bonds shall be substantially the same as those of 
an original issue of bonds.

h. To have the management, control and supervision of 
all the business and affairs of the district, and the con­ 
struction, installation, operation and maintenance of dis­
trict improvements therein or therefor.

i. To hire and retain agents, employees, engineers and 
attorneys.

j. To have and exercise the power of eminent domain in 
manner provided by law for the condemnation of private prop­
erty for public use; to take any property necessary to the 
exercise of the powers herein granted.

k. To adopt and amend by-laws not in conflict with the 
constitution and laws of the state for carrying on business, 
objects and affairs of the board and of the district.

l. To have and exercise all rights and powers necessary 
or incidental to, or implied from the specific powers 
granted herein, including the charging of reasonable rates 
for services rendered to patients of said hospital or medi­
cal clinic. Such specific powers shall not be considered as 
a limitation upon any power necessary or appropriate to 
carry out the purposes and intent of this act.

SECTION 4. That Section 39-1339, Idaho Code, be, and 
the same is hereby amended to read as follows:

39-1339. CREATION OF INDEBTEDNESS FOR WORKS OR IMPROVE­
MENTS -- ELECTION ON PROPOSED INDEBTEDNESS. Whenever the 
board of the hospital district shall by resolution, deter­
mine that the interest of said district and the public 
interest or necessity demand, the acquisition, construction, 
installation, or completion of any works or other improve­
ments of facilities or the construction, installation and 
maintenance of a hospital, hospital grounds, medical clinic, 
nurses' quarters and equipment, or for the enlargement, 
improvement and acquisition of existing hospital, hospital 
grounds, medical clinic, nurses' quarters and equipment, or 
the making of any contract with the United States or other 
persons or corporations, public or private, municipalities 
or governmental subdivisions to carry out the objects or 
purposes of said district requiring the creation of an
indebtedness of five thousand dollars ($5,000) or more, and in any event when the indebtedness will exceed the income and revenue provided for the year, the board shall order the submission of the proposition of issuing such obligations or bonds or creating other indebtedness to the qualified electors of the district at an election held for that purpose. 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 works or improvements, as the case may be, the amount of principal of the indebtedness to be incurred therefor, and the maximum rate of interest to be paid on such indebtedness. Such resolutions shall also fix the date upon which such election shall be held, and the manner of holding the same, and the method of voting for or against the incurring of the proposed indebtedness; such resolution shall also fix the compensation to be paid the officers of the election and shall designate the polling place or places and shall appoint for each polling place, from the qualified electors of the district, the officers of such election, consisting of three (3) judges, one (1) of whom shall act as the clerk, provided, however, that no district shall issue or have outstanding its coupon bonds in excess of ten per cent (10%) of the assessed valuation of the real estate and personal property within the said district, according to the assessment of the year preceding any such issuance of such evidence of indebtedness for any or all of the propositions specified in this election, provided, however, that such bonds shall not be issued, nor shall any indebtedness be incurred, at any time that there shall be a bond issue outstanding and unpaid for the construction, acquisition or maintenance of a county hospital in the county in which such district is organized.

SECTION 5. Anything to the contrary hereinabove notwithstanding, this act shall not be construed to permit or authorize any hospital district or hospital therein in the state of Idaho directly or indirectly to engage in the practice of medicine as defined in chapter 18, title 54, Idaho Code, which privilege is reserved exclusively to persons licensed for that purpose pursuant to chapter 18, title 54, 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 17, 1976.

CHAPTER 133
(H.B. No. 617)

AN ACT
RELATING TO FACILITIES FOR THE DISTRICT COURT; REPEALING SECTION 1-1613, IDAHO CODE, TO REMOVE AUTHORITY OF THE JUDGE TO ORDER PROVISION OF FACILITIES; AMENDING CHAPTER 16, TITLE 1, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 1-1613, IDAHO CODE, TO REQUIRE THAT COUNTIES SHALL PROVIDE SUITABLE FACILITIES FOR THE DISTRICT COURT.

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

SECTION 1. That Section 1-1613, Idaho Code, be, and the same is hereby repealed.

SECTION 2. That Chapter 16, 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 1-1613, Idaho Code, and to read as follows:

1-1613. FACILITIES AND EQUIPMENT PROVIDED BY COUNTY. Each county in the state shall provide suitable and adequate facilities for the district court, including the facilities and equipment necessary to make the space provided functional for its intended use, and shall provide for the staff, personnel, supplies, and other expenses of the district court.

Approved March 17, 1976.
CHAPTER 134
(H.B. No. 599, As Amended)

AN ACT
RELATING TO CARE AND TREATMENT OF RETARDED PERSONS; REPEALING SECTION 56-239, IDAHO CODE; ADDING A NEW SECTION 56-239, IDAHO CODE, TO PROVIDE FOR THE APPOINTMENT OF GUARDIANSHIP FOR THE MENTALLY RETARDED; ADDING A NEW SECTION 56-240, IDAHO CODE, PROVIDING FOR PRIORITIES OF GUARDIANS; ADDING A NEW SECTION 56-241, IDAHO CODE, PROVIDING FOR GENERAL POWERS AND DUTIES OF GUARDIANS; ADDING A NEW SECTION 56-242, IDAHO CODE, PROVIDING FOR TERMINATION OF GUARDIANSHIP; ADDING A NEW SECTION 56-243, IDAHO CODE, PROVIDING FOR THE CIVIL RIGHTS OF RESIDENTS OF FACILITIES FOR THE MENTALLY RETARDED AND DEVELOPMENTALLY DISABLED; AND ADDING A NEW SECTION 56-244, IDAHO CODE, PROVIDING FOR AN INDIVIDUAL TREATMENT PLAN.

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

SECTION 1. That Section 56-239, 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 56-239, Idaho Code, and to read as follows:

56-239: APPOINTMENT OF GUARDIANSHIP. Guardianship for mentally retarded and developmentally disabled persons shall be utilized only as is necessary to promote and protect the well-being of the individual, shall be designed to encourage the development of maximum self-reliance and independence in the individual, and shall be ordered only to the extent necessitated by the individual's actual mental and adaptive limitations. An appointment of a guardian for a mentally retarded or developmentally disabled person shall be made pursuant to the provisions of chapter 5, title 15, Idaho Code, with the following additional provisions:

(a) The procedure for court appointment of a guardian for a mentally retarded or developmentally disabled person shall follow the provisions of section 15-5-303, Idaho Code. The reports made by the physician who examines and the
visitor who interviews the individual shall contain current evaluations of the individual's mental, physical and social condition and a recommendation proposing the type and scope of guardianship services needed by the individual.

(b) At the hearing convened pursuant to section 15-5-303, Idaho Code, the court shall:

(1) Inquire into the nature and extent of the general intellectual functioning of the individual asserted to need a guardian;

(2) Evaluate the extent of the impairment in his adaptive behavior; and

(3) Ascertain his capacity to care for himself and his estate.

(c) If it is determined that the individual possesses the capacity to care for himself and his estate, the court shall dismiss the petition.

(d) If it is found that the individual lacks the capacity to do some, but not all, of the tasks necessary to care for himself or his estate, the court may appoint a partial guardian to provide guardianship services to the individual. A court order establishing partial guardianship shall contain findings of fact, shall define the powers and duties of the partial guardian so as to permit the mentally retarded person to care for himself and his property commensurate with his ability to do so, and shall specify all legal disabilities to which the retarded person is subject. A mentally retarded person for whom a partial guardian has been appointed retains all legal and civil rights except those which have by court order been designated as legal disabilities or which have been specifically granted to the partial guardian by the court.

(e) If it is found that the individual is totally without capacity to care for himself or his estate, the court shall specify that finding of fact in any order and may appoint a plenary (total) guardian of the person or of the estate or both for the individual. Such individual shall have the powers and duties of guardians as provided in section 15-5-312, Idaho Code.

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 56-240, Idaho Code, and to read as follows:

56-240. WHO MAY BE GUARDIANS -- PRIORITIES. Only competent persons or a suitable institution may be appointed guardian of a mentally retarded or developmentally disabled
person. Persons qualified have priority in the order established in subsection (b) of section 15-5-311, Idaho Code; the court shall not (customarily or ordinarily) appoint the department of health and welfare as guardian or any other agency, public or private, that is directly providing services to the mentally retarded person except as a last resort.

Prior to appointment, the court shall make reasonable effort to question the mentally retarded or developmentally disabled person concerning his preference regarding the person to be appointed guardian and any preference indicated shall be given due consideration by the court.

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 56-241, Idaho Code, and to read as follows:

56-241. GENERAL POWERS AND DUTIES OF GUARDIANS -- REPORTS. Each guardian who has any authority over the person of a mentally retarded or developmentally disabled person shall, in addition to his enumerated and customary duties, report to the court at intervals indicated by court order, but at least once annually. The report shall contain statements indicating:

(a) The person's current mental, physical and social condition;
(b) His present living arrangement;
(c) The need for continued guardianship services;
(d) Any other information requested by the court or necessary in the opinion of the guardian.

The appointment of a guardian for the estate of a resident shall terminate the authority of a director of a facility as custodian of a resident's funds upon receipt by the director of certified copies of letters of guardianship.

SECTION 5. 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 56-242, Idaho Code, and to read as follows:

56-242. TERMINATION OF GUARDIANSHIP -- REMOVAL, RESIGNATION OR SUBSTITUTION OF GUARDIAN. In addition to the provisions for termination of guardianship of section 15-5-306, Idaho Code, and the removal of resignation of guardians of section 15-5-307, Idaho Code, court orders may be modified upon the conditional release or discharge of a
SECTION 6. 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 56-243, Idaho Code, and to read as follows:

56-243. CIVIL RIGHTS OF RESIDENTS. (a) Every resident shall have the following rights:

(1) To communicate by sealed mail or otherwise, with persons, inside or outside the facility and to have access to reasonable amounts of letter writing material and postage;
(2) To receive visitors at all reasonable times;
(3) To wear his own clothes, to keep and use his own personal possessions including toilet articles, to keep and be allowed to spend a reasonable sum of his own money for canteen expenses and small purchases, to have access to individual storage space for his private use;
(4) To refuse specific modes of treatment;
(5) To be visited by his attorney at all times;
(6) To exercise all civil rights, including the right to dispose of property, execute instruments, make purchases, enter into contractual relationships, and vote unless he has been adjudicated incapacitated and has not been restored to legal competency;
(7) To communicate with his physician outside the facility and/or his spiritual advisor at all times; and
(8) To practice his religion in accordance with its tenets without hindrance, insofar as the practice of said religion does infringe upon the rights of other persons or require personnel or facilities not readily available at or to the facility.

(b) Notwithstanding any limitations authorized under this section on the right of communication, every patient shall be entitled to communicate by sealed mail with the court, if any, which ordered his commitment.

(c)(1) The director of a facility may, for good cause only, deny a resident's rights under section 56-243, Idaho Code, except that the rights enumerated in subsections (a)(5) and (a)(6) of section 56-243, Idaho Code, shall not be denied by the director of the facility under any circumstances. A statement explaining the reasons for any denial of a resident's rights shall be immediately entered in his treatment record and copies of such statement shall be submitted to the committing court.
(2) The rights of a resident to communicate by mail or telephone or to visit with persons of his choice may be limited if each limitation is essential in order to prevent serious and substantial physical and mental harm to the resident, and each limitation is approved by the head of the facility or his designee.

(d) A list outlining the rights granted by this section shall be prominently posted in all facilities and brought to the attention of the resident by such means as the director of the department of health and welfare shall designate.

SECTION 7. 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 56-244, Idaho Code, and to read as follows:

56-244. INDIVIDUAL TREATMENT PLAN. The department shall maintain for each resident of Idaho State School and Hospital an individual treatment plan. This plan shall be placed in the resident's permanent file and shall describe:

(1) The resident's disabilities,
(2) The goals of care and treatment at the facility,
(3) The modes of care and treatment to be employed,
(4) The written approval of the plan by the head of the facility or his designee,
(5) Changes to the original plan, and
(6) A statement by the head of the facility or his designee that the plan has been explained, as far as possible, to the resident and that a copy of the plan and of subsequent changes has been mailed to the last known address of the known parents, legal guardian or next of kin of the resident.

Approved March 17, 1976.
CHAPTER 135
(H.B. No. 393)

AN ACT
RELATING TO TIME LIMITS ON CERTAIN DEFENSES FOR INFORMATION SUPPLIED ON THE APPLICATION FOR INSURANCE; AMENDING SECTION 41-2106, IDAHO CODE, TO PROVIDE FOR A TWO-YEAR TIME PERIOD RATHER THAN THREE YEARS, TO PROVIDE FOR A SIMPLIFIED APPLICATION FORM, AND TO PROVIDE FOR CERTAIN CONDITIONS UNDER WHICH A POLICY BECOMES INCONTESTABLE; AMENDING SECTION 41-3434, IDAHO CODE, TO PROVIDE CODE REFERENCES.

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

SECTION 1. That Section 41-2106, Idaho Code, be, and the same is hereby amended to read as follows:

41-2106. TIME LIMIT ON CERTAIN DEFENSES. (1) There shall be a provision as follows:

"Time Limit on Certain Defenses: (1) After three years from the date of issue of this policy, no misstatements except fraudulent misstatements made by the applicant in the application for such policy shall be used to void the policy or to deny a claim for loss incurred or disability (as defined in the policy) commencing after the expiration of such three-year period."

(a) The foregoing policy provision shall not be so construed as to affect any legal requirement for avoidance of a policy or denial of a claim during such initial three-year period, nor to limit the application of sections 41-2118 through 41-2122 of this chapter in the event of misstatement with respect to age or occupational or other insurance.

(b) A policy which the insured has the right to continue in force subject to its terms by the timely payment of premium (1) until at least age fifty-five (55) or (2) in the case of a policy issued after age forty-four (44) for at least five (5) years from its date of issue, may contain in lieu of the foregoing the following provision (from which the clause in parentheses may be omitted at the insurer's option) under the caption "incontestable":

"After this policy has been in force for a period of three years during the lifetime of the insured (excluding
any period during which the insured is disabled; it shall become incontestable as to the statements contained in the application.

(2) No claim for loss incurred or disability (as defined in the policy) commencing after three (3) years from the date of issue of this policy shall be reduced or denied on the ground that a disease or physical condition not excluded from coverage by name or specific description effective on the date of loss had existed prior to the effective date of coverage of this policy.

(a) After two (2) years from the date of issue of this policy, no misstatements, except fraudulent misstatements, made by the applicant in the application for such policy shall be used to void the policy or to deny a claim for loss incurred or disability, as defined in the policy, commencing after the expiration of such two (2) year period.

(b) No claim for loss incurred or disability, as defined in the policy, commencing after two (2) years from the date of issue of this policy shall be reduced or denied on the ground that a disease or physical condition not excluded from coverage by name or specific description effective on the date of loss had existed prior to the effective date of coverage of this policy.”

(2) The policy provision of (1)(a) above shall not be so construed as to affect any legal requirement for avoidance of a policy or denial of a claim during such initial two (2) year period, nor to limit the application of sections 41-2118 through 41-2122, Idaho Code, in the event of misstatement with respect to age or occupation or other insurance.

(3) Notwithstanding the provisions of section 41-2106(2), Idaho Code, if an insurer 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 any preexisting condition not specifically excluded from coverage by terms of the policy, and, except as so provided, the policy or contract shall not include wording that would permit a defense based upon preexisting conditions.

(4) A policy which the insured has the right to continue in force subject to its terms by the timely payment of premium (a) until at least age fifty (50) or, (b) in the case of a policy issued after age forty-four (44), for at least five (5) years from its date of issue, may contain in lieu of the foregoing, the following provision, from which
the clause in parentheses may be omitted at the insurer's option, under the caption, "Incontestable":

"After this policy has been in force for a period of two (2) years during the lifetime of the insured (excluding any period during which the insured is disabled), it shall become incontestable as to any statements, other than fraudulent statements, contained in the application."

SECTION 2. That Section 41-3434, Idaho Code, be, and the same is hereby amended to read as follows:

41-3434. OTHER PROVISIONS APPLICABLE. In addition to those contained or referred to heretofore in this chapter, the following chapters and provisions of this code shall also apply with respect to service corporations to the extent applicable and not in conflict with the express provisions of this chapter and the reasonable implications of such express provisions, and for the purposes of such application such corporations shall be deemed to be mutual "insurers":

(1) Chapter 1 (scope of code);
(2) Chapter 2 (the commissioner of insurance);
(3) Section 41-308(2) (general eligibility for certificate of authority--competence, affiliations of management);
(4) Section 41-601 ("assets" defined);
(5) Section 41-603 (assets not allowed);
(6) Section 41-604 (disallowance of "wash" transactions);
(7) Section 41-613 (valuation of bonds);
(8) Section 41-731 (prohibited investments and investment underwriting);
(9) Chapter 13 (trade practices and frauds);
(10) Section 41-2840 (vouchers for expenditures);
(11) Section 41-2841 (borrowed surplus);
(12) Sections 41-2857 (mergers and consolidations, mutual insurers), 41-2858 (bulk reinsurance, mutual insurers), and 41-2859 (mutual member's share of assets on liquidation);
(13) Chapter 33 (rehabilitation and liquidation); and
(14) Sections 799 to 809 of chapter 330 of session laws of 1961 (transitory provisions); and
(15) Section 41-2106(3) (health history application for disability insurance).

Approved March 17, 1976.
CHAPTER 136
(H.B. No. 515)

AN ACT
RELATING TO LENGTH OF INTERNSHIP PERIODS FOR PHARMACISTS;
AMENDING SECTION 54-1713, IDAHO CODE, TO PROVIDE THAT
THE TIME OF INTERNSHIP FOR AN APPLICANT FOR LICENSURE AS
A REGISTERED PHARMACIST SHALL BE A PERIOD OF TIME DEEMED
ACCEPTABLE TO THE BOARD OF PHARMACY.

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

SECTION 1. That Section 54-1713, Idaho Code, be, and
the same is hereby amended to read as follows:

54-1713. APPLICANT FOR LICENSE AS REGISTERED PHARMACIST
-- QUALIFICATIONS. Every applicant for license as a licensed
pharmacist, shall be not less than twenty-one (21) years of
age, and of good moral character, and shall be a graduate of
not less than a five (5) year course in pharmacy at a school
or college recognized by the state board of pharmacy; such
applicant, in addition to the time required to graduate from
a school or college of pharmacy, shall have had, in the
practice of pharmacy, under the supervision of a licensed
pharmacist, at--least--one--(1)--year a period of internship
acceptable to the board of internship, which internship
shall be predominantly compounding of pharmaceutical pre-
parations and prescriptions, and keeping of records and
making reports required under state and federal statutes.
The board of pharmacy shall, by rule and regulation, estab-
lish the standards of supervision to be followed by the
interns and their preceptors and may, if necessary or desir-
able, establish and publish lists of preceptors with whom
interns may obtain the requisite internship experience.

Approved March 17, 1976.
AN ACT
RELATING TO FORFEITURE OF BAIL WHEN THE DEFENDANT FAILS TO
APPEAR; AMENDING SECTION 19-2927, IDAHO CODE, TO PROVIDE
THAT A SURETY MAY BRING THE DEFENDANT BEFORE THE COURT
WITHIN TWENTY DAYS OF THE DATE OF FORFEITURE OF BAIL,
AND HAVE THE FORFEITURE DISCHARGED.

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

SECTION 1. That Section 19-2927, Idaho Code, be, and
the same is hereby amended to read as follows:

19-2927. FORFEITURE OF BAIL. If, without sufficient
excuse, the defendant neglects to appear for arraignment or
for trial or judgment, or upon any other occasion when his
presence in court may be lawfully required, or to surrender
himself in execution of the judgment, the court must direct
the fact to be entered upon its minutes and the undertaking
of bail, or the money deposited instead of bail, as the case
may be, is thereupon declared forfeited. But if at any time
within twenty (20) days after such entry in the minutes, the
defendant or his bail appears and satisfactorily excuses his
neglect, the court may direct the forfeiture of the undertak­
ing or the deposit to be discharged upon such terms as
may be just.

If within twenty (20) days of the date of forfeiture, a
person, other than the defendant, who has provided bail for
the defendant, brings the defendant before the court, the
court shall direct that the forfeiture of the undertaking or
deposit be discharged.

Approved March 17, 1976.
CHAPTER 138

(H.B. No. 554)

AN ACT

RELATING TO FEES FOR LICENSES RELATING TO PHARMACY; AMENDING SECTION 54-1716, IDAHO CODE, TO PROVIDE FOR AN INCREASE IN THE EXAMINATION FEE FOR APPLICANTS LICENSED IN OTHER STATES APPLYING FOR LICENSURE AS PHARMACISTS; AND AMENDING SECTION 37-2207, IDAHO CODE, TO INCREASE FEES FOR THE ISSUING OF PERMITS TO PHARMACIES, DRUGSTORES, APOTHECARY SHOPS, STORES, SHOPS AND OTHER PLACES OF BUSINESS AS REQUIRED BY TITLE 37, CHAPTER 22, IDAHO CODE.

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

SECTION 1. That Section 54-1716, Idaho Code, be, and the same is hereby amended to read as follows:

54-1716. PHARMACISTS LICENSED IN OTHER STATES -- LICENSING WITHOUT EXAMINATION -- EXCEPTIONS -- FEES AND EXPENSES. The board of pharmacy may in its discretion license as a pharmacist without examination, any person who is duly so licensed by examination in some other state, provided that the said person shall produce satisfactory evidence of having had the required secondary and professional education and is possessed of good character and morals demanded of applicants for licensure as pharmacists under the laws of this state, excepting that persons of good moral character who have become licensed as pharmacists by examination in other states prior to the passage of this act shall be required to meet only the requirements which existed in this state at the time when they became licensed in such other states, and provided also that the state in which such person is licensed shall, under like conditions, grant licensure as a pharmacist without examination to pharmacists duly licensed by examination in this state.

Applicants for such licensure in this state shall pay an examination fee of seventy-five one hundred fifty dollars ($75.00 150) to cover the expense of examination and of making an investigation of their character, general reputation and pharmaceutical standing in the state where they are licensed.

SECTION 2. That Section 37-2207, Idaho Code, be, and
the same is hereby amended to read as follows:

37-2207. PERMITS -- RENEWALS -- FEES. Applications for permits required under this act shall be made on a form to be provided and furnished by the board and shall be accompanied by the fee hereinafter required by this section, which amount shall be paid as a fee for each annual renewal of such permit.

Separate application shall be made and separate permits issued for each separate place at which is carried on any of the operations for which a permit is required by this act.

For the issuing of permits required by this act, the fee for each permit issued to a pharmacy, drugstore, or apothecary shop shall be fifty sixty dollars ($50.60) and for other stores, shops and places of business, the fee for each permit issued shall be four dollars ($4.00) for stores stocking less than ten (10) drug items; ten dollars ($10.00) for stores stocking more than ten (10) but not more than fifty (50) drug items and twenty-five dollars ($25.00) for stores stocking over fifty (50) drug items and the same fee shall be paid for the annual renewal of each permit. Drug items shall include all articles defined by the term "drug" in section 37-2202, Idaho Code.

Permits issued under the provisions of this act shall be conspicuously posted in the place for which such permit was granted. Such permits shall not be transferable, and shall expire on the thirtieth day of June each year.

All licenses and permits must be renewed within sixty (60) days after the expiration of the same. A failure to make application for renewal within the time specified will work forfeiture of the right to renewal. However, the board may renew any permit or reinstate any license canceled, for failure to renew the same, on payment of ten dollars ($10.00), together with all fees delinquent at the time of cancelation and the renewal fee for each year thereafter up to the time of reinstatement.

Approved March 17, 1976.
AN ACT
RELATING TO FEES RELATED TO THE PRACTICE OF PHARMACY; AMENDING SECTION 54-1709, IDAHO CODE, TO PROVIDE A FEE OF NOT MORE THAN ONE HUNDRED DOLLARS FOR THE EXAMINATION OF AN APPLICANT FOR LICENSE AS A PHARMACIST, AND TO PROVIDE A FEE OF NOT LESS THAN SEVENTY DOLLARS NOR MORE THAN ONE HUNDRED DOLLARS FOR THE RENEWAL OF A PHARMACIST'S LICENSE.

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

SECTION 1. That Section 54-1709, Idaho Code, be, and the same is hereby amended to read as follows:

54-1709. FEES. The board of pharmacy shall be entitled to charge and collect the following fees:

For examining an applicant for license as pharmacist, fifty--dollars--($50.00) not more than one hundred dollars ($100).

For renewal of license to pharmacist, not less than twenty dollars ($20.00), nor more than fifty dollars ($50.00), payable annually.

All fees must be paid before the applicant shall be admitted to examination or his name placed upon the register of pharmacists, or before any license or permit or renewal thereof may be issued by the board.

Approved March 17, 1976.
CHAPTER 140
(H.B. No. 516)

AN ACT
RELATING TO DRUGS; AMENDING SECTION 37-2202, IDAHO CODE, TO PROVIDE A DEFINITION OF LEGEND DRUG.

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

SECTION 1. That Section 37-2202, Idaho Code, be, and the same is hereby amended to read as follows:

37-2202. DEFINITIONS. For the purpose of this act:
(a) "Drug" means (1) articles recognized in the official United States Pharmacopoeia, official Homeopathic Pharmacopoeia of the United States, official National Formulary, New and Nonofficial Remedies, or any supplement to any of them, intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man; and (2) all other articles intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in man; and (3) articles (other than food) intended to affect the structure of any function of the body of man; and (4) articles intended for use as a component or any articles specified in clause (1), (2), or (3); but does not include devices or their components, parts, or accessories.
(b) "Medical supplies" shall, in addition to drugs, include suture, compacts, compresses, surgical dressings of all kinds and descriptions, and all other products, preparations, and appliances used in the diagnosis, cure, mitigation, treatment, or prevention of disease in man; or to affect the structure or function of the body of man, but shall not include instruments, appliances, or devices used by physicians, dentists, veterinarians, or other legally authorized practitioners, in the pursuit of their professional practice.
(c) "Prescription" shall mean and include an order written by or with the consent of a legally competent practitioner of medicine, dentistry, veterinary medicine, or other person legally authorized to prescribe drugs and medical supplies to be compounded and dispensed by a registered pharmacist, in a registered pharmacy, and to be preserved on file, subject to inspection by members of the state board of pharmacy or the department of public health, or their duly
qualified representatives, for a period of two years.

(d) "Person" shall mean and include "person," "copartnership," "association," or "corporation."

(e) "Board" or "state board of pharmacy" shall mean the state board of pharmacy of the state of Idaho.

(f) "Legend drug" shall mean and include a drug intended for use by man which (1) is a habit-forming drug as defined in section 37-127, Idaho Code, to which section 502 (d), title 21 U.S.C. applies; or (2) because of its toxicity or other potentiality for harmful effect, or the method of its use, or the collateral measures necessary to its use, is not safe for use except under the supervision of a practitioner licensed by law to administer such drug; or (3) is limited by an approved application under title 21, U.S.C., section 505 of the C.F.R. to use under the professional supervision of a practitioner licensed by law to administer such drug.

Approved March 17, 1976.
CHAPTER 141
(H.B. No. 332)

AN ACT
RELATING TO UNEMPLOYMENT COMPENSATION ADMINISTRATION; AMENDING SECTION 72-1318, IDAHO CODE, BY STRIKING THE TERM "EXECUTIVE DIRECTOR" AND INSERTING IN LIEU THEREOF THE TERM "INDIVIDUAL"; AMENDING SECTION 72-1331, IDAHO CODE, BY STRIKING THE TERM "EXECUTIVE DIRECTOR" AND SUBSTITUTING IN LIEU THEREOF THE TERM "DIRECTOR"; AMENDING SECTION 72-1347, IDAHO CODE, BY STRIKING WHEREVER IT APPEARS THEREIN THE TERM "SOCIAL SECURITY ADMINISTRATION" AND SUBSTITUTING IN LIEU THEREOF THE TERM "SECRETARY, U.S. DEPARTMENT OF LABOR"; AMENDING SECTION 72-1349, IDAHO CODE, BY STRIKING THE WORDS "NEXT YEAR'S TAX"; AND AMENDING SECTION 72-1366, IDAHO CODE, BY STRIKING THE REFERENCE TO SECTION 72-1349(f), IDAHO CODE, AND SUBSTITUTING IN LIEU THEREOF SECTION 72-1349(g).

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

SECTION 1. That Section 72-1318, Idaho Code, be, and the same is hereby amended to read as follows:

72-1318. DIRECTOR. The term "director" means the executive director individual appointed pursuant to section 72-1331, Idaho Code, who is charged with the responsibility of administering the Employment Security Law.

SECTION 2. That Section 72-1331, Idaho Code, be, and the same is hereby amended to read as follows:

72-1331. ADMINISTRATION. The Employment Security Law shall be administered by an executive a director, in-thiss act-referred-to-as-"director" who shall be appointed by the governor, with the advice and consent of the senate. The provisions of this section shall become effective when the office of director becomes vacant for any reason. Any appointments made under the provisions of this section shall be confirmed by the state senate. If an appointment is made during the recess of the legislature, it shall be subject to confirmation by the senate during its next ensuing session.

SECTION 3. That Section 72-1347, Idaho Code, be, and
the same is hereby amended to read as follows:

72-1347. EMPLOYMENT SECURITY ADMINISTRATION FUND. (a) There is hereby established in the state treasury a special fund to be known as the "Employment Security Administration Fund." All moneys which shall be deposited or paid into said fund are hereby perpetually appropriated and made available to the director. Expenditures of such moneys from the fund shall be only in accordance with the provisions of this act on the approval of the director or his duly authorized agent for such purpose, shall not require approval by the state board of examiners, and shall not lapse at any time or be transferred to any other fund, except that the director may establish from such fund a revolving fund for the purpose of paying current cash items in connection with administration. All moneys in this fund which are received from the federal government or any agency thereof shall be expended solely for the purposes and in the amounts found necessary by the Secretary, U.S. Department of Labor, for the proper and efficient administration of this act. The fund shall consist of all moneys appropriated by this state, all moneys received from the United States of America, or any agency thereof, including the Secretary, U.S. Department of Labor, and all moneys received from any other source for such purpose, and shall also include any moneys received from any agency of the United States or any other state as compensation for services or facilities supplied to such agency, any amounts received pursuant to any surety bond or insurance policy or from other sources for losses sustained by the employment security administration fund or by reason of damage to equipment or supplies purchased from moneys in such fund, and any proceeds realized from the sale or disposition of any such equipment or supplies which may no longer be necessary for the proper administration of this act. Such moneys shall be secured by the depository in which they are held to the same extent and in the same manner as required by the general depository law of the state, and collateral pledged shall be maintained in a separate custody account. The state treasurer shall be liable on his official bond for the faithful performance of his duties in connection with the employment security administration fund provided for under this act. All sums recovered on any surety bond for losses sustained by the employment security administration fund shall be deposited in said fund.

(b) Reimbursement of Fund. If any moneys received after June 30, 1941, from the Secretary, U.S. Department of Labor, for the proper and efficient administration of this act.
Secretary, U.S. Department of Labor, under Title III of the Social Security Act, or any unencumbered balances in the employment security administration fund as of that date, or any moneys granted after that date are found by the social security administration Secretary, U.S. Department of Labor, because of any action or contingency, to have been lost or been expended for purposes other than, or in amounts in excess of those found necessary by the social security administration Secretary, U.S. Department of Labor, for the proper administration of this act, it is the policy of this state that such moneys shall be replaced by moneys in the state employment security administrative and reimbursement fund as provided in section 72-1348, Idaho Code, but if the moneys therein are insufficient, then the balance required shall be replaced from moneys appropriated for such purpose from the general funds of this state. Upon receipt of such a finding by the social security administration Secretary, U.S. Department of Labor, and where there are insufficient moneys in the state employment security administrative and reimbursement fund to make such replacement, the director shall promptly report the balance required for such replacement to the governor and the governor shall at the earliest opportunity, submit to the legislature a request for the appropriation of such balance. This subsection shall not be construed to relieve this state of its obligation with respect to funds received prior to July 1, 1941, pursuant to the provisions of Title III of the Social Security Act.

SECTION 4. 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 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.

(l) Liability for contributions and election of reimbursements. Any nonprofit organization shall pay contributions under the provisions of subsections (a), (b), (c), (d), and (e), of this section, unless it elects in accord-
ance with this paragraph to pay to the director for the unemployment fund an amount equal to the amount of regular benefits and one-half (1/2) 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 \((1/2)\) 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 requirements. 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 such 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.

(h) In the payment of any contributions a fractional part of a cent shall be disregarded unless it amounts to one-half cent (1/2¢) or more, in which case it shall be increased to one cent (1¢).

SECTION 5. 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) 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 unemploy-
ment for failure to comply with the provisions of this sub-
section 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 per-
sonal circumstance, is required to be absent from his normal
market area, provided that such absence does not exceed a
major portion of the week.

(e) 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.

(f) 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.

(g) 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 indi-
vidual than those prevailing for similar work in the local-
ity of the work offered;
(3) If, as a condition of being employed, the indi-
vidual 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.

(n) 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.

Approved March 17, 1976.
CHAPTER 142
(H.B. No. 337)

AN ACT
RELATING TO LEASING OF STATE OFFICE SPACE; AMENDING SECTION 67-5708, IDAHO CODE, TO AUTHORIZE THE DEPARTMENT OF ADMINISTRATION TO PROVIDE FOR THE MANAGEMENT AND LEASING OF OFFICE SPACE CONSTRUCTED BY THE STATE BUILDING AUTHORITY FOR THE OCCUPANCY OF VARIOUS STATE DEPARTMENTS.

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

SECTION 1. That Section 67-5708, Idaho Code, be, and the same is hereby amended to read as follows:

67-5708. LEASING OF OFFICE SPACE FOR STATE USE. The department of administration shall negotiate for, approve, and make any and all lease or rental agreements for office space to be used by the various state departments, agencies and institutions in the state of Idaho.

The department of administration shall manage multi-agency office space constructed through the state building authority as established in chapter 64, title 67, Idaho Code, and shall sublease such office space to various state departments, agencies, and institutions in the state of Idaho. The department of administration may pay costs incurred in the operation and management of those properties from rents received therefrom.

Approved March 17, 1976.
CHAPTER 143
(H.B. No. 507)
AN ACT
RELATING TO THE LICENSING OF MEMBERS OF THE IDAHO STATE BAR,
AMENDING SECTION 3-409, IDAHO CODE, TO EXEMPT JUDGES
FROM THE LICENSING REQUIREMENTS.

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, com­
mencing with the year 1975, and thereafter, pay to the board
of commissioners of the Idaho State Bar Association as a li­
cense 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 seventy-five dollars ($75.00) each year for
the next four (4) calendar years following the calendar year
of such admission; and one hundred fifty dollars ($150) for
the fifth calendar year following the calendar year of such
admission, and one hundred fifty dollars ($150) 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 secur­
ity 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 17, 1976.
CHAPTER 144

(H.B. No. 538)

AN ACT
RELATING TO ASSAULTS WITH DEADLY WEAPONS; AMENDING SECTION 18-906, IDAHO CODE, TO DEFINE THE TERM DEADLY WEAPON OR INSTRUMENT AS USED IN SAID SECTION TO INCLUDE FIREARMS WHICH MAY BE UNLOADED OR DEFECTIVE AND INCREASING THE PENALTY FOR A VIOLATION.

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

SECTION 1. That Section 18-906, Idaho Code, be, and the same is hereby amended to read as follows:

18-906. ASSAULT WITH DEADLY WEAPON. Every person who commits an assault upon the person of another with a deadly weapon or instrument, or by any means or force likely to produce great bodily injury, is punishable by imprisonment in the state prison not exceeding five (5) years, or by fine not exceeding five thousand dollars ($5,000), or by both.

The term "deadly weapon or instrument" is hereby defined as including any firearm, though unloaded or so defective that it cannot be fired.

Approved March 17, 1976.
CHAPTER 145
(H.B. No. 542)
AN ACT
RELATING TO CITY AND COUNTY ORDINANCES; AMENDING SECTIONS 31-714 AND 50-302, IDAHO CODE, TO PROVIDE THAT CITY OR COUNTY ORDINANCES WHICH PROVIDE LOWER MAXIMUM CRIMINAL PENALTIES FOR CONDUCT, ACTS OR OMISSIONS ALREADY PROHIBITED BY CRIMINAL PENALTIES SET FORTH IN THE GENERAL LAWS OF THE STATE OF IDAHO SHALL BE DEEMED TO BE IN CONFLICT WITH SAID GENERAL LAWS OF THE STATE OF IDAHO.

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

SECTION 1. That Section 31-714, Idaho Code, be, and the same is hereby amended to read as follows:

31-714. ORDINANCES -- PENALTIES. The board of county commissioners may pass all ordinances and rules and make all regulations, not repugnant to law, necessary for carrying into effect or discharging the powers and duties conferred by the laws of the state of Idaho, and such as are necessary or proper to provide for the safety, promote the health and prosperity, improve the morals, peace and good order, comfort and convenience of the county and the inhabitants thereof, and for the protection of property therein, and may enforce obedience to such ordinances with such fines or penalties as the board may deem proper; provided, that the punishment of any offense shall be by fine of not more than three hundred dollars ($300) or by imprisonment not to exceed six (6) months, or by both such fine and imprisonment; provided, further, that any such ordinance which provides a lower maximum criminal penalty for conduct, acts, or omissions already prohibited by criminal penalties set forth in the general laws of the state of Idaho shall be deemed to be in conflict with said general laws of the state of Idaho.

SECTION 2. That Section 50-302, Idaho Code, be, and the same is hereby amended to read as follows:

50-302. PROMOTION OF GENERAL WELFARE -- PRESCRIBING PENALTIES. Cities shall make all such ordinances, by-laws, rules, regulation and resolutions not inconsistent with the laws of the state of Idaho as may be expedient, in addition
to the special powers in this act granted, to maintain the peace, good government and welfare of the corporation and its trade, commerce and industry. Cities may enforce all ordinances by inflicting fines for the breach thereof, not exceeding the amount permissible in probate, justice and courts of similar jurisdiction for any one (1) offense, or penalties of not more than thirty (30) days imprisonment in the city jail, or both such fine and imprisonment recoverable with costs and in default of payment to provide for confinement in prison or jail provided that upon conviction of driving a motor vehicle while the driver was intoxicating liquor the court shall demand the delivery of the driver's license as provided in section 49-1102, Idaho Code fine or incarceration; provided, however, that the maximum punishment of any offense shall be by fine of not more than three hundred dollars ($300) or by imprisonment not to exceed six (6) months, or by both such fine and imprisonment; provided, further, that any such ordinance which provides a lower maximum criminal penalty for conduct, acts, or omissions already prohibited by criminal penalties set forth in the general laws of the state of Idaho shall be deemed to be in conflict with said general laws of the state of Idaho.

Approved March 17, 1976.
CHAPTER 146
(H.B. No. 578)

AN ACT
RELATING TO ELECTION REQUIREMENTS FOR IRRIGATION DISTRICTS;
AMENDING SECTION 43-206, IDAHO CODE, TO PROVIDE THAT
COMBINED POLLING PLACES MAY BE CREATED SO LONG AS THE
COMBINED POLLING PLACE THUS CREATED IS NO MORE THAN TEN
MILES OUTSIDE THE PRECINCT LOSING THE POLLING PLACE.

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

SECTION 1. 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 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) ten (10)
miles outside of the precinct which is losing its polling place. In cases of combined polling places, the board of directors shall name one (1) elector from each of the combined precincts, and they shall constitute the judges of election for that polling place.

Approved March 17, 1976.
CHAPTER 147
(H.B. No. 427)

AN ACT
CONFORMING PAYMENT DATES FOR TAXES ON PERSONAL PROPERTY TO PAYMENT DATES FOR TAXES ON REAL PROPERTY; AMENDING SECTION 63-1302, IDAHO CODE, TO PROVIDE THAT TAXES ON PERSONAL PROPERTY SHALL BECOME DELINQUENT IF NOT PAID ON OR BEFORE DECEMBER 20.

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

SECTION 1. 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 shall become delinquent if not paid on or before 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) instalments the first half shall become delinquent if not paid on or before December 20 and the second half shall become delinquent if not paid on or before 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 percent (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.

Approved March 17, 1976.
CHAPTER 148
(H.B. No. 381, As Amended)

AN ACT
RELATING TO PROPERTY TAX ASSESSMENT PROCEDURES; AMENDING
SECTION 63-306, IDAHO CODE, TO PROVIDE FOR MEETINGS OF
COUNTY BOARDS OF EQUALIZATION ON THE FOURTH MONDAY OF
NOVEMBER, TO STRIKE OBSOLETE REFERENCES, AND TO PROVIDE
FOR APPEALS, ASSESSMENT AND PAYMENT OF TAXES AFTER THE
FOURTH MONDAY OF NOVEMBER.

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

SECTION 1. That Section 63-306, Idaho Code, be, and the
same is hereby amended to read as follows:

63-306. TIME OF ASSESSMENT -- ASSESSMENT ROLL. The
assessor shall assess all real and personal property,
whereon the tax is a lien upon real property, in his county,
subject to assessment by him, between the first day of Janu­
ary and the fourth Monday of June in each year and shall
complete such assessment on or before the fourth Monday of
June. In making such assessment the assessor shall actually
determine, as near as practicable, the full cash value of
each tract or piece of real property assessed, and shall
enter the assessed value thereof, and the assessed value of
all improvements thereon, and the amount and assessed value
of each class of personal property whereon the tax is a lien
on such real property, except migratory-livestock, in appro­
priate columns against the description of such real property
in the real property assessment roll. The tax levies shall
be made on the aggregate assessed valuations of said prop­
erty, real and personal, after deducting the amount of any
exemptions allowed, and any personal property so entered
upon the real property assessment roll shall not be entered
upon the personal property assessment roll. Provided that if
after the fourth Monday of June it is discovered that real
property has been inadvertently omitted from the real roll
such property may be entered on a subsequent real property
assessment roll and submitted to the board of county commis­
ioners meeting as a board of equalization on the first
Monday--of-December fourth Monday of November of the current
year. If other real property is discovered and assessed
after the subsequent board has adjourned, the taxpayer may
appeal that assessment to the county commissioners meeting as a board of equalization during their monthly meeting in January of the following year. The real property taxes so assessed must be paid on or before the 20th day of June of the following year.

Approved March 17, 1976.
CHAPTER 149
(H.B. No. 497)

AN ACT
AMENDING SECTION 63-1203, IDAHO CODE, BY CHANGING THE DATE OF DELIVERY OF THE SUBSEQUENT PERSONAL PROPERTY ROLL TO THE COUNTY COMMISSIONERS, THEREUPON BRINGING SECTION 63-1203, IDAHO CODE, INTO AGREEMENT WITH EXISTING SECTION 63-1904 AND PROPOSED AMENDED SECTION 63-306, IDAHO CODE.

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

SECTION 1. 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 personal property which comes into the county, between the first Monday of July and the third fourth 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 prop-
erty, 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; (b) trailer houses designated as sheep camps or cow camps; and (c) trailer houses defined as recreational vehicles.

Approved March 17, 1976.
CHAPTER 150
(H.B. No. 561)

AN ACT

PROVIDING PROCEDURE TO BE FOLLOWED FOR APPLICATIONS FILED WITH THE DEPARTMENT OF LANDS AND THE DEPARTMENT OF WATER RESOURCES; AMENDING SECTION 42-3803, IDAHO CODE, TO PROVIDE THAT PERMITS GRANTED BY THE BOARD SHALL SHOW WHETHER THEY CONSTITUTE A PERMIT FROM THE DEPARTMENT OF LANDS OR WHETHER AN ADDITIONAL PERMIT SHALL BE REQUIRED; AMENDING SECTION 42-3804, IDAHO CODE, TO PROVIDE THAT A COPY OF EACH APPLICATION BEFORE THE DEPARTMENT OF WATER RESOURCES SHALL BE FURNISHED TO THE DEPARTMENT OF LANDS; AMENDING SECTION 42-3805, IDAHO CODE, TO PROVIDE THAT THE DIRECTOR SHALL DENY AN APPLICATION WITH REGARD TO ENDOWMENT LANDS UPON THE OBJECTION OF THE DEPARTMENT OF LANDS, OR MODIFY THE SAME AS RECOMMENDED BY THE DEPARTMENT; AMENDING SECTION 47-1317, IDAHO CODE, TO PROVIDE THAT THE DEPARTMENT OF WATER RESOURCES SHALL BE NOTIFIED OF PERMIT APPLICATIONS TO DREDGE ANY STREAM OR WATER COURSE FILED WITH THE DEPARTMENT OF LANDS, AND ANY PERMIT SHALL SHOW WHETHER IT CONSTITUTES A PERMIT FROM THE DEPARTMENT OF WATER RESOURCES OR WHETHER AN ADDITIONAL PERMIT SHALL BE REQUIRED, AND TO PROVIDE THAT THE DEPARTMENT OF LANDS SHALL DENY ANY APPLICATION UPON NOTIFICATION BY THE DEPARTMENT OF WATER RESOURCES THAT THE GRANT OF SUCH PERMIT WOULD RESULT IN PERMANENT DAMAGE TO A STREAM CHANNEL.

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

SECTION 1. That Section 42-3803, Idaho Code, be, and the same is hereby amended to read as follows:

42-3803. ALTERATION OF CHANNELS -- PERMIT REQUIRED -- PLANS. (a) No applicant shall engage in any project or activity which will alter a stream channel without first applying to and receiving a permit therefor from the director. Such application shall be submitted not less than sixty (60) days prior to the intended date of commencement of construction of such stream channel alteration and shall be upon forms to be furnished by the director or in such other form as deemed appropriate by memorandum of agreement with other state and federal agencies and shall be accompanied by
plans of the proposed stream channel alteration.

(b) The board shall provide that each permit granted shall show whether it constitutes a permit from the department of lands as authorized by the department of lands, or whether an additional permit from the department of lands shall be required.

(c) The board may adopt, revise and rescind such rules and regulations and issue such general orders as may be necessary to effectuate the purposes and policy of this chapter within the limitations and standards set forth in this chapter. Rules, regulations and orders adopted or issued pursuant to this section may include, but are not limited to, minimum standards to govern projects or activities for which a permit or permits have been received under this chapter and regulations governing procedures for processing applications and issuing permits under this chapter. Minimum standards and procedural regulations shall not be adopted pursuant to this section until after they have been offered for review and comment to other state agencies having an interest in activities regulated under this chapter. Any standards, rules, regulations and orders adopted or issued pursuant to this section shall be promulgated in accordance with the provisions of chapter 52, title 67, Idaho Code, to the extent that the provisions of chapter 52, title 67, Idaho Code, are not inconsistent herewith.

(d) The board may, by regulation, dispense with procedural requirements for permit application and approval contained in this chapter for projects and activities which, in all respects, at least meet minimum standards adopted pursuant to this section.

SECTION 2. That Section 42-3804, Idaho Code, be, and the same is hereby amended to read as follows:

42-3804. APPLICATION -- REVIEW BY DIRECTOR. Upon the receipt of any application with accompanying plans, it shall be the duty of the director to examine same and to furnish copies of the application and plans to, and consult with, other state agencies having an interest in the stream channel to determine the likely effect of the proposed stream channel alteration upon the fish and wildlife habitat, aquatic life, recreation, aesthetic beauty, and water quality values of the stream. The director shall furnish a copy of each application and all accompanying materials to the department of lands. Within twenty (20) days of the receipt of copies of such application and plans from the director, such other state agencies shall notify the director whether
the proposed stream channel alteration will have an unreasonably detrimental effect upon these stream values and shall include with such notification recommendations of alternate plans, if any, determined by such agency to be reasonable to accomplish the purpose of the proposed stream channel alteration without adversely affecting such stream values.

SECTION 3. That Section 42-3805, Idaho Code, be, and the same is hereby amended to read as follows:

42-3805. DECISION OF DIRECTOR -- HEARING -- REVIEW BY DISTRICT COURT. Based upon his own investigation and the recommendations and alternate plans of other state agencies, the director shall prepare and forward to the applicant his decision approving the application in whole or in part or upon conditions, or rejecting the application. With regard to applications which could, if issued, affect endowment lands, the director shall deny such applications upon the objection of the state department of lands, or modify the same as recommended by the department. Within fifteen (15) days of the date of mailing of the decision, the applicant shall notify the director if it refuses to modify its plans in accordance with such decision or that it requests a hearing before the board thereon. If requested, such hearing shall be held under rules and regulations promulgated by the board under provisions of chapter 52, title 67, Idaho Code. The board shall have power to administer oaths and to require the attendance of such witnesses and the production of such books, records and papers as it may desire at the hearing, and for that purpose, the board may apply to the court for subpoena for any witnesses or a subpoena duces tecum to compel the production of any books, records or papers which shall be served and returned in the same manner as a subpoena in a civil case. In case of any disobedience or neglect to obey a subpoena or subpoena duces tecum, it shall be the duty of the district court in any county of this state in which disobedience, neglect or refusal occurs, or any judge thereof, on application by the board, to compel obedience by proceedings for contempt. Upon the conclusion of the hearing and completion of any investigation conducted by the director the board shall enter its findings in writing approving the decision of the director on the application and plans in whole or in part, or upon conditions, or rejecting the decision of the director on said application and plans for such proposed stream channel alteration. A copy of the board's findings on the director's deci-
sion shall be mailed to the applicant and to each person or organization who appeared at the hearing and gave testimony in support of or in opposition to the proposed stream channel alteration. Any applicant or other person appearing at a hearing shall have the right to have the proceedings of the board and the decision of the director reviewed by the district court in the county where the stream channel alteration is proposed. Such review may be accomplished by filing a notice of appeal to the district court within twenty (20) days of the date the board enters its decision. Proceedings in the district court shall be trial "de novo."

SECTION 4. That Section 47-1317, Idaho Code, be, and the same is hereby amended to read as follows:

47-1317. APPLICATION, PERMIT AND BOND REQUIRED. (a) Before any person, firm or corporation may conduct a dredge or other placer mining operation on lands and beds of streams in the state of Idaho, such person, firm or corporation shall file with the director of the department of lands an application for a permit upon a form provided by said director, and shall pay an application fee of fifty dollars ($50.00), for each ten (10) acres or fraction thereof above involved in such application.

(b) The permit to issue in any such case shall be in a form provided and approved by the Idaho state board of land commissioners. No such permit shall be issued to any applicant to conduct dredge or other placer mining operations, until such applicant files with said director an initial surety bond in the sum of ten thousand dollars ($10,000) for a specified and particularly-described ten (10) acre tract of the area covered by the permit or for all of the land covered by the permit if the permit covers an area less than ten (10) acres, with sureties acceptable to said director conditioned for the faithful performance by the applicant of all of the requirements of this act, relative to land and watercourse restoration. In lieu of such surety bond, cash may be deposited with said director in the sum computed in the same manner as hereinabove set forth, to be retained as security for the faithful performance by the applicant of said requirements of this act.

It shall be unlawful for any person, firm or corporation to conduct dredge or other placer mining operations in this state on any of the permit area not covered by the initial or subsequent bond until and unless a similar bond has been filed with the director for at least ten (10) additional specified acres of the permit area upon which the operations
are being conducted or for all of the remaining area covered by the permit in cases where it totals less than ten (10) acres, which bond shall be in the sum of the number of acres to be covered by the bond times one thousand dollars ($1,000). Provided, however, that no bond filed after the initial bond shall be in a sum of less than ten thousand dollars ($10,000). Provided, further, that such subsequent bonds may be in the form of cash.

(c) It shall be unlawful for any person, firm or corporation to conduct dredge or other placer mining operations in this state without first having obtained a permit as herein provided. Such application shall be on form supplied by the director and shall include an accurate description of the land proposed to be dredged or otherwise placer mined, by legal subdivisions and specify the number of acres involved. The permit issued in each such case shall in like manner describe the land and acres involved as shown by the related application. Each permit to conduct dredge or other placer mining operations pursuant to the provisions of this act shall be valid, unless terminated for cause as herein-after provided, for continuous operations upon the lands described, commencing with the date of said permit.

(d) It shall be the duty of the Idaho state board of land commissioners in its administration of this act to cause periodic inspections to be made of the operations under such permits to determine compliance with this law and to make rules and regulations with respect thereto and the cost and expense of making such inspections shall be borne by the permittee, which such costs and expenses shall constitute a lien upon the lands specified in the permit and the minerals produced therefrom, and the failure to pay the amount thereof on demand by the board shall be cause for termination of permit.

(e) That if any applicant for such dredge or other placer mining operations as contemplated by this act be not the owner of the lands described in the application or any part thereof, the owner of such lands shall indorse his approval of the application, and no permit shall be issued in the absence of such approval by the owner of lands described in the application not owned by the applicant.

(f) Permits issued hereunder are not transferable, and persons to whom such permits are issued shall not transfer nor attempt to transfer them to another.

(g) No permit shall be issued proposing to alter or occupy the bed of a navigable stream or to dredge any stream or watercourse without notification to the department of water resources of the pending application. The department
of water resources shall respond to said notification within twenty (20) days, and the response shall be included in any permit granted hereunder by a showing whether the permit constitutes a permit from the department of water resources or whether an additional permit from the department of water resources shall be required.

(h) No permit shall issue hereunder to dredge nor otherwise placer mine any lands owned by the state of Idaho, including the beds of navigable streams, and including the mineral reservations in lands sold by the state, unless a mineral lease shall be made of such terms and at such royalty to the state as its board of state land commissioners shall prescribe and determine.

(i) The Idaho state board of land commissioners shall have the power to deny any application for a permit on state land, stream or river beds, or on any unpatented mining claims, upon its determination that a dredge mining operation on the land proposed would not be in the public interest, giving consideration to economic factors, recreational use for such lands, fish and wildlife habitat and other factors which in the judgment of the state land board may be pertinent, and may deny an application upon notification by the department of water resources that the grant of such permit would result in permanent damage to a stream channel.

Approved March 17, 1976.
CHAPTER 151
(H.B. No. 656)

AN ACT
RELATING TO CONTINUATION OF THE EXPERIMENTAL WORKER REHABILITATION PROGRAM; AMENDING SECTION 72-501A, IDAHO CODE, TO PROVIDE THAT SAID EXPERIMENTAL PROGRAM SHALL BE EXTENDED FOR ONE ADDITIONAL YEAR, AT THE EXPIRATION OF WHICH SAID PROGRAM SHALL TERMINATE.

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

SECTION 1. That Section 72-501A, Idaho Code, be, and the same is hereby amended to read as follows:

72-501A. REHABILITATION DIVISION -- DURATION -- BUDGET AND EXPENSE -- COMPOSITION AND IMPLEMENTATION. (1) In order to assist in reducing the period of temporary disability resulting from an injury and to aid in restoring the injured employee to gainful employment with the least possible permanent physical impairment, the commission shall establish within the commission, on an experimental basis, a rehabilitation division and adopt a program concerning itself with both physical and vocational rehabilitation, the latter of which shall include job placement. Such experimental period shall commence July 1, 1974, and continue for a period of two three (2 3) years at which time, unless the legislature shall otherwise determine, it shall continue as a permanent program and division of the commission the program shall terminate.

(2) The commission is authorized to budget and expend for such rehabilitation program such funds as may be paid into the industrial administration fund or rehabilitation account thereof by a special premium tax provided by law for this purpose.

(3) The composition of the rehabilitation division and implementation of the rehabilitation program shall be in the discretion of the commission with the counsel, advice, cooperation and expertise of representatives of industry, labor, sureties and the legal and medical professions as well as institutions, hospitals and clinics having physical rehabilitation facilities and with the assistance of the state board of vocational rehabilitation.

Approved March 17, 1976.
CHAPTER 152
(H.B. No. 526)

AN ACT
RELATING TO DECREASE IN WEIGHTED AVERAGE DAILY ATTENDANCE;
AMENDING SECTION 33-1009A, IDAHO CODE, BY PROVIDING THAT
ANY SCHOOL DISTRICT WHICH HAS A DECREASE IN TOTAL
WEIGHTED AVERAGE DAILY ATTENDANCE OF AT LEAST THREE PER-
CENT OR TWENTY-FIVE WEIGHTED AVERAGE DAILY ATTENDANCE,
MAY USE THE WEIGHTED AVERAGE DAILY ATTENDANCE OF THE
IMMEDIATELY PRECEDING SCHOOL YEAR LESS THREE PERCENT OR
TWENTY-FIVE WEIGHTED AVERAGE DAILY ATTENDANCE, WHICHEVER
IS THE GREATER, AND BY PROVIDING THAT THIS PROVISION MAY
NOT BE UTILIZED IN TWO CONSECUTIVE YEARS.

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

SECTION 1. That Section 33-1009A, Idaho Code, be, and
the same is hereby amended to read as follows:

33-1009A. DECREASE IN WEIGHTED AVERAGE DAILY ATTENDANCE
IN-1972-73. For the school year--1972-73--only, any school
district which has a decrease in total weighted average
daily attendance of three percent (3%) of its weighted aver-
age daily attendance, but not less than twenty-five (25) or
more students in the then current school year from the total
weighted average daily attendance used for determining the
allowance in the foundation educational program for the
school year 1971-72, immediately preceding the allowance of
funds from the foundation educational program shall be based
on the greater-total-average-weighted average daily attendance of the school year immediately preceding less
three percent (3%) or less twenty-five (25) weighted average
daily attendance, whichever is greater; provided, however,
no school district shall utilize the provisions of this
section in two consecutive years.

Approved March 17, 1976.
CHAPTER 153
(H.B. No. 553, As Amended)

AN ACT
RELATING TO THE DELIVERY OF WATER IN SUBDIVISIONS; AMENDING
CHAPTER 38, TITLE 31, IDAHO CODE, BY THE ADDITION
THERETO OF A NEW SECTION 31-3805, IDAHO CODE, TO PROVIDE
FOR THE DELIVERY OF WATER IN SUBDIVISIONS LOCATED WITHIN
IRRIGATION ENTITIES, AND SETTING DISCLOSURE REQUIREMENTS
FOR THOSE CASES IN WHICH NO PROVISION IS MADE FOR THE
DELIVERY OF IRRIGATION WATER FOR WHICH THE LAND WILL BE
ASSESSED; AND AMENDING CHAPTER 38, TITLE 31, IDAHO CODE,
BY THE ADDITION THERETO OF A NEW SECTION 31-3806, IDAHO
CODE, PROVIDING PENALTIES FOR FAILING TO COMPLY WITH
SECTION 31-3805, IDAHO CODE.

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

SECTION 1. That Chapter 38, 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 31-3805,
Idaho Code, and to read as follows:

31-3805. DELIVERY OF WATER. When either a subdivision
within the meaning of chapter 13, title 50, Idaho Code, or a
subdivision subject to a more restrictive county or city
zoning ordinance is proposed within the state of Idaho, and
all or any part of said subdivision would be located within
the boundaries of an existing irrigation district or other
canal company, ditch association, or like irrigation water
delivery entity, hereinafter called "irrigation entity" for
the purposes of this section, no subdivision plat will be
accepted, approved, and recorded unless:

(1) The water rights appurtenant to the lands in said
subdivision which are within the irrigation entity will be
transferred from said lands by the owner thereof; or

(2) The subdivider has provided for underground tile or
other like satisfactory underground conduit to permit the
delivery of water to those landowners within the subdivision
who are also within the irrigation entity, with the follow­
ing appropriate approvals:

(a) For proposed subdivisions within the incorporated
limits of a city, the irrigation system must be approved
by the city zoning authority and the city council with
the advice of the irrigation entity charged with the delivery of water to said lands.
(b) For proposed subdivisions located outside incorporated cities but within one (1) mile outside the incorporated limits of any city, both city and county zoning authorities and city council and county commissions must approve such irrigation system in accordance with section 50-1306, Idaho Code. In addition, the irrigation entity charged with the delivery of water to said lands must be advised regarding the irrigation system.
(c) For proposed subdivisions located in counties with a zoning ordinance, the delivery system must be approved by the appropriate county zoning authority, and the county commission with the advice of the irrigation entity charged with the delivery of water to said lands.
(d) For proposed subdivisions located in counties without a zoning ordinance, such irrigation system must be approved by the irrigation entity charged with the delivery of water to said lands.

3. In the event that the provisions of either subsections (1) or (2) of this section have not been complied with, the assessments of the irrigation entity for operation, maintenance, construction, and other valid charges permitted by statute shall in no way be affected. However, any person, firm or corporation or any other person offering such lots for sale, or selling such lot shall, prior to the sale, advise the purchaser in writing as follows:

(a) that water deliveries have not been provided; and
(b) that the purchaser of the lot must remain subject to all assessments levied by the irrigation entity; and
(c) that the individual purchaser shall be responsible to pay such legal assessments; and
(d) that the assessments are a lien on the land within the irrigation entity; and
(e) that the purchaser may at a future date petition the appropriate irrigation entity for exclusion from the irrigation district.

(4) A disclosure statement executed by the purchasers and duly acknowledged, containing the representations required in subsection (3) of this section, shall be obtained by the seller at the time of receipt of the earnest money from the purchaser, and affixed to the proposed sales contract and a copy thereof shall be forwarded to the appropriate irrigation entity.

SECTION 2. That Chapter 38, 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 31-3806, Idaho Code, and to read as follows:

31-3806. PENALTIES. Any person, firm or corporation who shall omit, neglect, or refuse to do any act required by section 31-3805, Idaho Code, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be subject to a fine not to exceed three hundred dollars ($300) or by imprisonment not to exceed thirty (30) days or both such fine and imprisonment for each offense; each day that a violation is permitted to exist shall constitute a separate offense.

Approved March 17, 1976.
CHAPTER 154
(H.B. No. 350)

AN ACT
RELATING TO CRIMINAL TRESPASS LAWS; AMENDING SECTION 18-7008, IDAHO CODE, RELATING TO ACTS CONSTITUTING TRESPASS, BY THE ADDITION THERETO OF A NEW SUBSECTION WHICH MAKES IT A CRIME TO ENTER THE REAL PROPERTY OF ANOTHER WITHOUT PERMISSION WHERE SUCH REAL PROPERTY IS POSTED WITH "NO TRESPASSING" SIGNS OR OTHER NOTICES OF LIKE MEANING, PROVIDING MINIMUM INTERVALS FOR POSTING SUCH SIGNS OR NOTICES ALONG SUCH REAL PROPERTY, PROVIDING MINIMUM INTERVALS FOR POSTING SUCH SIGNS OR NOTICES ALONG SUCH REAL PROPERTY, PROVIDING FOR POSTING SUCH SIGNS OR NOTICES ON PROPERTY WITH LIMITED ACCESS; AMENDING SECTION 18-7011, IDAHO CODE, RELATING TO THE DEFINITION AND PUNISHMENT FOR CRIMINAL TRESPASS BY THE ADDITION THERETO OF A PROVISION WHICH MAKES IT A PART OF THE DEFINITION TO ENTER REAL PROPERTY OF ANOTHER WITHOUT PERMISSION WHERE SUCH REAL PROPERTY IS POSTED WITH "NO TRESPASSING" SIGNS OR OTHER NOTICES OF LIKE MEANING, PROVIDING MINIMUM INTERVALS FOR POSTING SUCH SIGNS OR NOTICES ALONG SUCH REAL PROPERTY, PROVIDING FOR POSTING SUCH SIGNS OR NOTICES ON PROPERTY WITH LIMITED ACCESS, DEFINING THE TERMS "ENTERS," "ENTRY" AND "ENTERING" AS USED IN SECTIONS 18-7008 AND 18-7011, IDAHO CODE; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 18-7008, Idaho Code, be, and the same is hereby amended to read as follows:

18-7008. TRESPASS -- ACTS CONSTITUTING. Every person who wilfully commits any trespass, by either:
1. Cutting down, destroying or injuring any kind of wood or timber belonging to another, standing or growing upon the lands of another; or
2. Carrying away any kind of wood or timber lying on such lands; or
3. Maliciously injuring or severing from the freehold of another, anything attached thereto, or the produce thereof; or
4. Digging, taking, or carrying away from any lot situ-
ated within the limits of any incorporated city, without the license of the owner or legal occupant thereof, any earth, soil, stone; or

5. Digging, taking, or carrying away from any land in any of the cities of the state, laid down on the map or plan of such city, or otherwise recognized or established as a street, alley, avenue, or park, without the license of the proper authorities, any earth, soil or stone; or

6. Wilfully opening, tearing down, or otherwise destroying any fence on the inclosed land of another, or opening any gate, bar, or fence of another and wilfully leaving it open, or using the corral or corrals of another without the permission of the owner; or

7. Wilfully covering up or encumbering in any manner, the land or city lot of another, without written permission from the owner or custodian thereof; or

8. Every person, except under landlord-tenant relationship, who, being first notified in writing, or verbally by the owner or authorized agent of the owner of real property, to immediately depart from the same and who refuses so to depart after being so notified; or

9. Entering without permission of the owner or the owner's agent, upon the real property of another person which real property is posted with "No Trespassing" signs or other notices of like meaning, spaced at intervals of not less than one (1) sign or notice per six hundred sixty (660) feet along such real property; provided that where the geographical configuration of the real property is such that entry can reasonably be made only at certain points of access, such property is posted sufficiently for all purposes of this section if said signs or notices are posted at such points of access:

Is guilty of a misdemeanor.

SECTION 2. That Section 18-7011, Idaho Code, be, and the same is hereby amended to read as follows:

18-7011. CRIMINAL TRESPASS -- DEFINITION AND PUNISHMENT. Any person who, without consent of the owner or person in charge of any lands which are inclosed by fences of any description sufficient to show the boundaries of the land inclosed, shall go upon such lands and shall leave open any gates on or about said premises, or who shall tear down or lay down any fencing, or who shall go through cultivated crops that have not been harvested, or who shall damage any property thereon, or who without permission of the owner or the owner's agent enters the real property of another person
where such real property is posted with "No Trespassing" signs or other notices of like meaning spaced at intervals of not less than one (1) notice per six hundred sixty (660) feet along such real property, is guilty of a misdemeanor and on conviction thereof shall be punished by imprisonment in a county jail not exceeding six (6) months or by a fine of not less than twenty-five dollars ($25.00) and not more than three hundred dollars ($300.00) or by both such fine and imprisonment. Where the geographical configuration of the real property is such that entry can reasonably be made only at certain points of access, such property is posted sufficiently for all purposes of this section if said signs or notices are posted at such points of access.

As used in this section and in section 18-7008, Idaho Code: "enters," "entry" and "entering" mean going upon or over real property either in person or by causing any object, substance or force to go upon or over real property.

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

Approved March 17, 1976.
CHAPTER 155
(H.B. No. 361)

AN ACT
RELATING TO CIVIL TRESPASS; AMENDING SECTION 6-202, IDAHO CODE, RELATING TO ACTS CONSTITUTING TRESPASS AND LIABILITY THEREFOR, ADDING THERETO A PROVISION MAKING ANY PERSON WHO ENTERS WITHOUT PERMISSION UPON REAL PROPERTY POSTED WITH "NO TRESPASSING" SIGNS, OR OTHER NOTICES OF LIKE MEANING, PROVIDING MINIMUM INTERVALS FOR POSTING SUCH SIGNS ALONG SUCH REAL PROPERTY WITH LIMITED ACCESS, PROVIDING FOR LIABILITY IN TREBLE THE AMOUNT OF ACTUAL DAMAGES OR FIFTY DOLLARS WHICHEVER IS GREATER PLUS A REASONABLE ATTORNEY'S FEE TO THE TREBLE DAMAGES ALREADY THEREIN PROVIDED; AMENDING CHAPTER 2, TITLE 6, IDAHO CODE, BY THE ADDITION THERETO OF A NEW SECTION 6-202A, IDAHO CODE, DEFINING THE TERMS "ENTERS" AND "ENTRY" AS USED IN SECTION 6-202, IDAHO CODE; REPEALING SECTION 6-203, IDAHO CODE; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 6-202, Idaho Code, be, and the same is hereby amended to read as follows:

6-202. ACTIONS FOR TRESPASS. Any person who, without permission of the owner, or the owner's agent, enters upon the real property of another person which property is posted with "No Trespassing" signs or other notices of like meaning, spaced at intervals of not less than one (1) notice per six hundred sixty (660) feet along such real property; or who cuts down or carries off any wood or underwood, tree, or timber, or girdles, or otherwise injures any tree or timber on the land of another person, or on the street or highway in front of any person's house, village, or city lot, or cultivated grounds; or on the commons or public grounds of or in any city or town, or on the street or highway in front thereof, without lawful authority, is liable to the owner of such land, or to such city or town, for treble the amount of damages which may be assessed therefor in a civil action in any court having jurisdiction or fifty dollars ($50.00), plus a reasonable attorney's fee which shall be taxed as costs, in any civil action brought to enforce the terms of this act if the plaintiff prevails.
SECTION 2. That Chapter 2, Title 6, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 6-202A, Idaho Code, and to read as follows:

6-202A. DEFINITION OF TERMS. As used in section 6-202, Idaho Code, "enters" and "entry" mean going upon or over real property, either in person or by causing any object, substance or force to go upon or over real property.

SECTION 3. That Section 6-203, Idaho Code, be, and the same is hereby repealed.

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 17, 1976.
CHAPTER 156
(S.B. No. 1286, As Amended)

AN ACT
RELATING TO REQUIREMENTS FOR LICENSURE TO SELL BEER AT
RETAIL; AMENDING SECTION 23-1010, IDAHO CODE, PROHIBITING A
LICENSE TO BE ISSUED TO ANY PERSON, PARTNERSHIP, ASSOCIATION
OR CORPORATION WHO CONDUCTS OR PERMITS LIVE ENTERTAINMENT,
SHOWING OF FILMS, STILL PICTURES, ELECTRONIC REPRODUCTIONS
OR OTHER VISUAL REPRODUCTIONS DEPICTING CERTAIN ACTS OR
SIMULATED ACTS; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 23-1010, Idaho Code, be, and
the same is hereby amended to read as follows:

23-1010. LICENSE TO SELL BEER AT RETAIL -- APPLICATION
PROCEDURE AND FORM -- SHOWING OF ELIGIBILITY FOR LICENSE AND
DISQUALIFICATIONS. (1) Every person who shall apply for a
state license to sell beer at retail shall tender the li-
cense fee to, and file written application for license with,
the director. The application shall be on a form prescribed
by the director which shall require such information con-
cerning the applicant, the premises for which license is
sought and the business to be conducted thereon by the
applicant as the director may deem necessary or advisable,
and which shall enable the director to determine that the
applicant is eligible and has none of the disqualifications
for license, as provided for in this section. Such informa-
tion shall include the following:

(a) The name and place of residence of the applicant
and length of his residence within the state of Idaho, and
if the applicant is a partnership, the names, places of
residence and lengths of residence within the state of Idaho
of each partner, and, if the applicant is a corporation or
association, the date and place of incorporation or organ-
ization, the location of its principal place of business in
Idaho and the names and places of residence of its officers,
directors or members of its governing board, and of the
person who manages or will manage the business of selling
beer at retail;

(b) The particular place for which the license is
desired, designating the same by a street and number, if practicable, or by such other apt description as definitely locates such place, and the name of the owner of the premises for which license is sought;

(2) The application shall affirmatively show:

(a) That the applicant is the bona fide owner of the business which will be engaged in the sale of beer at retail and with respect to which license is sought;

(b) That the condition of the place or building wherein it is proposed to sell beer at retail conforms to all laws and regulations of the state of Idaho and to the ordinances of the county and municipality applicable thereto relating to public health and safety and to the zoning ordinances of the municipality applicable thereto;

(c) That there is no stamp or permit outstanding and in force which has been issued to any person by the United States government for the premises for which license to sell beer at retail is sought which stamp or permit denotes payment of any special tax imposed by the United States government on a retail dealer in liquor or wines, unless said premises are premises for which a retail license for sale of liquor by the drink, issued under the provisions of chapter 9, title 23, Idaho Code, is in force and effect;

(d) That the individual applicant, or each partner of a partnership applicant, is a citizen of the United States; or, with respect to a corporation or association, that it is qualified to do business within the state of Idaho and that the person who is or will be the manager of the corporation's or association's business of selling beer at retail is a citizen; further, that such individual applicant, at least one (1) of the partners of the partnership applicant, and said manager of the corporation or association applicant, shall have been a bona fide resident of the state of Idaho for at least thirty (30) days prior to the date of application;

(e) That the applicant, if an individual, is not less than nineteen (19) years of age;

(f) That within three (3) years immediately preceding the date of filing the application the applicant has not been convicted of the violation of any law of the state of Idaho, any other state, or of the United States, regulating, governing or prohibiting the sale, manufacture, transportation or possession of alcoholic beverages or intoxicating liquors, or, within said time, suffered the forfeiture of a bond for failure to appear in answer to charges of any such violation;

(g) That within five (5) years immediately preceding
the date of filing the application the applicant has not been convicted of any felony or paid any fine or completed any sentence of confinement therefor within said time;

(h) That within three (3) years next preceding the date of filing said application the applicant has not had any li­
cense provided for herein, or any license or permit issued to the applicant pursuant to the law of this state, or any other state, or of the United States, to sell, manufacture, transport or possess alcoholic beverages or intoxicating liquors, revoked.

(i) That no person, partnership, association or corpo­ration conducts or knowingly permits in or upon the licensed premise:

(1) Employment or use of any person in the sale or ser­vices of beer, wine or alcoholic liquor in or upon the li­censed premises which such person is unclothed or in such attire, costume or clothing as to expose to view any portion of the female breast below the top of the areola or of any portion of the pubic hair, anus, cleft of the buttocks, vulva or genitals.

(2) Employment or use of the services of any hostess or other person to mingle with patrons while such hostess or other person is unclothed or in such attire, costume or clothing as described in paragraph (i) subsection (1).

(3) Encouragement or permits any person on the licensed premises to touch, caress or fondle the breast, buttocks, anus or genitals or any other person.

(4) Any employee or person to wear or use any device or covering, exposed to view, which simulates the breast, genitals, anus, pubic hair or any portion thereof.

(5) Any person to perform acts of or acts which simulates: sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts which are prohibited by law; the touching, caressing or fondling of the breast, buttocks, anus or genitals; the dis­playing of the pubic hair, anus, vulva or genitals.

(6) Any person to use artificial devices or Inanimate objects to depict any of the prohibited activities described in paragraph (i) subsection (5).

(7) Any person to remain in or upon the licensed premises who exposes to public view any portion of his or her genitals or anus.

(8) The showing of films, still pictures, electronic reproductions, or other visual reproductions depicting:

(a) Acts or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts which are prohibited by law.
(b) Any person being touched, caressed or fondled on the breast, buttocks, anus or genitals.
(c) Scenes wherein a person displays the vulva or the anus or the genitals.
(d) Scenes wherein artificial devices or inanimate objects are employed to portray any of the prohibited activities described in paragraph (i) subsection (8) (a), (b), or (c).

(3) The affirmative showing required with respect to an applicant under (e), (f), (g), and (h) of subsection (2) of this section shall also be required to be made with respect to each partner of a partnership applicant and to each incumbent officer, director or member of the governing board of a corporation or association applicant, and to each person then employed by an applicant whose duties include the serving or dispensing of beer.

(4) The application must be subscribed and sworn to by the individual applicant, or by a partner of a partnership applicant, or by an officer or manager of a corporation or association applicant, before a notary public or other person authorized by law to administer oaths.

(5) If an applicant shall be unable to make any affirmative showing required in this section or if an application shall contain a false material statement, knowingly made, the same shall constitute a disqualification for license and license shall be refused. If license is received on any application containing a false material statement, knowingly made, such license shall be revoked. If at any time during the period for which license is issued, a licensee becomes unable to make the affirmative showings required by this section, license shall be revoked, or, if disqualification can be removed, the license shall be suspended until the same shall be removed. The procedure to be followed upon refusal, revocation or suspension of license as herein provided for shall be in accordance with the procedure set forth in this act.

(6) All licenses issued hereunder shall expire at 1:00 o'clock A.M. on January 1 of the following year and shall be subject to renewal upon reapplication.

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, 1976.
CHAPTER 157
(H.B. No. 606)

AN ACT
RELATING TO CERTIFICATION OF TAX APPRAISERS; AMENDING SECTION 63-513, IDAHO CODE, TO PROVIDE A METHOD OF CERTIFYING COUNTY PROPERTY TAX APPRAISERS; AND STATING LEGISLATIVE INTENT REGARDING COUNTY ENCOURAGEMENT TO APPRAISERS.

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

SECTION 1. That Section 63-513, Idaho Code, be, and the same is hereby amended to read as follows:

63-513. ADDITIONAL POWERS AND DUTIES ENUMERATED [Effective-January-17-1970]. In addition to all other powers and duties vested in it, the state tax commission shall have power, and it shall be its duty:

(1) To supervise and coordinate the work of the several county boards of equalization.

(2) To secure, tabulate and keep records of valuations of all classes of property throughout the state, and for that purpose, to have access to all records and files of state offices and departments and county and municipal offices, and to require all public officers and employees whose duties make it possible to ascertain valuations, including valuations of public utilities for rate-making purposes, to file reports with the commission, giving such information as to valuation and the source thereof. The nature and kind of the tabulations, records of valuations and requirements from public officers as stated herein, shall be in such form and cover such valuations as the tax commission may prescribe.

(3) To have and exercise general supervision of the system of ad valorem taxation throughout the state.

(4) To require all assessments of property in this state to be made according to law; and for that purpose to correct, when it finds the same to be erroneous, any assessments made in any county, and require correction of the county assessment records accordingly.

(5) To issue instructions and directions to the county assessors and county boards of equalization as to the methods best calculated to secure uniformity in the system of assessment and equalization of taxes, to the end that all
property shall be assessed and taxed as required by law.

(6) To prescribe forms with relation to any duty or power of the commission, and to require their use by county boards of equalization.

(7) To see to it that statutory penalties are enforced, and proper complaint is made against persons derelict in duty under any law relating to assessment or equalization of taxes.

(8) To sue and be sued in the name of the commission.

(9) To reconvene, whenever the tax commission may deem necessary, any county board of equalization, notwithstanding the limitations of chapter 4 of title 63, for equalization purposes and for correction of errors. The county board of equalization, when so reconvened shall have no power to transact any business except that for which it is specially reconvened, or such as may be brought before it by the state tax commission.

(10) To require prosecuting attorneys to institute and prosecute actions and proceedings in respect to penalties, forfeitures, removals and punishments for violations of law in connection with the assessment and taxation of property. It shall be the duty of such officers to comply promptly with the requirements of the commission in that relation.

(11) To require individuals, partnerships, companies, associations and corporations to furnish such information as the tax commission may require concerning their capital, funded or other debt, current assets and liabilities, value of property, earnings, operating and other expenses, taxes and all other facts which may be needful to enable the tax commission to ascertain the value and the relative tax burden borne by all kinds of property in the state, and to require from all state and local officers such information as may be necessary to the proper discharge of the duties of the commission.

(12) To visit, as a commission or by individual members or agents thereof, whenever the commission shall deem it necessary, each county of the state, for the investigation and direction of the work and methods of assessment and equalization, and to ascertain whether or not the provisions of law requiring the assessment of all property, not exempt from taxation, and just equalization of the same have been or are being properly administered and enforced.

(13) To examine carefully into all cases where evasion or violation of the laws of assessment and taxation of property is alleged, complained of, or discovered, and to ascertain wherein existing laws are defective or are improperly or negligently administered.
(14) To report to the governor from time to time, and furnish him such assistance and information as he may require.

(15) To transmit to the governor and to the legislature, a biennial report, with its recommendations as to such legislation as will correct or eliminate defects in the operations of the property tax laws and will equalize taxation within the state.

(16) To correct its own errors in assessment at any time before the tax is paid thereon, and report such correction to the county auditor, who shall thereupon enter the correction upon the assessment rolls.

(17) To apportion annually to the state and the respective counties any moneys received by the state from the United States or any agency thereof, as payments in lieu of ad valorem property taxes: provided, that said moneys shall be apportioned in the same amounts, and to the same governmental divisions as the taxes, in lieu of which payments are made, would be apportioned, if they were levied. And the state treasurer and the state auditor shall be bound, in making distribution of moneys so received, by the apportionment ordered by the tax commission.

(18) To make administrative construction of ad valorem tax laws whenever requested by any officer acting under such laws; and until judicially overruled, such administrative construction shall be binding upon the inquiring officer and all others acting under such laws.

(19) To examine and test the work of county assessors at any time and to have and possess all rights and powers of such assessors for the examination of persons and property, and for the discovery of property subject to taxation; and if it shall ascertain that any taxable property is omitted from the assessment rolls or is not assessed or valued according to law, it shall bring the same to the attention of the assessor of the proper county in writing, and if such assessor shall neglect or refuse to comply with the request of the tax commission to place such property on the assessment rolls, or correct such incorrect assessment or valuation, the tax commission shall have the power to prepare a supplemental roll, which supplement shall include all property required by the tax commission to be placed on the assessment roll and all corrections to be made. Such supplement shall be filed with the assessor's assessment roll, and shall thereafter constitute an integral part thereof to the exclusion of all portions of the original assessment rolls inconsistent therewith, and shall be submitted therewith to the county board of equalization.
(20) To summon witnesses to appear before it or its agents to testify and/or produce for examination such books, papers, records, or other data relating to any matter within its jurisdiction. However, no person shall be required to testify outside the county wherein he resides or the principal place of his business is located. Such summons to testify shall be issued and served in like manner as a subpoena to witnesses issued from the district court, and shall be served without fee or mileage charge by the sheriff of the county, and return of service shall be made by the sheriff to the commission. Persons appearing before the commission or its agents in obedience to such a summons, shall, in the discretion of the commission, receive the same compensation as witnesses in the district court, to be paid upon claims presented against the state from any appropriation made for the administration of this act, in the same manner as other claims against the state are presented and paid.

(21) To administer oaths and take affirmations of witnesses appearing before it; the power to administer oaths and take affirmations is vested in each member of the commission and its executive officer, and its duly constituted agents.

(22) In case any witness shall fail or refuse to appear and testify before the commission or its agents upon being summoned to appear as herein provided, the clerk of the district court of the county shall upon demand of the commission, any member thereof, its executive secretary, or agent, issue a subpoena reciting the demand therefor and summoning the witness to appear and testify at a time and place fixed; and violation of such subpoena or disobedience thereto shall be deemed and punished as a violation of any other subpoena issued from the district court.

(23) Assess and collect all taxes and administer all programs relating to taxes which are the responsibility of the tax collector at the time this 1967 amendatory act takes effect, and administer and collect all taxes and administer all programs which the legislature may hereafter make the responsibility of the commission.

(24) Provide a program of education and an annual appraisal school for its employees and for the assessors of the various counties of this state. Additionally, the commission shall provide for the establishment of an appraiser certification program. Such program shall include, as a minimum, a written examination prepared, administered and graded under the supervision and control of an examination committee. The committee is to be composed as the state tax commission may by regulation provide subject to the provi-
sions of this act. The commission's regulations shall include but need not be limited to the following:

(a) the composition of the examination committee, provided, however, that the committee shall include a representative of the counties and a representative of a professional evaluators' association within this state. The representative of the counties together with the representatives of such professional evaluators association shall constitute a majority of the committee.

(b) the frequency with which the examination shall be given.

(c) a reasonable review procedure by which examinees having complaints may seek review of the examination committee.

(d) the establishment of a reasonable period of time within which a county appraiser must meet the certification requirements as a condition to continued employment by the county as a property tax appraiser.

(25) Make, adopt, and publish such rules and regulations as it may deem necessary and desirable to carry out the powers and duties imposed upon it by the legislature; providing, however, that all rules and regulations adopted by the state tax commission or the tax collector prior to the effective date of this 1967 amendatory act shall remain in full force and effect until such time as they may be rescinded or revised by the state tax commission.

(26) Maintain a tax research section to observe and investigate the effectiveness and adequacy of the revenue laws of this state and to assist the executive and legislative departments in estimation of revenue, analysis of tax measures and determination of the administrative feasibility of proposed tax legislation.

(27) Recommend to the governor in a report at least sixty (60) days before and to the legislature ten (10) days prior to the meeting of any regular session of the legislature such amendments, changes, and modifications of the various tax laws as seem proper and necessary to remedy injustice and irregularities in taxation and to facilitate assessment and collection of taxes in the most economical and efficient manner.

SECTION 2. By this act the legislature intends to improve the quality and professionalism of appraisals performed for property tax purposes within the state of Idaho. The legislature, therefore, encourages various counties to offer inducements, in the form of pay incentives or otherwise, to encourage its appraisers to gain prompt certification.

Approved March 19, 1976.
CHAPTER 158
(S.B. No. 1273)

AN ACT
RELATING TO LEGAL DESCRIPTIONS AND MAPS OF TAXING UNITS; AMENDING SECTION 63-2215, IDAHO CODE, TO REQUIRE THE COUNTY ASSESSOR, AUDITOR, AND THE STATE TAX COMMISSION TO RETAIN ALL COPIES OF LEGAL DESCRIPTIONS AND MAPS OF TAXING DISTRICTS AND TO IMPOSE A DUTY UPON THE TAX COMMISSION TO PROVIDE A UNIFORM SYSTEM OF TAX CODE AREA NUMBERS AND MAPS.

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

SECTION 1. That Section 63-2215, Idaho Code, be, and the same is hereby amended to read as follows:

63-2215. LEGAL DESCRIPTION AND MAP OF BOUNDARIES OF NEWLY ORGANIZED OR ALTERED TAXING UNITS TO BE FILED WITH THE COUNTY RECORDER, COUNTY ASSESSOR AND STATE TAX COMMISSION. (a) Any city, town, village, school district, cemetery, fire, water, sewer, hospital, or other district or municipality which has the power to levy taxes, which shall be formed or organized after this act becomes effective, or which shall change any existing boundaries thereof after this act becomes effective, shall cause one (1) copy of the legal description and map prepared in a draftsmanlike manner which shall plainly and clearly designate the boundaries of such district or municipality as formed or organized, or in the case of alteration of the boundaries of an existing district or municipality, a complete legal description as altered and a supplemental map prepared in a draftsmanlike manner which shall plainly and clearly designate the boundaries of the altered portion of the district, to be filed with the county recorder, county assessor in the counties within which the unit is located, and the state tax commission within ten (10) days following the effective date of such formation, organization, or alteration.

(b) The county assessor, county auditor and state tax commission shall retain on file in their respective offices all copies of legal descriptions of taxing district boundaries and maps filed by the various taxing jurisdictions authorized to impose a levy on property.

(c) The state tax commission shall be responsible for
providing copies of uniform system tax code area numbers and maps to the county assessor, county auditor and county treasurer and various companies having operating property subject to assessment in the state of Idaho and under the jurisdiction of the state tax commission for assessment and taxation purposes.

(d) "Tax code area" for purposes of this section shall mean a geographical area made up of one (1) or more taxing districts with one (1) total levy within its boundary.

Approved March 19, 1976.
AN ACT
RELATING TO BUDGETS OF LOCAL UNITS OF GOVERNMENT; AMENDING
CHAPTER 6, TITLE 63, IDAHO CODE, BY THE ADDITION OF A
NEW SECTION 63-624A, IDAHO CODE, TO PROVIDE THAT THE
GOVERNING BODY OF ANY TAXING DISTRICT AS DEFINED BY
SECTION 63-621, IDAHO CODE, SHALL AT THE TIME OF CERTI-
FYING TO THE APPROPRIATE BOARD OF COUNTY COMMISSION-
ERS THE AMOUNT OF MONEY REQUIRED FROM A PROPERTY TAX
UPON PROPERTY IN THE DISTRICT TO MEET THEIR BUDGET AS
REQUIRED BY SECTION 63-624, IDAHO CODE, SHALL ALSO
FILE WITH SAID BOARD OF COUNTY COMMISSIONERS A CERTI-
FIED COPY OF THEIR BUDGET PREVIOUSLY PREPARED AND
APPROVED.

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

SECTION 1. That Chapter 6, 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
63-624A, Idaho Code, and to read as follows:

63-624A. FILING COPY OF BUDGET. The council,
trustees, board or other governing body of any taxing dis-
trict, defined by section 63-621, Idaho Code, shall at the
time of certifying the total amount required from a prop-
erty tax upon property within the district to raise the
amount of money fixed by their budget as previously pre-
pared or approved and as provided for in section 63-624,
Idaho Code, file with the appropriate board of county com-
missioners a certified copy of their budget as previously
prepared, approved and adopted.

Approved March 19, 1976.
CHAPTER 160

(S.B. No. 1396, As Amended)

AN ACT

RELATING TO LOCAL IMPROVEMENT DISTRICTS; REPEALING SECTIONS 50-1701 THROUGH AND INCLUDING 50-1737, IDAHO CODE, AND SECTIONS 50-1756 THROUGH AND INCLUDING 50-1761, IDAHO CODE; AMENDING CHAPTER 17, TITLE 50, IDAHO CODE, BY THE ADDITION OF NEW SECTIONS 50-1701 THROUGH AND INCLUDING 50-1727, IDAHO CODE, TO PROVIDE A SHORT TITLE; TO PROVIDE DEFINITIONS; AUTHORIZING AND EMPOWERING MUNICIPALITIES TO CREATE LOCAL IMPROVEMENT DISTRICTS; PROVIDING FOR IMPROVEMENTS ON RAILROAD TRACKS OR ON ONE SIDE OF A STREET; AUTHORIZING THE ENLARGEMENT OF A LOCAL IMPROVEMENT DISTRICT; PROVIDING FOR THE INITIATION AND ORGANIZATION OF A DISTRICT BY PETITION OF PROPERTY OWNERS OR COUNCIL ACTION; REQUIRING ADOPTION OF RESOLUTION OF INTENT TO CREATE A DISTRICT; PROVIDING FOR PUBLICATION AND MAILING TO PROPERTY OWNERS OF NOTICE OF INTENTION TO CREATE; PROVIDING FOR FILING PROTESTS OBJECTING TO DISTRICT AND FOR HOLDING A PUBLIC HEARING ON THE INTENT TO CREATE A DISTRICT; PROVIDING FOR PASSAGE OF ORDNANCE CREATING A DISTRICT AND THE PROCEDURE FOR CALLING AND AWARDING CONSTRUCTION BIDS; PROVIDING FOR A LIMITATION ON ASSESSMENTS AGAINST PROPERTY; PRESCRIBING THE PREPARATION OF ASSESSMENT ROLL AND GIVING NOTICE OF HEARING THEREON; PRESCRIBING THE CONTENT, PUBLICATION AND MAILING OF NOTICE OF HEARING ON ASSESSMENT ROLL; PROVIDING FOR A HEARING ON OBJECTIONS TO THE ASSESSMENT ROLL AND FOR CONFIRMATION OF SAID ROLL; REQUIRING PASSAGE OF AN ORDINANCE CONFIRMING SAID ASSESSMENT ROLL; REQUIRING THE TREASURER TO MAIL NOTICE OF ASSESSMENT TO PROPERTY OWNERS; ESTABLISHING THE INSTALLMENT DOCKET; PROVIDING FOR A REVIEW; PROVIDING FOR ADDITIONAL IMPROVEMENTS AND THE ASSESSMENT THEREFOR; PROVIDING FOR A REASSESSMENT OF BENEFITS; PROVIDING FOR ASSESSMENTS TO CONSTITUTE A LIEN AND PROVIDING FOR FORECLOSURE; PROVIDING FOR THE ISSUANCE AND SALE OF BONDS, REGISTERED WARRANTS AND INTERIM WARRANTS; PROVIDING FOR THE LIABILITY OF A MUNICIPALITY; PROVIDING FOR BOND AND INTEREST FUNDS; PROVIDING FOR REISSUANCE OF BONDS; PROVIDING FOR RIGHTS OF HOLDERS OF BONDS AGAINST ASSESSMENTS AND AUTHORIZING A COUNCIL TO DECLARE ALL UNPAID ASSESSMENTS DUE UPON FAILURE TO PAY AN INSTALLMENT; LIMITING RIGHT TO APPEAL UPON PUBLI-
ICATION OF ANY ORDINANCE, RESOLUTION OR OTHER PROCEEDING; VALIDATING LOCAL IMPROVEMENT DISTRICTS HERETOFORE LEVIED AND ALL NOTICES, PROCEEDINGS, CONTRACTS, BONDS AND WARRANTS TAKEN, DONE OR ISSUED IN RELATION THERETO; AND PROVIDING FOR SEVERABILITY.

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

SECTION 1. That Sections 50-1701 through and including 50-1737, Idaho Code, and Sections 50-1756 through and including 50-1761, Idaho Code, be, and the same are hereby repealed.

SECTION 2. That Chapter 17, Title 50, Idaho Code, be, and the same is hereby amended by the addition thereto of NEW SECTIONS, to be known and designated as Sections 50-1701 through and including 50-1727, Idaho Code, and to read as follows:

50-1701. SHORT TITLE. Chapter 17, title 50, Idaho Code, shall be known and cited as the "Local Improvement District Code."

50-1702. DEFINITIONS. The following words and phrases when used in this chapter shall, for the purpose of this chapter, have the meanings respectively given herein.

(a) Municipality. Counties, water and/or sewer districts organized pursuant to the provisions of chapter 32, title 42, Idaho Code, highway districts, cities, including but not limited to those working under a special charter which have by such charter accepted the provisions of this code, and any city or like municipality hereafter created or authorized by the legislature unless one or more of the above shall be specifically excepted in any particular section of this code.

(b) Street or streets. The entire legal right-of-way and highways, roads, boulevards, avenues, streets, alleys, courts and all public places within a city, county, highway district, or water and/or sewer district.

(c) Council. The board of county commissioners, board of directors of water and/or sewer districts, the board of highway commissioners of any highway district, the mayor and council of all incorporated municipalities as well as any other municipal body or board which may now, or hereafter be authorized by law to do and perform any act in relation to the making of local improvements within any municipality as provided for in this code.
(d) Clerk, attorney or other municipal officer. The appropriate and comparable city and county officers with regard to city and county local improvement districts, highway district officers with regard to such highway district local improvement districts, and water and/or sewer district officers in regard to water and/or sewer local improvement districts.

(e) Engineer. The official engineer of the municipality or one specially retained for purposes of operating under this code.

(f) Off-street parking. All machinery, equipment, materials and appurtenances, including lands, easements, rights-of-way and buildings required, necessary or useful for the parking of vehicles on lands or places other than public streets.

(g) Resident owner or resident owners. The owner of property within, and who resides in a dwelling house situate in whole or in part within the limits of a local improvement district, or a proposed local improvement district; and a corporation, joint stock association, partnership, individual proprietor, or other form of business enterprise owning real property, and having its principal place of business, within any such district or proposed district.

(h) Cost and expenses. The contract price of all improvements, including the cost of making improvements within any intersection, together with any costs or expenses incurred for engineering, clerical, printing and legal services as well as for advertising, surveying, inspection of work, collection of assessments, interest upon bonds or warrants, and an amount for contingencies as shall be considered necessary by the council.

50-1703. POWERS CONFERRED. (a) The governing body of any municipality shall have power to make or cause to be made any one or more or combination of the following improvements:

(1) To establish grades and lay out, establish, open, extend and widen any street, sidewalk, alley or off-street parking facility;
(2) To construct, improve, repair, light, grade, pave, repave, surface, resurface, curb, gutter, sewer, drain, landscape and beautify any street, sidewalk or alley;
(3) To purchase, construct, reconstruct, extend, maintain or repair bridges, sidewalks, crosswalks, driveways, culverts, sanitary sewers, storm sewers, ditches, drains, conduits, flood barriers and channels for sanitary and drainage purposes, or either or both thereof,
with inlets or outlets, manholes, catch basins, flush tanks, treatment systems and all other sewer appurtenances necessary for the comfort, convenience, health and well-being of the inhabitants of the municipality; provided, that any improvements for sanitary sewer facilities shall be constructed so as to conform with the general regulations of the Idaho department of health and welfare;

(4) To construct, reconstruct, extend, maintain, or repair lines, facilities and equipment (other than generating equipment) for street lighting purposes or for the expansion or improvement of a previously established municipally-owned electrical distribution system, to a district within the boundaries of the municipality;

(5) To plant, or cause to be planted, set out, cultivate and maintain lawns, shade trees or other landscaping;

(6) To cover, fence, safeguard or enclose reservoirs, canals, ditches and watercourses and to construct, reconstruct, extend, line or reline, maintain and repair waterworks, reservoirs, canals, ditches, pipes, mains, hydrants, and other water facilities for the purpose of supplying water for domestic, irrigation and fire protection purposes, or any of them; regulating, controlling or distributing the same and regulating and controlling water and watercourses leading into the municipality;

(7) To acquire, construct, reconstruct, extend, maintain or repair parking lots or other facilities for the parking of vehicles on or off streets;

(8) To acquire, construct, reconstruct, extend, maintain or repair parks and other recreational facilities;

(9) To remove any nonconforming existing facility or structure in the areas to be improved;

(10) To construct, reconstruct, extend, maintain or repair optional improvements;

(11) To acquire by purchase, gift, condemnation, or otherwise any real or personal property within the limits of the municipality as in the judgment of the council may be necessary or convenient in order to make any of such improvements;

(12) To make any other improvements now or hereafter authorized by any other law, the cost of which in whole or in part can properly be determined to be of particular benefit to a particular area within the municipality;

(13) To construct and install all such structures,
equipment and other items and to do all such other work and to incur any such costs and expenses as may be necessary or appropriate to complete any of such improvements in a proper manner;

(14) To purchase, build, construct, reconstruct or otherwise improve parking facilities and all other appurtenances necessary to provide adequate off-street parking, and to that end may acquire real or personal property by purchase, gift, condemnation or otherwise, and may own, possess and maintain such real or personal property within the limits of the municipality as in the judgment of the council may be necessary and convenient for such purposes; and

(15) To purchase, build, construct or reconstruct irrigation systems, install underground tiling and cover open irrigation ditches.

(b) For the purpose of making and paying for all or a part of the cost of any of such improvements (including optional improvements), the governing body of a municipality may create local improvement districts within the municipality, levy assessments on the property within such a district which is benefited by the making of the improvements and issue interim or registered warrants and local improvement bonds as provided in this chapter.

50-1704. IMPROVEMENTS ON RAILROAD TRACKS OR ON ONE SIDE OF A STREET. (a) Whenever any improvement shall be made upon any street occupied by the tracks of any railroad, the council is authorized and it shall be its duty to assess against such railroad situated within the improvement district its just proportion of the cost and expenses of making such improvement, which proportion shall be estimated on a basis of charging to said railroad not less than the cost and expenses of improving the space between the rails of said tracks, and for a distance of two (2) feet on each side of said rails. Said assessment shall be made on the rolls of said improvement district against the railway or railroad, the same as against other property, and said assessment shall be a lien upon said portion of said railroad from the time of the levy of the assessment by the council, and shall be collected in the same manner as other local improvement district assessments.

(b) When any work or improvement herein authorized is done or made on only one (1) side of the center line of any street, assessments to cover the cost and expenses of such work or improvement may be levied on the lots and lands on that side only or on both sides, in amounts on each side as
the council shall determine based on the benefits resulting to the property on each side.

50-1705. ENLARGED DISTRICT. Whenever any local improvement shall be of such nature and character that the special benefits resulting therefrom extend beyond the boundaries of the property abutting the improvement, the council may create an enlarged local improvement district, which shall include as near as may be all the property especially benefited by such improvements. When such district is created, all property therein shall be assessed for a portion of the cost and expenses of such improvements, in accordance with the special benefits to such property, to be determined and fixed by the council when the district is created.

50-1706. INITIATION OF ORGANIZATION OF DISTRICT. The organization of any local improvement district herein provided for may be initiated upon a petition signed by not less than sixty per cent (60%) of the resident owners of property subject to assessment within such proposed improvement district, or by resolution of the council adopted by an affirmative vote of a majority of the members of the full council at a regular or special meeting thereof. The terms of a petition shall include a description of the boundaries of a proposed district, the improvements to be made and the property to be assessed.

50-1707. RESOLUTION OF INTENTION TO CREATE DISTRICT. Upon the filing of a petition or upon initiation of a district by council action, the council shall at a regular or special meeting adopt a resolution giving notice of its intention to create the district, to make the improvements and to levy assessments to pay all or a part thereof. The notice shall contain:

(a) A description of the boundaries of the district to be created and the property to be assessed, sufficient to inform the owners thereof that their property is to be assessed.

(b) A general description of the improvements contemplated together with an estimate of the total cost and expenses of the same and a statement of the percentage or other calculation of the total cost and expenses of the improvements which will be paid from a levy of assessments on property benefited and the percentage or calculation of the total costs and expenses which will be paid from the general funds of the municipality or from such other source specified in the notice.
(c) A statement that the costs and expenses of the improvements will be assessed against the abutting, adjoining and adjacent lots and lands along or upon which such improvements are to be made and upon lots and lands benefited by such improvements and included in the district to be created according to a front foot method, or a square foot method, or a combination thereof, or in proportion to the benefits derived to such property by said improvements, and the council shall state the method so determined in said notice.

(d) A statement that the district is to be an enlarged district within the meaning of this act, if the same is true, and the boundaries of such enlarged district shall be given.

(e) A statement of the time within which and the place at which protests shall be filed and of the time and place at which the council will conduct a public hearing to consider such protests.

50-1708. NOTICE OF INTENTION AND HEARING. The notice of intention shall be published in the official newspaper of the municipality in three (3) consecutive issues if a daily newspaper, or in two (2) issues if a weekly newspaper or in case no newspaper is published in such municipality then by posting for five (5) days in three (3) public places within the proposed improvement district. A copy of such notice shall be mailed to each owner of property if known or his agent if known, within the limits of the proposed improvement district, addressed to such person at his post office address if known, or if unknown, to a post office in the municipality where the improvement is to be made. Ownership of property shall be determined as of the date of the adoption of the resolution of intent to create. The hearing shall take place not less than ten (10) days from the date of the first of said publications or postings or the date of said mailing, whichever is later.

50-1709. PROTESTS AND HEARING. Any owner of property to be assessed in the proposed local improvement district described in the notice of intention shall have the right, in advance of the hearing, to file in writing a protest to the creation of the district or making any other objections in relation thereto. At the date, time and place specified in the notice of intention the council shall in open and public session consider all protests which have been filed in writing in advance of the hearing, and the hearing may be adjourned from time to time to a fixed future time and place
for the same until all such protests have been heard. The decision of the council as to all protests shall be conclusive and final, and if it should so determine, the council may delete any improvements or any property which had originally been contemplated in the said notice. If owners of more than two-thirds (2/3) of the property to be assessed protest any of the proposed improvements which affect their property, the council shall not proceed further with the work so protested unless a majority of the members of the full council shall vote to proceed with such work. The vote on the hereinafter mentioned ordinance creating the improvement district shall constitute the vote as to whether or not the council will proceed. Any property owner who fails to file a protest within the time specified, or having filed one withdraws said protest, shall be deemed to have waived any objection to the creation of the district, the making of the improvements, and the inclusion of his property in the district. Such waiver shall not preclude his right to object to the amount of the assessment at the later hearing provided for such purpose.

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 per cent (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 proposal 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.

50-1710. ORDINANCE CREATING IMPROVEMENT DISTRICT AND PROCEDURE FOR CONSTRUCTION BIDS. If, after the hearing on the creation of the district, the council finds (a) that the district will be for the best interest of the property affected and the municipality, (b) that there is reasonable probability that the obligations of such district will be paid, and (c) the value of the property within the proposed district is sufficient, it shall then enact an ordinance providing for such improvements and creating a local improvement district to be called "Local Improvement District No. ___ for ___, Idaho," which shall include all of the property within said district in accordance with the findings of the council, and said ordinance shall set forth the boundaries of the district, provide the improvements which shall be made, and state that the total cost and expenses thereof shall be assessed according to the percentage or calculation hereinbefore mentioned on all benefited property in the district by using the method of assessment contemplated in the notice of intention subject to any variation therefrom as a result of the council's determining that the benefits to be derived by certain lots or parcels of property warrant such variations. The council shall appoint an engineer and shall have prepared the necessary plans and specifications for the construction work ordered. Except as hereinafter otherwise provided, the council shall authorize the advertisement for bids therefor by giving notice calling for sealed bids for the construction of the work.

Notice of advertisement for bids shall be published in the official newspaper of the municipality in three (3) consecutive weekly issues, which notice shall (a) contain a general description of the kind and amount of work to be
done, (b) state that the plans and specifications for said work are on file in the office of the engineer or clerk for inspection and (c) state the date, hour and place of the bid opening.

Each bidder shall accompany his bid with bidder's security as provided in section 50-341, Idaho Code, in the amount of five per cent (5%) of his bid. In case the contract for any such work is offered to such bidder and he fails or refuses to enter into the contract, then such security shall be forfeited to the municipality and placed in the local improvement fund of such district. These provisions also shall appear in said notice.

Award shall be made to the lowest responsible bidder fulfilling the requirements.

Any contract made by a municipality for any improvements authorized by this code shall be made by the council in the name of the municipality upon such terms of payment as shall be fixed by the council. The contract shall be authorized by resolution empowering the authorized officer of the municipality to execute the contract. The resolution need not set out the contract in full but it shall be sufficient if the resolution refers to a copy of the contract on file in the office of the clerk where it is available for public inspection.

Any provision in this local improvement district code notwithstanding, if any municipality shall elect to exercise the powers herein granted jointly with any other public agency or agencies as authorized by the provisions of section 67-2328, Idaho Code, the improvements as contemplated within the local improvement district may be constructed jointly and as part of a larger project with such other agency or agencies upon the letting of a single contract after compliance with the required bidding procedure for any Idaho public agency jointly participating in the work.

50-1711. LIMITATION ON ASSESSMENTS AGAINST PROPERTY. No municipality shall order any improvement to be paid for by local assessment where the estimated costs of such improvement, if such costs are to be assessed to the property in the district, or that portion of the estimated costs to be assessed, if a portion only of said total costs are to be assessed, when added to all other outstanding and unpaid local improvement assessments against the property included in the district, excluding penalties and interest, shall exceed the actual value of the real property, including the value of the improvements thereon.
The council shall provide, by ordinance, the method of determining the actual value of the real property including the improvements thereon in the district and when the valuation is so determined, such valuation shall be final and conclusive in the absence of fraud or gross mistake.

50-1712. PREPARATION OF ASSESSMENT ROLL AND NOTICE OF HEARING THEREON. After the contract has been awarded and at such time as the council shall determine, the engineer shall prepare a duly certified report to the council showing in detail the total cost and expenses of the improvements and the dollar amounts of the same payable from assessments and from other sources. The report shall also contain a form of assessment roll numbering each assessment, giving the name, if known, of the owner of each lot or parcel of property assessed, and showing the amount chargeable to each lot or parcel of property according to the method of assessment originally contemplated by the council subject to any variations therefrom as a result of the engineer's recommendation that benefits to be received by any lot or parcel of property warrant such a variation from the method chosen. Each lot or parcel of property shall be described with sufficient clearness to identify it, and if the engineer recommends any variations from the contemplated method of assessment, those variations shall be pointed out and the reasons for the same shall be given in the report. No assessment for water or sewer purposes shall be levied against any property of any public utility unless the latter shall agree to the same by filing a written consent in the office of the clerk of the municipality; and in the event that a local improvement district constructs water and sewer improvements as well as other improvements the engineer shall assess public utilities only for the amount of the total cost and expenses which the engineer finds to be attributable to such other improvements if no such consent has been given.

Upon receipt of the report, the council shall cause the assessment roll contained therein to be filed in the office of the clerk where it shall be available for public inspection. The council shall thereupon fix a time and place when and where the council will meet in open session and consider the report and the assessment roll and hear all objections to the assessment roll by the property owners of the district.

50-1713. NOTICE OF HEARING ON ASSESSMENT ROLL. After the council fixes the time and place for said hearing on the assessment roll, the clerk of the municipality shall give
notice by publication in the official newspaper of such municipality in three (3) successive issues if published in a daily newspaper, or by publication in two (2) issues if published in a weekly newspaper, the first of which publication shall be at least fifteen (15) days before the date fixed for hearing objections to said assessment roll, that such assessment roll is on file in his office. The notice shall further state the date, time and place at which the council will hear and consider objections to the assessment roll by the parties aggrieved by such assessments. The clerk shall, not less than fifteen (15) days before the date fixed for hearing objections to said assessment roll, mail a substantially similar notice to each owner of property if known, or his agent if known, within the limits of the improvement district, addressed to such person at his post office address if known, or if unknown, to the post office in such municipality where the improvement is to be made. The mailed notice shall also state the amount of the individual assessment and that at the specified time and place the council will hold a hearing to hear and determine all objections to the regularity of the proceedings in making such assessment, the correctness of the assessment, and the amount levied on the particular lot or parcel in relation to the benefits accruing thereon and in relation to the proper proportionate share of the total cost of the improvements in the project. It shall further state that each owner of property within the district is given notice that in revising the assessment roll at or after the hearing, the council may increase any assessment or assessments up to twenty per cent (20%) of the original amount thereof without giving further notice and holding a new hearing thereon. The owner or owners of any property which is assessed in such assessment roll, whether named or not in such roll, may, before the date and time fixed for the hearing, file with the clerk his objections in writing to said assessment.

50-1714. HEARING OBJECTIONS TO ASSESSMENT ROLL AND CONFIRMATION. At the time appointed for hearing objections to such assessment roll, the council shall consider the engineer's report and the assessment roll and shall hear and determine all objections which have been filed by any party interested to the regularity of the proceedings in making such assessment, to the correctness of such assessment, to the amount levied on any particular lot or parcel of land, including the benefits accruing thereon and the proper proportionate share of the total cost of the improvements to be borne thereby and to the inclusion of any lot or parcel of
land in the proposed district. The council shall have the power (a) to adjourn such hearing from time to time and, in its discretion, to revise, correct, conform or set aside any assessment and to order that such assessment be made de novo, and (b) to exclude any lot or parcel of land from an assessment roll which, in the judgment of the council, it finds will not be benefited by improvements to be made. If any assessments are increased in an amount greater than twenty per cent (20%) of the amount of the assessments as set out in the notice of the hearing, then a new notice of the hearing shall be given and a new hearing held as aforesaid. No new hearing shall be required in the event that any assessments are decreased in any amount or are increased in an amount up to twenty per cent (20%) of the original amount.

50-1715. CONFIRMATION OF ASSESSMENT ROLL. After said hearing the council shall pass an ordinance confirming the assessment roll as corrected by them in relation to the benefits accruing thereon as a result of the improvements being made. The ordinance shall be the final determination of the regularity, validity and correctness of the assessment roll, of each assessment contained therein, and of the amount thereof levied on each lot or parcel of land, which ordinance shall contain a finding that each lot or parcel of land is benefited to the amount of assessment levied thereon subject to appeal as provided herein. Upon passage of the ordinance, the clerk shall certify and file the confirmed assessment roll with the treasurer of the municipality and the assessments therein shall be due and payable to the treasurer within thirty (30) days from the date of the adoption of the ordinance. The confirmed 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 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. If any assessment is not paid in full within said thirty (30) day period, such assessment shall become delinquent and shall be collected in the same manner and with the same penalties and interest added thereto as hereinafter provided for delinquent assessments. The council may, in the alternative, determine to make assessments unpaid at the end of said thirty (30) day period payable in installments and to issue and sell registered warrants or installment bonds payable from such unpaid
installments as herein provided. If the council chooses to do so, it shall provide in said ordinance that any property owner who has not paid his assessment in full within said thirty (30) day period will be conclusively presumed to have chosen to pay the same in installments, and the ordinance shall then establish the number of years said installments shall run, the dates of payment of the same and the rate of interest that the unpaid assessments shall bear, which rate shall not be less than the rate of interest borne by the warrants or bonds payable therefrom, said interest running from the date of the passage of the assessment ordinance, irrespective of the date of its official publication, and being payable at the same time and place as the installment payments of assessments. Said installments shall be due and payable as nearly as may be in not to exceed thirty (30) equal annual amortized installments of principal and interest to the treasurer or other proper officer as provided by the council. The first or last installment, however, may be more or less than the remaining ones. The ordinance shall establish the due date of the first installment payment and that the local or special assessments may be carried on the rolls of the municipality and collected as hereinafter provided. If any installment is not paid within twenty (20) days from the date it is due, the same shall become delinquent and the treasurer shall add a penalty of two per cent (2%) thereto. In addition to any other method of collection provided in this code, the council may certify delinquent installments to the tax collector, and when so certified they shall be extended on the tax rolls and collected as are property taxes. In the event that any property owner should choose to pay his assessment in full after such time as it has been conclusively presumed that he will pay in installments, such payment in full shall include the full amount of the unpaid assessment plus penalties and all interest payable on the same plus additional interest thereon at the rate provided in the bonds from the date of the last installment due to one (1) year after the next interest date of said bonds.

Any errors in description, ownership of property or amounts in any assessment ordinance adopted pursuant to this section may be corrected by the passage of an amendatory ordinance which need set forth only the corrected descriptions or amounts. The passage of such amendatory ordinance shall serve only to postpone the thirty (30) day period for payment in full of the assessments actually affected by such amendatory ordinance and the due dates of installments of such affected assessments shall be the same as the due dates
of installments not affected. Notice of any assessments so affected shall be given in the same manner as hereinafter provided for the giving of notice of assessments.

50-1716. NOTICE AND PAYMENT OF ASSESSMENTS. Upon passage of the assessment roll, the treasurer of the municipality shall mail a postcard or letter to each property owner assessed at his post office address if known, or if unknown, to the post office in the municipality where the improvement is being made, stating the total amount of his assessment, plus the substance of the terms of payments of the same as set out in the ordinance confirming the assessment roll.

An affidavit of the mailing of the notice shall be filed, before the date of delinquency, in the office of the treasurer in the file of the improvement district, but the failure of the treasurer to give any notice required by this section or to do any other act or thing required by this section, shall not affect the validity of the assessments or installments thereof due nor extend the time for payment, but shall subject the municipality to liability to a taxpayer for any damage sustained by the latter by reason of such failure.

50-1717. INSTALLMENT DOCKET. Whenever any improvement bonds or warrants are issued as herein provided, the treasurer shall immediately thereafter mark on the assessment roll of such local improvement district opposite each assessment which has been paid, the word "paid" together with the date of payment, and shall immediately thereafter enter in a docket to be kept for that purpose, known as "local improvement installment docket" under separate heads for each improvement district, all unpaid assessments as shown on such assessment roll, said docket to be made up from the assessment roll, and shall contain in separate columns the number of the assessment, the name of the owner, the description of the property, the amount of the total assessment, the amount and date when due of each annual installment with interest added, and a blank column in which shall be marked the date of payment of each installment. Such docket shall stand thereafter as a lien docket for such assessments so shown until paid.

50-1718. APPEAL PROCEDURE -- EXCLUSIVE REMEDY. Any person who has filed objections to the assessment roll or any other person who feels aggrieved by the decision of the council in confirming the same shall have the right to appeal to the district court of the county in which the
municipality may be situated. Such appeal shall be made within thirty (30) days from the date of publication of the ordinance confirming the assessment roll by filing a written notice of appeal with the clerk of the municipality and with the clerk of the district court aforesaid describing the property and objections of the appellant. The appellant shall also provide a bond to the municipality in a sum to be fixed by the court, but not less than two hundred dollars ($200) with sureties to be approved by the court, conditioned to pay all costs to be awarded to the respondent upon such an appeal. After said thirty (30) day appeal period has run, no one shall have any cause or right of action to contest the legality, formality or regularity of said assessments for any reason whatsoever and, thereafter, said assessments and the liens thereon shall be considered valid and incontestable without limitation.

If an appeal is filed within said period, the case shall be docketed by the clerk of said court in the name of the person taking the appeal against the municipality as "an appeal from assessments." Said cause shall then be at issue and have precedence over all civil cases pending in said court, except proceedings under the act relating to eminent domain by cities and actions of forcible entry and detainer. Such appeal shall be tried in said court as in the case of equitable causes except that no pleadings shall be necessary. The judgment of the court shall be either to confirm, modify or annul the assessment insofar as the same affects the property of the appellant, from which judgment an appeal may be taken to the supreme court as provided by law. In case the assessment is confirmed, the fees of the clerk of the municipality for copies of the record shall be taxed against the appellant with other costs.

50-1719. ADDITIONAL IMPROVEMENTS. Whenever any assessment is levied on any property for further, separate or additional improvement under the provisions of this code or any law of this state, such assessment shall be a subsequent lien upon the property so assessed to the lien of the unpaid assessments theretofore made for the original improvement. Whenever any assessment is made for such further, separate or additional improvement on property on which an existing assessment has been levied for improvements, such further, separate or additional assessment for improvement shall not be construed or considered as for one and the same improvement, or for the same purpose or for the same benefit, or as a double assessment for improvements against the property being assessed for the payment of the cost and expense of
such improvement but shall be considered and construed as a
separate, distinct, single and independent improvement on
and of benefit to the property so assessed. All assessments
so levied or bonds or warrants issued payable from the same
shall be considered and construed as assessments levied or
bonds or warrants issued for separate, distinct, single and
independent improvements and benefits on and to the property
so assessed.

50-1720. REASSESSMENT OF BENEFITS. In all cases of
assessments for local improvements of any kind against any
property wherein said assessments have failed to be valid in
whole or in part for want of form or sufficiency, informality,
irregularity or nonconformance with the charter provisions,
or laws governing such assessments, the council shall be and is hereby authorized to reassess such assess­
ments and to enforce their collection in accordance with the
provisions of law existing at the time the reassessment is
made. No mistake in description of the property or the name
of the owner thereof shall affect the validity of any
assessment or any lien created thereby under the provisions
of this code, or any law of this state, unless such mistake
or error renders it impossible to identify the property so
assessed.

When for any cause, mistake, or inadvertence, the amount
assessed on any property is insufficient to pay the cost and
expenses of the improvement made and enjoyed by the owner of
such property, it shall be lawful, and the council is hereby
directed and authorized, to make reassessments on said prop­
erty sufficient in amount to pay for such improvements, the
reassessment to be made and collected in accordance with the
provisions of law existing at the time of its levy.

50-1721. LIEN OF ASSESSMENT -- FORECLOSURE. Assessments
levied to pay the cost and expense of any improvement
authorized by the provisions of this code, or any law of
this state, shall constitute a lien upon and against the
property upon which such assessment or assessments are made
and levied from and after the date upon which the ordinance
levying such assessment or assessments is passed, which lien
shall be superior to the lien of any mortgage or other
encumbrance, whether prior in time or not, and shall consti­
tute such lien until paid, and until paid, such lien shall
not be subject to extinguishment for any reason whatsoever,
including but not limited to the sale of the property
assessed on account of the nonpayment of general taxes or
the conveyance of such property by any means to the United
States of America, or any agency thereof, the state of Idaho, or any county, city, school district, junior college district or other public body, agency or taxing unit in said state. When bonds have not been issued and said assessments made payable in installments as herein provided, such assessments shall be collected, or the property therein shall be foreclosed and sold for such assessments and costs, in a suit for that purpose by the municipality.

Such suit shall be in the name of the municipality as plaintiff and against any one or more owners of property failing to pay such assessment or assessments as defendants. In any such proceedings where the court trying the same shall be satisfied that the improvements have been made or have been contracted for, which according to the true intent of this code would be properly chargeable to such property, a recovery shall be permitted and the lien enforced to the extent of the cost and expenses of the improvement which would be chargeable on such property notwithstanding any informality, irregularity or defect in any of the proceedings of such municipality or any of its officers, and such property shall be ordered sold for the payment of the assessment or assessments against it and the costs and expenses of such suit including reasonable attorney's fees to be fixed by the court and prorated to each separate piece of property.

50-1722. BONDS, REGISTERED WARRANTS, INTERIM WARRANTS.
If the council determines to make assessments payable in installments as is provided in section 50-1715, Idaho Code, it shall be ordinance issued in the name of the municipality improvement bonds of the improvement district payable from assessments levied against the property within the district. Such bonds shall be payable each year from and after the date of the bonds and shall be of such denomination and bear interest, payable annually, at such rate as is determined by the council, but in no event shall such rate of interest be greater than the rate of interest borne by the unpaid assessments.

The bonds shall be in such form and denomination as may be provided by the council and they shall mature serially over a period not exceeding thirty (30) years. The council may reserve the right to redeem any of the bonds at its option on any interest payment at such price or prices as determined by the council. The bonds shall be signed by the mayor of the city, the chairman of the board of county commissioners, the president of the highway district, or the chairman of the board of directors of a water and/or sewer
district, as the case may be, and shall be countersigned by
the treasurer and attested by the clerk of the municipality.
No bond or coupon shall be invalid because an officer whose
manual or facsimile signature thereon has ceased to hold
office at the time of the delivery of the bonds so long as
he held the office at the time such signature was placed on
the bond or coupon. The coupons attached thereto shall bear
the facsimile signatures of said officers and each bond
shall have the seal of the municipality affixed thereto.
Each bond shall provide that the principal thereof and the
interest thereon are payable solely from the principal of an
interest on the unpaid assessments levied in the district to
pay the total cost and expenses of the project concerned.

In lieu of bonds, registered warrants may be issued
under the same circumstances and in the same manner as
bonds, such warrants to be issued in payment of any or all
costs or expenses of the improvements to the amount said
costs or expenses were set out in the engineer's report. The
warrants shall be redeemable in numerical order and further
shall be subject to all provisions of this code relating to
local improvement bonds so far as the same may be appli­
cable, including, but not limited to, the provisions of sec­
tions 50-1762 to 50-1769, Idaho Code.

If the council shall determine to issue and sell bonds,
it may for the purpose of meeting any cost and expenses of
making the improvements, as the same are installed prior to
the sale of the bonds, issue interim warrants of the dis­

50-1723. LIABILITY OF MUNICIPALITY. The holder of any
bond, issued under the authority of this code, shall have no
claim therefor against the municipality by which the same is
issued, except to the extent of the funds created and received by assessments against the property within any local improvement district as herein provided and to the extent of the local improvement guarantee fund which may be established by any such municipality under the provisions of this code, but the municipality shall be held responsible for the lawful levy of all special taxes or assessments herein provided and for the faithful accounting of settlements and payments of the special taxes and assessments levied for the payment of the bonds as herein provided. The owners and holders of such bonds shall be entitled to complete enforcement of all assessments made for the payment of such bonds. A copy of this section shall be plainly written, printed or engraved on the face of each bond so issued.

50-1724. BOND AND INTEREST FUNDS. Once bonds are issued as provided herein, any funds paid as installment payments of assessments pledged to the payment of such bonds shall be kept in a fund known as the "bond fund" of the district and any funds paid as interest on said installment payments of assessments shall be kept in a fund known as the "interest fund" of the district. The funds shall be deposited in such bank or banks as are designated as depositors of public moneys of such municipalities under the laws of this state, or invested in bonds or warrants of the municipality. Interest received on such funds so deposited or invested shall be placed to the credit of the fund from which it is earned. Maturing bonds shall be paid from the bond fund and the interest on the bonds, when due, shall be paid from the interest fund. If there is sufficient money in the bond fund to pay the principal of one or more bonds, the treasurer may call in and pay such bonds as of the next interest payment date in such manner as may be provided by the council at the time of the issuance of the bonds. The bonds to be called shall be selected by lot and shall, in the event less than all of the outstanding bonds are to be redeemed, insofar as can be done taking into consideration the denominations of the outstanding bonds, represent an equal amount of bonds from each maturity outstanding at the time of the redemption.

50-1725. REISSUE OF BONDS. Where any bonds issued under this code are declared invalid or void by order or decree of court, which may be legally reissued, the council of such municipality shall, by ordinance, provide for the reissuance thereof at the same rate of interest and in such amount as will cover the principal and interest due on said bonds, and
the ordinance providing for such reissue shall provide for the surrender and cancellation of such bonds upon which there has been a default or which have been declared invalid or void and the lien created by the levy of such assessment or assessments as herein provided shall not be deemed to have been lost or waived by such reissue but shall remain in full force and effect.

50-1726. RIGHTS AGAINST ASSESSMENTS. The said bonds of any local improvement district as herein provided, when sold as hereinbefore provided, shall transfer to the owner or holder of such bonds all the rights and interest of such municipality in and with respect to every such assessment and the lien thereby created against the property of each owner assessed as shall not have availed himself of the provisions of this code, in regard to the redemption of his property as aforesaid, and shall authorize owners and holders of such bonds to receive and have collected the assessment or assessments embraced in any such bonds through any of the methods provided by law for the collection of assessments for local improvements.

Whenever any installment of an assessment or the interest thereon made for the payment of principal, or interest on such bonds so issued, is not paid when due and shall become delinquent, the municipality may by a resolution duly adopted declare all unpaid installments against any property to pay the cost and expenses of such improvement to be immediately due, payable and delinquent, and may thereupon cause a delinquency certificate to be issued against said property for the whole of the unpaid assessment against it in the manner hereinafter provided for issuance of delinquency certificates upon any installment of such assessment's becoming delinquent, and any such council must pass such resolution upon the written request of the holders of one-half (1/2) of any such bond issue, filed with the clerk.

50-1727. PUBLICATION AND CONCLUSIVENESS OF PROCEEDINGS. The council may provide for the publication of any ordinance, resolution or other proceeding adopted by it pursuant to this code in the official newspaper of the municipality. For a period of thirty (30) days after such publication any person in interest shall have the right to contest the legality of such ordinance, resolution or proceeding or any bonds which may be authorized thereby. No contest or proceeding to question the validity or legality of any ordinance, resolution or proceeding, or any bonds which may be
authorized thereby, passed or adopted under the provisions of this code shall be brought in any court by any person for any cause whatsoever, after the expiration of thirty (30) days from the date when the ordinance, resolution or proceeding was published, and after such time the validity, legality and regularity of such ordinance, resolution or proceeding or any bonds authorized thereby shall be conclusively presumed. If the question of validity of any bonds issued pursuant to this code is not raised within thirty (30) days from the date of publication of the ordinance, resolution or proceeding issuing said bonds and fixing their terms, the authority to issue the bonds, the legality thereof and of the assessments necessary to pay the same shall be conclusively presumed and no court shall thereafter have authority to inquire into such matters.

SECTION 3. All local improvement districts heretofore created or attempted to be created, and all assessments heretofore levied therein or attempted to be levied therein, which have not heretofore been adjudicated invalid, and all notices, assessments and proceedings taken in relation thereto whether void, defective or invalid, in all cases where the improvements contemplated have been made or contracted for, are hereby ratified, validated and confirmed and made sufficient to the same extent as if the same were perfected in the first instance. All acts and proceedings of any municipality had under or by virtue of the local improvement district code, and all contracts heretofore or hereafter made, and all warrants and bonds heretofore or hereafter issued pursuant to said acts and proceedings, are hereby ratified, validated and confirmed. All sections of the local improvement district code not specifically repealed herein are hereby ratified, validated and confirmed and made sufficient to the same extent as if they had been properly enacted in the first instance.

SECTION 4. If any section or provision of the hereinafter existing local improvement district code be adjudged unconstitutional or invalid for any reason, such adjudication shall not affect the validity of the code as a whole or of any section or provision thereof which is not specifically so adjudged unconstitutional or invalid.

Approved March 19, 1976.
CHAPTER 161
(S.B. No. 1287, As Amended)

AN ACT
RELATING TO QUALIFICATIONS OF INSURANCE CONSULTANTS; AMENDING SECTION 41-1035, IDAHO CODE, TO STRIKE THE REQUIREMENT FOR FIVE YEARS' EXPERIENCE AS A BROKER OR LICENSED AGENT IN ORDER TO QUALIFY AS AN INSURANCE CONSULTANT; AND REPEALING SECTION 41-1072, IDAHO CODE.

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

SECTION 1. That Section 41-1035, Idaho Code, be, and the same is hereby amended to read as follows:

41-1035. QUALIFICATIONS -- CONSULTANTS. For the protection of the people of this state the director shall not issue, continue, or permit to exist any license as consultant as to any individual, firm or corporation, except in compliance with this chapter, or as to any individual not qualified therefor as follows:

1. Must be an individual of twenty-five (25) years or more of age; or if a firm or corporation, the license powers must be exercised by individuals qualified as for an individual license as consultant;

2. Must have had not less than five (5) years of continuous actual experience as a licensed agent or broker with respect to the kinds of insurance and contracts to be covered by the license, and other special experience, education or training, all of sufficient content and duration as deemed by the director to be reasonably necessary for competence in fulfilling the responsibilities of a consultant;

3. Must have a thorough knowledge of insurance and annuity contracts of the kinds proposed to be covered under the license;

4. Must pass all written examinations required under this chapter for the license;

5. Must be competent, trustworthy under the highest fiduciary standards, financially responsible, of good personal and business reputation, must not have been convicted of any felony or of any crime involving moral turpitude; and

6. Must have filed the bond required by section 41-1070, Idaho Code.

SECTION 2. That Section 41-1072, Idaho Code, be, and the same is hereby repealed.

Approved March 19, 1976.
AN ACT
RELATING TO THE TRAFFIC SAFETY COMMISSION; AMENDING 
SECTION 40-142, IDAHO CODE, BY PROVIDING THAT THE COM-
MISSION SHALL BE COMPOSED OF NOT MORE THAN FIFTEEN 
MEMBERS APPOINTED BY THE DIRECTOR OF THE IDAHO TRANSPOR-
TATION DEPARTMENT, BY PROVIDING THAT THE DIRECTOR 
OF THE IDAHO TRANSPORTATION DEPARTMENT OR HIS REPRES-
SENTATIVE SHALL ACT AS CHAIRMAN OF THE TRAFFIC SAFETY 
COMMISSION, BY PROVIDING THAT THE DIRECTOR SHALL HAVE 
power to employ necessary personnel, BY PROVIDING THAT 
the director shall enforce state laws relating to 
HIGHWAY SAFETY PROGRAMS, BY PROVIDING THAT THE DIREC-
TOR SHALL ADMINISTER SUCH OTHER ACTIVITIES AS MAY BE 
REQUIRED BY THE FEDERAL HIGHWAY SAFETY ACT; AND AMEND-
ING SECTION 40-143, IDAHO CODE, BY PROVIDING THAT THE 
COMMISSION SHALL MAKE RECOMMENDATIONS TO THE DIRECTOR.

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

SECTION 1. That Section 40-142, Idaho Code, be, and 
the same is hereby amended to read as follows:

40-142. TRAFFIC SAFETY COMMISSION CREATED 
MEMBERSHIP ----ADMINISTRATOR. (1) There is hereby created 
and established the Idaho traffic safety commission within 
the Idaho transportation department.

(2) The commission shall be composed of not more than 
fifteen (15) members appointed by the governor director of 
the Idaho transportation department, plus the governor 
director or his representative who shall act as chairman. 
Members shall be representative of state and local traffic 
oriented agencies, the legislature, the judiciary, and 
private organizations and citizen groups.

(3) The commission shall maintain a full-time administrator who shall be appointed by and serve at the pleasure of the governor. The administrator shall set the salary of the administrator. The administrator director of the Idaho transportation department shall have the power to employ necessary personnel. The administrator shall be the executive and administrative officer of the commission and under its control, supervision and direction, shall have general supervision and control of all activities, func-
tions and employees of the commission, and shall enforce all provisions of the laws of the state relating to highway safety programs and administer such other activities as may be required by the Federal Highway Safety Act of 1966 and any amendments thereto, and the rules and regulations of the commission and shall exercise all necessary incidental powers. The administrator shall not be responsible to the director of the Idaho transportation department, but shall cooperate and maintain liaison with the director department pertaining thereto.

SECTION 2. That Section 40-143, Idaho Code, be, and the same is hereby amended to read as follows:

40-143. DUTIES OF TRAFFIC SAFETY COMMISSION. Duties of the commission shall be:

(1) To review periodically traffic safety problems in Idaho and to develop effective plans for additional local-state cooperative activities;

(2) To recommend to the governor director of the Idaho transportation department those agency programs and political subdivision programs to receive federal aid for highway safety programs in accord with uniform federal standards;

(3) To advise and recommend to the director of the Idaho transportation department future traffic accident prevention activities;

(4) To carry out such other activities as may be required by the Federal Highway Safety Act of 1966 and any amendments thereto.

Approved March 19, 1976.
CHAPTER 163
(S.B. No. 1507)

AN ACT
RELATING TO PURPOSES FOR WHICH CITY BONDS MAY BE ISSUED;
AMENDING SECTION 50-1019, IDAHO CODE, BY PROVIDING FOR
THE PURCHASE, ACQUISITION, ERECTION AND CONSTRUCTION OF
OFF-STREET PARKING SITES, STRUCTURES, BUILDINGS, FACILI-
TIES, EQUIPMENT AND APPURTE NANCES.

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

SECTION 1. That Section 50-1019, Idaho Code, be, and
the same is hereby amended to read as follows:

50-1019. PURPOSES FOR WHICH BONDS MAY BE ISSUED --
LIMITATION ON AMOUNT. Every city incorporated under the laws
of the territory of Idaho or of the state of Idaho shall
have power and authority to issue city coupon bonds not to
exceed in aggregate at any time, ten per cent (10%) of the
assessed full cash valuation of the real and personal prop-
erty in said city, according to the assessment of the pre-
ceding year, for any or all of the purposes specified in
subdivisions one (1) to nine (9) inclusive, as fol-
lows:

1. To provide for constructing, laying out, grading,
curbing, draining, sidewalk ing or otherwise improving
streets, alleys, intersections, crossings and crosswalks;
and to construct, or aid in the construction of bridges
across streams within or contiguous to, or within one (1)
mile of the exterior limits of such city.

2. To provide for the funding, refunding, purchase and
redemption of the outstanding indebtedness, bonds may be
issued under this section for such purposes, without submis-
sion of the question of issuance of such bonds to the elec-
tors of the city, when the same can be done to the profit
and benefit of such city without incurring any additional
liability.

3. To provide for the establishment of hospitals and
cemeteries, either within or without the corporate limits of
such city.

4. To provide for the purchase, improvement and equip-
ment of lands and buildings thereon, for public parks, monu-
ments, recreation facilities and zoos, either within or without the corporate limits of such city.

5. To provide for the purchase, erection, construction and furnishing of city public libraries.

6. To provide for the establishment of a fire department by the purchase of building sites, buildings, and suitable equipment and apparatus necessary to provide fire protection.

7. To provide for the purchase, acquisition, improvement and equipment of aviation facilities either wholly or partly within or without the corporate limits of such city, or wholly or partly within or without the state of Idaho.

8. To provide for flood control by acquisition and purchase of right of way and to establish, alter, enlarge, improve, reconstruct and change the channels of watercourses or any stream, river or body of water within or without the corporate limits of the city.

9. To provide for the acquisition, construction, remodeling, improvement or otherwise, of buildings for public use, together with all necessary appurtenant facilities and equipment, including all necessary land for building sites, either within or without the corporate limits of such city.

10. To provide for the purchase, acquisition, erection and construction of off-street parking sites, structures, buildings, facilities, equipment and appurtenances.

All bonds of any municipality which were issued, sold and delivered to the purchasers thereof prior to April 12, 1967, for the purpose of providing for the building, laying, construction, equipment, extension, enlargement, alteration, improvement or maintenance of storm sewers or sanitary sewerage systems, shall be excluded when determining the aggregate amount of bonds of any city issued hereunder which are outstanding for the purpose of computing the debt limitation provided for in the first paragraph of this section.

Approved March 19, 1976.
AN ACT
RELATING TO THE DISPOSITION OF FINES AND PENALTIES; AMENDING
SECTION 50-1015, IDAHO CODE, BY AUTHORIZING THE COUNCIL
to transfer and distribute fines, penalties, forfeitures
and costs for enforcing and prosecuting violations of
ordinances regulating traffic on and within a city
street system to a fund or funds dedicated to the pur­
pose of paying an indebtedness incurred in the acquisi­
tion and construction of off-street parking facilities.

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

SECTION 1. That Section 50-1015, Idaho Code, be, and
the same is hereby amended to read as follows:

50-1015. DISPOSITION OF LICENSE FEES AND FINES. All li-
cense fees of every character and all fines and penalties
recovered under the provisions of any city ordinance shall
be paid into the city treasury for the use and benefit of
the general fund, except that the council may transfer and
distribute the monies or revenue, in whole or in part,
recovered from fines, penalties, forfeitures
and costs for enforcing and prosecuting violations of ordi­
nances regulating traffic (pedestrian, motor vehicle or
bicycle), including but not limited to parking, moving and
nonmoving violations of such traffic regulations to the fund
or funds established by ordinance dedicated for the purpose
of paying the indebtedness (principal and interest) incurred
for the acquisition and construction of off-street parking
facilities, including land, buildings, structures, equipment
and appurtenances necessary for the parking of motor vehi-
cles. The council may also by ordinance transfer and dis-
tribute any portion of said fines, penalties, forfeitures
and costs, after deducting that amount required to pay an
indebtedness (principal and interest) incurred for acquiring
and constructing said off-street parking facilities, for the
purpose of maintaining and operating said off-street parking
facilities.

Approved March 19, 1976.
CHAPTER 165
(S.B. No. 1492)

AN ACT
AMENDING CHAPTER 10, TITLE 23, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 23-1011, IDAHO CODE, TO PROVIDE THAT ALL APPLICATIONS FOR LICENSES FOR THE RETAIL SALE OF BEER OR RENEWALS OR TRANSFERS THEREOF, SHALL FIRST BE PRESENTED TO THE DIRECTOR OF THE DEPARTMENT OF LAW ENFORCEMENT FOR APPROVAL AND ISSUANCE OF THE STATE LICENSE; PROVIDING FURTHER THAT AT THE OPTION OF THE CITY OR COUNTY, THE CITY OR COUNTY LICENSE MAY BE ISSUED BY ENDORSEMENT UPON THE STATE LICENSE OR BY ISSUANCE OF A SEPARATE LICENSE.

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

SECTION 1. 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 23-1011, Idaho Code, and to read as follows:

23-1011. ISSUANCE OF LICENSES. Notwithstanding any other provision of chapter 10, title 23, Idaho Code, all applications for retail sale of beer licenses, renewals, or transfers thereof, shall be first presented to the director of the department of law enforcement for approval and issuance of the state license required by state law. If the license, renewal or transfer thereof is approved by the director, then such license, renewal or transfer thereof may be issued by the city or county, or both, as the case may be. Approval of such license, renewal or transfer thereof may be by endorsement upon the state license or by the issuance of an additional license, at the option of the city or county.

Approved March 19, 1976.
CHAPTER 166
(S.B. No. 1427)

AN ACT
RELATING TO THE FEES AND PRACTICE OF CERTAIN LICENSED OCCUPATIONS; AMENDING SECTION 54-302, IDAHO CODE, TO STRIKE THE CITIZENSHIP REQUIREMENT FOR LICENSURE AS AN ARCHITECT; AMENDING SECTION 54-304, IDAHO CODE, TO PROVIDE FOR AN INCREASE IN ARCHITECTS' RECIPROCITY AND RENEWAL FEES; AMENDING SECTION 54-312, IDAHO CODE, TO PROVIDE FOR PER DIEM AND EXPENSES TO MEMBERS OF THE BOARD OF ARCHITECTURAL EXAMINERS; AMENDING SECTION 54-506, IDAHO CODE, TO STRIKE THE CITIZENSHIP REQUIREMENT FOR APPRENTICE IN BARBERING; AMENDING SECTION 54-518, IDAHO CODE, TO PROVIDE FOR AN INCREASE IN FEES UNDER BARBERING LICENSURE ACT; AMENDING SECTION 54-521, IDAHO CODE, TO PROVIDE FOR AN INCREASE IN PER DIEM ALLOWED THE BOARD OF BARBER EXAMINERS; AMENDING SECTION 54-529, IDAHO CODE, TO REQUIRE A BARBERING STUDENT REGISTRATION FEE; AMENDING SECTION 54-703, IDAHO CODE, TO PROVIDE FOR AN INCREASE IN PER DIEM ALLOWED THE BOARD OF CHIROPRACTIC EXAMINERS; AMENDING SECTION 54-705, IDAHO CODE, TO PROVIDE FOR AN INCREASE IN THE CHIROPRACTIC LICENSE RENEWAL FEE; AMENDING SECTION 54-709, IDAHO CODE, TO PROVIDE FOR AN INCREASE IN THE CHIROPRACTIC LICENSE RECIPROCITY FEE; AMENDING SECTION 54-711, IDAHO CODE, TO PROVIDE ADDITIONAL GROUNDS FOR REVOCATION OF CHIROPRACTIC LICENSE; AMENDING SECTION 54-1105, IDAHO CODE, TO PROVIDE FOR AN INCREASE IN PER DIEM ALLOWED THE BOARD OF MORTICIANS; AMENDING SECTION 54-1508, IDAHO CODE, TO PROVIDE FOR AN INCREASE IN PER DIEM ALLOWED THE BOARD OF OPTOMETRY; AMENDING SECTION 54-1604, IDAHO CODE, TO PROVIDE FOR AN INCREASE IN NURSING HOME ADMINISTRATOR LICENSE AND RENEWAL FEES; AMENDING SECTION 54-1605, IDAHO CODE, TO STRIKE THE CITIZENSHIP REQUIREMENT FOR LICENSURE OF NURSING HOME ADMINISTRATOR; AMENDING SECTION 54-1615, IDAHO CODE, TO PROVIDE FOR AN INCREASE IN THE RENEWAL FEE FOR LICENSURE AS NURSING HOME ADMINISTRATOR; AMENDING SECTION 54-2105, IDAHO CODE, TO PROVIDE FOR AN INCREASE IN PER DIEM ALLOWED THE BOARD OF VETERINARY MEDICINE; AMENDING SECTION 54-2107, IDAHO CODE, TO STRIKE THE CITIZENSHIP REQUIREMENT FOR LICENSURE TO PRACTICE VETERINARY MEDICINE; AMENDING SECTION 54-2312, IDAHO CODE, TO PROVIDE
FOR AN INCREASE IN THE RECIPROCITY FEE FOR LICENSURE AS A PSYCHOLOGIST; AMENDING SECTION 54-2315, IDAHO CODE, TO PROVIDE FOR AN INCREASE IN THE RENEWAL FEE FOR LICENSURE AS A PSYCHOLOGIST; AMENDING SECTION 54-2402, IDAHO CODE, TO PROVIDE FOR AN INCREASE IN THE RENEWAL FEE FOR CERTIFICATE OF REGISTRATION AS ENVIRONMENTAL HEALTH SPECIALIST; AMENDING SECTION 54-2405, IDAHO CODE, TO PROVIDE FOR AN INCREASE IN THE RECIPROCITY FEE TO PRACTICE ENVIRONMENTAL HEALTH; AMENDING SECTION 67-2613, IDAHO CODE, TO PROVIDE FOR AN INCREASE IN THE CERTIFIED COPY OR DUPLICATE FEE CHARGED BY BUREAU OF OCCUPATIONAL LICENSES; AND AMENDING SECTION 67-2617, IDAHO CODE, TO PROVIDE FOR AN INCREASE IN THE REEXAMINATION FEE AND TO PROVIDE FOR AN INCREASE IN THE CERTIFICATE FEE TO BE CHARGED BY THE BUREAU OF OCCUPATIONAL LICENSES.

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

SECTION 1. That Section 54-302, Idaho Code, be, and the same is hereby amended to read as follows:

54-302. QUALIFICATIONS FOR EXAMINATION AND LICENSE -- RECIPROCITY. A person applying for examination and license shall submit satisfactory evidence of the following to the board of architectural examiners:

1. That he is a citizen of the United States or has duly declared his intention of becoming such citizen;
2. That he is of good moral character.
3. Graduation from an approved architectural curriculum in a school or college approved by the board of architectural examiners as of satisfactory standing, and a specific record of an additional three (3) years or more of experience in architectural work of a character satisfactory to the board, and indicating that the applicant is competent to practice architecture, or,
4. Evidence satisfactory to the board of architectural examiners that the applicant possesses knowledge and skill approximating that attained through graduation from an approved architectural curriculum, and a specific record of eight (8) years or more of experience in architectural work of a character satisfactory to the board, and indicating that the applicant is competent to practice architecture, or,
5. The board of architectural examiners may exempt
from examination an applicant for license who holds a valid license or certificate to practice architecture issued to him by the proper authority of another state or territory or political subdivision of the United States, or of a foreign country, and provided the applicant has successfully passed an examination equivalent in time and subject matter to the standards established by the National Council of Architectural Registration Boards, and furnishes to the board a council certificate of such attainment, and further provided the state in which the applicant is licensed grants equivalent reciprocal privileges to licensed architects of this state.

SECTION 2. That Section 54-304, Idaho Code, be, and the same is hereby amended to read as follows:

54-304. FEES -- ISSUANCE OF LICENSES. Every person applying for examination for a license under this chapter shall pay a fee of not to exceed one hundred dollars ($100) as established by board regulations to the bureau of occupational licenses. In case the applicant fails to qualify, said fee shall be retained by the bureau to cover the necessary expenses of said examination. If the result of the examination of any applicant shall be satisfactory to the board, under its rules, it shall issue to such applicant a certificate setting forth the fact that he is a licensed architect and authorized to practice his profession in this state. The fee for reexamination shall be a fee not to exceed one hundred dollars ($100) as established by board regulations. The fee for obtaining a license under the provisions of section 54-302(5), Idaho Code, shall be thirty-five one hundred dollars ($35.00 100). The annual fee for renewal of a license shall be twenty forty dollars ($20.00 40.00), which shall be paid to the bureau. The fee for reinstatement of any license shall be as provided in section 67-2614, Idaho Code.

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

54-312. ARCHITECTS -- BOARD OF EXAMINERS. The board of architectural examiners is hereby created in the department of self-governing agencies. The board of architectural examiners shall consist of five (5) members, to be appointed by the governor, each of whom shall be an architect, and shall have been a resident of and a lawfully practicing architect within the state of Idaho for a period of at least five (5)
years next before his appointment. The board may, by written agreement, authorize the bureau of occupational licenses as agent to act in its interest. Each member of the board of architectural examiners shall receive the sum of thirty-five dollars ($35.00) per day, together with their actual expenses incurred during the time necessarily devoted to the performance of their duties.

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 (16 1/2) years of age and who is a citizen of the United States or has declared intentions of becoming a citizen, provided 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 fifteen hundred (1500) hours within a period of 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 54-518, 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) established by a board regulation not to exceed eighty dollars ($80.00). 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 fifteen dollars ($12+00 15.00). The annual fee for renewal of a license shall be twelve fifteen dollars ($12+00 15.00). 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) established by board regulation not to exceed eighty dollars ($80.00). 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 fifteen dollars ($12+00 15.00), 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 fifteen dollars ($12+00 15.00).

The board shall, when necessary, examine the applicant to determine his preliminary education, upon the payment of five dollars ($5.00). The fee for student registration shall be ten dollars ($10.00). 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.

SECTION 6. That Section 54-521, Idaho Code, be, and the same is hereby amended to read as follows:
54-521. BOARD OF BARBER EXAMINERS -- POWERS AND DUTIES -- DESIGNATION OF PERSONS TO REPORT TO BOARD. There is hereby created, and established in the department of self-governing agencies, the board of barber examiners. The board may, by written agreement, authorize the bureau of occupational licenses as agent to act in its interest (in this chapter referred to as the board) in addition to the powers herein elsewhere conferred, shall have the following powers and it shall be the duty of the board:

1. To conduct examinations to ascertain the qualifications and fitness of applicants for licenses hereunder and to pass upon the qualifications of all applicants for licenses.

2. To conduct hearings and proceedings to revoke licenses issued under this chapter and to revoke such licenses subject to the provisions of this chapter.

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

4. To prescribe rules and regulations for a fair and a wholly impartial method of examination of applicants for licenses hereunder and for conducting hearings for the revocation of licenses defining the qualifications of an approved school of barbering and for the administration of this chapter in general.

Excepting the regulations of schools under section 54-507, Idaho Code, hereof, and the issuance of licenses under section 54-513, Idaho Code, none of the powers and duties specified in the foregoing subdivisions of this section, one (1) to four (4) inclusive, shall be exercised by the said bureau except on the action of the board of barber examiners, which board shall be composed as follows: The board of barber examiners shall be composed of the present members of the board of barber examiners as appointed by the commissioner of law enforcement. When vacancies occur on said board, the governor shall appoint new members, but not more than a total of five (5) members, each of whom shall be a registered barber, and shall have been a resident of, and lawfully practicing barbering within the state of Idaho for a period of at least five (5) years next before his appointment, and who is neither directly nor indirectly in any way connected with or interested in the barber supply business nor in any institution offering instruction in barbering. In appointing the members of such board the governor shall give consideration to the recommendations received from the Idaho state barbers association. The board and all assistants
shall be allowed their actual expenses incurred in the performance of their official duties as provided by law and a per diem allowance of twenty-three dollars ($23.00) per day for each day of actual service.

The regular term of office of a member of the board shall begin as of the first Monday of July of the year in which he is appointed and shall continue for five (5) years thereafter. A member appointed to fill a vacancy occasioned otherwise than by expiration of a term shall serve the unexpired term of his predecessor.

A vacancy in membership in the board shall occur, and be declared by the governor, whenever the regular term of a member expires, or whenever a member dies, resigns, or is found by the governor to be mentally or physically incapable of acting, or to be neglecting or refusing to act, or to cease to have the qualifications of a member, or to have acquired disqualifications of a member, or to have been absent without reasonable cause from two (2) successive meetings of the board.

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

The action and report in writing of the board so designated shall be sufficient authority upon which the bureau may act.

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

SECTION 7. That Section 54-529, Idaho Code, be, and the same is hereby amended to read as follows:

54-529. REQUIREMENTS OF STUDENTS. Any person may become a student in the manner prescribed in this section:
1. Who furnishes the board a statement showing the name and place of the school where he will receive instructions and the date such instruction begins.
2. Who has attained the age of 16 1/2 years.
3. Who has a diploma showing graduation from an eighth grade grammar school or an equivalent education as determined by an examination to be conducted by the board.
4. Who pays the required fee for student registration.

SECTION 8. That Section 54-703, Idaho Code, be, and the same is hereby amended to read as follows:
54-703. BOARD OF CHIROPRACTIC EXAMINERS -- POWERS AND DUTIES. The board of chiropractic examiners (hereinafter referred to as the board) shall have the following powers:

1. To conduct examinations to ascertain the qualifications and fitness of applicants to practice chiropractic; to pass upon the qualifications of applicants for reciprocal licenses.

2. To prescribe rules and regulations for a fair and wholly impartial method of examination of candidates to practice chiropractic.

3. To prescribe rules and regulations defining, for the chiropractors what shall constitute a school, college or university, or department of a university, or other institution, reputable and in good standing and to determine the reputation and good standing of a school, college or university, or department of a university, or other institution, by reference to a compliance with such rules and regulations.

4. To establish a standard of preliminary education deemed requisite to admission to a school, college, or university, and to require satisfactory proof of the enforcement of such standard by schools, colleges and universities.

5. To conduct hearings on proceedings to revoke licenses, or persons practicing chiropractic and to revoke such licenses.

6. To formulate rules and regulations when required in any act to be administered.

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

The board shall meet regularly on the second Tuesday of January and July of each year for the purpose of conducting examinations and transacting any other business that may legally come before it, and may meet in special session upon the order in writing of the chairman, who shall be elected by the members of the board. The members of the board shall each be allowed his actual expenses incurred in attending the meetings and a per diem of twenty-five dollars ($25.00) per day for each day of actual service.

Whenever the board is satisfied that substantial justice has not been done either in an examination or in the revocation of a license, to practice chiropractic it may order reexamination or rehearings by the same or other examiners.

All licenses for the practice of chiropractic shall be issued by the board in the name of the board of chiropractic examiners, with the seal thereof attached.

SECTION 9. That Section 54-705, Idaho Code, be, and the
same is hereby amended to read as follows:

54-705. FEES. The board is authorized to charge every applicant for a license, whether required to take an examination or not, a fee set by the board of chiropractic examiners, not to exceed one hundred dollars ($100), which shall accompany the application. A license shall be issued to each successful applicant without the payment of additional fee. The fee for reexamination shall be an amount set by the board of chiropractic examiners, not to exceed fifty dollars ($50.00). The annual fee for renewal of a license shall be twenty fifty dollars ($200 50.00). The fee for reinstatement shall be as provided in section 67-2614, Idaho Code. All fees shall be paid to the bureau of occupational licenses.

SECTION 10. That Section 54-709, Idaho Code, be, and the same is hereby amended to read as follows:

54-709. APPLICANTS LICENSED ELSEWHERE -- LICENSING WITHOUT EXAMINATION. Any person who is licensed to practice chiropractic under the laws of another state whose minimum requirements are not less than prescribed in this state may, in the discretion of the board of chiropractic examiners, and upon payment of a thirty-five-dollar-($3500) one hundred dollar ($100) fee, be granted a license without examination, except upon Idaho chiropractic jurisprudence.

SECTION 11. That Section 54-711, Idaho Code, be, and the same is hereby amended to read as follows:

54-711. REVOCATION OF LICENSE -- GROUNDS -- NOTICE AND HEARING. Every license issued under the provisions of this chapter shall be subject to revocation by the board upon any of the following grounds:
1. Fraud or deception in procuring the license.
2. Practicing chiropractic under a false or assumed name.
4. Habitual intemperance in the use of ardent spirits, narcotics, or stimulants.
5. Immoral, unprofessional or dishonorable conduct manifestly disqualifying the licentiate for the public practice of healing the sick.
6. The violation of any of the provisions of this chapter or rules and regulations adopted pursuant thereto. In prescribing procedure for the determination of the
truth or falsity of any charge against a licentiate having for its purpose the revocation of his license, the accused licentiate shall in every case have reasonable notice of and opportunity to appear and be heard at any hearing thereon.

SECTION 12. That Section 54-1105, Idaho Code, be, and the same is hereby amended to read as follows:

54-1105. BOARD OF MORTICIANS. There is hereby established in the department of self-governing agencies a state board of morticians to be composed of three (3) members appointed by the governor in the manner hereinafter set forth. Each member of the board shall be a duly licensed mortician under the laws of the state of Idaho and resident of the state of Idaho for a period of at least five (5) years next preceding his appointment, during which time he shall have been continuously engaged in the practice as a mortician as defined in this act. No person shall be eligible for appointment to the board of morticians who is financially interested, directly or indirectly, in any embalming college, wholesale funeral supply business, or casket manufacture business.

The governor shall appoint the members of the board from a list of qualified morticians of triple the number of persons to be appointed, who shall be proposed and submitted to him by the Idaho funeral service association, or other statewide organization or association of licensed morticians whose membership is composed of a majority of all licensed morticians of the state; provided, however, all members of the board of embalming examiners existing as of the effective date of this act are hereby automatically appointed as members of the board of morticians to serve for the remainder of their appointed terms.

All members of the board of morticians shall be appointed to serve for a term of three (3) years, to expire on May 1 of the year of termination of their term, and until their successors have been appointed and qualified; provided, however, the governor is hereby granted the power to alter the term of office of the members of the board first appointed hereunder so that the term of office of not more than one (1) member of the board shall terminate in any one (1) year. In case of a vacancy occurring on said board of morticians by reason of the death of any member, or his resignation, incapacity, neglect or refusal to act, or in any other way, the governor shall appoint a qualified member for the remainder of the unexpired term of the vacant office from a list of duly qualified morticians prepared and sub-
mitted in the manner prescribed herein for the initial appointment of members to the board. Any member of the board of morticians who wilfully fails to properly discharge his duties may be removed by the governor.

The board shall meet, not less than annually, to elect a chairman, vice-chairman and secretary and take official board action on pending matters by majority vote of all the members of the board of morticians, and in doing so a majority of the members of said board shall at all times constitute a quorum. Notice of any meeting shall be given by the chairman to all members of the board at least ten (10) days in advance of each meeting unless such notice is waived in writing by all of the members of the board.

Each member of the board of morticians shall receive the sum of twenty-three dollars ($23.35) per day, together with their actual expenses incurred during the time necessarily devoted to the performance of their duties.

SECTION 13. That Section 54-1508, Idaho Code, be, and the same is hereby amended to read as follows:

54-1508. STATE BOARD OF OPTOMETRY -- ORGANIZATION -- MEETINGS -- EXPENSES. The board of optometry shall meet on or before September 15 of each year and select from its members a chairman and a secretary who shall serve at the pleasure of the board. The secretary shall keep the minutes of the meetings of the board, maintain the files and records of the board, maintain a roster of all persons licensed as optometrists under this act and on or before October 1 of each year, forward to the bureau of occupational licenses a certified list of those persons who have paid the fees required by this act.

The board of optometry may meet at stated times and places and shall meet upon the call of its chairman or upon written request of a majority of its members. Three (3) members shall constitute a quorum and a majority of the members present at a meeting at which a quorum is present shall determine the action of the board. Each member of the board shall be notified of any meeting called for any purpose.

On or before September 15 of each year, the board of optometry shall appoint three (3) of its members to serve as a board of examiners to examine applicants for licenses to practice optometry in the state of Idaho pursuant to this chapter. The secretary of the board shall notify the chief of the bureau of occupational licenses of the names of the members of the board of examiners appointed by the board of optometry.
Out of the funds appropriated to the bureau from fees paid under section 54-1506(2), Idaho Code, or otherwise appropriated from fees paid under section 54-1506(2), Idaho Code, and deposited in the occupational license fund established by section 67-2605, Idaho Code, the members of the board of optometry shall receive their actual expenses incurred in the performance of any of their duties at the first meeting of the board of optometry held after July 1 of each year and the members of the three (3) member board of examiners appointed by the board of optometry shall be paid all of their actual expenses incurred in the performance of their duties as members of the board of examiners or at any time, plus a per diem allowance each of fifteen thirty-five dollars ($15.35) for each day of actual service as a member of the board of examiners.

Out of funds appropriated from fees paid under section 54-1507, Idaho Code, the members of the board of optometry shall be paid their actual expenses incurred in the performance of their duties under this act, not otherwise paid from funds appropriated by the legislature.

SECTION 14. That Section 54-1604, Idaho Code, be, and the same is hereby amended to read as follows:

54-1604. FUNCTIONS AND DUTIES OF BOARD -- FEE FOR LICENSE APPLICANTS -- RULES AND REGULATIONS. (1) It shall be the functions and duties of such board to:

(a) Develop, impose, and enforce standards consistent with this act which shall be met by individuals in order to receive and retain a license as a nursing home administrator which standard shall be designed to insure that nursing home administrators will be individuals who are of good character and are otherwise suitable, and who, by training or experience in the field of institutional administration, are qualified to serve as nursing home administrators;

(b) Develop and apply appropriate techniques, including examinations and investigations, for determining whether an individual meets such standards;

(c) Issue licenses and registrations to individuals determined, after application of such techniques, to meet such standards, and revoke or suspend licenses and registrations previously issued by the board in any case where the individual holding any such license or registration is determined substantially to have failed to conform to the requirements of such standards;

(d) Establish and carry out procedures designated to insure that individuals licensed as nursing home administra-
tors will, during any period that they serve as such, comply with the requirements of such standards;

(e) Receive, investigate, and take appropriate action with respect to any charge or complaint filed with the board charging that any individual licensed as a nursing home administrator has failed to comply with the requirements of such standards;

(f) Conduct a continuing study and investigation of administrators of nursing homes within the state with a view to the improvement of the standards imposed for the licensing of such administrators and of procedures and methods for the enforcement of such standards with respect to administrators of nursing homes who have been licensed as such;

(g) The fee to be paid by applicants for licenses, provisional licenses, recertification of registration and applicants seeking a reciprocal indorsement of a license issued by the proper authorities in another state, shall be twenty-five forty dollars ($25.40).

(2) The board or any committee or member thereof or any hearing officer designated by such board, acting in an official capacity, shall have powers and duties as provided by law.

Such board shall not be bound by the strict rules of evidence in the conduct of its proceedings but any determinations made shall be founded upon sufficient legal evidence to sustain them.

(3) The board shall also have the authority to make rules not inconsistent with law as may be necessary for the proper performance of its duties, and to take such other actions as may be necessary to enable the state to meet the requirements set forth in section 1908 of the "social security act," the federal rules promulgated thereunder, and other pertinent federal requirements.

SECTION 15. That Section 54-1605, Idaho Code, be, and the same is hereby amended to read as follows:

54-1605. QUALIFICATIONS FOR EXAMINATION FOR LICENSE. (1) The board shall admit to examination for licensure as a nursing home administrator any candidate who pays a fee as determined by the board, and submits evidence of good moral character and suitability prescribed by the board, is at least twenty-one (21) years old, a citizen of the United States of America, and has duly declared his intention of becoming a citizen of the United States, except:

(a) That on and after July 1, 1970, no applicant for license as a nursing home administrator shall be admitted to
such licensing examination nor shall such applicant be entitled to or be granted a license as a nursing home administrator unless such applicant shall submit written evidence, on forms provided for such purpose by the board, that he has successfully completed a course of study and has been graduated from a high school approved and recognized by the education authorities of the state in which such school is located, or a political division thereof or has submitted a certificate indicating that he has obtained high school or secondary school equivalency, such certificate being duly certified by a state educational authority or a political division thereof, and except that he shall have complied with the provisions of subsection (2) of this section.

(b) That on or after January 1, 1975, no applicant for license as a nursing home administrator shall be admitted to such licensing examination, nor shall such applicant be entitled to or be granted a license as a nursing home administrator, unless such applicant shall submit written evidence, on forms provided for such purpose by the board, that he has successfully completed two (2) years of college level study after high school study in an accredited institution of higher learning and except that he shall have complied with the provisions of subsection (2) of this section.

(c) That on or after January 1, 1980, no applicant for license as a nursing home administrator shall be admitted to such licensing examination nor shall such applicant be entitled to or be granted a license as a nursing home administrator unless such applicant shall submit written evidence, on forms provided for such purpose by the board, that he has successfully completed a course of study for a baccalaureate degree and has been awarded such degree from an accredited institution of higher learning, and except that he shall have complied with the provisions of subsection (2) of this section.

(2) On and after July 1, 1970, each applicant who has not completed a regular course of study or program in an accredited institution of higher learning, which course of study or program shall have been approved by the board as being adequate academic preparation for nursing home administration, shall in addition to meeting the requirements of subsection (1)(a) of this section submit evidence satisfactory to the board that he has successfully completed specialized courses or a program of study in the area of nursing home administration as required and approved by the rules of the board.

(3) A candidate who applies for examination under and pursuant to subsection (1)(b) or (c) of this section, in
lieu of the educational requirements provided for therein, may submit evidence satisfactory to the board that such applicant has obtained two (2) years of satisfactory practical experience in nursing home administration or in a related health administration area for each year of required posthigh school education.

SECTION 16. That Section 54-1615, Idaho Code, be, and the same is hereby amended to read as follows:

54-1615. ANNUAL LICENSE FEE. Each nursing home administrator, licensed hereunder, shall on each January 1, hereafter, beginning January 1, 1971, or within thirty (30) days thereafter, pay an annual license fee of twenty-five forty dollars ($25.40 40.00), to act as a licensed nursing home administrator in the state of Idaho for the ensuing year. Failure to pay said fee as herein set out shall disqualify said licensee from acting as a nursing home administrator.

SECTION 17. That Section 54-2105, Idaho Code, be, and the same is hereby amended to read as follows:

54-2105. BOARD OF VETERINARY MEDICINE -- COMPOSITION -- APPOINTMENT -- VACANCY -- QUALIFICATIONS -- COMPENSATION--REMOVAL -- MEETINGS -- OFFICERS -- REVENUES -- POWERS. 1. A board of veterinary medicine which shall consist of four (4) members to be appointed by the governor, is hereby created in the department of self-governing agencies, Each of the four (4) appointive members shall serve a term of four (4) years or until his successor is appointed, except that the terms of the first appointees may be for shorter periods to permit staggering of terms whereby one (1) term expires each year.

Members of the state board of veterinary medical examiners appointed under the chapter which this act replaces may continue as members of the board until the expiration of the term for which they were appointed. Whenever the occasion arises for an appointment under this section, the state veterinary medical association may nominate three (3) or more qualified persons and forward the nomination to the governor at least thirty (30) days before the date set for the appointment. The governor may appoint one (1) of the persons so nominated. Vacancies due to death, resignation or removal shall be filled for the remainder of the unexpired term in the same manner as regular appointments. No person shall serve two (2) consecutive four (4) year terms, but a person appointed for a term of less than four (4) years may
succeed himself. A person shall be qualified to serve as a member of the board if he is a graduate of a veterinary school, a resident of this state, and has been licensed to practice veterinary medicine in this state for the five (5) years preceding the time of his appointment. No person may serve on the board who is, or was, during the two (2) years preceding his appointment, a member of the faculty, trustees or advisory board of a veterinary school.

Each member of the board shall be paid twenty-three-five dollars ($25.00) for each day or substantial portion thereof he is engaged in the work of the board, in addition to such reimbursement for travel and other expenses as is normally allowed to state employees.

Any member of the board may be removed by the governor after a hearing by the board determines cause for removal.

2. The board shall meet at least once each year at the time and place fixed by rule of the board. Other necessary meetings may be called by the president of the board by giving notice as may be required by rule. Except as may otherwise be provided, a majority of the board constitutes a quorum. Meetings shall be open and public except that the board may meet in closed session to prepare, approve, administer or grade examinations, or to deliberate the qualifications of an applicant for license or the disposition of a proceeding to discipline a licensed veterinarian.

3. At its annual meeting, the board shall organize by electing a president, a secretary-treasurer, and such other officers as may be prescribed by rule. Officers of the board serve for terms of one (1) year and until a successor is elected, without limitation on the number of terms an officer may serve. The president shall serve as a chairman of board meetings.

4. All revenues received under this act shall be paid to the bureau of occupational licenses for deposit in the occupational licenses fund, and shall be subject to and administered in accordance with the provisions of this chapter.

5. The board shall have the power to:

(a) Examine and determine the qualifications and fitness of applicants for a license to practice veterinary medicine in the state.

(b) Issue, renew, deny, suspend or revoke licenses and temporary permits to practice veterinary medicine in the state or otherwise discipline licensed veterinarians consistent with the provisions of the act and the rules and regulations adopted hereunder.

(c) Establish and publish annually a schedule of fees
(d) Conduct investigations for the purpose of discovering violations of this act or grounds for disciplining licensed veterinarians.

(e) Hold hearings on all matters properly brought before the board, and in connection thereto to administer oaths, receive evidence, make the necessary determinations, and enter orders consistent with the findings. The board may require the attendance and testimony of witnesses and the production of papers, records, or other documentary evidence and may commission depositions. The board may designate one or more of its members to serve as its hearing officer or use the hearing officer of the bureau of occupational licenses.

(f) Employ full time or part time personnel, professional, clerical or special, necessary to effectuate the provision of this act and purchase or rent necessary office space, equipment and supplies.

(g) Appoint from its own membership one or more members to act as representatives of the board at any meeting within or without the state where such representation is deemed desirable.

(h) Bring proceedings in the courts for the enforcement of this act or any regulations made pursuant thereto.

(i) Adopt, amend, or repeal all rules necessary for its government and all regulations necessary to carry into effect the provisions of this act pursuant to the Idaho administrative procedure act, chapter 52, title 67, Idaho Code, including the establishment and publication of standards of professional conduct for the practice of veterinary medicine.

(j) By written agreement, authorize the bureau of occupational licenses as agent to act in its interest.

The powers enumerated above are granted for the purpose of enabling the board to effectively supervise the practice of veterinary medicine and are to be construed liberally to accomplish this objective.

SECTION 18. That Section 54-2107, Idaho Code, be, and the same is hereby amended to read as follows:

54-2107. LICENSE APPLICATION -- CONTENTS -- FEE. Any person desiring a license to practice veterinary medicine in this state shall make written application to the board. The application shall show that the applicant is twenty-one (21) years of age, or more, a citizen-of-the-United-States-or-an applicant--for--citizenship, a graduate of a veterinary
school, a person of good moral character, and such other information and proof as the board may require by rule. The application shall be accompanied by a fee in the amount established and published by the board. If the board determines that the applicant possesses the proper qualifications, it shall admit the applicant to the next examination, or if the applicant is eligible for a license without examination under section 54-2108, Idaho Code, the board may forthwith grant him a license. If an applicant is found not qualified to take the examination or for a license without examination, the secretary-treasurer of the board shall immediately notify the applicant in writing of such finding and grounds therefor. An applicant found unqualified may require a hearing on the question of his qualification under the procedure set forth in section 54-2114, Idaho Code. Any applicant who is found not qualified shall be allowed the return of his application fee.

SECTION 19. That Section 54-2312, Idaho Code, be, and the same is hereby amended to read as follows:

54-2312. QUALIFICATIONS FOR LICENSE -- RECIPROCITY. The board may recommend the granting of a license without examination to any person who, at the time of application, is licensed or certified by a board of psychologist examiners of another state, provided the requirements for such certification or licensure were substantially the equivalent of the requirements of this act, and upon payment of the a $100 fee.

SECTION 20. That Section 54-2315, Idaho Code, be, and the same is hereby amended to read as follows:

54-2315. ADMINISTRATION BY BUREAU OF OCCUPATIONAL LICENSES -- FEE FOR RENEWAL OF LICENSE. This act shall be administered by the bureau of occupational licenses. The fee for renewal of license shall be twenty dollars ($20.00) per annum.

SECTION 21. That Section 54-2402, Idaho Code, be, and the same is hereby amended to read as follows:

54-2402. BUREAU OF OCCUPATIONAL LICENSES TO ISSUE CERTIFICATES OF REGISTRATION. The bureau of occupational licenses shall upon the certification of the board and subject to the provisions of this act, issue certificates of registration as environmental health specialists to persons
who have qualified therefor in accordance with this act. Such certificates shall be issued for a period of one (1) year and shall bear on their face the seal of the bureau, the signature of the chairman of board of environmental health specialists examiners thereof, and will be effective until the first day of July next after issuance. Such certificates so issued shall be renewed annually on the first day of July of every year. The bureau shall collect a fee of twenty forty dollars ($20.40) for each such annual renewal of such certificate, and shall deposit all fees in the state treasury in accordance with section 67-2605, Idaho Code. The provisions of sections 67-2609 through 67-2614, Idaho Code, shall apply to certificates issued pursuant to this act, except as in this act modified.

SECTION 22. That Section 54-2405, Idaho Code, be, and the same is hereby amended to read as follows:

54-2405. STATE BOARD OF ENVIRONMENTAL HEALTH SPECIALIST EXAMINERS -- POWERS -- PROCEDURES TO BE FOLLOWED -- FUNCTIONS -- PAYMENT OF EXPENSES OF BOARD MEMBERS. The members of the board shall, as soon as appointed, organize and annually thereafter in the month of June elect from their number a chairman, and chief of the bureau of occupational licenses or his duly appointed representative shall act as secretary and treasurer to the board.

The board, by written agreement, may authorize the bureau of occupational licenses as agent to act in its interest.

The board shall make and adopt all necessary rules not inconsistent with this act, the laws of this state or of the United States of America, whereby to perform the duties and to transact the business required under the provisions of this act, and shall hold at least two (2) meetings each year to receive and review applications for registration as environmental health specialists, hold interviews, prepare and approve reports and transact such other business as may be necessary to carry out the provisions of this act. Two (2) members of the board shall constitute a quorum and special meetings of the board shall be called by the secretary upon written request of any two (2) members; all meetings shall be open to any registered environmental health specialist and to others who have interest in the board's work. The members of the board shall receive traveling expenses, a per diem allowance not to exceed twenty= thirty-five dollars ($25.35) per day for each day actually engaged in official board meetings, provided, that no funds shall be
disbursed for such purposes without the approval of the board and, provided, further, that approval and payment of claims for travel, per diem expenses, or for any other purposes, shall be subject to availability of funds collected under the provisions of this act. Funds collected under the provisions of the act shall be used to pay the expenses of the board and for such other proper purposes approved by the board which will improve the professional status of environmental health specialists registered under the provisions of this act.

SECTION 23. That Section 54-2415, Idaho Code, be, and the same is hereby amended to read as follows:

54-2415. RECIPROCITY. Any person who holds a valid registration to practice environmental health from any other state in which the legally enacted qualifications for registration are not lower than the qualifications for registration set forth in this act shall upon proper application and payment of a thirty-five one hundred dollar ($35.00) fee and with the approval of the board be accepted for registration as an environmental health specialist.

SECTION 24. That Section 67-2613, Idaho Code, be, and the same is hereby amended to read as follows:

67-2613. ISSUANCE OF LICENSES -- LOSS OF LICENSE -- ISSUANCE OF DUPLICATE -- FEE. All certificates, licenses and authorities shall be issued by the bureau of occupational licenses in the name of such bureau, with the seal thereof attached: provided that if any certificate, license or authority issued by such bureau shall be lost or destroyed, the bureau is hereby authorized on application of the owner thereof, to issue a certified copy or a duplicate under the seal of such bureau; the applicant asking for such duplicate or certified copy, shall accompany the application with an affidavit setting forth the facts showing that the original has been lost or destroyed; that for such certified copy or duplicate, the bureau shall charge a fee of five ten dollars ($5.00), which fee shall be by the bureau handled as other fees collected for licenses.

SECTION 25. That Section 67-2617, Idaho Code, be, and the same is hereby amended to read as follows:

67-2617. PAYMENT OF REEXAMINATION AND CERTIFICATE FEES. Should an applicant who is required to procure a license
from the bureau of occupational licenses as a prerequisite for engaging in a trade, occupation, or profession fail to pass the required examination the applicant may be reexamined at any regular or special meeting of the bureau as it may be authorized to act for such board of examiners, upon the payment of twenty-five fifty dollars ($25.00 50.00) reexamination fee.

Every person who is licensed by the bureau of occupational licenses as a prerequisite to engage in a trade, occupation, or profession may, upon the payment of a one dollar-$1.00) ten dollar ($10.00) fee, receive a certificate setting forth that the holder thereof is duly registered and licensed to practice his profession in the state of Idaho.

Approved March 19, 1976.
CHAPTER 167
(S.B. No. 1241)

AN ACT
RELATING TO THE LEASING OF SCHOOL BUSES TO NONPROFIT ORGANIZATIONS; AMENDING SECTION 33-1512, IDAHO CODE, TO STRIKE PROVISIONS WHICH RESTRICT LEASING OF SCHOOL BUSES TO NONPROFIT ORGANIZATIONS TO INTRACOUNTY SERVICE.

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

SECTION 1. That Section 33-1512, Idaho Code, be, and the same is hereby amended to read as follows:

33-1512. LEASING OF SCHOOL BUSES TO NONPROFIT ORGANIZATIONS. The board of trustees of a school district is hereby authorized to lease school buses or other passenger equipment of the district to nonprofit organizations for the purpose of transporting elderly and/or handicapped persons to and from the site of activities or programs. Such leasing agreements may be entered into only when commercial bus transportation is not reasonably available for lease or general use by nonprofit organizations serving elderly and/or handicapped persons, and such leasing agreements shall be restricted to intracounty service. School buses operated under the provisions of this section shall be exempt from the provisions of section 49-752a, Idaho Code.

Approved March 19, 1976.
CHAPTER 168
(S.B. No. 1378)

AN ACT
RELATING TO REMOVAL OF DISABLED VEHICLES; AMENDING SECTION 49-756, IDAHO CODE, TO AUTHORIZE OFFICERS TO ORDER REMOVAL OF ILLEGALLY STOPPED VEHICLES, AND TO PROVIDE OFFICERS WITH THE AUTHORITY TO REMOVE DISABLED VEHICLES WHEN THE DRIVER HAS BEEN INCAPACITATED AND REMOVED FROM THE SCENE.

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

SECTION 1. That Section 49-756, Idaho Code, be, and the same is hereby amended to read as follows:

49-756. OFFICERS AUTHORIZED TO REMOVE ILLEGALLY STOPPED VEHICLES. (a) Whenever any police officer finds a vehicle standing upon a highway in violation of any of the foregoing provisions of this article, such officer is hereby authorized to move such vehicle, or require the driver or other person in charge of the vehicle to move the same, to a position off the paved or main-traveled part of such highway.

(b) Whenever any police officer finds a vehicle unattended upon any bridge or causeway or in any tunnel where such vehicle constitutes an obstruction to traffic, such officer is hereby authorized to provide for the removal of such vehicle to the nearest garage or other place of safety.

(c) Whenever any vehicle shall be left unattended for more than twenty-four (24) hours on any portion of a highway right-of-way, outside of an incorporated city or village, any sheriff, deputy sheriff or Idaho state police officer may provide for the removal of such vehicle to the nearest available garage or other place of safety.

(d) Whenever any police officer finds a vehicle inoperable as a result of an accident and standing upon a highway or public right-of-way, such officer is hereby authorized to require the driver or other person in charge of the vehicle to have the vehicle removed from the scene of the accident, to a position off the paved or main-traveled part of such highway. In the event that the owner of such vehicle is left incapacitated resulting from injuries suffered from the accident, such officer is hereby authorized to have the inoperative vehicle moved from the scene to the
(e) Upon removal of a vehicle from a highway right-of-way under subsections (b), (c), or (d) of this section, the officer causing the vehicle to be removed shall immediately notify the director of the department of law enforcement of the removal, who shall send a notice by certified mail to every owner and lienholder listed on the certificate of title on file with the department of law enforcement. If there is no certificate of title on file in the department, then the notice shall be sent to the apparent owner as determined by the registration certificate or other identification found in the vehicle, but if no identification of the owner can be found in the vehicle, no notice need be given. The notice shall include:

1. The make, year, model, color and license plate number of the vehicle.
2. The approximate place where the vehicle was found.
3. The place to which the vehicle was removed.
4. A statement that the vehicle can be sold for removal and storage charges if not claimed within thirty (30) days from date of mailing of the notice.

(f) Any person, firm or corporation who shall remove, store or keep any such vehicle at the request of any such officer shall have a lien on such vehicle for the reasonable value of such services. Such lien shall be superior and prior to any mortgage or title retaining contract on such vehicle, and if such charges are not paid within thirty (30) days after mailing of the notice required by subsection (e) of this section, or after thirty (30) days from the date of removal if no notice is required under subsection (e), the person, firm or corporation performing the same may proceed to sell the property at public auction by giving ten (10) days public notice of the sale by advertising in some newspaper published in the county where such property is situated, or if there be no newspaper published in the county then by posting notices of the sale in three (3) of the most public places in the county, for ten (10) days previous to such sale. The proceeds of the sale must be applied to the discharge of the lien and costs. The remainder, if any, must be paid over to the owner of the vehicle.

Approved March 19, 1976.
CHAPTER 169
(S.B. No. 1357)

AN ACT
RELATING TO LOCAL ORDINANCES CONCERNING THE OPERATION OF VESSELS ON WATER AND SWIMMING IN HAZARDOUS AREAS; AMENDING SECTION 39-2528, IDAHO CODE, TO PROVIDE THAT LOCAL UNITS OF GOVERNMENT MAY ADOPT ORDINANCES CONCERNING THE SAFE OPERATION OF VESSELS UPON STATE WATERS WITHIN THEIR TERRITORIAL LIMITS, AND ORDINANCES CONCERNING SWIMMING IN HAZARDOUS BOATING AREAS, AND TO PROVIDE THAT RULES AND REGULATIONS OF THE DEPARTMENT SHALL SUPERSEDE LOCAL ORDINANCES.

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

SECTION 1. That Section 39-2528, Idaho Code, be, and the same is hereby amended to read as follows:

39-2528. LOCAL REGULATION -- SPECIAL RULES AND REGULATIONS. (a) The provisions of this act, and of other applicable laws of this state, shall govern the operation, equipment, numbering and all other matters relating thereto whenever any vessel shall be operated on the waters of this state, or when any activity regulated by this act shall take place thereon; but nothing in this act shall be construed to prevent the adoption of any ordinance or local law relating to operation and equipment of vessels the provisions of which are identical to the provisions of this act; amendments--thereto--or--regulations--issued--thereunder, provided that such ordinances or local laws shall be operative only to the extent that they continue to be identical to the provisions of this act, amendments--thereto--or--regulations--issued--thereunder, so long as such ordinances are not in conflict with the provisions of this chapter.

(b) Any subdivision of this state may, at any time, but only after public notice, make--fermal--application--to--the department--for--special--rules--and--regulations adopt local ordinances with reference to the operation of vessels on any waters within its territorial limits and--shall--set--forth therein--the--reasons--which-- make--such--special--rules--or--regulations--necessary--or--appropriate or with reference to swimming within areas of intense or hazardous boat traffic, such ordinances being intended to promote or protect the health,
safety and general welfare of the citizenry. (c) The department is hereby authorized to make special rules and regulations with reference to the operation of vessels on any waters within the territorial limits of any subdivision of this state, and such rules and regulations shall take precedence over local laws relating to operation of vessels.

Approved March 19, 1976.
CHAPTER 170
(S.B. No. 1429)

AN ACT
RELATING TO RETIREMENT BENEFITS FOR FIREMEN DISABLED IN THE PERFORMANCE OF DUTY; ADDING A NEW SECTION 72-1430H, IDAHO CODE, PROVIDING THAT FIREMEN WHO ARE DISABLED IN THE PERFORMANCE OF DUTY SHALL RECEIVE A RETIREMENT BENEFIT OF NOT LESS THAN SIXTY-FIVE PER CENT OF THE AVERAGE PAID FIREMAN'S SALARY; DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

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

SECTION 1. That Chapter 14, 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 72-1430H, Idaho Code, and to read as follows:

72-1430H. PENSION PAYMENT -- RETIREMENT OF FIREMAN INCAPACITATED IN THE PERFORMANCE OF DUTY. Any paid fireman incapacitated by injury in the performance of duty, or by illness attributable wholly or partially to service as a paid fireman, shall be retired so long as such disability shall continue in a degree which prevents efficient service, and during such disability shall be paid from the said fund the monthly retirement sum to which he would be entitled if he elected to retire, but in no event less than a monthly sum equal to sixty-five per cent (65%) of the average paid fireman's salary or wage as above set out, which said monthly sum shall vary annually according to the determination of the average paid fireman's salary or wage in this state as set forth in section 72-1411, 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 and retroactive to January 1, 1976.

Approved March 19, 1976.
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, 1976 THROUGH JUNE 30, 1977.

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, 1976 through June 30, 1977:
<table>
<thead>
<tr>
<th>PROGRAM</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>A. DEPARTMENT OF FINANCE:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Fund</td>
<td>$ 416,400</td>
<td>$ 101,000</td>
<td>$ 14,500</td>
<td>$ 531,900</td>
<td></td>
</tr>
<tr>
<td>Credit Union Examination Fund</td>
<td>46,000</td>
<td>16,200</td>
<td>200</td>
<td>62,400</td>
<td></td>
</tr>
<tr>
<td>Cemetery Fund</td>
<td>300</td>
<td>100</td>
<td>-</td>
<td>400</td>
<td></td>
</tr>
<tr>
<td>General Interaccount Fund</td>
<td>8,000</td>
<td>900</td>
<td>1,600</td>
<td>10,500</td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>$416,400</td>
<td>$118,200</td>
<td>$16,300</td>
<td>$705,900</td>
<td></td>
</tr>
<tr>
<td>B. SUPPORTING SERVICES:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Fund</td>
<td>$ 71,400</td>
<td>$ 10,700</td>
<td>-</td>
<td>$ 82,100</td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>$ 71,400</td>
<td>$ 10,700</td>
<td>-</td>
<td>$ 82,100</td>
<td></td>
</tr>
<tr>
<td>C. BANKS:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Fund</td>
<td>$ 105,900</td>
<td>$ 31,300</td>
<td>$ 4,500</td>
<td>$ 141,700</td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>$105,900</td>
<td>$31,300</td>
<td>$4,500</td>
<td>$141,700</td>
<td></td>
</tr>
<tr>
<td>D. SAVINGS &amp; LOAN ASSOCIATIONS:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Fund</td>
<td>$ 9,300</td>
<td>$ 3,000</td>
<td>$ 200</td>
<td>$ 12,500</td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>$ 9,300</td>
<td>$ 3,000</td>
<td>$ 200</td>
<td>$ 12,500</td>
<td></td>
</tr>
<tr>
<td>E. CREDIT UNIONS:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Credit Union Examination Fund</td>
<td>$ 46,000</td>
<td>$ 16,200</td>
<td>$ 200</td>
<td>$ 62,400</td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>$46,000</td>
<td>$16,200</td>
<td>$200</td>
<td>$52,400</td>
<td></td>
</tr>
<tr>
<td>F. UNIFORM CONSUMER CREDIT CODE:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Fund</td>
<td>$ 54,600</td>
<td>$ 15,600</td>
<td>$ 4,700</td>
<td>$ 74,900</td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>$54,600</td>
<td>$15,600</td>
<td>$4,700</td>
<td>$74,900</td>
<td></td>
</tr>
</tbody>
</table>

SECTION 1. 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, 1976 through June 30, 1977:
<table>
<thead>
<tr>
<th>PROGRAM</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>G. SECURITIES:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Fund</td>
<td>$ 76,600</td>
<td>$ 17,000</td>
<td>$ 5,100</td>
<td></td>
<td>$ 98,700</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$ 76,600</td>
<td>$ 17,000</td>
<td>$ 5,100</td>
<td></td>
<td>$ 98,700</td>
</tr>
<tr>
<td>H. STATE INSURANCE FUND:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Interaccount Fund</td>
<td>$ 8,000</td>
<td>$ 900</td>
<td>$ 1,600</td>
<td></td>
<td>$ 10,500</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$ 8,000</td>
<td>$ 900</td>
<td>$ 1,600</td>
<td></td>
<td>$ 10,500</td>
</tr>
<tr>
<td>I. COLLECTION AGENCIES:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Fund</td>
<td>$ 5,600</td>
<td>$ 4,900</td>
<td></td>
<td></td>
<td>$ 10,500</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$ 5,600</td>
<td>$ 4,900</td>
<td></td>
<td></td>
<td>$ 10,500</td>
</tr>
<tr>
<td>J. ENDOWED CARE CEMETERIES:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cemetery Fund</td>
<td>$ 300</td>
<td>$ 100</td>
<td></td>
<td></td>
<td>$ 400</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$ 300</td>
<td>$ 100</td>
<td></td>
<td></td>
<td>$ 400</td>
</tr>
<tr>
<td>GRAND TOTAL</td>
<td>$ 470,700</td>
<td>$ 118,200</td>
<td>$ 18,300</td>
<td></td>
<td>$ 605,200</td>
</tr>
</tbody>
</table>

Approved March 19, 1976.
CHAPTER 172
(S.B. No. 1526)
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, 1976, THROUGH JUNE 30, 1977.

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, 1976, through June 30, 1977:

<table>
<thead>
<tr>
<th>FOR:</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel Costs</td>
<td>$1,238,200</td>
</tr>
<tr>
<td>Operating Expenditures</td>
<td>4,170,600</td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>25,500</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$5,434,300</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>FROM:</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Fund</td>
<td>$55,100</td>
</tr>
<tr>
<td>Dedicated Funds:</td>
<td></td>
</tr>
<tr>
<td>Apple Commission Fund</td>
<td>35,000</td>
</tr>
<tr>
<td>Idaho Bean Marketing &amp; Production Promotion Fund</td>
<td>132,400</td>
</tr>
<tr>
<td>Cherry Commission Fund</td>
<td>24,000</td>
</tr>
<tr>
<td>Dairy Products Commission Fund</td>
<td>641,100</td>
</tr>
<tr>
<td>Potato Commission Fund</td>
<td>2,505,100</td>
</tr>
<tr>
<td>Idaho Wheat Commission Fund</td>
<td>504,600</td>
</tr>
<tr>
<td>Idaho Prune Commission Fund</td>
<td>21,100</td>
</tr>
<tr>
<td>Athletic Fund</td>
<td>1,500</td>
</tr>
<tr>
<td>Pharmacy Board Fund</td>
<td>101,200</td>
</tr>
<tr>
<td>Pharmacy-Triplicate Prescription Program Fund</td>
<td>20,700</td>
</tr>
<tr>
<td>State Board of Accountancy Fund</td>
<td>43,400</td>
</tr>
<tr>
<td>State Board of Dentistry Fund</td>
<td>47,100</td>
</tr>
<tr>
<td>Professional Engineers Fund</td>
<td>65,300</td>
</tr>
<tr>
<td>State Board of Medicine Fund</td>
<td>88,300</td>
</tr>
<tr>
<td>State Board of Nursing Fund</td>
<td>214,700</td>
</tr>
<tr>
<td>Occupational License Fund</td>
<td>242,500</td>
</tr>
<tr>
<td>Public Works Contractors State License Board Fund</td>
<td>139,000</td>
</tr>
<tr>
<td>Idaho Real Estate Brokers Commission Fund</td>
<td>259,200</td>
</tr>
<tr>
<td>Real Estate Education Research &amp; Recovery Fund</td>
<td>187,900</td>
</tr>
</tbody>
</table>
Professional Geologists Fund        12,700  
State Board of Optometry Fund         8,300  
State Certified Shorthand Reporters Fund 4,000  
Outfitters and Guides Board Fund      80,100  
**TOTAL**                                **$80,100**

**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, 1976, through June 30, 1977.

**IDAHO APPLE COMMISSION:**

<table>
<thead>
<tr>
<th>FOR:</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel Costs</td>
<td>$2,300</td>
</tr>
<tr>
<td>Operating Expenditures</td>
<td>32,600</td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>100</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$35,000</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>FROM:</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Apple Commission Fund</td>
<td>$35,000</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$35,000</strong></td>
</tr>
</tbody>
</table>

**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, 1976, through June 30, 1977.

**IDAHO BEAN COMMISSION:**

<table>
<thead>
<tr>
<th>FOR:</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel Costs</td>
<td>$13,300</td>
</tr>
<tr>
<td>Operating Expenditures</td>
<td>119,100</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$132,400</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>FROM:</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Idaho Bean Marketing &amp; Production Promotion Fund</td>
<td>$132,400</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$132,400</strong></td>
</tr>
</tbody>
</table>

**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, 1976, through June 30, 1977.

**IDAHO CHERRY COMMISSION:**

<table>
<thead>
<tr>
<th>FOR:</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel Costs</td>
<td>$1,800</td>
</tr>
<tr>
<td>Operating Expenditures</td>
<td>22,100</td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>100</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$24,000</strong></td>
</tr>
</tbody>
</table>
SECTION 5. There is hereby appropriated to the Idaho Dairy Products 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, 1976, through June 30, 1977.

**IDAHO DAIRY PRODUCTS COMMISSION:**

<table>
<thead>
<tr>
<th>FOR:</th>
<th>Personnel Costs</th>
<th>Operating Expenditures</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>FROM:</td>
<td>Cherry Commission Fund</td>
<td>$64,000</td>
<td>$577,100</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$641,100</td>
<td>$641,100</td>
<td></td>
</tr>
</tbody>
</table>

SECTION 6. There is hereby appropriated to the Idaho Potato 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, 1976, through June 30, 1977.

**IDAHO POTATO COMMISSION:**

<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>FROM:</td>
<td>Potato Commission Fund</td>
<td>$235,100</td>
<td>$2,268,700</td>
<td>$1,300</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$2,505,100</td>
<td>$2,505,100</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

SECTION 7. There is hereby appropriated to the Idaho Wheat Commission the following amounts, to be expended for the designated programs according to expense classes designated therein from the listed fund for the period July 1, 1976, through June 30, 1977.

**A. MARKETING & DEVELOPMENT PROGRAM:**

<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>FROM:</td>
<td>Idaho Wheat Commission Fund</td>
<td>$51,500</td>
<td>$452,100</td>
<td>$1,000</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$504,600</td>
<td>$504,600</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**B. TRAFFIC MANAGEMENT & RESEARCH:**
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, 1976, through June 30, 1977.

IDAHO PRUNE COMMISSION:
FOR:
Personnel Costs $12,300
Operating Expenditures $800
TOTAL $13,100
FROM:
General Fund $13,100

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, 1976, through June 30, 1977.

SUPERVISION OF WRESTLING & BOXING IN IDAHO:
FOR:
Operating Expenditures $7,000
TOTAL $7,000
FROM:
General Fund $5,500
Athletic Fund $1,500
TOTAL $7,000

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, 1976, through June 30, 1977.

A. PROTECTING PUBLIC HEALTH:
FOR:
Personnel Costs $69,400
Operating Expenditures $31,800
TOTAL $101,200
FROM:
Pharmacy Board Fund $101,200
TOTAL $101,200
B. CONTROLLED SUBSTANCES ACT:

Personnel Costs $36,500
Operating Expenditures 20,700
TOTAL $57,200

FROM:
General Fund $36,500
Pharmacy-Triplicate Prescription Program Fund 20,700
TOTAL $57,200

TOTALS--Personnel Costs $105,900
Operating Expenditures 52,500
GRAND TOTAL $158,400

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, 1976, through June 30, 1977.

STATE BOARD OF ACCOUNTANCY:

FOR:
Personnel Costs $14,900
Operating Expenditures 27,400
Capital Outlay 1,100
TOTAL $43,400

FROM:
State Board of Accountancy Fund $43,400

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, 1976, through June 30, 1977.

BOARD OF DENTISTRY:

FOR:
Personnel Costs $24,700
Operating Expenditures 21,400
Capital Outlay 1,000
TOTAL $47,100

FROM:
State Board of Dentistry Fund $47,100

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, 1976, through June 30, 1977.
ENGINEERING EXAMINERS:

FOR:
Personnel Costs $38,300
Operating Expenditures 25,400
Capital Outlay 1,600
TOTAL $65,300

FROM:
Professional Engineers Fund $65,300
TOTAL $65,300

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, 1976, through June 30, 1977.

ENFORCING MEDICAL PRACTICES ACT:

FOR:
Personnel Costs $62,700
Operating Expenditures 22,900
Capital Outlay 2,700
TOTAL $88,300

FROM:
State Board of Medicine Fund $88,300
TOTAL $88,300

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, 1976, through June 30, 1977.

BOARD OF NURSING:

FOR:
Personnel Costs $126,200
Operating Expenditures 86,000
Capital Outlay 2,500
TOTAL $214,700

FROM:
State Board of Nursing Fund $214,700
TOTAL $214,700

SECTION 16. There is hereby appropriated to 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, 1976, through June 30, 1977.

OCCUPATIONAL LICENSE BUREAU:
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, 1976, through June 30, 1977.

PUBLIC WORKS CONTRACTORS STATE LICENSE BOARD:

<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>Occupational License Fund</td>
<td>$137,200</td>
<td>98,100</td>
<td>7,200</td>
<td>$242,500</td>
</tr>
</tbody>
</table>

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, 1976, through June 30, 1977.

A. ADMINISTRATION:

<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>Idaho Real Estate Brokers Commission Fund</td>
<td>$155,300</td>
<td>100,900</td>
<td>3,000</td>
<td>$259,200</td>
</tr>
</tbody>
</table>

B. EDUCATION:

<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>Real Estate Education Research &amp; Recovery Fund</td>
<td>$42,700</td>
<td>143,000</td>
<td>2,200</td>
<td>$187,900</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, 1976, through June 30, 1977.

PROFESSIONAL GEOLOGISTS BOARD:

<table>
<thead>
<tr>
<th>FOR:</th>
<th>FROM:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel Costs</td>
<td>Professional Geologists Fund</td>
</tr>
<tr>
<td>Operating Expenditures</td>
<td>$5,500</td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>7,000</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$12,700</strong></td>
</tr>
</tbody>
</table>

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, 1976, through June 30, 1977.

BOARD OF OPTOMETRY:

<table>
<thead>
<tr>
<th>FOR:</th>
<th>FROM:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel Costs</td>
<td>State Board of Optometry Fund</td>
</tr>
<tr>
<td>Operating Expenditures</td>
<td>$2,300</td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>5,700</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$8,300</strong></td>
</tr>
</tbody>
</table>

SECTION 21. There is hereby appropriated to the Idaho Certified Shorthand Reporters Board the following amount, to be expended for the designated program according to expense class designated therein from the listed fund for the period July 1, 1976, through June 30, 1977.
IDAHO CERTIFIED SHORTHAND REPORTERS BOARD:
FOR:
Operating Expenditures $4,000
TOTAL $4,000
FROM:
State Certified Shorthand Reporters Fund $4,000
TOTAL $4,000

SECTION 22. 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, 1976, through June 30, 1977.

OUTFITTERS AND GUIDES:
FOR:
Personnel Costs $43,300
Operating Expenditures 36,300
Capital Outlay 500
TOTAL $80,100
FROM:
Outfitters and Guides Board Fund $80,100
TOTAL $80,100

Approved March 19, 1976.
AN ACT


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

SECTION 1. There is hereby appropriated to the Office of the Governor, the following amounts, to be expended for the Commission on Human Rights according to the expense classes designated therein from the listed funds for the period July 1, 1976 through June 30, 1977:

<table>
<thead>
<tr>
<th>PROGRAM</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>COMMISSION ON HUMAN RIGHTS:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Fund</td>
<td>$ 69,700</td>
<td>$ 30,100</td>
<td>$ 5,900</td>
<td></td>
<td>$ 105,700</td>
</tr>
<tr>
<td>Human Rights Fund</td>
<td>34,000</td>
<td>7,800</td>
<td></td>
<td></td>
<td>41,800</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$ 103,700</td>
<td>$ 37,900</td>
<td>$ 5,900</td>
<td></td>
<td>$ 147,500</td>
</tr>
</tbody>
</table>

Approved March 19, 1976.
AN ACT
EXEMPTING CERTAIN ADVERTISING AND PROMOTIONAL ACTIVITIES
FROM THE DEFINITION OF A LOTTERY; AMENDING SECTION
18-4909, IDAHO CODE, TO PROVIDE THAT CERTAIN ADVERTISING
AND PROMOTIONAL ACTIVITIES ARE NOT SUBJECT TO THE PRO-
HIBITIONS OF LAW PREVENTING LOTTERIES.

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

SECTION 1. That Section 18-4909, Idaho Code, be, and
the same is hereby amended to read as follows:

18-4909. EXCEPTIONS ----BRAWING--CAREY--ACT--LANDS----
PARTITIONING--REALTY. The provisions of this chapter shall
not apply to government land drawings, or to Carey act land
drawings, or to the partitioning or division of real prop-
erty and improvements thereon between joint owners or ten-
ants in common by lot or any other method that such joint
owners or tenants in common or their representative may
agree upon. The provisions of this chapter shall not apply
to advertising and promotional activities, whether or not
conducted by mass media techniques, in which prizes may be
awarded.

Approved March 19, 1976.
CHAPTER 175

(S.B. No. 1278, As Amended)

AN ACT

RELATING TO ADMINISTERING THE CIGARETTE TAX ACT; AMENDING SECTION 63-2513, IDAHO CODE, TO STRIKE PROVISIONS THAT ALLOW CIGARETTE VENDING MACHINES TO BE SEIZED AS CONTRABAND; AND AMENDING SECTION 63-2512, IDAHO CODE, TO PROVIDE THAT FAILURE TO PAY THE ANNUAL LICENSE FEES SHALL BE SUBJECT TO A PENALTY OF TWENTY-FIVE DOLLARS, AND THAT FAILURE TO PAY THE PENALTY WITHIN THIRTY DAYS SHALL BE A MISDEMEANOR.

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

SECTION 1. That Section 63-2513, Idaho Code, be, and the same is hereby amended to read as follows:

63-2513. CONTRABAND ARTICLES. Any unstamped cigarettes held, owned, possessed or in control of any person for a period of time longer than necessary to affix Idaho stamps, are hereby declared to be contraband goods, except as authorized under subsection (c) of section 63-2512, Idaho Code, and may be seized by the state tax commission, or an employee of the state tax commission, or any peace officer, when directed by the state tax commission, without a warrant. Any vending-machine-and-any vehicle, not a common carrier operating in interstate commerce, used in violating this act, shall likewise be subject to confiscation. Said cigarettes or-other-articies or vehicles seized shall be offered for sale. Fifteen (15) days notice of the sale shall be given; net proceeds from the sale shall be deposited in the general fund. The state tax commission shall require the purchaser at the sale to affix the proper amount of tax stamps to cigarette packages. Any-machine—or-device for-vending-cigarettes-which-does-not-display-a-valid-vending-machine-license, or-displays-a-forged-license, is hereby declared-to-be-contraband-goods-and-may-be-seized-without warrant, and--said--machine--and--its--cigarettes--shall-be offered-for-sale-in-the-same-manner-by-the-state-tax-commission.

SECTION 2. That Section 63-2512, Idaho Code, be, and the same is hereby amended to read as follows:
63-2512. PENALTIES. The penalties herein prescribed are not intended as exclusive, but are in addition and supplemental to any and all other existing remedies and procedures prescribed by law for the enforcement of the revenue laws of this state.

(a) Any wholesaler or retailer who shall, by any device or method, lessen the tax due on the cigarettes handled by him, shall, in addition to the tax found due, be assessed as a civil penalty, by the state tax commission, fifty (50) times the amount of the tax found due.

(b) Any person who shall forge or counterfeit an Idaho cigarette stamp shall be guilty of a felony and upon conviction thereof shall be punished in accordance with the provisions of the criminal code, and additionally shall be ineligible to have issued him or to hold any state license or permit to sell or vend goods or merchandise of any kind or type, or to be employed by or work in any manner for a holder of a cigarette wholesaler or retail permit or license or vending machine permit or license for a period of five (5) years thereafter.

(c) The possession by any person of more than ten (10) packages of cigarettes without Idaho cigarette stamps is a misdemeanor. Any person upon conviction shall be subject to a fine of five dollars ($5.00) for each full or partial package of unstamped cigarettes in his possession in excess of ten (10), but the maximum punishment for each offense shall not exceed a fine of three hundred dollars ($300) or imprisonment in the county jail or both.

(d) Any person who owns or who has possession of a cigarette vending machine, or of any vehicle, not a common carrier operating in interstate commerce, used in violating the provisions of this act, including failure by such person to pay the annual license fees imposed by section 63-2503, Idaho Code, shall be subject to a penalty in the amount of twenty-five dollars ($25.00) for each vending machine or vehicle so used, and such penalty shall be assessed and collected, in addition to the annual license fees found to be due, in the same manner as tax is assessed and collected as provided in section 63-2516, Idaho Code. Failure to pay the penalty within thirty (30) days shall be a misdemeanor.

(e) All other violations of this act shall be misdemeanors and punishable in accordance with the provisions of the criminal code.

Approved March 19, 1976.
CHAPTER 176
(S.B. No. 1407)

AN ACT RELATING TO THE PRACTICE OF DENTISTRY; AMENDING SECTION 54-916, IDAHO CODE, BY PROVIDING THAT THE BOARD OF DENTISTRY MAY, BY RULE OR REGULATION, SET THE APPLICATION FEE FOR DENTISTRY EXAMINATIONS AT NOT LESS THAN SEVENTY-FIVE DOLLARS NOR MORE THAN ONE HUNDRED DOLLARS, AND THAT THE BOARD OF DENTISTRY MAY, BY RULE OR REGULATION, SET THE APPLICATION FEE FOR DENTAL HYGIENISTS AT NOT LESS THAN TWENTY-FIVE DOLLARS NOR MORE THAN SEVENTY-FIVE DOLLARS; AMENDING SECTION 54-920, IDAHO CODE, BY PROVIDING THAT THE BOARD OF DENTISTRY MAY, BY RULE OR REGULATION, SET THE ANNUAL LICENSE FEE FOR DENTISTS PRACTICING IN THE STATE AT NOT LESS THAN FIFTEEN DOLLARS NOR MORE THAN ONE HUNDRED DOLLARS, FOR DENTISTS NOT PRACTICING IN THE STATE AT NOT LESS THAN FIFTEEN DOLLARS NOR MORE THAN FIFTY DOLLARS, FOR DENTAL HYGIENISTS AT NOT LESS THAN TEN DOLLARS NOR MORE THAN FIFTY DOLLARS; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 54-916, Idaho Code, be, and the same is hereby amended to read as follows:

54-916. APPLICATION FOR EXAMINATION -- FEE. Any person desiring to practice dentistry or dental hygiene within the state of Idaho shall, in his own handwriting and under oath, make out an application for examination in dentistry or dental hygiene, as the case may be, on forms furnished by the board, which forms shall call for such information from the applicant as shall show his full, true name and that he possesses all the qualifications required by this act for the examination applied for. The application and such supporting instruments as shall be required, together with payment of an application fee of not less than seventy-five dollars ($75.00), nor more than one hundred fifty dollars ($150) for dentists such fee to be set by the rules and regulations of the board and not less than twenty-five dollars ($25.00), nor more than seventy-five dollars ($75.00) for dental hygienists, such fee to be set by the rules and regulations of the board, shall be filed with the
board at a sufficient time, to be fixed by regulations, before an examination to permit the board to investigate into the moral character and reputation of the applicant and his possession of the other qualifications for examination. The fee shall not be refunded.

SECTION 2. That Section 54-920, Idaho Code, be, and the same is hereby amended to read as follows:

54-920. ANNUAL LICENSES -- CANCELATION OF QUALIFICATION FOR FAILURE TO PAY. Every person who shall hereafter qualify to practice dentistry or dental hygiene shall pay the annual license fee for the license year in which he shall so qualify. Every person who shall have qualified to practice dentistry or dental hygiene shall pay to the board on or before July 1st in each year an annual license fee as the board may prescribe, which fee shall be not less than fifteen dollars ($15.00) nor more than $50.00 one hundred dollars ($100) for dentists practicing in the state; not less than fifteen dollars ($15.00) nor more than $25.00 fifty dollars ($50.00) for dentists not practicing in the state; and not less than ten dollars ($10.00) nor more than $15.00 fifty dollars ($50.00) for dental hygienists, all for the license year beginning on such July 1st and ending June 30th of the following calendar year. The board shall issue to the payee, if its records show his qualifications not suspended or revoked, an annual license for the practice of dentistry or dental hygiene, as the case may be, during such license year; provided, however, that if the payee shall have failed, after qualifying for practice, to pay the annual license fee for any one (1) or more prior license years, he shall be required also to pay such unpaid fees; and provided, further, that if any person qualified as aforesaid shall fail to pay annual license fees for five (5) consecutive license years, his qualifications to practice shall be canceled by the board, and such fact recorded.

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 19, 1976.
CHAPTER 177
(S.B. No. 1395)

AN ACT
RELATING TO THE ORGANIZATION, MEETING, AND EXPENSES OF THE
BOARD OF DENTISTRY, AMENDING SECTION 54-911, IDAHO CODE,
BY INCREASING THE PER DIEM ALLOWANCE OF THE BOARD MEM-
BERS FOR EACH DAY IN THE PERFORMANCE OF THEIR DUTIES
FROM $25.00 TO $50.00; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 54-911, Idaho Code, be, and the
same is hereby amended to read as follows:

54-911. BOARD OF DENTISTRY -- ORGANIZATION -- MEETINGS
-- EXPENSES -- PER DIEM. The board of dentistry shall select
from its members a chairman who shall serve at the pleasure
of the board. The board may meet at stated times, and shall
meet upon the call of its chairman or a majority of the mem-
ers. It shall keep minutes of its meetings and actions
thereat. Three (3) members shall constitute a quorum, and
the vote of the majority of the members present at a meeting
at which a quorum is present shall determine the action of
the board.

Out of any appropriation applicable to the administra-
tion of this act, members of the board shall be paid their
actual expense incurred in the performance of their duties
and in addition a per diem allowance to each dental member
of $25.00 fifty dollars ($50.00) for each day in which such
dental member shall perform service.

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

Approved March 19, 1976.
AN ACT
CONCERNING COUNTY-WIDE HIGHWAY DISTRICTS; AMENDING SECTION 40-3013, IDAHO CODE, TO GRANT COUNTY HIGHWAY DISTRICTS AUTHORITY TO PROVIDE BY GENERAL ORDINANCE FOR THE CONSTRUCTION, REPAIR AND REMOVAL OF SIDEWALKS WHICH ARE DEEMED DANGEROUS AND UNSAFE AND MAKING PROVISION FOR ASSESSING THE COST OF SUCH REMOVAL AND REPLACEMENT TO THE PROPERTY IN FRONT OF WHICH THE SAME SHALL BE CONSTRUCTED, PROVIDING FOR THE COLLECTION OF SUCH ASSESSMENTS AND FOR CERTIFICATION OF DELINQUENT ASSESSMENTS TO THE TAX COLLECTION FOR COLLECTION BY PLACEMENT ON THE TAX ROLLS AS ARE OTHER TAXES; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 40-3013, Idaho Code, be, and the same is hereby amended to read as follows:

40-3013. CONTROL OF ROADS, BRIDGES AND HIGHWAYS IN DISSOLVED SYSTEMS AND DISTRICTS -- SIDEWALKS -- SPECIAL ASSESSMENTS. (a) After the dissolution of any county road system, city street system, highway or good roads district, the county-wide highway district of the county or counties wherein such dissolved system or district was situate, shall have the same control over all roads, bridges, and highways of such system or district, situate in such county, as was or is vested in such county commissioners, highway district commissioners and/or city councils in other territory of the county and as provided for in section 40-2709, Idaho Code.

(b) A county-wide highway district may provide by general ordinance for the construction, repair or removal of sidewalks which are deemed by the commissioners thereof to be dangerous and unsafe, and for the replacing thereof, assess the costs as provided in subsection (c) of this section to the property in front of which the same shall be constructed, repaired or laid.

(c) All special assessments levied to which the provisions of this act are made applicable shall be due and payable to the treasurer of the highway district, and if not paid within thirty (30) days after mailing of notification...
of assessment, shall be declared delinquent and be certified to the tax collector of the county by the treasurer and shall be by said tax collector placed upon the tax roll and collected in the same manner and subject to the same penalties as other taxes; all money received on special assessments shall be held by the treasurer as a special fund to be applied to the payment of the improvement for which the assessment was made, and said money shall be used for no other purpose whatever unless to reimburse such highway district for money expended for such improvement.

(d) The tax collector of the county shall pay on demand to the treasurer all money received by him arising from all taxes or assessments levied hereunder.

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

Approved March 19, 1976.
CHAPTER 179
(S.B. No. 1264, As Amended)

AN ACT
RELATING TO HEALTH DISTRICTS; AMENDING CHAPTER 4, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-401, IDAHO CODE, TO PROVIDE A STATEMENT OF LEGISLATIVE INTENT RELATING TO HEALTH DISTRICTS; AMENDING SECTION 39-413, IDAHO CODE, RELATING TO DIRECTORS OF A HEALTH DISTRICT, BY STRIKING REFERENCE TO STANDARDS AND QUALIFICATIONS OF DIRECTORS ESTABLISHED BY THE STATE BOARD OF HEALTH AND WELFARE, AND REQUIRING COMPLIANCE WITH THE STATE MERIT SYSTEM; AMENDING SECTION 39-414, IDAHO CODE, RELATING TO POWERS AND DUTIES OF THE DISTRICT BOARD, BY STRIKING REFERENCE TO AUTHORIZATION BY THE DEPARTMENT OF HEALTH AND WELFARE, AND PROVIDING CLARIFYING LANGUAGE AND PUNCTUATION; AMENDING SECTION 39-416, IDAHO CODE, RELATING TO REGULATIONS ADOPTED BY THE DISTRICT BOARD, TO PROVIDE A TIME LIMIT FOR APPROVAL BY THE STATE BOARD, AND PROVIDING FOR ADDITIONAL NOTICE OF PROPOSED RULES TO BE GIVEN TO ALL COUNTY COMMISSIONERS AND MUNICIPALITIES WITHIN THE DISTRICT, AND TO THE STATE BOARD OF HEALTH AND WELFARE; AMENDING SECTION 39-421, IDAHO CODE, RELATING TO SPECIAL COUNSEL OF THE DISTRICT BOARD, BY REMOVING RESTRICTIONS ON THE TYPE OF CIVIL ACTIONS BROUGHT, REMOVING THE REQUIREMENT FOR APPROVAL OF COUNSEL BY THE ATTORNEY GENERAL, AND PROVIDING THAT COUNSEL MAY APPEAR AS A SPECIAL ASSISTANT ATTORNEY GENERAL WHEN APPROVED; AMENDING SECTION 39-422, IDAHO CODE, RELATING TO THE PUBLIC HEALTH DISTRICT FUND, BY PROVIDING CLARIFYING LANGUAGE, AND PROVIDING CLARIFYING LANGUAGE CONCERNING CLAIMS AGAINST THE FUNDS OF THE HEALTH DISTRICTS; REPEALING SECTION 39-424, IDAHO CODE; AMENDING CHAPTER 4, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-424, IDAHO CODE, TO PROVIDE FOR THE APPORTIONMENT OF AD VALOREM TAX REVENUES BY THE SEVERAL COUNTIES RAISED TO SUPPORT THE BUDGET OF THE HEALTH DISTRICT, SEVENTY PER CENT OF THE REVENUES RAISED TO BE APPORTIONED ON A BASIS PROPORTIONATE TO POPULATION, AND THIRTY PER CENT OF THE REVENUES RAISED TO BE APPORTIONED ON A BASIS PROPORTIONATE TO ASSESSED VALUATION; AMENDING SECTION 39-425, IDAHO CODE, RELATING TO FINANCING BY THE STATE DEPARTMENT, BY PROVIDING CLARIFYING LANGUAGE REGARDING THE EXTENT OF LIABILITY OF THE STATE OF IDAHO.
TOWARDS THE FUNDS OF THE HEALTH DISTRICTS, AND PROVIDING A PROCEDURE TO BE FOLLOWED IN THE EVENT THAT REVENUES TO THE STATE TREASURY ARE INSUFFICIENT TO FULLY MEET APPROPRIATIONS.

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

SECTION 1. That Chapter 4, 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 39-401, Idaho Code, and to read as follows:

39-401. LEGISLATIVE INTENT. The various health districts, as provided for in this chapter, are not a single department of state government unto themselves, nor are they a part of any of the twenty (20) departments of state government authorized by section 20, article IV, Idaho constitution, or of the departments prescribed in section 67-4202, Idaho Code.

It is legislative intent that health districts operate and be recognized not as state agencies or departments, but as governmental entities whose creation has been authorized by the state, much in the manner as other single purpose districts. Pursuant to this intent, and because health districts are not state departments or agencies, health districts are exempt from the required participation in the services of the purchasing agent or employee liability coverage, as rendered by the department of administration. However, nothing shall prohibit the health districts from entering into contractual arrangements with the department of administration, or any other department of state government or an elected constitutional officer, for these or any other services.

It is legislative intent to affirm the provisions of section 39-413, Idaho Code, requiring compliance with the state merit system, and to affirm the participation of the health districts in the public employee retirement system, pursuant to section 39-426, Idaho Code, chapter 13, title 59, Idaho Code, and chapter 53, title 67, Idaho Code.

It is also legislative intent that the matters of location of deposit of health district funds, or the instruments or documents of payment from those funds shall be construed as no more than items of convenience for the conduct of business, and in no way reflect upon the nature or status of the health districts as entities of government.

This section merely affirms that health districts created under this chapter are not state agencies, and in no
way changes the character of those agencies as they existed prior to this act.

SECTION 2. That Section 39-413, Idaho Code, be, and the same is hereby amended to read as follows:

39-413. DISTRICT HEALTH DIRECTOR -- APPOINTMENT -- POWERS AND DUTIES. A district health director shall be appointed by the district board pursuant to the standards and qualifications established by the state board of health and welfare. The director shall have and exercise the following powers and duties in addition to all other powers and duties inherent in the position or delegated to him or imposed upon him by law or rule, regulation, or ordinance:

(1) To be secretary and administrative officer of the district board of health;

(2) To prescribe such rules and regulations as may be necessary for the government of his department, the conduct and duties of his employees, the orderly and efficient handling of his business and the custody, use and preservation of its records, papers, books and property belonging to the public health district;

(3) To administer oaths for all purposes required in the discharge of his duties;

(4) With the approval of the district board to:

(a) Prescribe the positions and the qualifications of all personnel under the district health director on a non-partisan merit basis in accordance with the objective standards approved by the district board, and in substantial conformance with corresponding positions within the state department of health and welfare.

(b) Fix the rate of pay and appoint, promote, demote, and separate such employees and to perform such other personnel actions as are needed from time to time in substantial conformance with the requirements of chapter 53, title 67, Idaho Code. The personnel commission and all the district boards shall agree pursuant to section 67-2326 through section 67-2337, Idaho Code, as to which rules and regulations promulgated by the personnel commission are applicable to the district departments and the other conditions for the service agreement.

(c) Create such units and sections as are or may be necessary for the proper and efficient functioning of the duties herein imposed.

SECTION 3. That Section 39-414, Idaho Code, be, the same is hereby amended to read as follows:
39-414. POWERS AND DUTIES OF DISTRICT BOARD. The dis­trict board of health shall have and may exercise the following powers and duties:

(1) To administer and enforce all state and district health laws, regulations, and standards.

(2) To do all things required for the preservation and protection of the public health and preventive health as authorized, and such other things delegated by the director of the state department of health and welfare and this shall be authority for the director to so delegate.

(3) To determine the location of its main office and to determine the location, if any, of branch offices.

(4) To enter into contracts with any other governmental or public agency whereby the district board agrees to render services to or for such agency in exchange for a fee reasonably calculated to cover the cost of rendering such service. This authority is to be limited to services voluntarily rendered and voluntarily received and shall not apply to services required by statute, rule, and regulations, or standards promulgated pursuant to this act or chapter 1, title 39, Idaho Code.

(5) All fees, moneys or payment received or collected by gift, grant, devise, or any other way shall be deposited to the respective division account of the public health district in the public health district fund authorized by section 39-422, Idaho Code.

(6) To establish a fiscal control policy corresponding as substantially as possible to that required to be followed by the state department of health and welfare.

(7) To cooperate in the highest degree with the director of the department of health and welfare in all manners and to this end be available to meet with the director as may be convenient to both, but in no event less frequently than semiannually.

(8) To enter into contracts with other governmental agencies, and this act hereby authorizes such other agencies to enter into contracts with the health district, as may be deemed necessary to fulfill the duties imposed upon the district in providing for the health of the citizens within the district.

(9) To purchase real property and construct, rent, or lease such buildings as may be required for the accomplishment of the duties imposed upon the district and to further obtain such other personal property as may be necessary to its functions.

(10) To accept, receive and utilize any gifts, grants,
or funds and personal and real property that may be donated to it for the fulfillment of the purposes outlined in this act.

SECTION 4. That Section 39-416, Idaho Code, be, and the same is hereby amended to read as follows:

39-416. REGULATIONS ADOPTED BY DISTRICT BOARD -- PROCEDURE. The district board by the affirmative vote of a majority of its members may adopt, amend or rescind regulations, rules and standards as it deems necessary to carry out the purposes and provisions of this act. Before such rules, and regulations, and standards may become effective they must be approved by the state board of health and welfare within one hundred twenty (120) days after the submission to the state board.

Every rule, regulation or standard adopted, amended, or rescinded by the district board shall be done in a manner conforming to the provisions of chapter 52, title 67, Idaho Code, and the rules and regulations promulgated thereunder by the state board of health and welfare.

At least sixty (60) days prior to the public hearing all proposed rules, regulations and standards shall be submitted for review and comment to the state board of health and welfare, every municipality within the public health district's jurisdiction and to the board of county commissioners of each county within the public health district's jurisdiction. Notice of all hearings shall be given to the persons named herein and no rule shall be effective unless the provisions of this section are followed.

This section does not apply to measures adopted in the operation of the district board in its administrative functions and duties.

SECTION 5. That Section 39-421, Idaho Code, be, and the same is hereby amended to read as follows:

39-421. SPECIAL COUNSEL OF DISTRICT BOARD. The district board is hereby authorized to engage special counsel to defend it and the members in all action and proceedings brought against it or them with respect to their official duties hereunder. In addition, such special counsel may bring any civil action requested by the district board to abate a condition or remedy a situation which exists in violation of, or for the enforcement of, the health laws or the standards, orders, rules and regulations of the district board established or issued under the provisions of this act. The special counsel must be when approved by the attorney general and when so approved may enter an appearance as
a special assistant attorney general.

SECTION 6. That Section 39-422, Idaho Code, be, and the same is hereby amended to read as follows:

39-422. PUBLIC HEALTH DISTRICT FUND -- ESTABLISHMENT -- DIVISIONS -- FISCAL OFFICER -- EXPENDITURES. (1) There is hereby authorized and established in the state treasury a special fund to be known as the public health district fund for which the state treasurer shall be custodian. Within the public health district fund there shall be seven (7) divisions, one (1) for each of the seven (7) public health districts. Each division within the fund will be under the exclusive control of its respective district board of health and no funds shall be withdrawn from such division of the fund unless authorized by the district board of health or their authorized agent. The state director of the department of health and welfare will act as fiscal officer of the various health districts and perform such administrative ministerial functions as are necessary for deposits and withdrawals, and accounting for the funds of each division and the public health district fund.

(2) The procedure for the deposit and expenditure of moneys from the public health district fund will be in accordance with procedures established between all district boards and the director of the department of health and welfare. All income and receipts received by the district departments shall be deposited in the public health district fund.

(3) Claims against the divisions of the health district fund are not claims against the state of Idaho. Claims against an individual health district are limited to that district's division funds.

SECTION 7. That Section 39-424, Idaho Code, be, and the same is hereby repealed.

SECTION 8. That Chapter 4, 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 39-424, Idaho Code, and to read as follows:

39-424. COST OF MAINTENANCE OF DISTRICT -- APPORTIONMENT TO MEMBER COUNTIES. The manner of apportioning the contributions of ad valorem taxes to be raised by the counties as part of the budget of the health district, created pursuant to section 39-423, Idaho Code, shall be as follows:
1. Seventy per cent (70%) of the amount to be raised by the counties through the levy of ad valorem taxes shall be apportioned among the various counties within the health district on the basis of population. The proportion of the total population of each county as compared to the total population of the health district shall be the proportion by which such county shall share in the contribution of ad valorem taxes for the maintenance of the health district, pursuant to this subsection. The population will be determined by the last general census or any subsequent special census.

2. Thirty per cent (30%) of the amount to be raised by the counties through the levy of ad valorem taxes shall be apportioned among the counties within the district on the basis of assessed valuation. The proportion of the total assessed value of each county as compared to the total assessed value of the health district shall be the proportion by which such county shall share in the contribution of ad valorem taxes for the maintenance of the health district, pursuant to this subsection. Total assessed value shall mean the total assessed value as computed by the county assessor for the preceding full calendar year.

SECTION 9. That Section 39-425, Idaho Code, be, and the same is hereby amended to read as follows:

39-425. FINANCING OF DISTRICT BY STATE DEPARTMENT. (1) The director of the department of health and welfare, based upon appropriations and any other funds available, shall prescribe a percentage of general state aid to be used to assist in financing the public health district, but in no case shall the general state aid be less than sixty-seven per cent (67%) of the amount of ad valorem tax contributed by each county from the levy made as provided by section 31-862, Idaho Code. The percentage of general state aid shall be distributed so as to provide no less than sixty-seven per cent (67%) of the ad valorem taxes contributed by each county, computed on an individual county basis. The moneys computed as general state aid will be deposited directly to the account of the district. If the determined amount of participation by a county would exceed the amount which could be raised applying the maximum levy prescribed in section 31-862, Idaho Code, that county's participation shall be reduced to the maximum amount which can be raised thereby.

(2) The foregoing provision shall not limit the director from authorizing or granting additional funds for se-
lected projects to individual health districts in excess of the percentage of participation of general aid granted all health districts.

(3) The liability of the state of Idaho to the public health districts and the public health district fund and its divisions is limited to:

(a) Sixty-seven percent (67%) of the ad valorem tax contributed by each county as specified in subsection (1) of this section or the funds appropriated to the department of health and welfare for that purpose, and;

(b) The funds actually authorized or granted to the various public health districts as provided for in subsection (2) of this section, and;

(c) The funds due the various health districts in payment of legally authorized contracts and agreements entered into between the departments of the state of Idaho and the various public health districts.

(4) If revenues to the state treasury are insufficient to fully meet appropriations, and reductions in spending authority have been ordered pursuant to law, the amount of moneys to match revenues raised by the counties, pursuant to section 39-423, Idaho Code, which has been appropriated pursuant to this section, shall be reduced by the same percentage rate as all other general fund appropriations for the department of health and welfare.

Approved March 19, 1976.
CHAPTER 180
(S.B. No. 1387, As Amended)

AN ACT
RELATING TO BRAND INSPECTION FEES, INCREASING CERTAIN BRAND INSPECTION FEES; AMENDING SECTION 25-1106A, IDAHO CODE, PROVIDING FOR A CHANGE IN THE MAXIMUM FEE TO FIFTY CENTS FOR BRAND INSPECTION OF CATTLE; AMENDING SECTION 25-1736, IDAHO CODE, BY PROVIDING FOR A CHANGE IN THE MAXIMUM FEE FOR BRAND INSPECTION OF CATTLE; AND DECLARING AN EMERGENCY.

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 thirty-cents-(30¢) fifty cents (50¢) for each head of cattle. The maximum fee which shall be charged by the state brand inspector and his deputies for brand inspection for 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 25-1736, Idaho Code, be, and the same is hereby amended to read as follows:

25-1736. BRAND INSPECTION. Every livestock market operator engaged in the operation of a public livestock market within the state of Idaho shall cause brand inspection to be made in such manner as the state brand board shall prescribe, of all livestock assembled at such public livestock market for either public or private sale, and shall provide facilities for such brand inspection, such facilities to consist of a tagging or holding chute so as to permit
readily accessible brand inspection, and shall pay to the
office of the state brand inspector reasonable fees and
charges not to exceed the sum of thirty-cents (30¢) per head
as determined by the actual costs of such inspection accord­
ing to the provisions of section 25-1106A, Idaho Code.

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

Approved March 19, 1976.
CHAPTER 181
(S.B. No. 1274)

AN ACT
RELATING TO NOTICE OF AND RECEIPT FOR TAXES; AMENDING
SECTION 63-1103, IDAHO CODE, TO PROVIDE THAT TAX NOTICES
PREPARED BY TAX CODE AREAS MUST BE ACCOMPANIED BY A LEVY
SHEET LISTING TAXES BY DISTRICT; AND AMENDING SECTION
63-1105, IDAHO CODE, TO PROVIDE THAT TAX RECEIPTS PRE-
PARED BY TAX CODE AREAS MUST BE ACCOMPANIED BY A LEVY
SHEET SHOWING TAXES BY DISTRICT.

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

SECTION 1. That Section 63-1103, Idaho Code, be, and
the same is hereby amended to read as follows:

63-1103. TAX NOTICE -- DUTY OF TAX COLLECTOR. (a) The
tax collector of each county in this state must, prior to
the fourth Monday of November in each year, mail to every
taxpayer, or to his agent or representative, at his last
known post-office address, a notice, describing the property
assessed in the name of such taxpayer, and showing the full
market value, the assessed valuation and the amount of taxes
due thereon, the amount of state and county taxes, and each
amount of city, town, village, school district and every
other tax being separately shown, and also showing all tax
levies and the time when such taxes become delinquent, and
also showing all delinquency certificates and tax sale
certificates outstanding against the said property as shown
on the assessment roll, which notice must be substantially
in the form prescribed by this act.

(b) Tax notices prepared by tax code areas must be
accompanied by a levy sheet which shows the amount of tax
levy for each taxing district or taxing jurisdiction as well
as the total amount of the tax levies in each tax code area.

(c) A "tax code area" for purposes of this section
shall mean a geographical area made up of one or more taxing
districts with one total levy within its boundary.

SECTION 2. That Section 63-1105, Idaho Code, be, and
the same is hereby amended to read as follows:

63-1105. TAX RECEIPTS. (a) The tax collector of each
county in this state must, prior to the fourth Monday of November in each year, prepare tax receipts in duplicate for all taxes extended upon the real property assessment roll, showing the name of the taxpayer and describing the property assessed in the name of such taxpayer, showing the amount of taxes due thereon, the amount of state and county taxes, and each amount of city, town, village, school district and every other tax being separately shown, and also showing all tax levies and all delinquency certificates and tax sale certificates outstanding against the said property as shown on the assessment roll, which receipts must be substantially in the form prescribed by this act.

(b) Tax receipts prepared by tax code areas must be accompanied by a levy sheet which shows the amount of tax levy for each taxing district or taxing jurisdiction as well as the total amount of the tax levies in each tax code area.

(c) A "tax code area" for purposes of this section shall mean a geographical area made up of one or more taxing districts with one total levy within its boundary.

Approved March 19, 1976
CHAPTER 182
(S.B. No. 1358)

AN ACT
RELATING TO COMPENSATION AND TRAVELING EXPENSES OF THE IDAHO VETERANS AFFAIRS COMMISSION; AMENDING SECTION 65-206, IDAHO CODE, BY PROVIDING AN INCREASE FOR THE PER DIEM ALLOWANCE PAID TO MEMBERS OF THE COMMISSION WHILE IN ATTENDANCE AT OFFICIAL MEETINGS OF THE COMMISSION.

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

SECTION 1. That Section 65-206, Idaho Code, be, and the same is hereby amended to read as follows:

65-206. COMPENSATION AND TRAVELING EXPENSES OF COMMISIONERS. The members of said commission shall receive compensation of $25.00 per day for each day while in attendance at official meetings of the commission and while on official business authorized by said commission. The traveling expenses of the members of the commission and its employees, when traveling in performance of official duty, and other necessary expenses 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. Provided, however, no member of said commission shall receive per diem compensation in excess of $400.00 per fiscal year.

Approved March 19, 1976.
CHAPTER 183
(H.B. No. 676)

AN ACT
RELATING TO THE HEALTH FACILITIES AUTHORITY; AMENDING
SECTION 39-1443, IDAHO CODE, TO PROVIDE AN ADDITIONAL
DEFINITION OF REVENUES; AMENDING SECTION 39-1447, IDAHO
CODE, TO INCREASE THE OPTIONS AVAILABLE TO THE AUTHORITY
IN PERFORMING ITS DUTIES; AMENDING SECTION 39-1450,
IDAHO CODE, TO RECOGNIZE SECURITY INTERESTS; AMENDING
SECTION 39-1450B, IDAHO CODE, TO RECOGNIZE THE
AUTHORITY'S ABILITY TO HOLD OR SELL NOTES AS WELL AS
BONDS; AMENDING SECTION 39-1450D, IDAHO CODE, TO LIMIT
TRUST AGREEMENTS WITH TRUST COMPANIES IN IDAHO; AMENDING
SECTION 39-1451, IDAHO CODE, TO PROVIDE THAT ISSUANCE OF
NOTES CREATES NO LIABILITY ON THE PART OF THE STATE;
AMENDING CHAPTER 14, TITLE 39, IDAHO CODE, BY THE ADDI-
TION OF A NEW SECTION 39-1453A, TO PROVIDE THAT THE
AUTHORITY SHALL RECEIVE AN INITIAL PLANNING SERVICE FEE;
AMENDING SECTION 39-1454, IDAHO CODE, TO PROVIDE FOR
ADDITIONAL FORMS OF SECURITY ARRANGEMENTS; AMENDING
SECTION 39-1457, IDAHO CODE, TO ALLOW INVESTMENT FLEXI-
BILITY TO THE AUTHORITY; AMENDING CHAPTER 14, TITLE 39,
IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-1457A,
IDAHO CODE, TO PROVIDE THAT MONEYS OF THE AUTHORITY ARE
TRUST FUNDS; AMENDING CHAPTER 14, TITLE 39, IDAHO CODE,
BY THE ADDITION OF A NEW SECTION 39-1459B, IDAHO CODE,
TO PROVIDE THAT THE STATE OF IDAHO WILL NOT INTERFERE
WITH THE POWERS, RIGHTS AND DUTIES OF THE AUTHORITY IN
ITS AGREEMENTS WITH HOLDERS OF BONDS, NOTES AND OBLI-
GATIONS; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 39-1443, Idaho Code, be, and
the same is hereby amended to read as follows:

39-1443. DEFINITIONS. In this act, unless the context
otherwise clearly requires, the terms used herein shall have
the meanings ascribed to them as follows:
(a) "Authority" means the Idaho health facilities
authority created by this act.
(b) "Bonds," "notes" or "bond anticipation notes" and
"other obligations" means any bonds, notes, debentures,
interim certificates or other evidences of financial indebtedness, respectively, issued by the authority pursuant to this act.

(c) "Health institution" means any (i) private not for profit hospital, corporation or institution or (ii) public hospital or institution authorized by law to provide or operate health facilities in the state of Idaho, and "participating health institution" means a health institution which, pursuant to the provisions of this act, shall undertake the financing and construction or acquisition of health facilities or shall undertake the refunding or refinancing of outstanding obligations as provided in and permitted by this act.

(d) "Health facilities" or "facilities," in the case of a participating health institution, means a structure or building suitable for use as a hospital, clinic, nursing home, or other health care facility, laboratory, laundry, nurses', doctors' or interns' residence, administration building, research facility, maintenance, storage or utility facility, auditorium, dining hall, food service and preparation facility, mental and physical health care facility, dental care facility, nursing school, medical teaching facility, or other structures or facilities related to any of the foregoing or required or useful for the operation of a health facility, including, without limitation, offices, parking lots and garages and other supporting service structures, and all necessary, useful and related equipment, furnishings and appurtenances and including without limitation the acquisition, preparation and development of all lands, real and personal property, necessary or convenient as a site or sites for any of the foregoing; but shall not include such items as food, fuel, supplies or other items which are customarily considered as a current operating charge; facilities shall not include any property used or to be used primarily for sectarian instruction or study or as a place for devotional activities or religious worship.

(e) "Costs" as applied to facilities financed in whole or in part under the provisions of this act means and includes the sum total of all reasonable or necessary costs incidental to the acquisition, construction, reconstruction, repair, alteration, equipment, enlargement, improvement and extension of such facilities and acquisition of all lands, structures, real or personal property, rights, rights-of-way, franchises, easements and interest acquired, necessary, used for or useful for or in connection with a facility and all other undertakings which the authority deems reasonable or necessary for the development of a facility,
including but not limited to the cost of demolishing or removing any building or structures on land so acquired, the cost of acquiring any lands to which such building or structures may be moved, the cost of all machinery and equipment, financing charges, interest prior to and during construction, and if judged advisable by the authority, for a period after completion of such construction, the cost of financing facilities, including interest on bonds and notes issued by the authority to finance facilities; reserves for principal and interest and for extensions, enlargements, additions and improvements; including without limitation the cost of studies and surveys; the costs for land title and mortgage guaranty policies; plans, specifications, architectural and engineering services; legal, organization, 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 to the construction and acquisition of facilities, the financing of such construction, and acquisition and the placing of facilities in operation.

(f) "Revenues" means, with respect to facilities, the rents, fees, charges, interest, principal repayments and other income derived therefrom received or to be received by the authority from any source on account of such facilities.

(g) "Refinancing of outstanding obligations" means liquidation, with the proceeds of bonds or notes issued by the authority, of any indebtedness of a participating health institution incurred to finance or aid in financing a lawful purpose of such health institution not financed pursuant to this act which would constitute a facility had it been undertaken and financed by the authority, or consolidation of such indebtedness with indebtedness of the authority incurred for a facility related to the purpose for which the indebtedness of the health institution was incurred.

SECTION 2. That Section 39-1447, Idaho Code, be, and the same is hereby amended to read as follows:

39-1447. POWERS. The authority shall have the following powers together with all powers incidental thereto or necessary for the performance thereof:

(1) to have perpetual succession as a body politic and corporate;

(2) to adopt by-laws for the regulation of its affairs and the conduct of its business;
(3) to sue and be sued and to prosecute and defend, at law or in equity, in any court having jurisdiction of the subject matter and of the parties;
(4) to have and to use a corporate seal and to alter the same at pleasure;
(5) to maintain an office at such place or places as it may designate;
(6) to determine the location and character of any facility to be financed under the provisions of this act to acquire, construct, reconstruct, renovate, improve, replace, maintain, repair, operate, lease as lessee or lessor and regulate the same, to enter into contracts for any and all of such purposes and for the management and operation of a facility to designate a participating health institution as its agent to determine the location and character of a facility undertaken by such participating health institution, under the provisions of this act and, as agent of the authority, to acquire, construct, reconstruct, renovate, replace, improve, maintain, repair, operate, lease as lessee or lessor and regulate the same, and, as agent of the authority, to enter into contracts for any and all of such purposes including contracts for the management and operation of such facility;
(7) to lease to a participating health institution any or all of the facilities upon such terms and conditions as the authority shall deem proper, and to charge and collect rent therefor and to terminate any such lease upon the failure of the lessee 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 and upon such terms or conditions as shall be determined by the authority or to purchase any or all of the facilities or that upon payment of all of the indebtedness incurred by the authority for the financing of such facilities the authority may convey any or all of the facilities to the lessee or lessees thereof with or without consideration;
(8) to borrow money and to issue bonds, notes, bond anticipation notes or other obligations for any of its corporate purposes and to refund the same, all as provided for in this act;
(9) 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 facilities or any portion thereof and to contract with any person, association, partnership, firm or corporation or other body
public or private in respect thereof;

(10) to establish rules and regulations for the use of facilities and to designate a participating health institution as its agent, to establish rules and regulations for the use of the facilities undertaken or operated by such participating health institution; to employ or contract for consulting engineers, architects, attorneys, accountants, construction and financial experts, superintendents, managers and such other employees and agents as may be necessary in its judgment and to fix their compensation;

(11) to receive and accept from the federal government or the state of Idaho or any other public agency loans or grants for or in aid of the construction of facilities or any portion thereof, or for equipping the same, and to receive and accept grants, gifts or other contributions from any source;

(12) to mortgage all or any portion of the facilities and the site or sites thereof, whether then owned or thereafter acquired, for the benefit of the holders of bonds issued to finance such facilities or any portion thereof;

(13) to make loans to any participating health institution, for the cost of the facilities in accordance with an agreement between the authority and such participating health institution; provided that no such loan shall exceed the total cost of such facilities as determined by such participating health institution, and approved by the authority;

(14) to make mortgage loans or other secured or unsecured loans to a participating health institution, to refund outstanding obligations, mortgages or advances issued, made or given by such institution for the cost of its facilities including the function to issue bonds and make loans to a participating health institution, to refinance outstanding obligations and indebtedness incurred for facilities undertaken and completed prior to or after the enactment of this act and when the authority finds that such financing is in the public interest and either alleviates the financial hardship upon the participating health institution and results or is in connection with other financing by the authority for such participating health institution or may be expected to result in a lesser cost of patient care and a saving to third parties, including state or federal governments, and to others who must pay for such health care, or any combination thereof;

(15) to do all things necessary and convenient to carry out the purposes of this act;

(16) to charge to and equitably apportion among parti-
cipating health institutions its administrative costs and expenses incurred in the exercise of the powers and duties conferred by this act;

(17) to make and execute contracts and all other instruments necessary or convenient for the exercise of its powers and functions under this act.

The authority shall not have the power to operate the facilities as a business other than as a lessee or lessor. Any lease of the facilities entered into pursuant to the provisions of this act shall be for a term not shorter than the longest maturity of any bonds issued to finance such facilities or a portion thereof and shall provide for rentals adequate to pay principal and interest on such bonds as the same fall due and to create and maintain such reserves and accounts for depreciation as the authority shall determine to be necessary.

SECTION 3. That Section 39-1450, Idaho Code, be, and the same is hereby amended to read as follows:

39-1450. SECURITY FOR BONDS AND NOTES. The principal of and interest on any bonds or notes issued by the authority shall be secured by a pledge of, or security interest in, the revenues, rentals and receipts out of which the same shall be made payable or from other moneys available therefor and not otherwise pledged or used as security and may be secured by a trust indenture or mortgage or deed of trust (including assignment of leases or other contract rights of the authority thereunder) covering all or any part of the facilities from which the revenues, rentals or receipts so pledged or used as security may be derived, including any enlargements of and additions to any such facilities thereafter made. The resolution under which the bonds are authorized to be issued and any such trust indenture, mortgage or deed of trust may contain any agreements and provisions which shall be a part of the contract with the holders of the bonds or notes to be authorized as to:

(a) pledging or providing a security interest in all or any part of the revenues of a facility or any revenue-producing contract or contracts made by the authority with any individual, partnership, corporation or association or other body, public or private, to secure the payment of the bonds or notes or of any particular issue of bonds, subject to such agreements with noteholders or bondholders as may then exist;

(b) respecting the maintenance of the properties covered thereby;
(c) the fixing and collection of rents, fees, and other charges to be charged, and the amounts to be raised in each year thereby, and the use and disposition of the revenues;

(d) the setting aside, creation and maintenance of special and reserve funds and sinking funds and the use and disposition of the revenues;

(e) limitations on the right of the authority or its agent to restrict and regulate the use of facilities;

(f) limitations on the purpose to which the proceeds of sale of any issue of bonds or notes then or thereafter to be issued may be applied and pledging or providing a security interest in such proceeds to secure the payment of the bonds or notes or any issue of the bonds or notes;

(g) limitations on the issuance of additional bonds, the terms upon which additional bonds may be issued and secured and the refunding of outstanding bonds;

(h) the procedure, if any, by which the terms of any contract with bondholders or noteholders may be amended or abrogated, the amount of bonds or notes the holders of which must consent thereto, and the manner in which such consent may be given;

(i) limitations on the amount of moneys derived from a facility to be expended for operating, administrative or other expenses of the authority;

(j) defining the acts or omissions to act which shall constitute a default in the duties of the authority to holders of its obligations and providing the rights and remedies of such holders in the event of a default;

(k) the mortgaging of a facility and the site thereof for the purpose of securing the bondholders or noteholders; and

(l) such other additional covenants, agreements, and provisions as are judged advisable or necessary by the authority for the security of the holders of such bonds or notes.

Any pledge made by the authority shall be valid and binding from the time when the pledge is made; the revenues, moneys, or property so pledged and thereafter received by the authority shall immediately be subject to the lien of such pledge without any physical delivery thereof or further act, and the lien of such pledge shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the authority, irrespective of whether such parties have notice thereof. Neither the resolution nor any other instrument by which a pledge is created need be recorded. Each pledge, agreement, lease, indenture, mortgage and deed of trust made for the benefit or security
of any of the bonds of the authority shall continue effective until the principal of and interest on the 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 authority made as a part of the contract under which the bonds were issued, whether contained in the resolutions authorizing the bonds or in any trust indenture, mortgage or deed of trust executed as security therefor, said payment or agreement may be enforced by suit, mandamus, the appointment of a receiver in equity or by foreclosure of any mortgage and deed of trust, or any one (1) or more of said remedies.

In addition to the foregoing, bonds of the authority may be secured by a pooling of leases whereby the authority may assign its rights, as lessor, and pledge rents under two (2) or more leases of the facilities with two (2) or more participating health institutions, as lessees respectively, upon such terms as may be provided for in the resolutions of the authority or as may be provided for in a trust indenture authorized by the authority.

SECTION 4. That Section 39-1450B, Idaho Code, be, and the same is hereby amended to read as follows:

39-1450B. PURCHASE. The authority shall have power out of any funds available therefor to purchase its bonds or notes. The authority may hold, pledge, cancel or resell such bonds or notes, subject to and in accordance with agreements with bondholders or noteholders.

SECTION 5. That Section 39-1450D, Idaho Code, be, and the same is hereby amended to read as follows:

39-1450D. TRUST AGREEMENT TO SECURE BONDS. In the discretion of the authority any bonds issued under this act may be secured by a trust agreement by and between the authority and a corporate trustee or trustees, which may be any trust company or bank having the powers of a trust company within or without the state in Idaho. Such trust agreement or the resolution providing for the issuance of such bonds may pledge or assign the revenues to be received or proceeds of any contract or contracts pledged and may convey or mortgage the project or any portion thereof. Such trust agreement or resolution providing for the issuance of such bonds may contain such provisions for protecting and enforcing the rights and remedies of the bondholders as may be reasonable and proper, and not in violation of law, includ-
ing particularly such provisions as have been specifically authorized to be included in any resolution or resolutions of the authority authorizing bonds thereof. Any bank or trust company incorporated under the laws of this state, which may act as depository of the proceeds of bonds or of revenues or other moneys, may furnish such indemnifying bonds or pledge such securities as may be required by the authority. Any such trust agreement may set forth the rights and remedies of the bondholders and of the trustee or trustees, and may restrict the individual right of action by bondholders. In addition, any such trust agreement or resolution may contain such other provisions as the authority may deem reasonable and proper for the security of the bondholders. All expenses incurred in carrying out such trust agreement or resolution may be treated as a part of the cost of the operation of a facility.

SECTION 6. That Section 39-1451, Idaho Code, be, and the same is hereby amended to read as follows:

39-1451. PAYMENT OF BONDS -- NONLIABILITY OF STATE. Bonds and notes issued by the authority shall not constitute or become an indebtedness, or a debt or liability of the state, the legislature thereof, or of any county, city, town, township, board of education or school district, or other subdivision of the state, or of any other political subdivision or body corporate and politic of or municipality within the state and neither the state, the legislature thereof, nor any county, city, town, township, board of education or school district, or other subdivision of the state shall be liable thereon nor shall such bonds or notes constitute the giving, pledging or loaning of the faith and credit of the state, the legislature thereof, or of any county, city, town, township, board of education or school district, or other subdivision of the state, or of any other political subdivision or body corporate and politic of or municipality within the state, but shall be payable solely from the funds herein provided therefor. The issuance of bonds or notes under the provisions of this act shall not, directly or indirectly or contingently, obligate the state or any political subdivision thereof nor empower the authority, to levy or collect any form of taxes or assessments therefor or to create any indebtedness payable out of taxes or assessments or make any appropriation for their payment and such appropriation or levy is prohibited. Nothing in this section contained shall prevent or be construed to prevent the authority from pledging its full faith and credit...
or the full faith and credit of a participating health institution to the payment of bonds or notes authorized pursuant to this act. Nothing in this act shall be construed to authorize the authority to create a debt of the state within the meaning of the constitution or statutes of Idaho or authorize the authority to levy or collect taxes or assessments and all bonds issued by the authority 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 trust indenture or mortgage or deed of trust executed as security therefor and are not a debt or liability of the state of Idaho. The state shall not in any event be liable for the payment of the principal or interest on any bonds of the authority or for the performance of any pledge, mortgage, obligation or agreement of any kind whatsoever which may be undertaken by the authority. No breach of any such pledge, mortgage, obligation or agreement shall impose any pecuniary liability upon the state or any charge upon its general credit or against its taxing power.

All expenses incurred in carrying out this act shall be payable solely from funds provided under the authority of this act and no liability or obligation shall be incurred by the authority beyond the extent to which moneys shall have been provided under this act.

SECTION 7. That Chapter 14, 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 39-1453A, Idaho Code, and to read as follows:

39-1453A. FEES. All expenses of the authority incurred in carrying out the provisions of this act shall be payable solely from funds provided under the authority of this act and no liability shall be incurred by the authority beyond the extent to which moneys shall have been provided under this act, except that for the purposes of meeting the necessary expenses of initial organization and operation until such date as the authority derives moneys from funds provided hereunder, the authority shall be empowered to borrow moneys as may be required for such necessary expenses of organization and operation. Such borrowed moneys shall be repaid within a reasonable time after the authority receives funds provided for under this act. When any application is made to the authority by any participating health institution for financial assistance to provide for its facilities, such application shall be accompanied by an "Initial
planning service fee" in an amount determined by the author-
ity. Such initial planning service fees shall be included
in the cost of the facilities to be financed and shall not
be refundable by the authority whether or not any such
application is approved. In addition to such initial fee, an
"annual planning service fee" shall be paid to the authority
by each participating health institution in an amount deter-
mined by the authority. Such annual planning service fee
shall be paid on said dates or in installments as may be
satisfactory to the authority. It is anticipated such fees
shall be used for; (i) necessary expenses to determine the
need of facilities in the area concerned and to that end the
authority may utilize recognized voluntary and official
health planning organizations and agencies at local, region-
al and state levels as well as the state statutory bodies
having health planning responsibilities; (ii) necessary
administrative expenses; and (iii) reserves for anticipated
future expenses. In addition the authority may, for a nego-
tiated fee, retain the services of any other public or pri-
ivate person, firm, partnership, association or corporation
for the furnishing of services and data for use by the
authority in determining the need and location of any such
facilities for which application is being made or for such
other services or surveys as the authority deems necessary
to carry out the purposes of this act.

SECTION 8. That Section 39-1454, Idaho Code, be, and
the same is hereby amended to read as follows:

39-1454. CONVEYANCE OF TITLE TO INSTITUTION. When the
principal of an {and} interest on bonds issued by the
authority to finance the cost of facilities or to refinance
outstanding indebtedness of one (1) or more participating
health institutions, including any refunding bonds issued to
refund and refinance such bonds, have been fully paid and
retired or when adequate provision has been made to fully
pay and retire the same, and all other conditions of the
resolution, the lease, the trust indenture and the mortgage
or deed of trust or any other form of security arrangement,
if any, authorizing and securing the same have been satis-
fied and the lien of such mortgage or deed of trust or any
other form of security arrangement has been released in
accordance with the provisions thereof, the authority shall
promptly do all things and execute such deeds and convey-
ances and other documents as are necessary and required to
convey its right, title and interest in such facilities so
financed, and any other facilities mortgaged or subject to
deed of trust or any other form of security arrangement to secure the bonds, to such participating health institution or institutions.

SECTION 9. That Section 39-1457, Idaho Code, be, and the same is hereby amended to read as follows:

39-1457. INVESTMENT OF FUNDS. The authority may invest any funds in obligations of the federal government, the state or of any municipality thereof or obligations of agencies of the federal government; 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 in Idaho; 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, and may not exceed the maximum of such insurance; 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. Only such funds shall be invested as to the judgment of the authority, and shall not be required for expenditure within a period of ninety (90) days from and after the date of the investment thereof and all such securities so purchased shall mature or be redeemable. The authority may invest its funds with such maturities as the authority shall determine provided that such maturities are on a date or dates prior to the time when, in the judgment of the authority, the funds so invested will be required for expenditure. The express judgment of the authority as to the time when any funds will be required for expenditure or be redeemable is final and conclusive.

SECTION 10. That Chapter 14, 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 39-1457A, Idaho Code, and to read as follows:

39-1457A. TRUST FUNDS. All moneys received pursuant to the authority of this act whether as proceeds from the sale of bonds, notes or other obligations or as revenues or receipts shall be deemed to be trust funds to be held and applied solely as provided in this act. Any officer with whom or any bank or trust company with which such moneys shall be deposited shall act as trustee of such moneys and
shall hold and apply the same for the purposes of this act, subject to such regulations as this act and the resolution authorizing the bonds, notes or other obligations of any issue or the trust agreement securing such obligations shall provide.

SECTION 11. That Chapter 14, 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 39-1459B, Idaho Code, and to read as follows:

39-1459B. AGREEMENT OF THE STATE. The state does hereby pledge to and agree with the holders of any bonds, notes and other obligations issued under this act, and with those parties who may enter into contracts with the authority pursuant to the provisions of this act, that the state will not limit, alter, restrict or impair the rights hereby vested in the authority to acquire, construct, reconstruct, maintain and operate any facility as defined in this act or to establish, revise, charge and collect rates, rents, fees and other charges as may be convenient or necessary to produce sufficient revenues to meet the expenses of maintenance and operation thereof and to fulfill the terms of any agreements made with the holders of bonds, notes or other obligations authorized and issued by this act, and with the parties who may enter into contracts with the authority pursuant to this act, or in any way impair the rights or remedies of the holders of such bonds, notes or other obligations of such parties until the bonds, notes and such other obligations, together with interest thereon, with interest on any unpaid installment of interest and all costs and expenses in connection with any action or proceeding by or on behalf of such holders, are fully met and discharged and such contracts are fully performed on the part of the authority. Nothing in this act precludes such limitation or alteration if and when adequate provision is made by law for the protection of the holders of such bonds, notes or other obligations of the authority or those entering into such contracts with the authority. The authority is authorized to include this pledge and undertaking for the state in such bonds, notes or other obligations and in such contracts.

SECTION 12. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Approved March 19, 1976.
CHAPTER 184
(H.B. No. 475)

AN ACT
RELATING TO STATUTES OF LIMITATIONS; AMENDING SECTION 5-242, IDAHO CODE, REGARDING LIMITATION OF ACTIONS FOR IONIZING RADIATION INJURIES BY EXCEPTING THEREFROM ANY ACTION FOR PROFESSIONAL MALPRACTICE; PROVIDING FOR RETROACTIVE APPLICATION; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 5-242, Idaho Code, be, and the same is hereby amended to read as follows:

5-242. IONIZING RADIATION INJURIES -- PURPOSE OF ACT. For purposes of this act, "ionizing radiation" means any particulate or electromagnetic radiation capable of producing ions directly or indirectly in its passage through matter; provided, however, that the provisions hereof and of sections 5-243 and 5-244, Idaho Code, shall not be deemed to apply to any action or proceeding to recover damages for professional malpractice, as defined in section 5-219, Idaho Code.

SECTION 2. This act shall apply retroactively as respects all claims heretofore accrued and also to acts, errors or omissions heretofore or hereafter occurring.

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 19, 1976.
CHAPTER 185
(H.B. No. 520)

AN ACT
RELATING TO LEGISLATIVE REVIEW OF ADMINISTRATIVE RULES; AMENDING SECTION 67-5217, IDAHO CODE, TO REQUIRE THAT A STATEMENT OF EXPLANATION ACCOMPANY EACH NEW RULE OR AMENDMENT ADOPTED DURING THE PRECEDING YEAR; AMENDING SECTION 67-5218, IDAHO CODE, TO PROVIDE THAT LEGISLATIVE COMMITTEES MUST REPORT ON ADMINISTRATIVE RULES THAT HAVE BEEN REVIEWED; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 67-5217, Idaho Code, be, and the same is hereby amended to read as follows:

67-5217. TRANSMITTAL OF RULES FOR LEGISLATIVE ACTION -- REFERRAL TO APPROPRIATE LEGISLATIVE COMMITTEE. All rules heretofore or hereafter authorized or promulgated by any state agency, including all rules kept and maintained by the state law library, as provided in chapter 52, title 67, Idaho Code, shall be transmitted to the secretary of the senate and the chief clerk of the house of representatives by the law librarian of the state law library before the first day of the regular session of the legislature next following the promulgation or publication thereof. A statement, separate from the rules, shall accompany each new rule or amendment to an existing rule adopted during the preceding year. The statement shall enumerate each new rule or amendment, the date of adoption, and an explanation of each change made and the effect thereof. The statement shall also indicate whether the rule or amendment was adopted as an emergency rule, and shall indicate whether on any new rule or amendment hearings were held prior to adoption. The promulgating agency is required to prepare and submit the statement. The law librarian of the state law library shall similarly file during any regular session of the legislature all rules promulgated, and the required statement, between the first day of the session and adjournment sine die thereof. The secretary of the senate and the chief clerk of the house of representatives shall lay all such rules before the senate and house of representatives, respectively, and the same shall be referred to the respective standing...
committees in the same manner as bills are referred to the committees.

SECTION 2. That Section 67-5218, Idaho Code, be, and the same is hereby amended to read as follows:

67-5218. EFFECT OF COMMITTEE ACTION. By the forty-fifth day of any regular session, the standing committee to which rules have been referred shall report to the membership of the body its findings and recommendations concerning its review of the rules. The report of the committee shall be printed in the journal. If the committee does not report by the forty-fifth day, such failure to report shall constitute legislative approval of the rules as submitted. If the committee to which any rule shall have been referred, or any member of the legislature, shall be of the opinion that such rule is violative of the legislative intent of the statute under which such rule was made, a concurrent resolution may be adopted rejecting, amending or modifying the same. Every rule promulgated within the authority conferred by law, and in accordance with the provisions of chapter 52, title 67, Idaho Code, shall be in full force and effect until the same is rejected, amended or modified by the legislature.

SECTION 3. This act shall be in full force and effect on and after December 1, 1976.

Approved March 19, 1976.
CHAPTE R 186

(H.B. No. 654)

AN ACT
RELATING TO VOLUNTEER AMBULANCE ATTENDANTS; AMENDING CHAPTER 3, TITLE 5, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 5-331, IDAHO CODE, TO GRANT IMMUNITY FROM CIVIL DAMAGES TO VOLUNTEER AMBULANCE ATTENDANTS; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Chapter 3, Title 5, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 5-331, Idaho Code, and to read as follows:

5-331. IMMUNITY OF VOLUNTEER AMBULANCE ATTENDANT. No action shall lie or be maintained for civil damages in any court of this state against any person or persons, or group of persons, including volunteer ambulance attendants, who offers and administers first aid or emergency medical attention as a part of his volunteer service as an ambulance attendant to any person or persons utilizing the volunteer services and facilities, unless it can be shown that the person or persons offering or administering first aid or emergency medical attention is guilty of gross negligence in the care or treatment offered or administered, or has treated them in a grossly negligent manner. The immunity described herein shall cease upon delivery of the injured or treated person to either a generally recognized hospital for treatment of ill or injured persons, or upon assumption of treatment in the office or facility of any person undertaking to treat said ill or injured person or persons.

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

Approved March 19, 1976.
CHAPTER 187
(H.B. No. 473, As Amended)

AN ACT
RELATING TO EMERGENCY MEDICAL SERVICES; AMENDING CHAPTER 1, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-140, IDAHO CODE, PROVIDING FOR A STATEMENT OF INTENT REGULATING THE EMERGENCY CARE SERVICES RENDERED BY BASIC LIFE SUPPORT PERSONNEL; AMENDING CHAPTER 1, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-141, IDAHO CODE, TO PROVIDE FOR DEFINITION OF TERMS; AMENDING CHAPTER 1, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-142, IDAHO CODE, PROVIDING EXEMPTION FROM LIABILITY FOR ACTS OR OMISSIONS COMMITTED IN GOOD FAITH UNDER THE TERMS OF THIS ACT; AMENDING CHAPTER 1, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-143, IDAHO CODE, PROVIDING THAT FAILURE TO OBTAIN CONSENT SHALL NOT RESULT IN CIVIL LIABILITY WHERE THE INDIVIDUAL IS UNABLE TO GIVE CONSENT AND THERE IS NO OTHER PERSON REASONABLY AVAILABLE; AMENDING CHAPTER 1, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-144, IDAHO CODE, PROVIDING MINIMUM STANDARDS FOR AMBULANCE SERVICES, PROVIDING FOR WAIVER OF STANDARDS, AND ALLOWING CERTAIN EXEMPTIONS; AMENDING CHAPTER 1, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-145, IDAHO CODE, TO PROVIDE THAT THE IDAHO BOARD OF HEALTH AND WELFARE IS AUTHORIZED TO ESTABLISH RULES, REGULATIONS AND STANDARDS TO ADMINISTER THIS ACT.

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 39-140, Idaho Code, and to read as follows:

39-140. BASIC LIFE SUPPORT -- STATEMENT OF INTENT. It is the purpose of the legislature of the state of Idaho in the adoption of this act to recognize the importance of the delivery of emergency care services and to provide reasonable regulation of the same. For this purpose, this act specifically states that the provisions of section 54-1803, Idaho Code, shall not be so construed as to prohibit or penalize emergency care services rendered by basic life sup-
port personnel as these terms are defined in this act.

SECTION 2. 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 39-141, Idaho Code, and to read as follows:

39-141. DEFINITIONS. As used in this act:

(A) "Emergency Medical Services" means the services utilized in responding to a perceived individual need for immediate care in order to prevent loss of life or aggravation of physiological or psychological illness or injury.

(B) "Board" means the Idaho board of health and welfare provided in section 39-103, Idaho Code.

(C) "Certified Basic Life Support Personnel" means individuals who have completed and successfully passed examinations for training and skills proficiency in one (1) or several levels of basic life support activity as prescribed and certified by the department of health and welfare. These several levels of basic life support services shall include:

(1) CIM -- "Crash Injury Management" (hereafter CIM) means an individual certified by the EMS bureau of the Idaho department of health and welfare as an emergency care officer on the basis of successful completion of a forty (40) hour crash injury management (CIM) course and subsequent required continuing training.

(2) QRU -- "Quick Response Unit" (hereafter QRU) means an individual certified by the EMS bureau of the Idaho department of health and welfare as a QRU crewman on the basis of successful completion of a fifty (50) hour Quick Response Unit (QRU) course and subsequent required continuing training.

(3) EMT -- "Emergency Medical Technician" (hereafter EMT) means an individual certified by the EMS bureau of the Idaho department of health and welfare on the basis of successful completion of an eighty-one (81) hour emergency medical technician (EMT) course and subsequent required continuing training.

(4) EMT-A -- "Emergency Medical Technician-Ambulance" (hereafter EMT-A) means an individual certified by the EMS bureau of the Idaho department of health and welfare on the basis of successful completion of an eighty-one (81) hour EMT course and, in addition, successful completion of at least fifty (50) hours of supervised in-field ambulance experience, and subsequent required continuing training.
(5) Advanced EMT-A -- "Advanced Emergency Medical Technician-Ambulance" (hereafter advanced EMT-A) means an individual certified by the EMS bureau of the Idaho department of health and welfare on the basis of successful completion of EMT-A training and, in addition, successful completion of at least fifty (50) hours of advanced training in such techniques as intravenous fluid therapy, anti-shock trouser application, and airway management including use of obturator airways, and subsequent required continuing training.

(D) Ambulance--The term "ambulance" means any privately or publicly owned motor vehicle that is specifically designed or constructed, and equipped, and is intended to be used for and is maintained or operated for the transportation of patients, including dual purpose police patrol cars and funeral coaches or hearses which otherwise comply with the provisions of this act.

SECTION 3. 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 39-142, Idaho Code, and to read as follows:

39-142. LIABILITY. No act or omission of any basic life support personnel who are duly certified by the department of health and welfare done or omitted in good faith while rendering emergency care services to a person or persons who are perceived to need immediate care in order to prevent loss of life or aggravation of physiological or psychological illness or injury shall impose any liability upon those personnel, the general supervising physician, the organization providing the service, or upon a federal, state, county, city or other local governmental unit, or upon employees of such governmental unit, unless such provider of care or such personnel be shown to have caused injury and damages to such person or persons as a proximate result of his, her or their reckless or grossly negligent misconduct, which shall be the sole grounds for civil liability of such persons in the provision of care or assistance under this act, regardless of the circumstance under which such care or assistance may be provided. This section shall not relieve the organization or agency operating the service from the duty of securing, maintaining and operating, the equipment designated for use in performing the emergency care services.

SECTION 4. 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 39-143, Idaho Code, and to read as follows:

39-143. FAILURE TO OBTAIN CONSENT. No basic life support personnel certified in this state shall be subject to civil liability, based solely upon failure to obtain consent in rendering emergency care services to any individual regardless of age where that individual is unable to give this consent for any reason and there is no other person reasonably available who is legally authorized to consent to the providing of such care, provided, however, that the services were provided in good faith and without knowledge of facts negating consent. The provision or refusal of consent under this act shall be governed by chapter 43, title 39, Idaho Code.

SECTION 5. 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 39-144, Idaho Code, and to read as follows:

39-144. AMBULANCE MINIMUM STANDARDS. Each ambulance service shall meet the following standards by July 1, 1977:

1. Ambulance vehicles -- Each new ambulance vehicle purchased after the effective date of these standards shall have a minimum of four (4) stretcher patient capacity, minimum patient compartment headroom of sixty (60) inches, and shall otherwise generally conform to the ambulance vehicle specifications established by the board. The patient compartment of each ambulance vehicle shall be maintained in a clean and sanitary condition.

2. Ambulance equipment -- Each ambulance shall be equipped with the patient care items deemed essential for ambulances by the board.

3. Ambulance personnel -- There shall be at least two (2) ambulance crew members on each call, with the crew member delivering patient care being a state certified emergency medical technician (EMT), except that with the patient's or the patient's physician's permission, an EMT attendant shall not be required on routine, nonemergency transfer calls.

4. Ambulance Service -- Each ambulance service shall have a twenty-four (24) hour dispatch arrangement and shall respond to calls on a twenty-four (24) hour basis.

5. Ambulance inspections and licensing -- The department of health and welfare, EMS bureau, shall conduct
inspections at least annually related to ambulance service licensing or shall contract to have the inspections carried out. Each ambulance shall have a current state license in order to operate.

(6) Ambulance minimum standards waiver -- The controlling authority providing ambulance services may petition the board of health and welfare for waiver of the ambulance standards of this act, if compliance with these standards would cause undue hardship on the community being served, or would result in abandonment of ambulance services.

(7) All ambulances in service on the effective date of this act are accorded "grandfather rights", and are therefore exempt from the ambulance vehicle specifications established by the board, whether or not such ambulances continue under the control of the same authority.

SECTION 6. 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 39-145, Idaho Code, and to read as follows:

39-145. RULES AND REGULATIONS. The board is authorized and directed to establish appropriate rules, regulations and standards concerning the administration of this act, including criteria for training programs, certification of personnel, for ambulances, determination of acts which may be performed by basic life support personnel, establishment of fees for training, inspections, and certifications, appropriate requirements for recertification of personnel and equipment, and other necessary and proper matters.

Approved March 19, 1976.
CHAPTER 188
(H.B. No. 405)

AN ACT
RELATING TO SENIOR CITIZENS; AMENDING TITLE 67, IDAHO CODE,
BY THE ADDITION OF A NEW CHAPTER 50, TITLE 67, IDAHO
CODE, CREATING AN IDAHO OFFICE ON AGING WITHIN THE
OFFICE OF THE GOVERNOR, PROVIDING FOR THE APPOINTMENT
AND TERMS OF OFFICE FOR THE ADMINISTRATOR OF THE IDAHO
OFFICE OF AGING, PROVIDING THE POWERS AND DUTIES OF THE
OFFICE ON AGING, ESTABLISHING A STATE AGING ADVISORY
COUNCIL; AND PROVIDING DUTIES AND MEMBERSHIP OF THE
COUNCIL.

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

SECTION 1. 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 50, Title 67, Idaho
Code, and to read as follows:

CHAPTER 50
IDAHO OFFICE ON AGING

67-5001. IDAHO OFFICE ON AGING — CREATED. There is
hereby created in the office of the governor an Idaho office
on aging, hereafter referred to as the "office" which shall
have the duties, powers, and authorities as provided by this
act.

67-5002. ADMINISTRATOR — APPOINTMENT. The office shall
be under the control and supervision of an administrator who
shall be appointed by the governor and who shall serve at
his pleasure. His compensation shall be fixed by the gover-
nor within the limits of appropriations available to the
office. Other staff members shall be subject to the provi-

67-5003. POWERS AND DUTIES. The Idaho office on aging
shall have the following powers and duties:
(1) Prepare and implement an annual plan which speci-
fies allocations, priorities, and services to be carried out
for older persons in Idaho according to the Older Americans
Act of 1965, as amended.
(2) Enter into agreements with federal and other state agencies to facilitate a coordinated delivery of applicable services.

(3) Provide technical and financial assistance to designated local public and private nonprofit agencies established pursuant to the Older Americans Act of 1965, as amended, for the purpose of carrying out services for older persons in Idaho according to applicable federal and state laws. Such designated local agencies shall establish local advisory councils to review plans for service in their respective geographic areas.

(4) Petition for and receive grants from the federal government for the purpose of providing services to older persons.

(5) Serve as the clearinghouse for information related to problems of persons sixty (60) years and older residing in the state.

(6) Administer and perform any other related functions or activities assigned to the office by the governor.

(7) Promulgate rules and regulations pursuant to chapter 52, title 67, Idaho Code.

67-5004. STATE ADVISORY COUNCIL CREATED -- MEMBERSHIP. There is hereby created a state aging advisory council in the office to advise in the preparation and execution of plans, projects, and programs in furtherance of the power and duties conferred on the office by this act. The council shall consist of seventeen (17) members, each of whom is at least sixty (60) years of age. A minimum of twelve (12) members shall be representatives elected from the local advisory councils in a manner to assure representation from all geographic areas of the state. The additional members shall be appointed by the administrator of the Idaho office on aging, as representatives of public and community interest groups. Membership of the council shall be for two (2) year terms. Members shall serve without compensation; however, they shall receive allowances for expenses incurred in the performance of their duties in the same manner as other employees of the state.

Approved March 19, 1976.
CHAPTER 189
(H.B. No. 346, As Amended)

AN ACT
RELATING TO AN INTERSTATE COMPACT ON PLACEMENT OF CHILDREN;
AMENDING TITLE 16, IDAHO CODE, BY THE ADDITION OF A NEW
CHAPTER 21, TITLE 16, IDAHO CODE; BY PROVIDING A
DECLARATION OF LEGISLATIVE FINDINGS AND POLICY; PROVIDING
FOR EXECUTION OF AN INTERSTATE COMPACT ON THE PLACEMENT
OF CHILDREN; PROVIDING FOR A COMPACT ADMINISTRATOR;
PROVIDING FOR SUPPLEMENTARY AGREEMENTS; PROVIDING FOR
FINANCIAL ARRANGEMENTS; PROVIDING FOR FINANCIAL RESPONSIBILITY
OF PARENTS AND GUARDIANS OF ESTATE; AND PROVIDING
FOR RESPONSIBILITIES OF ENFORCEMENT.

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

SECTION 1. That Title 16, Idaho Code, be, and the same
is hereby amended by the addition thereto of a NEW CHAPTER
21, to read as follows:

CHAPTER 21
INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN

16-2101. LEGISLATIVE FINDINGS AND POLICY. It is hereby
found and declared: (1) that the needs of children requiring
placement and of adults seeking to receive them cannot be
met by restricting child placement services and supervision
to the territory of a single state; (2) that the cooperation
of this state with other states is necessary to improve ser­
vices and protection for children in need of placement.

It shall therefore be the policy of this state, in
adopting the Interstate Compact on the Placement of Chil­
dren, to cooperate fully with other states: (1) in furnishing
public authorities in a receiving state with notice of
the intention to place a child in the receiving state; (2)
in placing a child in a receiving state only after receiving
notification from that receiving state as to suitability of
the placement; and (3) in conforming with the applicable
laws of the receiving state governing the placement of chil­
dren therein.

Nothing in this act shall be interpreted as limiting the
jurisdiction of the courts under chapter 16 and 18, title
16-2102. EXECUTION OF COMPACT. The governor is hereby authorized and directed to execute a compact on behalf of this state with any other state or states legally joining therein in the form substantially as follows:

ARTICLE I. PURPOSE AND POLICY

It is the purpose and policy of the party states to cooperate with each other in the interstate placement of children to the end that:

(a) Each child requiring placement shall receive the maximum opportunity to be placed in a suitable environment and with persons or institutions having appropriate qualifications and facilities to provide a necessary and desirable degree and type of care.

(b) The appropriate authorities in a state where a child is to be placed may have full opportunity to ascertain the circumstances of the proposed placement, thereby promoting full compliance with applicable requirements for the protection of the child.

(c) The proper authorities of the state from which the placement is made may obtain the most complete information on the basis of which to evaluate a projected placement before it is made.

(d) Appropriate jurisdictional arrangements for the care of children will be promoted.

ARTICLE II. DEFINITIONS

As used in this compact:

(a) "Child" means a person who, by reason of minority, is legally subject to parental, guardianship or similar control.

(b) "Sending agency" means a party state, officer or employee thereof; a subdivision of a party state, or officer or employee thereof; a court of a party state; a person, corporation, association, charitable agency or other entity which sends, brings, or causes to be sent or brought, any child to another party state.

(c) "Receiving state" means the state to which a child is sent, brought, or caused to be sent or brought, whether by public authorities or private persons or agencies, and whether for placement with state or local public authorities or for placement with private agencies or persons.

(d) "Placement" means the arrangement for the care of a child in a family free or boarding home or in a child-caring agency or institution but does not include any institution caring for the mentally ill, mentally defective or epileptic or any institution primarily educational in character, and
any hospital or other medical facility.

ARTICLE III. CONDITIONS FOR PLACEMENT

(a) No sending agency shall send, bring, or cause to be sent or brought into any other party state, any child for placement in foster care or as a preliminary to a possible adoption unless the sending agency shall comply with each and every requirement set forth in this article and with the applicable laws of the receiving state governing the placement of children therein.

(b) Prior to sending, bringing or causing any child to be sent or brought into a receiving state for placement in foster care or as a preliminary to a possible adoption, the sending agency shall furnish the appropriate public authorities in the receiving state written notice of the intention to send, bring, or place the child in the receiving state. The notice shall contain:

1. The name, date and place of birth of the child.
2. The identity and address or addresses of the parents or legal guardian.
3. The name and address of the person, agency or institution to or with which the sending agency proposes to send, bring, or place the child.
4. A full statement of the reasons for such proposed action and evidence of the authority pursuant to which the placement is proposed to be made.

(c) Any public officer or agency in a receiving state which is in receipt of a notice pursuant to paragraph (b) of this article may request of the sending agency, or any other appropriate officer or agency of or in the sending agency's state, and shall be entitled to receive therefrom, such supporting or additional information as it may deem necessary under the circumstances to carry out the purpose and policy of this compact.

(d) The child shall not be sent, brought, or caused to be sent or brought into the receiving state until the appropriate public authorities in the receiving state shall notify the sending agency, in writing, to the effect that the proposed placement does not appear to be contrary to the interests of the child.

ARTICLE IV. PENALTY FOR ILLEGAL PLACEMENT

The sending, bringing, or causing to be sent or brought into any receiving state of a child in violation of the terms of this compact shall constitute a violation of the laws respecting the placement of children of both the state in which the sending agency is located or from which it sends or brings the child and of the receiving state. Such violation may be punished or subjected to penalty in either
jurisdiction in accordance with its laws. In addition to liability for any such punishment or penalty, any such violation shall constitute full and sufficient grounds for the suspension or revocation of any license, permit, or other legal authorization held by the sending agency which empowers or allows it to place, or care for children.

ARTICLE V. RETENTION OF JURISDICTION

(a) The sending agency shall retain jurisdiction over the child sufficient to determine all matters in relation to the custody, supervision, care, treatment and disposition of the child which it would have had if the child had remained in the sending agency's state, until the child is adopted, reaches majority, becomes self-supporting or is discharged with the concurrence of the appropriate authority in the receiving state. Such jurisdiction shall also include the power to effect or cause the return of the child or the child's transfer to another location and custody pursuant to law. The sending agency shall continue to have financial responsibility for support and maintenance of the child during the period of the placement. Nothing contained herein shall defeat a claim of jurisdiction by a receiving state sufficient to deal with an act of delinquency or crime committed herein.

(b) When the sending agency is a public agency it may enter into an agreement with an authorized public or private agency in the receiving state providing for the performance of one or more services in respect of such case by the latter as agent for the sending agency.

(c) Nothing in this compact shall be construed to prevent a private charitable agency authorized to place children in the receiving state from performing services or acting as agent in that state for a private charitable agency of the sending state; nor to prevent the agency in the receiving state from discharging financial responsibility for the support and maintenance of a child who has been placed on behalf of the sending agency without relieving the responsibility set forth in paragraph (a) hereof.

ARTICLE VI. INSTITUTIONAL CARE OF DELINQUENT CHILDREN

A child adjudicated delinquent may be placed in an institution in another party jurisdiction pursuant to this compact but no such placement shall be made unless the child is given a court hearing on notice to the parent or guardian with opportunity to be heard, prior to his being sent to such other party jurisdiction for institutional care and the court finds that:

(1) Equivalent facilities for the child are not available in the sending agency's jurisdiction; and
(2) Institutional care in the other jurisdiction is in the best interest of the child and will not produce undue hardship.

ARTICLE VII. COMPACT ADMINISTRATOR

The executive head of each jurisdiction party to this compact shall designate an officer who shall be general coordinator of activities under this compact in his jurisdiction and who, acting jointly with like officers of other party jurisdictions, shall have power to promulgate rules and regulations to carry out more effectively the terms and provisions of this compact.

ARTICLE VIII. LIMITATIONS

This compact shall not apply to:
(a) The sending or bringing of a child into a receiving state by his parent, stepparent, grandparent, adult brother or sister, adult uncle or aunt, or his guardian and leaving the child with any such relative or nonagency guardian in the receiving state.
(b) Any placement, sending or bringing of a child into a receiving state pursuant to any other interstate compact to which both the state from which the child is sent or brought and the receiving state are party, or to any other agreement between said states which has the force of law.

ARTICLE IX. ENACTMENT AND WITHDRAWAL

This compact shall be open to joinder by any state, territory or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico and, with the consent of Congress, the government of Canada or any province thereof. It shall become effective with respect to any such jurisdiction when such jurisdiction has enacted the same into law. Withdrawal from this compact shall be by the enactment of a statute repealing the same, but shall not take effect until two (2) years after the effective date of such statute and until written notice of the withdrawal has been given by the withdrawing state to the governor of each other party jurisdiction. Withdrawal of a party state shall not affect the rights, duties and obligations under this compact of any sending agency therein with respect to a placement made prior to the effective date of withdrawal.

ARTICLE X. CONSTRUCTION AND SEVERABILITY

The provisions of this compact shall be liberally construed to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any party state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the
validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state party thereto, the compact shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters.

16-2103. COMPACT ADMINISTRATOR. Pursuant to said compact, the governor is hereby authorized and empowered to designate an officer who shall be the compact administrator and who, acting jointly with like officers of other party states, shall promulgate rules and regulations to carry out more effectively the terms of the compact. Said compact administrator shall serve subject to the pleasure of the governor. The compact administrator is hereby authorized, empowered and directed to cooperate with all departments, agencies and officers of and in the government of this state and its subdivisions in facilitating the proper administration of the compact or of any supplementary agreement or agreements entered into by this state thereunder.

16-2104. SUPPLEMENTARY AGREEMENTS. The compact administrator is hereby authorized and empowered to enter into supplementary agreements with appropriate officials of other states pursuant to the compact. In the event that such supplementary agreement shall require or contemplate the use of any institution or facility of this state or require or contemplate the provision of any service of this state, said supplementary agreement shall have no force or effect until approved by the head of the department or agency under whose jurisdiction said institution or facility is operated or whose department or agency will be charged with the rendering of such service.

16-2105. FINANCIAL ARRANGEMENTS. The compact administrator, subject to the approval of the board of examiners, may make or arrange for any payments necessary to discharge any financial obligations imposed upon this state by the compact or by any supplementary agreement entered into thereunder.

16-2106. FINANCIAL RESPONSIBILITY OF PARENTS AND GUARDIANS OF ESTATE. The compact administrator shall take appropriate action to effect the recovery from relevant parents or guardians of estate, at the option of said administrator, of any and all costs expended by the state, or any of its
subdivisions, with respect to Idaho children handled under said compact.

16-2107. RESPONSIBILITIES OF ENFORCEMENT. The courts, departments, agencies and officers of this state and its subdivisions shall enforce this compact and shall do all things appropriate to the effectuation of its purposes and intent which may be within their respective jurisdictions.

Approved March 19, 1976.
CHAPTER 190
(H.B. No. 469)

AN ACT
RELATING TO THE PESTICIDE LAW, COMMERCIAL SPRAYERS AND DUSTERS; REPEALING CHAPTER 22, TITLE 22, AND CHAPTER 34, TITLE 22, IDAHO CODE; ADDING A NEW CHAPTER 34, TITLE 22, IDAHO CODE, TO PROVIDE FOR DEFINITIONS, TO PROVIDE FOR REGISTRATION OF PESTICIDES, TO PROVIDE FOR EXPERIMENTAL PERMITS, TO PROVIDE FOR LICENSING OF APPLICATORS AND FOR CLASSIFYING APPLICATOR LICENSES, TO PROVIDE FOR LICENSING OF PEST CONTROL CONSULTANTS, TO PROVIDE FOR LICENSING OF PESTICIDE DEALERS, TO PROVIDE FOR RENEWAL OF LICENSES, TO PROVIDE STOP SALE, STOP USE OR REMOVAL ORDERS, TO PROVIDE FOR DENIAL, SUSPENSION OR REVOCA TION OF LICENSES OR PERMITS, TO PROVIDE FOR RECIPROCITY, TO PROVIDE FOR NOTIFICATION TO THE DEPARTMENT ON CHANGE OF ADDRESS, TO PROVIDE FOR DELEGATION OF AUTHORITY BY THE DIRECTOR, TO PROVIDE FOR DISPOSAL OF CONTAINERS, TO PROVIDE FOR INSPECTION, TO PROVIDE FOR COLLECTION AND DISPOSITION OF FEES, TO PROVIDE FOR COOPERATION WITH OTHER AGENCIES, TO PROVIDE FOR DAMAGE CLAIMS, TO PROVIDE FOR RESTRICTED PESTICIDE USE, TO PROVIDE FOR A PROCEDURE FOR ESTABLISHING A RESTRICTED AREA, TO PRESCRIBE PROHIBITED ACTS, TO PROVIDE FOR THE ADOPTION OF REGULATIONS, TO PROVIDE PENALTIES FOR OPERATING WITHOUT A LICENSE, TO PROVIDE PENALTIES FOR OTHER VIOLATIONS, TO PROVIDE FOR REVIEW OF ACTION OF THE DIRECTOR; TO PROVIDE SEVERABILITY; AND TO PROVIDE AN EFFECTIVE DATE.

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

SECTION 1. That Chapters 22 and 34, Title 22, Idaho Code, be, and the same are hereby repealed.

SECTION 2. That Title 22, Idaho Code, be, and the same is hereby amended by the addition thereto of a new chapter, to be known and designated as Chapter 34, Title 22, Idaho Code, and to read as follows:

CHAPTER 34
PESTICIDES
22-3401. DEFINITIONS. When used in this act:
(1) "Department" means Idaho department of agriculture.
(2) "Director" means the director of agriculture of the state of Idaho.

(3) "Pesticide" means but is not limited to (a) any substance or mixture of substances intended to prevent, destroy, control, repel or mitigate any insect, rodent, nematode, snail, slug, fungus, weed and any other form of plant or animal life or virus, except virus or fungus on or in living man or other animal, which is normally considered to be a pest or which the director may declare to be a pest, and (b) any substance or mixture of substances intended to be used as a plant regulator, defoliant or desiccant, and (c) any spray adjuvant.

(4) "Pest" means (a) any insect, rodent, nematode, fungus, weed, or (b) any other form of terrestrial or aquatic plant or animal life or virus, bacteria, or other microorganism, except virus, bacteria, or other microorganism on or in living man or other living animals, which the director declares to be a pest.

(5) "Device" means an instrument or contrivance, other than a firearm, intended to trap, destroy, control, repel or mitigate any pest or any other form of plant or animal life, other than man and other than bacteria, virus, or other microorganism on or in living man or other living animals, but does not include equipment used for the application of pesticides when sold separately therefrom.

(6) "Land" means all land and water areas, including airspace, and all plants, animals, structures, buildings, contrivances, and machinery appurtenant thereto or situated thereon, fixed or mobile, including any used for transportation.

(7) "Person" means any individual, partnership, association, fiduciary corporation, or any organized group of persons whether incorporated or not.

(8) "Plant regulator" means any substance or mixture of substances intended through physiological action, for accelerating or retarding the rate of growth or rate of maturation, or for otherwise altering the behavior of plants or the produce thereof, but shall not include substances to the extent that they are intended as plant nutrients, trace elements, nutritional chemicals, plant inoculants and soil amendments.

(9) "Defoliant" means any substance or mixture of substances intended for causing the foliage to drop from a plant, with or without causing abscission.

(10) "Desiccant" means any substance or mixture of substances intended for artifically accelerating the drying of plant tissues.
(11) "EPA" means the United States Environmental Protection Agency.

(12) "Environment" includes water, air, land, and all plants and man and other animals living therein, and the interrelationships which exist among these.

(13) "Distribute" means to offer for sale, hold for sale, sell, barter, ship, deliver for shipment, or receive and, having so received, deliver or offer to deliver, pesticides in this state.

(14) "Label or labeling" means the written, printed or graphic matter on or attached to the pesticide or device or any of its containers or wrappers. It would also include all other written, printed or graphic material that accompanies the pesticide or device at any time.

(15) "Spray adjuvant" means any wetting agent, spreading agent, deposit builder, adhesive, emulsifying agent, deflocculating agent, water modifier, or similar agent with or without toxic properties of its own intended to be used with any other pesticide as an aid to the application or to the effect thereof, and which is in a separate container from that of the pesticide with which it is to be used.

(16) "Pest control consultant" means an individual who offers or supplies technical advice, or recommendations respecting the use of an agricultural pesticide.

(17) "Commercial applicator" means an individual who owns or operates a business engaged in the application of pesticides upon the land or property of another.

(18) "Commercial operator" means an individual who uses pesticides and is employed by a licensed commercial applicator.

(19) "Limited applicator" means (a) an individual who is a federal employee, pesticide industry representative, state of Idaho employee or agent, counties, cities, municipal corporations, irrigation districts, drainage districts, and public utilities employees or agents who uses or supervises the application of restricted use pesticides which are restricted to use only by certified applicators and does not hold himself out as a commercial applicator, and (b) an individual who is not a commercial applicator, commercial operator, or a private applicator, and who uses or supervises the use of a restricted use pesticide, restricted to use only by a certified applicator on land owned or rented by him, and (c) an employee of a business, who uses, applies or supervises the application of any restricted-use pesticide which is restricted to use only by certified applicators on land owned by the business for purposes other than the production of agricultural commodities.
(20) "Pesticide industry representative" means an individual who is a pesticide manufacturer's representative, distributor's representative, or any field representative of any company or organization that deals in agricultural commodities, who uses or supervises the application of restricted-use pesticides which are restricted to use only by certified applicators solely for the purpose of demonstrating the use of the restricted-use pesticide.

(21) "Private applicator" means an individual who uses or supervises the use of any restricted-use pesticides restricted to use only by certified applicators for the purpose of producing agricultural commodities or forest crops on land owned or rented by him or his employer or if applied without compensation other than trading of personal services between producers of agricultural commodities on the property of another person.

(22) "Certified applicator" means an individual who has qualified as a commercial applicator, commercial operator, limited applicator, or private applicator under the provisions of this act and the regulations promulgated by the director.

(23) "Pesticide equipment" means any equipment, machinery, or apparatus used in the actual application of pesticides including aircraft and ground-spraying equipment.

(24) "Under the direct supervision of a certified applicator" means unless otherwise prescribed by its labeling, a pesticide shall be considered to be applied under the direct supervision of a certified applicator if it is applied by a competent person acting under the instructions and control of a certified applicator who is available if and when needed, even though such certified applicator is not physically present at the time and place the pesticide is applied.

(25) "Pesticide dealer" means an individual who distributes any restricted-use pesticide or any pesticide whose uses or distribution are further restricted by the director by regulation.

(26) "Restricted-use pesticide" means any pesticide or pesticide use classified for restricted use by the administrator of EPA.

(27) "Restricted area" means an area established under the provisions of section 22-3420, Idaho Code, to prohibit or restrict the application of pesticides in order to prevent injury to land, people, animals, crops or the environment.

(28) "State restricted pesticide use" means any pesticide use which, when used as directed or in accordance with
a widespread and commonly recognized practice, may be further restricted when the director determines, subsequent to a hearing, that additional restrictions are needed for that use to prevent unreasonable adverse effects on the environment including man, lands, beneficial insects, animals, crops and wildlife, other than pests.

(29) "Unreasonable adverse effects on the environment" means any unreasonable risk to man or the environment, taking into account the economic, social, and environmental costs and benefits of the use of any pesticide.

(30) "Wildlife" means all living things that are neither human, domesticated, nor as defined in this act, pests including but not limited to mammals, birds and aquatic life.

(31) "Designated agent" means an employee or agent of the state authorized by the director to perform various duties in connection with enforcement of this act.

(32) "Misbranded" shall apply to (a) any pesticide or device if its labeling bears any false or misleading statement, design or graphic representation, and (b) any pesticide if such pesticide is not labeled as required by section 22-3402, Idaho Code, and (c) any pesticide if the labeling bears any reference to the registration provisions of section 22-3402, Idaho Code, unless such reference is required by regulations promulgated by the director.

(33) "Adulterated" means a pesticide is adulterated for the purpose of this act if the strength or purity of the pesticide is below the purported or professed standard of quality as expressed in its labeling, or any substance has been substituted wholly or in part for any ingredient of the pesticide, or any valuable constituent thereof has been omitted wholly or in part.

22-3402. REGISTRATION -- LABELS -- INFORMATION REQUIRED -- FEES.

(1) Any pesticide which is distributed within this state shall be registered with the department, and such registration shall be renewed annually.

(2) The registrant shall file with the department a statement including:

(a) The name and address of the registrant and the name and address of the person whose name will appear on the label, if other than the registrant; and

(b) the name of the pesticide; and

(c) a complete copy of the labeling except for annual renewals where the registrant has certified that the product label on file with the department is unchanged; and
(d) if requested by the director the registrant shall furnish efficacy data upon which all the label claims are based for those products registered for special local needs as provided for in Section 24(C) of the Federal Insecticide, Fungicide, Rodenticide Act; and
(e) such other information as the director may require.
(3) Contents of the label:
(a) All pesticide labels shall contain statements, words, graphic material and any other information required by federal laws; and
(b) all labels for spray adjuvants shall contain but are not limited to:
   1. The name of the pesticide; and
   2. the name and address of the manufacturer. An unqualified name and address listed on the label shall be considered the manufacturer's name and address; and
   3. the registrant's name and address. If the registrant's name appears on the label and the registrant is not the manufacturer, it must be qualified by appropriate wording such as "packaged for or distributed by"; and
   4. the net contents; and
   5. the name and type of functioning agents. If more than three (3) agents are present, only the three (3) principal agents need be named; and
   6. the total percentage of constituents ineffective as a spray adjuvant; and
   7. directions for use.
(4) Pesticides which have identical ingredient statements, identical label claims, are manufactured by the same company, and the labels of which bear a designation identifying the products as the same pesticide may be registered as a single pesticide provided the additional product names and labels are supplied and specified as one (1) pesticide.
(5) The director may register a pesticide if he determines that, when considered in connection with any restrictions imposed under section 22-3419, Idaho Code:
   (a) its composition is such as to warrant the proposed claims for it; and
   (b) its labeling and other material required to be submitted comply with requirements of federal law and Idaho law; and
   (c) it will not cause an unreasonable adverse effect on the environment; and
   (d) in the case of an application for registration for a special local need:
      1. A special local need exists, and
      2. authority to issue the registration in question has
been obtained from the administrator of EPA, pursuant to Section 24(C), Federal Insecticide, Fungicide, Rodenticide Act.

(6) The registrant shall pay an annual registration fee as prescribed by regulation.

(7) If the application for renewal is not filed with the department prior to January 1 of each year a late penalty fee of five dollars ($5.00) per product shall be assessed and added to the original fee and shall be paid prior to the issuing of the renewal registration. No penalty fee shall be assessed if the applicant furnishes an affidavit stating that he did not distribute such unregistered pesticide subsequent to the expiration of registration of that pesticide.

(8) The director, whenever he deems it necessary in the administration of this act, may require the submission of the complete formula of any pesticide.

(9) A registration shall expire on December 31 following issuance unless the registration has been suspended or revoked as provided for in paragraph (10) of this section.

(10) Refusal to register, suspension:

(a) If it does not appear to the director that the composition of the pesticide is such as to warrant the proposed claims for it, or if the pesticide and its labeling and other material required to be submitted do not comply with the provisions of this act or regulations adopted thereunder, he shall notify the applicant of the manner in which the pesticide, labeling or other material required to be submitted fails to comply with the provisions of this act so as to afford the applicant an opportunity to make the necessary corrections. If, upon receipt of such notice, the applicant does not make the required changes, the director may refuse to register the pesticide. The applicant may request a hearing as provided for in the provisions of chapter 52, title 67, Idaho Code.

(b) When the director determines that a pesticide or its labeling does not comply with the provisions of this act or the regulations adopted thereunder, or when necessary to prevent unreasonable adverse effects on the environment he may suspend, revoke, or modify the registration of such pesticide in accordance with the provisions of chapter 52, title 67, Idaho Code.

(11) Exemptions:

(a) The following pesticides are exempt from subsection (1) of this section:

1. A pesticide that is shipped intrastate from one plant to another operated by the same person solely for the
purpose of repackaging or for use as a constituent part of another pesticide produced at the second plant; and

2. a pesticide labeled for experimental use only under the provisions of Section 5 of the Federal Insecticide, Fungicide, Rodenticide Act or section 22-3404, Idaho Code; and

3. a pesticide that is transported through the state to a destination outside of the state; and

4. a pesticide that is manufactured within the state solely for the purpose of exportation.

(b) Federal, state of Idaho, and other governmental agencies are exempt from subsections (6) and (7) of this section.

22-3403. EXPERIMENTAL PERMITS. Provided that the state is authorized by the Administrator of EPA to issue experimental permits and subject to the terms and conditions of such authorization, the director may:

(1) Issue an experimental permit to any individual applying for an experimental permit if he determines that the applicant needs such permit in order to accumulate information necessary to register a pesticide for a special local need under section 22-3402(5), Idaho Code, and that the pesticide use to be made under the proposed terms and conditions would not cause unreasonable adverse effects on the environment.

(2) Prescribe terms, conditions, and period of time for the experimental permit.

(3) Revoke or modify any experimental permit, at any time, if he finds that its terms or conditions are being violated, or that its terms and conditions are inadequate to avoid unreasonable adverse effects on the environment.

22-3404. PESTICIDE APPLICATORS -- CLASSIFICATION LICENSING REQUIREMENTS.

(1) The director may classify pesticide applicator licenses issued under this act. Such classifications may include but are not limited to commercial applicators, limited applicators, and private applicators. Separate licensing requirements and testing procedures may be utilized for each classification.

(2) Commercial Applicators - no individual shall act as a commercial applicator without first obtaining a commercial applicator's license issued by the department.

(a) Application for a license shall be on a form prescribed by the department; and

(b) an applicant must be at least eighteen (18) years
of age and must pass the department's examination in order to demonstrate his knowledge of how to apply, use and handle pesticides in areas relevant to the operations he intends to undertake; and

(c) insurance, bond, or cash deposit in escrow must be provided for as prescribed by regulation; and

(d) an applicant must pay an annual license fee and registration fee for each piece of spraying equipment as prescribed by regulation; and

(e) an examination fee of five dollars ($5.00) shall be charged when an exam is requested at other than a regularly scheduled examination date; and

(f) if at any time a licensed commercial applicator fails to maintain the financial responsibility required by paragraph (c) of this subsection, his license shall be automatically suspended until the department receives verification that he is in compliance with paragraph (c) of this subsection; and

(g) no individual shall act as a commercial operator without first obtaining a license issued by this department. An applicant must be employed by a licensed commercial applicator and pass the department's examination in order to receive a license.

(3) Limited Applicator - no individual shall act as a limited applicator without first obtaining a limited applicator's license issued by the department.

(a) Application for a license shall be on a form prescribed by the department; and

(b) an applicant must be at least eighteen (18) years of age and must pass the department's examination in order to demonstrate his knowledge of how to use, apply and handle pesticides in areas relevant to the operations he plans to undertake; and

(c) an applicant must pay an annual license fee as prescribed by regulation.

(4) Private Applicator - no individual shall act as a private applicator without first fulfilling the licensing requirements prescribed by regulation.

(5) If the director finds an applicant qualified for a commercial applicator's license, operator's license, limited applicator's license or private applicator's license; and if an applicant applying for a license to engage in the aerial application of pesticides has met all of the requirements of the federal aviation agency and any other applicable federal or state laws and regulations, the director shall issue such license. The license or permit may restrict the applicant to the use of a certain type or types of equipment or pesti-
cides. If a license or permit is not issued as applied for, the department shall inform the applicant in writing of the reasons therefor.

(6) The director may by regulation require commercial or limited applicators to maintain and furnish records forthwith pertaining to the application of pesticides and other relevant information as he may deem necessary.

(7) License expiration:
(a) Licenses issued to commercial applicators, commercial operators, and limited applicators shall expire on December 31, following issuance unless it has been suspended or revoked as provided for in section 22-3409, Idaho Code; and
(b) licenses issued to private applicators shall expire as designated by the director unless suspended or revoked as provided for in section 22-3409, Idaho Code.

(8) Exemptions:
(a) The following individuals are exempt from paragraphs (2), (3) and (4) of this section:
1. Any farmer applying pesticides other than restricted-use pesticides restricted to use only by certified applicators for himself or on an exchange of service basis who does not publicly hold himself out as a commercial applicator; and
2. any individual using hand-powered equipment to apply pesticides other than restricted-use pesticides restricted to use only by certified applicators to lawns, or to ornamental trees and shrubs owned by such person or as an incidental part of his business of taking care of yards for remuneration and not holding himself out as a commercial applicator; and
3. any industry, governmental, University of Idaho research personnel and extension research personnel who apply pesticides other than restricted-use pesticides restricted to use only by certified applicators to experimental plots or to demonstrate the use of pesticides and do not publicly hold themselves out as commercial applicators; and
4. any veterinarian who applies pesticides as an integral part of his business and does not publicly hold himself out as a commercial applicator.
(b) Federal, state, and county agencies are exempt from the licensing fees provision of subsections (2) and (3) of this section.

22-3405. PEST CONTROL CONSULTANTS -- LICENSING REQUIREMENTS. No individual shall act as a pest control consultant
after January 1, 1977, without first obtaining a pest control consultant's license.

(1) Application for a license shall be on a form prescribed by the department.

(2) Applicants must be at least eighteen (18) years of age and must demonstrate their knowledge of pesticide laws, regulations, pesticide hazards, and safety involving the distribution, use and disposal of pesticides by passing a written examination.

(3) An examination fee of five dollars ($5.00) shall be charged when an examination is requested at other than a regularly scheduled examination date.

(4) The director may classify licenses to be issued under the provisions of this section. Each such classification may be subject to separate testing procedures and requirements.

(5) An applicant shall pay an annual licensing fee as prescribed by regulation.

(6) Licenses issued to pest control consultants shall expire on December 31 following issuance unless it has been suspended or revoked as provided for in section 22-3409, Idaho Code.

(7) Exemptions:

(a) A licensed limited applicator or commercial applicator is exempt from the licensing provisions of this section; and

(b) all federal, state, other governmental, or University of Idaho research and extension research personnel are exempt from paragraph (5) of this section; and

(c) any individual who recommends only the use of pesticides labeled for home and garden use only is exempt from the licensing provisions of this section.

22-3406. PESTICIDE DEALERS. No individual shall act as a pesticide dealer without first obtaining a pesticide dealer's license issued by the department.

(1) Licensing:

(a) Application for a pesticide dealer's license shall be on a form prescribed by the department and shall be accompanied by a fee as prescribed by regulation; and

(b) such application shall be due on or before July 1 of each year; and

(c) a license shall be required for each location, outlet, or warehouse located within this state from which such pesticides are distributed.

(2) Records and Reports:

(a) The director shall require a pesticide dealer to
keep accurate records which contain the trade name or brand name and distribution of restricted-use pesticides or devices within the state. The director may also require a pesticide dealer to maintain other records and furnish reports that he determines necessary to implement the provisions of this act; and

(b) these records shall be available for inspection and reproduction by the director at all reasonable times.

(3) Pesticide dealers shall sell restricted-use pesticides restricted to use only by certified applicators only to licensed commercial applicators, limited applicators, private applicators, and dealers.

(4) Exemptions: A manufacturer's representative or wholesale distributor shall be exempt from subsection (1) of this section provided such representative or distributor does not have a warehouse in Idaho that pesticides are sold, stored or distributed from.

22-3407. REQUALIFICATION. The director may renew any applicant's license or permit issued under the provisions of this act provided the applicant has met the requirements imposed by the director to ensure that the applicant continues to meet the requirements of changing technology and to assure the proper and safe use of pesticides.

22-3408. STOP SALE, USE OR REMOVAL ORDER. The department may issue and enforce a written stop sale, use or removal order to the owner or custodian of any pesticide or device to hold such pesticide or device at a designated place when the department finds such pesticide or device being distributed in violation of any of the provisions of this act, regulations, or is likely to cause unreasonable adverse effects on the environment until released by written order of the director. The director shall release the pesticide or device so withdrawn when the owner or custodian has complied with all of the provisions of this act and regulations.

22-3409. DENIAL, SUSPENSION, OR REVOCATION OF A LICENSE OR PERMIT. The director is authorized subsequent to a hearing in accordance with the provisions of chapter 52, title 67, Idaho Code, to deny, suspend, revoke or modify any license or permit provided for in this act in any case in which he finds that the holder of an applicator's license, operator's license or permit has been convicted or is subject to a final order imposing a civil penalty under Section 14, Federal Insecticide, Fungicide, Rodenticide Act,
or that there has been a failure or refusal to comply with the provisions of this act or regulations promulgated by the director.

22-3410. RECIPROCITY. The director may at his discretion issue a license or permit without examination to a non-resident who is licensed or certified in another jurisdiction where the requirements are substantially in accordance with the provisions of this act.

22-3411. CHANGE OF ADDRESS OR PLACE OF BUSINESS. Any individual who has been issued a license or permit under the provisions of this act shall immediately notify the department in writing when he changes his address or place of business.

22-3412. DELEGATION OF DUTIES. All authority vested in the director by virtue of the provisions of this act may with like force and effect be executed by designated employees of the department of agriculture as the director may from time to time designate for said purpose.

22-3413. CONTAINER DISPOSAL. Partially full or empty pesticide containers shall be disposed of as prescribed by the Idaho department of health and welfare and in accordance with federal regulations.

22-3414. INSPECTION. (1) For the purpose of carrying out the provisions of this act the director may enter on any public or private premises at reasonable times in order to have access for the purpose of observing the use and application of pesticides, inspecting records that are required to be maintained by this act, spraying equipment, storage facilities, disposal areas, investigating complaints of injury, inspection and sampling of land and sampling pesticides being distributed, offered for sale, applied or to be applied.

(2) Should the director be denied access to any land where such access was sought for the purposes set forth in this act, he may apply to any court of competent jurisdiction for a search warrant authorizing access to such land for said purposes. The court may, upon such application, issue the search warrant for the purposes requested.

22-3415. FEES COLLECTED -- DISPOSITION. All fees collected under the provisions of this act shall be deposited with the state treasurer and be credited to the pesticide
fund of the department of agriculture to be used only for carrying out the provisions of this act.

22-3416. COOPERATION WITH OTHER AGENCIES. The director is authorized to cooperate with and enter into agreements with any other state or federal agency in order to carry out the provisions of this act and to assure uniformity of regulations.

22-3417. DAMAGE CLAIMS.
(1) Any individual suffering loss or damage resulting from the use or application by others of any pesticide must file with the department a written report of loss which contains but is not limited to the following information:
   (a) The name and address of the claimant; and
   (b) the type of property alleged to be damaged; and
   (c) the name of the individual applying the pesticide and allegedly responsible; and
   (d) the name of the owner or lessee of the property for whom such application of pesticide was made.

   This report must be filed within sixty (60) days of the occurrence of the alleged damage, or prior to the harvest of more than twenty-five percent (25%) of such damaged crop.

   (2) The filing of such report or the failure to file such a report need not be alleged in any complaint which might be filed in a court of law, and the failure to file the report shall not be considered a bar to the maintenance of any criminal or civil action.

   (3) The failure to file such a report shall not be a violation of this act.

   (4) The department may investigate and determine the nature and extent of the alleged damage.

   (5) The department shall prepare and file in its office a report of its investigation.

   (6) Copies of the report made by the department may be given upon request to individuals who are financially interested in the matter.

22-3418. RESTRICTED PESTICIDE USE.
(1) The director may by regulation restrict or prohibit the use of pesticides if he finds that the labeled use of such pesticides requires the regulations restricting their use are necessary to prevent injury to land, people, animals, crops or the environment other than the pests of vegetation which they are intended to destroy.

   (2) The areas affected, the time and conditions of use of such restricted-use pesticides shall be prescribed by
22-3419. PROCEDURE FOR ESTABLISHING A RESTRICTED AREA.

(1) The director may upon his own initiative, or upon the petition of a number of owners, lessees or operators of land in an area within a county or two (2) or more contiguous counties in the state may, if it is deemed necessary, issue a proposal to establish a restricted area. The proposal shall set forth the boundaries of the area and the regulations proposed to govern the use of pesticides. The director shall hold a hearing in accordance with the provisions of the administrative procedures act, chapter 52, title 67, Idaho Code, at a place in reasonable proximity to the proposed area. As soon as possible after completion of the hearing, the director shall make regulations applicable thereto or refuse to take such action. The order shall be based on substantial evidence of record at the hearing and shall include findings of fact upon which it is based; provided, however, that whenever twenty-five (25) or more landowners, representing at least seventy percent (70%) of the acres of land situated within the proposed area, shall sign a petition requesting that a referendum be held, the director shall then conduct a referendum as set forth in subsection (2) of this section.

(2) Whenever in the judgment of the director, the need for the creation of a restricted area cannot be adequately determined by the director after investigation, the director shall conduct a referendum on this question of necessity, by ballot in the area concerned at a public hearing, after notice, setting the time and place, once each week for two (2) weeks before the hearing has been published in a newspaper of general circulation in the area affected. Any individual owning, leasing or operating three (3) acres or more within the proposed area is eligible to vote in the referendum. Unless the votes cast in favor of the creation of a restricted area constitute a two-thirds (2/3) majority of those voting, the area shall not be created. If there is such majority, the director shall then issue a proposal in accordance with subsection (1) of this section.

22-3420. PROHIBITED ACTS. No person shall:

(1) As a licensed pesticide applicator or operator use a pesticide in a manner inconsistent with its labeling except as provided for by regulation.

(2) Make pesticide recommendations in a manner inconsistent with its labeling except as provided for by regulation.
(3) Make false or misleading claims through any media relating to the effect of pesticides or application methods to be utilized.

(4) Operate a faulty or unsafe pesticide spray apparatus, aircraft, or other application device or equipment.

(5) Apply ineffective or improper pesticides.

(6) Make false, misleading or fraudulent records, reports or application forms required by the provisions of this act.

(7) Apply pesticides in a faulty, careless, or negligent manner.

(8) Refuse or neglect to keep and maintain records required by the provisions of this act, or to make reports when and as often as required.

(9) Distribute, sell or offer for sale any pesticide or device which is misbranded.

(10) Formulate, distribute, sell or offer for sale any pesticide which is adulterated.

(11) Distribute, sell or offer for sale any pesticide except in the manufacturer's original unbroken container.

(12) Refuse or neglect to comply with any limitations or restrictions placed on a license or permit issued under the provisions of this act.

(13) Refuse or neglect to comply with any other provisions of this act or regulation, or any lawful order of the director.

(14) Aid or abet a licensed or an unlicensed individual to evade the provisions of this act, conspire with such licensed or an unlicensed person to evade the provisions of this act, or allow one's license or permit to be used by another individual.

(15) Make false or misleading statements during or after an inspection concerning any infestation or infection of pests found on land.

(16) Impersonate any federal, state, county or city inspector or official.

(17) No person shall use or supervise the use of any restricted use pesticide which is restricted to use by certified applicators, or any state restricted pesticide use which is restricted to use by certified applicators, without that individual's first complying with the licensing requirements pursuant to this act, and such other restrictions as had been determined by the director as necessary to prevent unreasonable adverse effects on the environment, including injury to the applicator, individuals, or land, provided, that a competent individual who is not a certified applicator but an employee of a licensed limited or
private applicator may use a restricted-use pesticide or a state restricted-use pesticide under the direct supervision of the licensed limited or private applicator unless otherwise prescribed by the labeling of the pesticide.

22-3421. ADOPTION AND SCOPE OF REGULATIONS.
(1) The director is authorized to adopt appropriate regulations for carrying out the purpose and provisions of this act including but not limited to regulations providing for:
   (a) The collection and examination of samples of pesticides or devices; and
   (b) the safe handling, transportation, storage, display, distribution and disposal of pesticides and their containers; and
   (c) procedures in making pesticide recommendations; and
   (d) procedures for obtaining permits; and
   (e) regulating the labeling of devices.
(2) Such rules and regulations shall be promulgated in accordance with chapter 52, title 67, Idaho Code.

22-3422. PENALTIES FOR OPERATING WITHOUT LICENSE. Any individual operating as a pest control consultant, commercial applicator, limited applicator, private applicator, commercial operator, or dealer without a license shall forfeit to the state for each day's operation one hundred dollars ($100) as a civil penalty and such operation may be enjoined upon complaint of the director.

22-3423. PENALTY FOR VIOLATIONS.
(1) Any individual who shall forge, alter, counterfeit, simulate or falsely represent, or who shall without proper authority use any license issued by the director under this act, or who shall violate or fail to comply with any provisions of this act or any regulations promulgated thereunder shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than one hundred dollars ($100) nor more than one thousand dollars ($1,000) or imprisoned in the county jail for not less than three (3) months nor more than twelve (12) months or be subject to both such fine and imprisonment.
(2) Nothing in this chapter shall be construed as requiring the director to report minor violations for prosecution when he believes that the public interests will be best served by suitable warnings or other administrative action.
22-3424. REVIEW OF ACTION OF DIRECTOR. Any individual who has exhausted all administrative remedies available within the department and who is aggrieved by a final decision in a contested case is entitled to judicial review in accordance with the provisions of the administrative procedures act, chapter 52, title 67, Idaho Code. The review may be obtained by filing in the district court within thirty (30) days' notice of the action of the director, a written petition praying that such action be set aside. A copy of such petition shall forthwith be delivered to the director, and within thirty (30) days thereafter the director shall certify and file in the district court of the area affected a transcript of any record pertaining thereto, including a transcript of evidence received at any hearing of referendum. The district court shall give notice, by United States mail, to the director of the department of agriculture, at Boise, Idaho, and to the petitioner or petitioners, of the time and place at which he will hear such petition, at which time any interested party may be heard. Upon completion of the hearing the court shall affirm, set aside or modify the action of the director, except that the findings of the director as to the facts, if supported by substantial evidence, shall be conclusive.

22-3425. SEVERABILITY. If any clause, sentence, paragraph, or part of this act shall, for any reason, be adjudged by a competent court of jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which said judgment shall have been rendered.

SECTION 3. This act shall be in full force and effect on and after October 21, 1976.

Approved March 19, 1976.
AN ACT

RELATING TO INTEREST ON UNPAID CONTRIBUTIONS FOR UNEMPLOYMENT INSURANCE; AMENDING SECTION 72-1354, IDAHO CODE, BY STRIKING THE TERM "PENALTY" WHERESOEVER IT APPEARS THEREIN AND INSERTING IN LIEU THEREOF THE TERM "INTEREST"; AMENDING SECTION 72-1360, IDAHO CODE, BY STRIKING THE WORDS "RATE OF SIX PER CENT PER ANNUM" AND INSERTING IN LIEU THEREOF THE WORDS "STATE STATUTORY LEGAL LIMIT".

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

SECTION 1. That Section 72-1354, Idaho Code, be, and the same is hereby amended to read as follows:

72-1354. PENALTIES INTEREST ON UNPAID CONTRIBUTIONS -- EFFECT OF FAILURE TO PAY CONTRIBUTIONS. If contributions are not paid by any covered employer on or before the date on which they are due and payable, such contributions shall bear penalty interest at the rate of one per centum (1%) or fifty cents (50¢), whichever is the larger, for each month or fraction thereof until paid; provided, that in no case shall the penalty interest exceed the actual amount of contributions due and payable. The date of payment of contributions shall be deemed the date of actual receipt by the director, or if mailed, the date of mailing. Penalties Interest collected pursuant to this section shall be paid into the state employment security administrative and reimbursement fund as established by section 72-1348, Idaho Code.

Furthermore, if any employer shall be in default under section 72-1349, Idaho Code, for a period of thirty (30) days, he may be enjoined, by the district court of any county in which such employer carries on any part of his trade or occupation, from carrying on his business while such default continues. All proceedings in the courts are to be brought by the director in the name of the state of Idaho.

SECTION 2. That Section 72-1360, Idaho Code, be, and the same is hereby amended to read as follows:
72-1360. LIENS. (a) Upon the failure of any covered employer to pay contributions or penalties when due, the director may file with the clerk of the district court of the county, wherein such employer has his principal place of business, and a copy thereof with the clerk of the district court of any county in which such employer may have real or personal property, a certificate under his official seal, stating:

1. the name of the covered employer;
2. his address;
3. the amount of contributions and penalties in the form of an itemized statement thereof owing and in default; and
4. that the time in which an appeal or review is permitted, pursuant to section 72-1358, Idaho Code, has expired without having been taken or that delay will jeopardize collection. Thereupon, such clerk shall enter in the judgment docket of the court, the name of the employer mentioned in the certificate, the amount of such contributions and penalties in default and the date when such certificate is filed. When such certificate is duly filed and recorded, the amount of the contributions and penalties in default shall be a lien upon the entire interest of such employer, legal or equitable, in any property, real or personal, tangible or intangible, not exempt from execution, situated in the county where the certificate or a copy thereof was filed. The lien thus created shall be in favor of the state of Idaho and shall be prior to all other liens and encumbrances, except previously existing mortgage liens, labor liens and tax liens, and it shall have equal priority with tax liens. No lien for contributions or penalties shall be valid against one who purchases personal property from the delinquent employer in the usual course of business and in good faith and without actual notice of such lien. Such lien may be enforced against any real or personal property of the delinquent employer by the director, his authorized representative, or by any sheriff of the various counties in the same manner as a judgment of the district court duly docketed and the amount, secured by the lien thus established, shall bear interest at the rate of six-per-centum (6%)--per--annum the state statutory legal limit. The foregoing remedy shall be in addition to all other remedies against the covered employer.

(b) The employer against whose property such lien has been filed may cause his property to be released by filing with the county clerk of the county where such lien is recorded a bond in a sum double the amount claimed in said
lien, executed by a surety company licensed to do business in Idaho or by two (2) private sureties residing in Idaho, to be approved by the district judge of the district in which said lien is filed, or, in the event of his absence from the county in which said lien is filed, then by the probate judge of said county, running to the state of Idaho and conditioned for the payment of all contributions, penalties, interest, and costs that may be recovered by the state of Idaho against such employer or that may be found to be a lien upon or against the property of such employer. The clerk shall then issue to such employer a certificate stating that the bond is substituted in lieu of the property of said employer and that the lien on said property is forever released and discharged and a marginal entry on said release and bond shall be made in the lien docket containing the original record of certificate of claim of lien, and if the state establish the validity of its lien by a suit to foreclose the same, it shall be entitled to a judgment or decree against the sureties upon said bond.

(c) Any lien as provided in this section shall be released or satisfied by the director, upon the payment of the debt secured by the lien, and the property against which a lien is claimed shall be released therefrom by filing a notice of such release or satisfaction with the clerk of the county in which the certificate of claim of lien was filed. In any suit or action involving the title to real or personal property against which the state has or may claim a lien, the state may be made a party to such suit or action.

Approved March 19, 1976.
CHAPTER 192
(H.B. No. 852)

AN ACT
RELATING TO REPORTING OF VIOLATIONS BY PHYSICIANS; REQUIRING PHYSICIANS TO ADVISE THE BOARD OF MEDICINE OR KNOWN VIOLATIONS OF SECTION 54-1810, IDAHO CODE.

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

SECTION 1. A licensed physician and surgeon possessing knowledge of a violation of section 54-1810, Idaho Code, by any other physician and surgeon licensed to practice medicine in Idaho shall with reasonable promptness report such knowledge to the board of medicine or its duly authorized committee, agency or representative, and failure to do so shall subject such person to disciplinary action by the state board of medicine as in its discretion the board shall deem proper, pursuant to procedures provided in chapter 18, title 54, Idaho Code; provided, no person shall be civilly liable for communications, reports or acts of any kind made, given or handled under the provisions of this act.

Approved March 19, 1976.
AN ACT
APPROPRIATING MONEYS TO THE BICENTENNIAL COMMISSION FROM THE LISTED FUNDS, TO BE EXPENDED ACCORDING TO DESIGNATED EXPENSE CLASSES, FOR THE PERIOD FROM THE EFFECTIVE DATE OF THIS ACT THROUGH DECEMBER 31, 1976; AND DECLARING AN EMERGENCY.

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

SECTION 1. There is hereby appropriated to the Bicentennial Commission the following amounts from the listed funds, to be expended according to the designated expense classes, for the period from the effective date of this act through December 31, 1976:

<table>
<thead>
<tr>
<th>PROGRAM</th>
<th>FOR PERSONNEL COSTS</th>
<th>FOR OPERATING EXPENDITURES</th>
<th>FOR CAPITAL OUTLAY</th>
<th>TRUSTEE AND BENEFIT PAYMENTS</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. BICENTENNIAL COMMISSION:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM: Fiscal Year 1976</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Fund Moneys</td>
<td>$2,000</td>
<td>$61,000</td>
<td></td>
<td>$100,000</td>
<td>$163,000</td>
</tr>
<tr>
<td>Bicentennial Revolutionary Fund</td>
<td>7,300</td>
<td></td>
<td></td>
<td></td>
<td>7,300</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$9,300</td>
<td>$61,000</td>
<td></td>
<td>$100,000</td>
<td>$170,300</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 19, 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, 1976, through June 30, 1977:

FOR:
- Personnel Costs $5,368,800
- Operating Expenditures 1,343,200
- Capital Outlay 78,200
- Trustee & Benefit Payments 315,500
  TOTAL $7,105,700

FROM:
- General Fund $1,950,700
- Dedicated Funds:
  - Agriculture Department Inspection Fund 197,700
  - Bee Inspection Fund 19,000
  - Fresh Fruit & Vegetable Inspection Fund 3,230,100
  - Public Livestock Market Fund 5,100
  - Sheep Commission Fund 185,000
  - Commercial Feed & Fertilizer Fund 191,600
  - Pesticide Fund 45,400
  - Livestock Disease Control & T.B.
    Indemnity Fund 238,800
  - Dairy Industry & Inspection Fund 150,000
  - Idaho Honey Advertising Commission Fund 7,500
Egg Inspection Fund 47,100
Rural Rehabilitation Fund 63,900
Federal Funds:
Plant Industries Fund 162,600
Meat Inspection Fund 531,600
Wheat Statistics Fund 2,900
Egg & Poultry Inspection Fund 76,700
TOTAL $7,105,700

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, 1976, through June 30, 1977:
<table>
<thead>
<tr>
<th>PROGRAM</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>A. ADMINISTRATION:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Fund</td>
<td>$161,400</td>
<td>$77,300</td>
<td>$1,400</td>
<td></td>
<td>$240,100</td>
</tr>
<tr>
<td>Fresh Fruit and</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vegetable Inspection</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fund</td>
<td>21,700</td>
<td></td>
<td></td>
<td></td>
<td>21,700</td>
</tr>
<tr>
<td>Rural Rehabilitation</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fund</td>
<td>11,700</td>
<td>2,000</td>
<td>200</td>
<td>$50,000</td>
<td>63,900</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$194,800</td>
<td>$79,300</td>
<td>$1,600</td>
<td>$50,000</td>
<td>$325,700</td>
</tr>
<tr>
<td>B. ANIMAL INDUSTRY:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Fund</td>
<td>$590,800</td>
<td>$186,000</td>
<td>$9,300</td>
<td></td>
<td>$786,100</td>
</tr>
<tr>
<td>Livestock Disease</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Control &amp; T.B.</td>
<td>125,700</td>
<td>93,600</td>
<td>19,500</td>
<td></td>
<td>238,800</td>
</tr>
<tr>
<td>Indemnity Fund</td>
<td>14,600</td>
<td>500</td>
<td></td>
<td></td>
<td>15,100</td>
</tr>
<tr>
<td>Sheep Commission Fund</td>
<td>430,200</td>
<td>99,900</td>
<td>1,500</td>
<td></td>
<td>531,600</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$1,161,300</td>
<td>$380,000</td>
<td>$30,300</td>
<td></td>
<td>$1,571,600</td>
</tr>
<tr>
<td>C. FEDERAL-STATE INSPECTION:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Fund</td>
<td>$39,400</td>
<td>$13,700</td>
<td>$400</td>
<td>$7,000</td>
<td>$60,500</td>
</tr>
<tr>
<td>Livestock Disease</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fresh Fruit &amp;</td>
<td>2,697,300</td>
<td>340,300</td>
<td>10,800</td>
<td>160,000</td>
<td>3,208,400</td>
</tr>
<tr>
<td>Vegetable Inspection</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fund</td>
<td>$2,736,700</td>
<td>$354,000</td>
<td>$11,200</td>
<td>$167,000</td>
<td>$3,268,900</td>
</tr>
<tr>
<td>D. PLANT INDUSTRY:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Fund</td>
<td>$221,600</td>
<td>$91,400</td>
<td></td>
<td></td>
<td>$313,000</td>
</tr>
<tr>
<td>Agriculture Department</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Inspection Fund</td>
<td>113,800</td>
<td>21,400</td>
<td>$2,000</td>
<td></td>
<td>137,200</td>
</tr>
<tr>
<td>Bee Inspection Fund</td>
<td>14,700</td>
<td>4,300</td>
<td></td>
<td></td>
<td>19,000</td>
</tr>
<tr>
<td>Commercial Feed and</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fertilizer Fund</td>
<td>115,800</td>
<td>63,600</td>
<td>12,200</td>
<td></td>
<td>191,600</td>
</tr>
<tr>
<td>Pesticide Fund</td>
<td>28,300</td>
<td>17,100</td>
<td></td>
<td></td>
<td>45,400</td>
</tr>
<tr>
<td>Plant Industries Fund</td>
<td>55,700</td>
<td>8,400</td>
<td></td>
<td></td>
<td>64,100</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$549,900</td>
<td>$206,200</td>
<td>$14,200</td>
<td>$98,500</td>
<td>$868,800</td>
</tr>
<tr>
<td>E. MARKETS:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Fund</td>
<td>$329,900</td>
<td>$139,300</td>
<td>$19,800</td>
<td></td>
<td>$489,000</td>
</tr>
<tr>
<td>Public Livestock</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Market Fund</td>
<td>2,100</td>
<td>3,000</td>
<td></td>
<td></td>
<td>5,100</td>
</tr>
</tbody>
</table>

**FOR** FOR FOR FOR TRUSTEE AND PROGRAM PERSONNEL OPERATING CAPITAL BENEFIT COSTS EXPENDITURES OUTLAY PAYMENTS TOTAL
<table>
<thead>
<tr>
<th>PROGRAM</th>
<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>
<tbody>
<tr>
<td>Dairy Industry and Inspection Fund</td>
<td>$111,600</td>
<td>$38,100</td>
<td>$300</td>
<td></td>
<td>$150,000</td>
</tr>
<tr>
<td>Egg Inspection Fund</td>
<td>31,300</td>
<td>15,600</td>
<td>200</td>
<td></td>
<td>47,100</td>
</tr>
<tr>
<td>Wheat Statistics Fund</td>
<td>2,400</td>
<td>500</td>
<td></td>
<td></td>
<td>2,900</td>
</tr>
<tr>
<td>Egg &amp; Poultry Inspection Fund</td>
<td>56,200</td>
<td>19,900</td>
<td>600</td>
<td></td>
<td>76,700</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$533,500</td>
<td>$216,400</td>
<td>$20,900</td>
<td></td>
<td>$770,800</td>
</tr>
</tbody>
</table>

F. SHEEP COMMISSION:
FROM: Sheep Commission Fund
$129,800  $40,100
TOTAL $169,900

G. HONEY ADVERTISING COMMISSION:
FROM: Idaho Honey Advertising Commission Fund
$300  $7,200
TOTAL $7,500

GRAND TOTAL
$55,306,300  $1,283,200  $78,200  $315,500
$6,983,200

SECTION 3. There is hereby appropriated to the Department of Agriculture the following amounts, to be expended for the designated program according to expense classes designated therein from fiscal year 1976 General Fund moneys, for the period from the effective date of this act through June 30, 1977:

A. ANIMAL INDUSTRY:
FROM: Fiscal Year 1976
General Fund Moneys
$62,500  $60,000
TOTALS $122,500

SECTION 4. This act shall be in full force and effect on and after July 1, 1976, 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 19, 1976.
AN ACT
AMENDING SECTION 67-5336, IDAHO CODE, TO PERMIT STATE EMPLOYEES WHO ARE REQUIRED TO WORK ON HOLIDAYS TO BE ALLOWED COMPENSATORY TIME AT STRAIGHT TIME, IN LIEU OF OVERTIME COMPENSATION.

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

SECTION 1. 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 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; provided, however, that an employee may elect to take compensatory time at straight time for work performed on a holiday, which compensatory time may be taken in a work week other than that in which the holiday occurred.

Approved March 19, 1976.
AN ACT
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, 1976, THROUGH JUNE 30, 1977.

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

SECTION 1. 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, 1976, through June 30, 1977:

<table>
<thead>
<tr>
<th>PROGRAM</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>A. RENAL DISEASE:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM: General Fund</td>
<td>-0-</td>
<td>-0-</td>
<td>-0-</td>
<td>$190,000</td>
<td>$190,000</td>
</tr>
<tr>
<td>TOTAL</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>B. VOCATIONAL REHABILITATION:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM: General Fund</td>
<td></td>
<td></td>
<td></td>
<td>$900,000</td>
<td>$900,000</td>
</tr>
<tr>
<td>Vocational Rehabilitation Fund</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>$1,801,700</td>
<td>$402,400</td>
<td>$63,600</td>
<td>2,807,700</td>
<td>5,075,400</td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>$1,801,700</td>
<td>$402,400</td>
<td>$63,600</td>
<td>$3,707,700</td>
<td>$5,975,400</td>
</tr>
<tr>
<td>C. DISABILITY DETERMINATIONS:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM: Federal Disability Determinations Fund</td>
<td>$480,400</td>
<td>$95,500</td>
<td>$500</td>
<td>$170,000</td>
<td>$746,400</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$480,400</td>
<td>$95,500</td>
<td>$500</td>
<td></td>
<td></td>
</tr>
<tr>
<td>GRAND TOTAL</td>
<td>$2,282,100</td>
<td>$497,900</td>
<td>$64,100</td>
<td>$5,067,700</td>
<td>$6,931,700</td>
</tr>
</tbody>
</table>

Approved March 19, 1976.
CHAPTER 197

(H.B. No. 648)

AN ACT

RELATING TO VETERANS' PREFERENCES IN PUBLIC EMPLOYMENT;
AMENDING SECTION 65-502, IDAHO CODE, TO PROVIDE PREFERENCE IN PUBLIC EMPLOYMENT TO IDAHO VETERANS WHO PERFORMED MILITARY SERVICE FOR MORE THAN ONE HUNDRED EIGHTY DAYS OR WHOSE DISCHARGE WAS FOR SERVICE CONNECTED DISABILITY AND WHO WERE DISCHARGED UNDER HONORABLE CONDITIONS.

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

SECTION 1. That Section 65-502, Idaho Code, be, and the same is hereby amended to read as follows:

65-502. PREFERENCE TO BE GIVEN VETERANS BY PUBLIC EMPLOYERS. In all state, county— and—municipal—governments and—departments— and—in— all—political—subdivisions—thereof— employment—of—any—kind—er—character—excluding—professional— and—confidential—secretarial—positions, In all employment of any kind or character, excluding professional and confidential secretarial positions, in all state, county, and municipal governments and departments and in all political subdivisions thereof, the official or person in charge of such unit of government shall give preference to the employment of war veterans who are discharged—ether—thann—dis— hencably—and—who—have—had—net—lessthan—one—year's— residence—in—the—state—of—Idaho, immediately preceding the application—fer—werk—er—employment— served—on—active—duty—in—the—armed—forces—of—the—United—States—for—a period—of—more—than—one—hundred—eighty—(180)—days—or—who—discharge—or—release—from—active—duty—was—for—a—disability—injured—or—aggravated—in—line—of—duty—who—are—discharged—under—honorable—conditions—and—who—are—residents—of—the—state—of—Idaho—when—the—application—for—the—work—or—the—employment—is—made.

An application for an examination for appointment to a position in said public employment 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 his or her separation from the armed forces or hospitaliza—
tion and prior to the expiration of any register established as a result of the examination. A disabled veteran may file an application at any time for any position for which a register is then maintained, 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.

Approved March 19, 1976.
An Act

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

SECTION 1. There is hereby appropriated to the Office of the Governor for the Liquor Division the following amounts, to be expended for the designated program according to the expense classes designated therein from the listed fund for the period July 1, 1976 through June 30, 1977:

<table>
<thead>
<tr>
<th>Program</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>Administering Liquor Dispensary</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>From:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Liquor Fund</td>
<td>$3,029,900</td>
<td>$877,500</td>
<td>$143,400</td>
<td></td>
<td>$4,050,800</td>
</tr>
<tr>
<td>Total</td>
<td>$3,029,900</td>
<td>$877,500</td>
<td>$143,400</td>
<td></td>
<td>$4,050,800</td>
</tr>
</tbody>
</table>

Approved March 19, 1976.
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, 1976, THROUGH JUNE 30, 1977; AND 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, 1976, THROUGH JUNE 30, 1977.

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, 1976, through June 30, 1977:

FOR:

Personnel Costs $772,000
Operating Expenditures 382,900
Capital Outlay 100,400
Trustee and Benefit Payments 1,012,900
TOTAL $2,268,200

FROM:

General Fund $1,448,400
Dedicated Funds:
State Historical Society Foundation Fund 186,300
Federal Funds:
Library Services & Construction Act -
Titles I & III Fund 355,400
Historical Preservation Fund 241,200
Miscellaneous Receipts 36,900
TOTAL $2,268,200
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, 1976, through June 30, 1977:

<table>
<thead>
<tr>
<th>PROGRAM</th>
<th>FOR PERSONNEL</th>
<th>FOR OPERATING COSTS</th>
<th>FOR CAPITAL EXPENDITURES</th>
<th>FOR TRUSTEE AND BENEFIT PAYMENTS</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. STATE GRANTS AND LIBRARY CONSTRUCTION:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Fund</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Library Services &amp; Construction Act - Titles I &amp; III Fund</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>B. STATE LIBRARY SERVICES:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Fund</td>
<td>$369,200</td>
<td>$118,500</td>
<td>$68,200</td>
<td>$120,000</td>
<td>$751,200</td>
</tr>
<tr>
<td>Library Services &amp; Construction Act - Titles I &amp; III Fund</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Miscellaneous Receipts</td>
<td>2,300</td>
<td>4,600</td>
<td>30,000</td>
<td>36,900</td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>$369,200</td>
<td>$120,800</td>
<td>$72,800</td>
<td>$188,400</td>
<td>$1,425,200</td>
</tr>
</tbody>
</table>

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, 1976, through June 30, 1977:
<table>
<thead>
<tr>
<th>PROGRAM</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>A. HISTORICAL PRESERVATION AND EDUCATION:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Fund</td>
<td>$270,500</td>
<td>$51,400</td>
<td>$22,600</td>
<td></td>
<td>$344,500</td>
</tr>
<tr>
<td>State Historical Society</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Foundation Fund</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Historical Preservation Fund</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>$335,400</td>
<td>$138,000</td>
<td>$25,400</td>
<td></td>
<td>$498,800</td>
</tr>
<tr>
<td>B. HISTORIC RESTORATION PROJECTS:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Historical Preservation Fund</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>C. FRANKLIN PIONEER RELIC HALL:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Fund</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>D. HISTORIC SITES MAINTENANCE AND INTERPRETATION:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Fund</td>
<td>$42,700</td>
<td>$22,100</td>
<td>$2,200</td>
<td></td>
<td>$67,000</td>
</tr>
<tr>
<td>State Historical Society</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Foundation Fund</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Historical Preservation Fund</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>$67,400</td>
<td>$124,100</td>
<td>$2,200</td>
<td></td>
<td>$193,700</td>
</tr>
<tr>
<td>GRAND TOTAL</td>
<td>$402,800</td>
<td>$262,100</td>
<td>$27,600</td>
<td>$150,500</td>
<td>$843,000</td>
</tr>
</tbody>
</table>

Approved March 19, 1976.
CHAPTER 200
(H.B. No. 694)

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, 1976, THROUGH JUNE 30, 1977; APPROPRIATING MONEYS OUT OF THE ENUMERATED FUNDS TO THE DEPARTMENT OF PARKS AND RECREATION, TO BE EXPENDED FOR THE SPECIFIED PURPOSE FOR THE PERIOD JULY 1, 1976, THROUGH JUNE 30, 1977; APPROPRIATING MONEYS OUT OF THE ENUMERATED FUNDS TO THE DEPARTMENT OF PARKS AND RECREATION, TO BE EXPENDED FOR THE SPECIFIED PURPOSE FROM THE EFFECTIVE DATE OF THIS ACT THROUGH JUNE 30, 1977; EXEMPTING CONSTRUCTION AUTHORIZED IN THIS ACT FROM THE PROVISIONS OF SECTION 67-5711, IDAHO CODE; AND PROVIDING AN EFFECTIVE DATE FOR A SECTION OF THIS ACT AND DECLARING AN EMERGENCY.

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 sections 2 and 3 of this act not exceed the following amounts for the period July 1, 1976, through June 30, 1977:

<table>
<thead>
<tr>
<th>FOR:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel Costs</td>
<td>$1,893,600</td>
</tr>
<tr>
<td>Operating Expenditures</td>
<td>692,500</td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>821,800</td>
</tr>
<tr>
<td>Trustee &amp; Benefit Payments</td>
<td>3,822,000</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$7,229,900</td>
</tr>
</tbody>
</table>

| FROM:                                   |          |
| General Fund                            | $1,691,400|
| Dedicated Funds:                        |          |
| Park & Recreation Fund                  | 240,700  |
| Park & Recreation Capital Improvement Fund | 479,900  |
| Waterways Improvement Fund              | 309,700  |
| Motorbike Recreation Fund               | 459,100  |
| Lucky Peak Concession Fund              | 2,000    |
| Lava Hot Springs Foundation Fund        | 250,100  |
| Parks Donation Fund                     | 20,000   |
| Federal Funds:                          |          |
| Federal Bureau of Outdoor Recreation Fund | 3,677,000|
| Coast Guard Boating Safety Fund         | 100,000  |
| TOTAL                                   | $7,229,900|
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, 1976, through June 30, 1977:

<table>
<thead>
<tr>
<th>PROGRAM</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>A. ADMINISTRATION:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Fund</td>
<td>$167,700</td>
<td>$51,200</td>
<td></td>
<td></td>
<td>$218,900</td>
</tr>
<tr>
<td>Park &amp; Recreation Fund</td>
<td>57,500</td>
<td></td>
<td></td>
<td></td>
<td>$57,500</td>
</tr>
<tr>
<td>Federal Bureau of Outdoor Recreation Fund</td>
<td>32,600</td>
<td>5,000</td>
<td></td>
<td></td>
<td>37,600</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$200,300</td>
<td>$116,700</td>
<td></td>
<td></td>
<td>$314,000</td>
</tr>
<tr>
<td>B. STATE PARK FUNCTIONS:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Fund</td>
<td>$1,048,800</td>
<td>$179,800</td>
<td>$180,100</td>
<td></td>
<td>$1,408,700</td>
</tr>
<tr>
<td>Park &amp; Recreation Capital Improvement Fund</td>
<td>78,300</td>
<td>70,000</td>
<td>479,900</td>
<td></td>
<td>448,300</td>
</tr>
<tr>
<td>Park &amp; Recreation Fund</td>
<td>175,000</td>
<td>72,300</td>
<td>2,800</td>
<td></td>
<td>250,100</td>
</tr>
<tr>
<td>Lava Hot Springs Foundation Fund</td>
<td>189,800</td>
<td>113,700</td>
<td>145,200</td>
<td></td>
<td>466,700</td>
</tr>
<tr>
<td>Lucky Peak Concession Fund</td>
<td>20,000</td>
<td>2,000</td>
<td></td>
<td></td>
<td>20,000</td>
</tr>
<tr>
<td>Parks Donation Fund</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Federal Bureau of Outdoor Recreation Fund</td>
<td>180,100</td>
<td>479,900</td>
<td>2,800</td>
<td></td>
<td>752,800</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$1,491,900</td>
<td>$472,800</td>
<td>$810,000</td>
<td></td>
<td>$2,775,700</td>
</tr>
<tr>
<td>C. STATEWIDE RECREATION PLANNING AND ASSISTANCE:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Fund</td>
<td>$14,100</td>
<td>$37,900</td>
<td>$11,800</td>
<td></td>
<td>$63,800</td>
</tr>
<tr>
<td>Park &amp; Recreation Fund</td>
<td>34,900</td>
<td>34,900</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Waterways Improvement Fund</td>
<td>2,700</td>
<td></td>
<td>$307,000</td>
<td></td>
<td>$309,700</td>
</tr>
<tr>
<td>Motorbike Recreation Fund</td>
<td>16,900</td>
<td>27,200</td>
<td>415,000</td>
<td></td>
<td>459,100</td>
</tr>
<tr>
<td>Federal Bureau of Outdoor Recreation Fund</td>
<td>170,400</td>
<td>2,300</td>
<td>3,000,000</td>
<td></td>
<td>3,172,700</td>
</tr>
<tr>
<td>Coast Guard Boating Safety Fund</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>$201,400</td>
<td>$105,000</td>
<td>$11,800</td>
<td></td>
<td>$3,822,000</td>
</tr>
<tr>
<td>GRAND TOTAL</td>
<td>$1,893,600</td>
<td>$692,500</td>
<td>$821,800</td>
<td></td>
<td>$7,229,900</td>
</tr>
</tbody>
</table>
SECTION 3. 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, 1976, through June 30, 1977:

FOR:
Payment of principal and interest on endowment land purchase

FROM:
General Fund
Park and Recreation Fund

TOTAL

$406,800
$327,200
79,600
$406,800

SECTION 4. 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, from the effective date of this act through June 30, 1977:

FOR:
Completion of Phase I development of Veterans State Park

FROM:
Fiscal Year 1976 General Fund moneys
Bureau of Outdoor Recreation Fund

TOTAL

$150,000
$ 75,000
75,000
$150,000

SECTION 5. Construction authorized under the provisions of this act, to include all preliminary matters through completion of construction, is expressly exempt from the provisions of section 67-5711, Idaho Code.

SECTION 6. This act shall be in full force and effect on and after July 1, 1976, 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 19, 1976.
CHAPTER 201  
(H.B. No. 571)  

AN ACT  
RELATING TO TRAFFIC ON THE HIGHWAYS; AMENDING SECTION 49-522, IDAHO CODE, TO STRIKE THE PROVISION THAT CERTAIN PORTIONS OF THE VEHICLE CODE APPLY TO ELSEWHERE BESIDES HIGHWAYS; AND AMENDING SECTION 49-1103, IDAHO CODE, TO REDEFINE THE MISDEMEANOR OF INATTENTIVE DRIVING, AND PROVIDE THAT THE CRIME MUST TAKE PLACE UPON A HIGHWAY.  

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

SECTION 1. That Section 49-522, Idaho Code, be, and the same is hereby amended to read as follows:  

49-522. APPLICATION OF ACT TO VEHICLES. The provisions of this act relating to the operation of vehicles refer exclusively to the operation of vehicles upon highways except:  

Where a different place is specifically referred to in a given section.  

The provisions of Article IV shall apply upon highways and elsewhere throughout the state.  

SECTION 2. That Section 49-1103, Idaho Code, be, and the same is hereby amended to read as follows:  

49-1103. RECKLESS DRIVING. (a) Reckless driving. --Any person who drives any vehicle upon a highway carelessly and heedlessly, or without due caution and circumspection and at a speed or in a manner so as to endanger or be likely to endanger any person or property, or who passes when there is a line in his lane indicating a sight distance restriction, shall be guilty of reckless driving and upon conviction shall be punished as provided in subsection (b) of this section.  

(b) Reckless driving--Penalty. --Every person convicted of reckless driving under this section shall be punished by imprisonment in the county or municipal jail for a period of not less than five (5) days nor more than ninety (90) days or by a fine of not less than twenty-five dollars ($25.00) nor more than three hundred dollars ($300) or by both such fine and imprisonment, and on a second or subsequent convic-
tion shall be punished by imprisonment for not less than ten (10) days nor more than six (6) months or by a fine of not less than fifty dollars ($50.00) nor more than three hundred dollars ($300), or by both such fine and imprisonment, and provided further that the department of law enforcement shall suspend the license of any such person as provided by section 49-330, Idaho Code.

(c) Inattentive driving--Penalty. --it-shall-be--unlawful-for-any-person-to-operate-a-motor-vehicle Any person who drives a vehicle upon a highway, as defined in section 49-514(a), Idaho Code, in a careless or inattentive manner or in disregard of the safety of persons or property shall be guilty of a misdemeanor as provided in section 49-ll04, Idaho Code.

Inattentive driving shall be considered a lesser offense than reckless driving and shall be applicable in those circumstances where the conduct of the operator has been inattentive, careless or imprudent, in light of the circumstances then existing, rather than heedless or wanton, or in those cases where the danger to persons or property by the motor vehicle operator's conduct is slight.

Any person--violating--the--provisions--of--this--section shall be punished upon conviction in the same manner as is provided in subsection (b) of this section, except that the suspension of his driver's license shall be left to the discretion of the judge.

Approved March 19, 1976.
CHAPTER 202
(H.B. No. 699)

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, 1976, THROUGH JUNE 30, 1977.

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, 1976, through June 30, 1977:

<table>
<thead>
<tr>
<th>FOR:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel Costs</td>
<td>$ 976,300</td>
</tr>
<tr>
<td>Operating Expenditures</td>
<td>495,700</td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>22,300</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$1,494,300</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>FROM:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>General Fund</td>
<td>$ 130,900</td>
</tr>
<tr>
<td>Dedicated Funds:</td>
<td></td>
</tr>
<tr>
<td>Public Utilities Commission Fund</td>
<td>1,363,400</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$1,494,300</strong></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, 1976, through June 30, 1977:
<table>
<thead>
<tr>
<th>PROGRAM</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>A. UTILITIES REGULATION:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Public Utilities Commission Fund</td>
<td>$ 240,500</td>
<td>$ 111,500</td>
<td>$ 4,900</td>
<td>$ 356,900</td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>$ 240,500</td>
<td>$ 111,500</td>
<td>$ 4,900</td>
<td>$ 356,900</td>
<td></td>
</tr>
<tr>
<td>B. TRANSPORTATION REGULATION:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Public Utilities Commission Fund</td>
<td>$ 266,700</td>
<td>$ 101,000</td>
<td>$ 6,000</td>
<td>$ 373,700</td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>$ 266,700</td>
<td>$ 101,000</td>
<td>$ 6,000</td>
<td>$ 373,700</td>
<td></td>
</tr>
<tr>
<td>C. ADMINISTRATION:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Public Utilities General Fund</td>
<td>$ 130,900</td>
<td></td>
<td></td>
<td>$ 130,900</td>
<td></td>
</tr>
<tr>
<td>Public Utilities Commission Fund</td>
<td>$ 153,400</td>
<td>$ 69,700</td>
<td>$ 6,400</td>
<td>$ 229,500</td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>$ 284,300</td>
<td>$ 69,700</td>
<td>$ 6,400</td>
<td>$ 360,400</td>
<td></td>
</tr>
<tr>
<td>D. ACCOUNTING AND FINANCE:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Public Utilities Commission Fund</td>
<td>$ 184,800</td>
<td>$ 113,500</td>
<td>$ 5,000</td>
<td>$ 303,300</td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>$ 184,800</td>
<td>$ 113,500</td>
<td>$ 5,000</td>
<td>$ 303,300</td>
<td></td>
</tr>
<tr>
<td>E. SPECIAL PROJECTS:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Public Utilities Commission Fund</td>
<td>$ 100,000</td>
<td></td>
<td></td>
<td>$ 100,000</td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>$ 100,000</td>
<td></td>
<td></td>
<td>$ 100,000</td>
<td></td>
</tr>
<tr>
<td>GRAND TOTALS</td>
<td>$ 976,300</td>
<td>$ 495,700</td>
<td>$ 22,300</td>
<td>$1,494,300</td>
<td></td>
</tr>
</tbody>
</table>

Approved March 19, 1976.
CHAPTER 203

(H.B. No. 697)

AN ACT
EXPRESSING LEGISLATIVE INTENT WITH RESPECT TO EXPENDITURES
FOR THE OFFICE OF THE GOVERNOR; AND APPROPRIATING MONEYS
FROM THE FUNDS ENUMERATED TO THE OFFICE OF THE GOVERNOR,
TO BE EXPENDED FOR THE DESIGNATED PROGRAMS ACCORDING TO
DESIGNATED EXPENSE CLASSES FROM THE LISTED FUNDS FOR THE

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

SECTION 1. It is legislative intent that the expendi­
tures for the enumerated programs in the Office of the
Governor as set forth in section 2, not exceed the following
amounts for the period July 1, 1976 through June 30, 1977:

FOR:
Personnel Costs $1,167,000
Operating Expenditures 653,000
Capital Outlay 15,400
TOTAL $1,835,400

FROM:
Public Employee Retirement System $ 769,000
Endowment Investment Board 207,700
State Insurance Fund 858,700
TOTAL $1,835,400
SECTION 2. There is hereby appropriated to the Office of the Governor 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, 1976 through June 30, 1977:

<table>
<thead>
<tr>
<th>PROGRAM</th>
<th>FOR PERSONNEL COSTS</th>
<th>FOR OPERATING EXPENDITURES</th>
<th>FOR CAPITAL OUTLAY</th>
<th>TRUSTEE AND BENEFIT PAYMENTS</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. PUBLIC EMPLOYEES</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>RETIREMENT SYSTEM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Public Employees</td>
<td>$476,400</td>
<td>$283,900</td>
<td>$8,700</td>
<td>$769,000</td>
<td></td>
</tr>
<tr>
<td>Retirement Fund</td>
<td>$476,400</td>
<td>$283,900</td>
<td>$8,700</td>
<td>$769,000</td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>$476,400</td>
<td>$283,900</td>
<td>$8,700</td>
<td>$769,000</td>
<td></td>
</tr>
<tr>
<td>B. ENDOWMENT INVESTMENT BOARD:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Endowment Investment Board Fund</td>
<td>$70,000</td>
<td>$137,100</td>
<td>$600</td>
<td>$207,700</td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>$70,000</td>
<td>$137,100</td>
<td>$600</td>
<td>$207,700</td>
<td></td>
</tr>
<tr>
<td>C. STATE INSURANCE FUND:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>State Insurance Fund</td>
<td>$620,600</td>
<td>$232,000</td>
<td>$6,100</td>
<td>$858,700</td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>$620,600</td>
<td>$232,000</td>
<td>$6,100</td>
<td>$858,700</td>
<td></td>
</tr>
</tbody>
</table>

Approved March 19, 1976.
CHAPTER 204

(H.B. No. 640)

AN ACT

CREATING A NEW CHILD PROTECTIVE ACT; REPEALING CHAPTER 16, TITLE 16, IDAHO CODE; ADDING A NEW CHAPTER 16, TITLE 16, IDAHO CODE, STATING POLICY; DEFINING TERMS; ESTABLISHING JURISDICTION OF THE COURTS; PROVIDING FOR RETAINED JURISDICTION OVER CHILDREN; PROVIDING FOR A PETITION TO INVOKE JURISDICTION OF THE COURT; PROVIDING FOR SUMMONS; PROVIDING FOR SERVICE OF SUMMONS, TRAVEL EXPENSES, NECESSARY WITNESSES, CONTEMPT, AND ISSUANCE OF A WARRANT; PROVIDING FOR AN ADJUDICATORY HEARING AND THE CONDUCT THEREOF; AUTHORIZING INVESTIGATIONS; PROVIDING FOR A DECREES AND OTHER DISPOSITION; PROVIDING FOR REVOCATION OR MODIFICATION OF ORDERS; PROVIDING FOR TAKING INTO CUSTODY AND A HEARING ON THE ISSUE; PROVIDING FOR THE PROCEDURE AFTER A CHILD IS TAKEN INTO CUSTODY; PROVIDING FOR A SHELTER CARE HEARING; PROVIDING FOR TERMINATION OF THE PARENT-CHILD RELATIONSHIP; ESTABLISHING THE PROCEDURE FOR AUTHORIZATION OF EMERGENCY MEDICAL TREATMENT; PROVIDING FOR APPEALS AND THEIR EFFECT ON CUSTODY; GIVING RIGHT TO COUNSEL; REQUIRING REPORTING OF CASES OF PHYSICAL INJURY TO CHILDREN CAUSED BY PARENTS; GRANTING IMMUNITY FOR REPORTING; PROVIDING FOR COURT RECORDS; REQUIRING SUPPORT OF A COMMITTED CHILD; GIVING THE DEPARTMENT OF HEALTH AND WELFARE RESPONSIBILITY UNDER THE ACT AND ESTABLISHING A CENTRAL REGISTRY; APPLYING THE ADMINISTRATIVE PROCEDURES ACT; PROVIDING FOR LIBERAL CONSTRUCTION; STATING THE SHORT TITLE; AND PROVIDING SEVERABILITY.

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

SECTION 1. That Chapter 16, Title 16, Idaho Code, be, and the same is hereby repealed.

SECTION 2. That Title 16, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 16, Title 16, Idaho Code, and to read as follows:

16-1601. POLICY. The policy of the state of Idaho is hereby declared to be the establishment of a legal framework conducive to the judicial processing of child neglect, abuse and abandonment and neglect cases, and the protection of
children whose life, health or welfare is endangered. Each child coming within the purview of this act shall receive, preferably in his own home, the care, guidance and control that will promote his welfare and the best interest of the state of Idaho, and if he is removed from the control of his parents, guardian or other custodian, the state shall secure adequate care for him. This act seeks to coordinate efforts by state and local public agencies, in cooperation with private agencies and organizations, citizens' groups, and concerned individuals, to:

(1) preserve the privacy and unity of the family whenever possible;
(2) take such actions as may be necessary and feasible to prevent the abuse, neglect or abandonment of children.

16-1602. DEFINITIONS. For purposes of this act:
(a) "Abused" means any case in which a child has been the victim of conduct resulting in skin bruising, bleeding, malnutrition, sexual molestation, burns, fracture of any bone, subdural hematoma, soft tissue swelling, failure to thrive or death, and such condition or death is not justifiably explained, or where the history given concerning such condition or death is at variance with the degree or type of such condition or death, or the circumstances indicate that such condition or death may not be the product of an accidental occurrence.
(b) "Abandoned" means the failure of the parent to maintain a normal parental relationship with his child, including but not limited to reasonable support or regular personal contact. Failure to maintain this relationship without just cause for a period of one (1) year shall constitute prima facie evidence of abandonment.
(c) "Adjudicatory hearing" means a hearing to determine the truth of the allegations in the petition filed under this act.
(d) "Authorized agency" means the department of health and welfare or a local agency, or a person, organization, corporation, benevolent society or association licensed or approved by the department or the court to receive children for control, care, maintenance or placement.
(e) "Child" means an individual who is under the age of eighteen (18) years.
(f) "Commit" means to transfer legal and physical custody.
(g) "Court" means district court or magistrate's division thereof, or if the context requires, a magistrate or
(h) "Custodian" means a person, other than a parent or legal guardian, to whom legal custody of the child has been given by court order or who is acting in loco parentis.

(i) "Department" means the department of health and welfare and its authorized representatives.

(j) "Disposition hearing" means a hearing to determine whether the best interests of the child require protective supervision or vesting legal custody of the child in an authorized agency.

(k) "Law enforcement agency" means a city or village police department, the prosecuting attorney of any county, state law enforcement officers, or the office of a sheriff of any county.

(l) "Legal custody" means a relationship created by order of the court, which vests in a custodian the following duties and rights:

(1) To have physical custody and control of the child, and to determine where and with whom he shall live.
(2) To supply the child with food, clothing, shelter and incidental necessities.
(3) To provide the child with care, education and discipline.
(4) To authorize ordinary medical, dental, psychiatric, psychological, or other remedial care and treatment for the child; and to authorize surgery if the surgery is deemed by two (2) physicians licensed to practice in this state to be necessary for the child.

(m) "Minor" means an individual who is under eighteen (18) years of age.

(n) "Neglected child" means a child:

(1) Who is without proper parental care and control, or subsistence, education, medical or other care or control necessary for his well-being because of the conduct or omission of his parents, guardian or other custodian or their neglect or refusal to provide them; provided, however, no child whose parent or guardian chooses for such child treatment by prayers through spiritual means alone in lieu of medical treatment, shall be deemed for that reason alone to be neglected or lack parental care necessary for his health and well-being, but further provided this subsection shall not prevent the court from acting pursuant to section 16-1616, Idaho Code; or

(2) whose parents, guardian or other custodian are unable to discharge their responsibilities to and for the child because of incarceration, hospitalization, or other physical or mental incapacity; or
(3) who has been placed for care or adoption in violation of law.

(o) "Protective supervision" means a legal status created by court order in neglect and abuse cases whereby the minor is permitted to remain in his home under supervision by the department.

(p) "Residual parental rights and responsibilities" means those rights and responsibilities remaining with the parent after the transfer of legal custody, including but not necessarily limited to the right of visitation, consent to adoption, the right to determine religious affiliation, and the responsibility for support.

(q) "Shelter care" means places designated by the department for temporary care of children pending court disposition or placement.

16-1603. JURISDICTION OF THE COURTS. Except otherwise provided herein, the court shall have exclusive original jurisdiction in proceedings concerning any child living or found within the state;

(a) who is neglected, abused or abandoned by his parents, guardian or other legal custodian, or who is homeless; or

(b) whose parent or other legal custodian fails to provide a stable home environment. In considering the child's home environment, the court shall determine if the parent or other legal custodian is unable to provide such environment by reason of immaturity or emotional, mental, or physical disability.

16-1604. RETENTION OF JURISDICTION. Jurisdiction obtained by the court under this act shall be retained until the child becomes eighteen (18) years of age, unless terminated prior thereto.

16-1605. PETITION. (a) A petition invoking the jurisdiction of the court under this act shall be filed in the manner provided in this section:

(1) The department, upon satisfying itself that action is necessary which it cannot provide pursuant to section 16-1625, Idaho Code, it shall refer the matter to the prosecutor or attorney general. A petition must be signed by the prosecutor or attorney general before being filed with the court.

(2) Any person or governmental body of this state having evidence of abuse, abandonment, or neglect of a child may request the attorney general or prosecuting
attorney to file a petition.

(b) Petitions shall be entitled "In the Matter of _________, a child under the age of eighteen (18) years" and shall set forth with specificity:

1. The facts which bring the child within the provisions of this act, which facts shall be verified by the complainant;
2. The name, birthdate, sex and residence address of the child;
3. The names and residence addresses of his parents, guardian or other custodian. If neither of his parents, guardian or other custodian resides or can be found within the state, or if their residence addresses are unknown, the name of any known adult relative residing within the state.
4. Whether the child is in shelter care, and, if so, the place of the shelter care, the circumstances necessitating such care and the date and time he was placed in such care.
5. When any of the facts required by this section cannot be determined, the petition shall so state. The petition may be based on information and belief but in such case the petition shall state the source of such information and belief.

16-1606. SUMMONS. (a) After a petition has been filed, the court shall issue a summons requiring the person or persons who have custody of the child to appear personally and bring the child before the court at the adjudicatory hearing held in accordance with section 16-1608, Idaho Code. If the person or persons so summoned shall be other than the parent or guardian of the child, then the parent or guardian shall also be notified in the manner hereinafter provided of the pendency of the case and the time and place set for the hearing. A summons may be issued requiring the appearance of any other person whose presence is required by the child, his parents or guardian or any other person whose presence, in the opinion of the court, is necessary.

(b) A copy of the petition shall be attached to each summons.

(c) The summons shall notify the parents, guardian or legal custodian of the right to counsel and that one shall be appointed if the parent, guardian or legal custodian is financially unable to pay.

(d) If it appears that the child should be removed from his present condition or surroundings in order to protect his health or welfare, the court may so order by endorsement upon the summons. The endorsement shall require a peace
officer or other suitable person to take the child at once to a place of shelter care designated by the court.

16-1607. SERVICE OF SUMMONS TRAVEL EXPENSES NECESSARY WITNESSES -- FAILURE TO OBEY SUMMONS CONTEMPT -- ISSUANCE OF WARRANT. (a) Service of summons shall be made personally by delivery of an attested copy thereof to the person summoned; provided that if the court is satisfied that it is impracticable to serve personally such summons or the notice provided for in the preceding section, he may order service by registered mail addressed to the last known address, or by publication thereof, or both. It shall be sufficient to confer jurisdiction if service is effected at least forty-eight (48) hours before the time fixed in the summons for the hearing. When publication is used the summons shall be published once a week for two (2) consecutive weeks in a newspaper of general circulation in the county; such newspaper to be designated by the court in the order for publication of the summons, and such publication shall have the same force and effect as though such person had been personally served with said summons. Service of summons, process or notice required by this act shall be made by the sheriff or other person appointed by the court, and a return must be made on the summons showing that service has been made. The court may authorize payment of any necessary travel expenses incurred by any person summoned or otherwise required to appear at the hearing of any case coming within the purview of this act, and such expenses when approved by the court shall be a charge upon the county, except that not more than five (5) witnesses on behalf of any parent or guardian may be required to attend such hearing at the expense of the county. The court may summon the appearance of any person whose presence is deemed necessary as a witness. The child, his parents, guardian or custodian shall be notified as soon as practicable after the filing of a petition and prior to the start of a hearing of their right to counsel.

(b) If any person summoned as herein provided shall, without reasonable cause, fail to appear, he may be proceeded against for contempt of court. Where the summons cannot be served, or the parties served fail to obey the same, or in any case when it shall be made to appear to the court that the service will be ineffectual, or that the welfare of the child requires that he be brought forthwith into the custody of the court, a warrant or capias may be issued for the parent, guardian or the child.
16-1608. ADJUDICATORY HEARING, CONDUCT OF HEARING. When a petition has been filed, the court shall set an adjudicatory hearing to be held within fifteen (15) days of the filing of the petition.

(b) Proceedings under this act shall be dealt with by the court at a hearing separate from those for adults and without a jury. The hearing shall be conducted in an informal manner and may be adjourned from time to time. The general public shall be excluded, and only such persons shall be admitted as are found by the court to have a direct interest in the case. The child may be excluded from the hearing at any time at the discretion of the court. If the parent or guardian is without counsel, the court shall inform him and the child of their right to counsel, and right to appeal from any disposition or order of the court.

If at any stage of a proceeding under this chapter, it shall appear to be in the best interests of the child or society, the court may cause the proceeding to be expanded or altered to include full or partial consideration of the cause under the youth rehabilitation act without terminating the original proceeding.

16-1609. INVESTIGATION. (a) Where the court has ordered a shelter care hearing after the release hearing or when a petition is otherwise filed, the court shall order the department to investigate the circumstances of the child and his family and report to the court.

(b) The report shall be delivered to the court with copies to the parents or other legal custodian at least five (5) days before the date set for the adjudicatory hearing. The report shall contain a social evaluation of the child and the parents or other legal custodian and such other information as the court shall require.

(c) The report shall not be admitted into evidence at the adjudicatory hearing and shall be used by the court only for disposition if the child is found to be within the purview of this act.

16-1610. DECREE -- DISPOSITION. (a) If a preponderance of the evidence of the adjudicatory hearing shows that the child comes within the purview of this act, the court shall so decree and in its decree shall make a finding of the facts and conclusions of law upon which it exercises jurisdiction over the child.

(b) Upon entry of its decree, the court may consider any information relevant to the disposition of the child,
but in any event shall either:

1. Place the child under protective supervision in his own home for an indeterminate period not to exceed one year from the date entered but the court may extend the period of time upon a showing by the authorized agency that continued supervision is necessary for the best interests of the child.

2. Vest legal custody in the department or other authorized agency.

(c) A decree vesting legal custody in the department shall be binding upon the department, and shall be for an indeterminate period not to exceed one year from the date entered, except that the department may file a petition with the court requesting renewal of the order and the court, after notice to the parties, a hearing and finding, may renew the order if it finds such renewal necessary to safeguard the best interests of the child. Renewals may be made during minority, but no order shall have any force or effect beyond minority. The department may petition the court at any time to vacate any order placing a child in its custody or under its protective supervision.

(d) A decree vesting legal custody in an authorized agency other than the department shall be, for an indeterminate period of time not to exceed one year from the date entered, but the court may extend the period of time upon a showing by the authorized agency that continued supervision is necessary for the best interests of the child, and on such other terms as the court shall state in its decree to be in the best interests of the child and which the court finds to be acceptable to such authorized agency.

(e) If the court does not find that the child comes within the purview of this act pursuant to subsection (a) of this section it shall dismiss the petition.

16-1611. MODIFICATION OR REVOCATION. (a) A petition for revocation or modification of an order issued under section 16-1610, Idaho Code, may be filed by an interested party; provided that no petition may be filed under this section within four months of a prior hearing on care and placement of the child.

(b) If the petition filed under subsection (a) of this section alleges that the child's best interests are no longer served by carrying out the order issued under section 16-1610, Idaho Code, or the department or other authorized agency has failed to provide adequate care for the child, the court shall hold a hearing on the petition.

(c) At a hearing to consider the petition filed under
subsection (a) of this section the court shall proceed according to the provisions of subsection (b) of section 16-1608, Idaho Code. The court may dismiss the petition if its allegations are not substantiated in the hearing or it may revoke or modify the order as required by the best interests of the child and not inconsistent with other provisions of this act.

16-1612. CUSTODY -- TIME FOR HEARING. (a) A child may be taken into custody by a peace officer or other person appointed by the court without an order issued pursuant to subsection (d) of section 16-1606 or section 16-1608, Idaho Code, only where the child is endangered in his surroundings and prompt removal appears to be necessary to prevent serious physical or mental injury to the child.

(b) When a child is taken into custody under subsection (a) of this section, he may be held for a maximum of forty-eight (48) hours, excluding Saturdays, Sundays and holidays, unless a shelter care hearing has been held pursuant to section 16-1614, Idaho Code, and the court orders an adjudicatory hearing.

16-1613. NOTICE -- PLACEMENT -- IMMUNITY. (a) A peace officer or other person appointed by the court who takes a child into custody under section 16-1612, Idaho Code, shall immediately:

(1) Take the child to a place of shelter, and
(2) notify the court of the action taken and the place to which the child was taken, and,
(3) notify the parents, guardian or other legal custodian that the child has been taken into custody and the whereabouts of the child, and that the child may be held for a maximum of forty-eight (48) hours, excluding Saturdays, Sundays and holidays, within which time there may be an adjudicatory hearing.

(b) A peace officer or other person appointed by the court who takes a child into custody under section 16-1610, Idaho Code, shall not be held liable either criminally or civilly unless the action of taking the child was exercised in bad faith and/or the requirements of subsection (a) of this section are not complied with.

16-1614. SHELTER CARE HEARING. (a) Notwithstanding any other provision of this act, when a child is taken into custody pursuant to section 16-1612, Idaho Code, a hearing to determine whether the child should be released shall be held according to the provisions of this section.
(b) The parents, guardian or other legal custodian of the child shall be given notice of the shelter care hearing. Such notice shall include the time, place, and purpose of the hearing; and, that such person is entitled to legal counsel and that if he is unable to pay for such counsel, one will be appointed and paid for by the county. Notice as required by this subsection shall be given at least twenty-four (24) hours before the shelter care hearing.

(c) Notice of the shelter care hearing shall be given to the parents, guardian or other legal custodian by personal service and the return of service shall be filed with the court. Provided, however, that such service need not be made where the undelivered notice is returned to the court along with an affidavit stating that the parents or other legal custodian could not be located or were out of the state.

(d) The shelter care hearing may be continued for a reasonable time upon request by the parent or other legal custodian or counsel.

(e) If, upon the completion of the shelter care hearing, it is shown that:

(1) a petition has been filed; and
(2) the allegations in the petition are, more probably than not, true; and
(3) it is in the best interests of the child to remain in temporary shelter care pending the conclusion of the adjudicatory hearing,

the court shall issue, within twenty-four (24) hours of such hearing, an order of temporary custody. Any evidence may be considered by the court which is of the type which reasonable people may rely upon.

(f) Upon ordering temporary custody pursuant to subsection (e) of this section, the court shall also order an adjudicatory hearing to be held as soon as possible, but in no event later than fifteen (15) days from the date the petition was filed.

(g) If the court does not find that the child should remain in shelter care under subsection (e) of this section, the child shall be released and the court may dismiss the petition.

16-1615. TERMINATION OF PARENT-CHILD RELATIONSHIP. If the child has been placed in the custody of the department or under protective supervision pursuant to section 16-1610, Idaho Code, the department may, after three (3) months, petition the court for termination of the parent and child relationship in accordance with chapter 20, title 16, Idaho
Code, provided that no petition for termination of the parent and child relationship shall be made within six (6) months of a prior petition for such termination.

16-1616. AUTHORIZATION OF EMERGENCY MEDICAL TREATMENT. (a) At any time whether or not a child is under the authority of the court, the court may authorize medical or surgical care for a child when:
   (1) A parent, legal guardian or custodian is not immediately available and cannot be found after reasonable effort in the circumstances of the case; or
   (2) A physician informs the court orally or in writing that in his professional opinion, the life of the child would be greatly endangered without certain treatment and the parent, guardian or other custodian refuses or fails to consent.

(b) If time allows in a situation under subsection (a)(2) of this section, the court shall cause every effort to be made to grant the parents or legal guardian or custodian an immediate informal hearing, but this hearing shall not be allowed to further jeopardize the child's life.

(c) In making its order under subsection (a) of this section, the court shall take into consideration any treatment being given the child by prayer through spiritual means alone, if the child or his parent, guardian or legal custodian are adherents of a bona fide religious denomination that relies exclusively on this form of treatment in lieu of medical treatment.

(d) After entering any authorization under subsection (a) of this section, the court shall reduce the circumstances, finding and authorization to writing and enter it in the records of the court and shall cause a copy of the authorization to be given to the physician or hospital, or both, that was involved.

(e) Oral authorization by the court is sufficient for care or treatment to be given by and shall be accepted by any physician or hospital. No physician or hospital nor any nurse, technician or other person under the direction of such physician or hospital shall be subject to criminal or civil liability for performance of care or treatment in reliance on the court's authorization, and any function performed thereunder shall be regarded as if it were performed with the child's and the parent's authorization.

16-1617. APPEAL -- EFFECT ON CUSTODY. An interested party aggrieved by any order or decree of the court may appeal to the district court within thirty (30) days of the
filing of such order or decree. Where the order affects the
custody of a child, the appeal shall be heard at the earli-
est practicable time. The dependency of an appeal shall not
suspend the order of the court regarding a child, and it
shall not discharge the child from the custody of the court
or of the person or authorized agency to whose care he has
been committed, unless otherwise ordered by the district
court on application of appellant. No bond or undertaking
shall be required of any party appealing to the district
court under the provisions of this section. Any final order
or judgment of the district court shall be appealable to the
supreme court of the state of Idaho within thirty (30) days
following entry of such final order or judgment in the same
manner as appeals in other civil actions. The filing of the
notice of appeal shall not, unless otherwise ordered, stay
the order of the district court.

16-1618. RIGHT TO COUNSEL -- GUARDIAN AD LITEM. (a)
Without affecting the right to counsel of parents, guardian
or other legal custodian, the court shall appoint separate
counsel for the child to serve at each stage in proceedings
under this act and to act as guardian ad litem when it
appears to the court that the interests of the child are not
being fully represented by another party to the action and
that party has retained or had counsel appointed.

(b) Counsel appointed for the child shall be paid for
by the county unless it is shown conclusively that the child
has an independent estate sufficient to pay such costs.

16-1619. REPORTING OF CASES OF PHYSICAL INJURY TO CHIL-
DREN CAUSED BY ABUSE OF PARENTS. Any physician, resident on
a hospital staff, intern, nurse, coroner, school teacher,
day care personnel, social worker, or other person having
reasonable cause to believe that a child under the age of
eighteen (18) years has been abused or who observes the
child being subjected to conditions or circumstances which
would reasonably result in abuse, shall report or cause to
be reported within twenty-four (24) hours such conditions or
circumstances to the proper law enforcement agency. The
department shall be informed by law enforcement of any
report made directly to it. When the attendance of a physi-
cian, resident, intern, nurse, day care worker, or social
worker is pursuant to the performance of services as a
member of the staff of a hospital or similar institution, he
shall notify the person in charge of the institution or his
designated delegate who shall make the necessary reports.
16-1620. IMMUNITY. Any person acting upon reasonable cause in the making of a report of negligence, abuse or abandonment shall have immunity from any liability, civil or criminal, that might otherwise be incurred or imposed. Any such participant shall have the same immunity with respect to participation in any such judicial proceeding resulting from such report. Any person who reports in bad faith or with malice shall not be protected by this section. Any privilege between husband and wife, or between any professional person except the lawyer-client privilege, including but not limited to physicians, ministers, counselors, hospitals, clinics, day care centers and schools and their clients shall not be grounds for excluding evidence at any proceeding regarding the abuse of the child or the cause thereof.

16-1621. COURT RECORDS. The court shall keep a record of all court proceedings under this act. The records shall be available only to parties to the proceeding and authorized agencies providing protective supervision or having legal custody of the child. Any other person may have access to the records only upon permission by the court and then only if it is shown that such access is in the best interests of the child; or for the purpose of legitimate research. If the records are released for research purposes, the person receiving them must agree to maintain the confidentiality of any information which could lead to the identification of the child.

16-1622. SUPPORT OF COMMITTED CHILD. Whenever legal custody of a child is vested in someone other than his parents, after due notice to the parent, guardian or other persons legally obligated to care for and support the child, and after a hearing, the court may order and decree that the parent or other legally obligated person shall pay in such a manner as the court may direct a reasonable sum that will cover in whole or in part the support and treatment of the child after the decree is entered. If the parent or other legally obligated person willfully fails or refuses to pay such sum, the court may proceed against him for contempt, or the order may be filed and shall have the effect of a civil judgment.

16-1623. POWERS AND DUTIES OF THE DEPARTMENT. The department, working in conjunction with the court and other public and private agencies and persons, shall have the primary responsibility to implement the purpose of this act. To
this end, the department is empowered and shall have the
duty to do all things reasonably necessary to carry out the
purpose of this act, including but not limited to the
following:

(a) The department shall administer treatment programs
for the protection and care of neglected, abused and aban­
donied children, and in so doing may place in foster care,
shelter care, group homes or other diagnostic, treatment, or
care centers or facilities, children of whom it has been
given custody. The department is to be governed by the stan­
dards found in Title 39, Chapter 12, Idaho Code.

(b) On December 1, the department shall make an annual
statistical report to the governor covering the preceding
fiscal year showing the number and status of persons in its
custody and including such other data as will provide suffi­
cient facts for sound planning in the conservation of chil­
dren and youth. All officials and employees of the state and
of every county and city shall furnish the department upon
request, such information within their knowledge and control
as the department deems necessary. Local agencies shall
report in such uniform format as may be required by the
department.

(c) The department shall be required to maintain a cen­
tral registry for the reporting of child neglect, abuse and
abandonment information.

(d) The department shall make periodic evaluation of
all persons in its custody or under its supervision for the
purpose of determining whether existing orders and disposi­
tions in individual cases shall be modified or continued in
force. Evaluations may be made as frequently as the depart­
ment considers desirable and shall be made with respect to
every person at intervals not exceeding six (6) months.
Reports of evaluation made pursuant to this section shall be
filed with the court which vested custody of the person with
the department.

Failure of the department to evaluate a person or to
reevaluate him within six (6) months of a previous exami­
nation shall not of itself entitle the person to a change in
disposition but shall entitle him, his parent, guardian or
custodian or his counsel to petition the court pursuant to
section 16-1611, Idaho Code.

(e) In a consultive capacity, the department shall
assist communities in the development of constructive pro­
grams for the protection, prevention and care of children
and youth.

(f) The department shall keep written records of
investigations, evaluations, prognosis and all orders con-
cerning disposition or treatment of every person over whom it has legal custody. Department records must remain confidential unless otherwise ordered by the court.

(g) The department shall establish appropriate administrative procedures for the processing of complaints of child neglect, abuse and abandonment received and for the implementation of the protection, treatment and care of children formally or informally placed in the custody of the department under this act.

(h) The department having been granted legal custody of a child shall have the right to determine where and with whom the child shall live, provided that the child shall not be placed beyond the territorial jurisdiction of the court without the court's consent, and providing further, that the department shall not place the child in the home from which the court ordered the child removed without first obtaining the approval of the court.

(i) The department shall give to the court any information concerning the child that the court may at any time require, but in any event shall report the progress of the child under its custody at intervals of not to exceed six (6) months.

(j) The department may petition the court at any time to vacate any order placing a child in its custody or under its protective supervision.

16-1624. OTHER DUTIES OF THE DEPARTMENT. Nothing in this act shall be construed as modifying duties of the department as described in sections 56-204A and 56-204B, Idaho Code.

16-1625. AUTHORIZATION FOR DEPARTMENT TO ACT. (a) Upon receiving information that a child may be abused, neglected or abandoned, the department shall cause such investigation to be made in accordance with this act as is appropriate. In making the investigation the department shall use its own resources, and may enlist the cooperation of peace officers for phases of the investigation for which they are better equipped. Upon satisfying itself as to the course of action which should be pursued to best accord with the purpose of this act, the department shall:

(1) resolve the matter in such informal fashion as is appropriate under the circumstances; or
(2) seek to enter a voluntary agreement with all concerned persons to resolve the problem in such a manner that the child will remain in his own home; or
(3) refer the matter to the prosecutor or attorney general with recommendation that appropriate action be
taken under this act; or
(4) refer the matter to the prosecutor or attorney gen­
eral with recommendation that appropriate action be taken under other laws.

(b) In the event that the department concludes that a voluntary agreement pursuant to subsection (a)(2) of this section should be used, the agreement shall be in writing, shall state the behavioral basis, shall contain such other terms as the department shall deem appropriate under the circumstances, shall utilize such resources as are available to the department from any source and are considered appropriate to the situation, shall specify the services or treatment to be undertaken, shall be signed by all persons, including the child if appropriate, the department considers necessary to the agreement's success, and shall specify the responsibilities of each party to the agreement, which responsibilities shall be thoroughly explained to each person orally. The agreement shall not run for more than one (1) year. Copies shall be given to all signatories.

16-1626. ADMINISTRATIVE PROCEDURES ACT. Nothing in this act shall be construed to alter the requirements provided in Chapter 52, Title 67, Idaho Code.

16-1627. CONSTRUCTION. This act shall be liberally con­strued to accomplish the purposes herein set forth.

16-1628. SHORT TITLE. This act shall be known and cited as the "Child Protective Act."

16-1629. 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.

Approved March 19, 1976.
CHAPTER 205
(H.B. No. 696)

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, 1976 THROUGH JUNE 30, 1977;
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 expendi­
tures for the enumerated program activities in the Depart­
ment of Administration not exceed the following amounts for
the period July 1, 1976 through June 30, 1977:

<table>
<thead>
<tr>
<th>FOR:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel Costs</td>
<td>$2,918,100</td>
</tr>
<tr>
<td>Operating Expenditures</td>
<td>1,992,800</td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>653,900</td>
</tr>
<tr>
<td>Trustee &amp; Benefit Payments</td>
<td>4,662,500</td>
</tr>
<tr>
<td>TOTAL</td>
<td><strong>$10,227,300</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>FROM:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>General Fund</td>
<td>$1,041,800</td>
</tr>
<tr>
<td>General Interaccount Fund</td>
<td>6,151,800</td>
</tr>
<tr>
<td>Permanent Building Fund</td>
<td>362,100</td>
</tr>
<tr>
<td>Personnel Commission Fund</td>
<td>895,200</td>
</tr>
<tr>
<td>Federal Surplus Property Revolving Fund</td>
<td>192,300</td>
</tr>
<tr>
<td>Risk Retention Fund</td>
<td>1,520,600</td>
</tr>
<tr>
<td>Employee Group Insurance Fund</td>
<td>63,500</td>
</tr>
<tr>
<td>TOTAL</td>
<td><strong>$10,227,300</strong></td>
</tr>
</tbody>
</table>

SECTION 2. There is hereby appropriated to the Depart­
ment 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,
1976 through June 30, 1977:
<table>
<thead>
<tr>
<th>PROGRAM</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>I. DEPARTMENTAL ADMINISTRATION:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Fund</td>
<td>$66,300</td>
<td>$26,700</td>
<td>$93,000</td>
<td></td>
<td>$93,000</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$66,300</td>
<td>$26,700</td>
<td></td>
<td></td>
<td>$93,000</td>
</tr>
<tr>
<td>II. FISCAL OPERATIONS:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Interaccount Fund</td>
<td>$71,500</td>
<td>$13,200</td>
<td>$500</td>
<td></td>
<td>$85,200</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$71,500</td>
<td>$13,200</td>
<td>$500</td>
<td></td>
<td>$85,200</td>
</tr>
<tr>
<td>III. GENERAL SERVICES -- ADMINISTRATION:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Fund</td>
<td>$48,700</td>
<td>$7,700</td>
<td>$56,400</td>
<td></td>
<td>$56,400</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$48,700</td>
<td>$7,700</td>
<td></td>
<td></td>
<td>$56,400</td>
</tr>
<tr>
<td>IV. GENERAL SERVICES -- POSTAL:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Fund</td>
<td>$94,200</td>
<td>$14,400</td>
<td>$4,500</td>
<td>$1,000,000</td>
<td>$1,113,100</td>
</tr>
<tr>
<td>General Interaccount Fund</td>
<td></td>
<td></td>
<td></td>
<td>$1,000,000</td>
<td>$1,113,100</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$94,200</td>
<td>$14,400</td>
<td>$4,500</td>
<td>$1,000,000</td>
<td>$1,113,100</td>
</tr>
<tr>
<td>V. GENERAL SERVICES -- TELEPHONE:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Interaccount Fund</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>$29,000</td>
<td>$33,100</td>
<td>$2,100,000</td>
<td>$2,162,100</td>
<td>$2,162,100</td>
</tr>
<tr>
<td>VI. GENERAL SERVICES -- RADIO:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Fund</td>
<td>$7,700</td>
<td>$18,800</td>
<td>$56,200</td>
<td>$82,700</td>
<td>$82,700</td>
</tr>
<tr>
<td>General Interaccount Fund</td>
<td>$293,300</td>
<td>$183,800</td>
<td>$300</td>
<td>$477,400</td>
<td>$477,400</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$301,000</td>
<td>$202,600</td>
<td>$56,500</td>
<td>$560,100</td>
<td>$560,100</td>
</tr>
<tr>
<td>VII. GENERAL SERVICES -- RECORDS MANAGEMENT:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Interaccount Fund</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>$40,800</td>
<td>$228,800</td>
<td>$105,000</td>
<td>$374,600</td>
<td>$374,600</td>
</tr>
<tr>
<td>PROGRAM</td>
<td>FOR PERSONNEL COSTS</td>
<td>FOR OPERATING EXPENDITURES</td>
<td>FOR CAPITAL OUTLAY</td>
<td>FOR TRUSTEE AND BENEFIT PAYMENTS</td>
<td>TOTAL</td>
</tr>
<tr>
<td>---------------------------------</td>
<td>---------------------</td>
<td>----------------------------</td>
<td>--------------------</td>
<td>----------------------------------</td>
<td>---------</td>
</tr>
<tr>
<td>VIII. GENERAL SERVICES -- PRINTING:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM: General Interaccount Fund</td>
<td>$213,600</td>
<td>$391,700</td>
<td>$9,800</td>
<td></td>
<td>$615,100</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$213,600</td>
<td>$391,700</td>
<td>$9,800</td>
<td></td>
<td>$615,100</td>
</tr>
<tr>
<td>IX. PUBLIC WORKS -- ADMINISTRATION:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM: Permanent Building Fund</td>
<td>$285,000</td>
<td>$73,600</td>
<td>$3,500</td>
<td></td>
<td>$362,100</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$285,000</td>
<td>$73,600</td>
<td>$3,500</td>
<td></td>
<td>$362,100</td>
</tr>
<tr>
<td>X. PUBLIC WORKS -- BUILDING SERVICE:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM: General Fund</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Interaccount Fund</td>
<td>$671,400</td>
<td>$169,100</td>
<td>$526,300</td>
<td></td>
<td>$1,366,800</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$671,400</td>
<td>$169,100</td>
<td>$526,300</td>
<td></td>
<td>$1,366,800</td>
</tr>
<tr>
<td>XI. PURCHASING:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM: General Fund</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Interaccount Fund</td>
<td>$152,000</td>
<td>$34,400</td>
<td>$600</td>
<td></td>
<td>$187,000</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$152,000</td>
<td>$34,400</td>
<td>$600</td>
<td></td>
<td>$187,000</td>
</tr>
<tr>
<td>XII. BUREAU OF SUPPLIES:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM: General Interaccount Fund</td>
<td>$21,800</td>
<td>$26,800</td>
<td>$10,000</td>
<td></td>
<td>$58,600</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$21,800</td>
<td>$26,800</td>
<td>$10,000</td>
<td></td>
<td>$58,600</td>
</tr>
<tr>
<td>XIII. RISK MANAGEMENT:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM: Risk Retention Fund</td>
<td>$51,000</td>
<td>$11,600</td>
<td>$500</td>
<td>$1,457,500</td>
<td>$1,520,600</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$51,000</td>
<td>$11,600</td>
<td>$500</td>
<td>$1,457,500</td>
<td>$1,520,600</td>
</tr>
<tr>
<td>XIV. FEDERAL SURPLUS PROPERTY:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM: Surplus Property Revolving Fund</td>
<td>$124,400</td>
<td>$67,900</td>
<td></td>
<td></td>
<td>$192,300</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$124,400</td>
<td>$67,900</td>
<td></td>
<td></td>
<td>$192,300</td>
</tr>
</tbody>
</table>
### XV. GENERAL SERVICES -- CENTRAL PROPERTY:

<table>
<thead>
<tr>
<th>PROGRAM</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>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Fund</td>
<td>$ 20,700</td>
<td>$ 24,700</td>
<td>$ 500</td>
<td></td>
<td>$ 45,900</td>
</tr>
<tr>
<td>General Interaccount Fund</td>
<td>$ 6,200</td>
<td>$ 5,800</td>
<td></td>
<td></td>
<td>$ 12,000</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$ 26,900</td>
<td>$ 30,500</td>
<td>$ 500</td>
<td></td>
<td>$ 57,900</td>
</tr>
</tbody>
</table>

### XVI. INTERNS:

| FROM:                        |                     |                            |                    |                                  |         |
| General Fund                 | $ 10,500            |                            |                    |                                  | $ 10,500|
| TOTAL                        | $ 10,500            |                            |                    |                                  | $ 10,500|

### XVII. EMPLOYEES GROUP INSURANCE:

| FROM:                        |                     |                            |                    |                                  |         |
| Employees Group Insurance    | $ 43,100            | $ 20,400                   |                    |                                  | $ 63,500|
| TOTAL                        | $ 43,100            | $ 20,400                   |                    |                                  | $ 63,500|

### XVIII. PERSONNEL COMMISSION:

| FROM:                        |                     |                            |                    |                                  |         |
| Personnel Commission Fund   | $ 666,900           | $ 187,100                  | $ 41,200           |                                  | $ 895,200|
| TOTAL                        | $ 666,900           | $ 187,100                  | $ 41,200           |                                  | $ 895,200|

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 19, 1976.
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 PRO-
GRAMS, ACCORDING TO DESIGNATED EXPENSE CLASSES FROM THE
LISTED FUNDS FOR THE PERIOD JULY 1, 1976, THROUGH JUNE

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

SECTION 1. It is legislative intent that the expendi-
tures for the Office of the State Board of Education not exceed the following amounts for the period July 1, 1976, through June 30, 1977:

<table>
<thead>
<tr>
<th>FOR:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel Costs</td>
<td>$ 675,400</td>
</tr>
<tr>
<td>Operating Expenditures</td>
<td>337,800</td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>21,600</td>
</tr>
<tr>
<td>Trustee &amp; Benefit Payments</td>
<td>2,556,600</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$3,591,400</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>FROM:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>General Fund</td>
<td>$2,566,400</td>
</tr>
<tr>
<td>Federal Funds:</td>
<td></td>
</tr>
<tr>
<td>Idaho State Commission for</td>
<td></td>
</tr>
<tr>
<td>Higher Education Fund</td>
<td>651,200</td>
</tr>
<tr>
<td>Continuing Education Fund</td>
<td>173,700</td>
</tr>
<tr>
<td>Local School District</td>
<td></td>
</tr>
<tr>
<td>Contributions Fund</td>
<td>194,200</td>
</tr>
<tr>
<td>Miscellaneous Receipts</td>
<td>5,900</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$3,591,400</td>
</tr>
</tbody>
</table>

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, 1976, through June 30, 1977:
| PROGRAM |
|------------------|-----------|-----------|-----------|-----------|
| FOR PERSONNEL COSTS | FOR OPERATING EXPENDITURES | FOR CAPITAL OUTLAY | FOR TRUSTEE AND BENEFIT PAYMENTS | TOTAL |
| A. STATE BOARD OF EDUCATION: | | | | |
| FROM: | | | | |
| General Fund | $46,900 | $31,900 | | $78,800 |
| B. GENERAL ADMINISTRATION: | | | | |
| FROM: | | | | |
| General Fund | $59,600 | $18,400 | $400 | $78,400 |
| C. FISCAL PLANNING AND RESEARCH: | | | | |
| FROM: | | | | |
| General Fund | $83,000 | $28,700 | $600 | $112,300 |
| D. CURRICULUM PLANNING, CONTINUING EDUCATION AND MEDICAL EDUCATION: | | | | |
| FROM: | | | | |
| General Fund | $70,500 | $21,500 | | $674,300 | $766,300 |
| E. POST SECONDARY EDUCATION PLANNING & SCHOLARSHIPS: | | | | |
| FROM: | | | | |
| General Fund | | | | |
| Continuing Education Fund | | | | |
| Idaho State Commission for Higher Education Fund | | | | |
| TOTAL | | | | |
| $22,600 | $9,600 | | $450,500 | $482,700 |
| F. PUBLIC BROADCASTING AND TELEVISION: | | | | |
| FROM: | | | | |
| General Fund | $35,100 | $6,500 | | $920,700 | $962,300 |
| Idaho State Commission for Higher Education Fund | | | | |
| Miscellaneous Receipts | | | | |
| TOTAL | | | | |
| $35,100 | $6,500 | | $1,431,800 | $1,473,400 |
| G. STATEWIDE EDUCATIONAL PLANNING & REPORTING SYSTEMS: | | | | |
| FROM: | | | | |
| General Fund | $193,800 | $195,600 | $15,900 | | $405,300 |
| Local School District Contributions Fund | | | | |
| TOTAL | | | | |
| $163,900 | $25,600 | $4,700 | 194,200 |
| GRAND TOTAL | | | | |
| $675,400 | $337,800 | $20,600 | $2,556,800 | $3,591,400 |

Approved March 19, 1976.
CHAPTER 207
(H.B. No. 343)

AN ACT
RELATING TO EMPLOYMENT SECURITY BENEFITS; AMENDING SECTION 72-1307, IDAHO CODE, BY STRIKING THE WORDS "PAYMENTS PAYABLE" AND INSERTING IN LIEU THEREOF THE WORD "PAID"; AMENDING SECTION 72-1314, IDAHO CODE, TO PROVIDE THAT PAYMENTS MADE IN LIEU OF CONTRIBUTIONS ARE NOT CONTRIBUTIONS; AMENDING SECTION 72-1346, IDAHO CODE, TO PROVIDE THAT THE EMPLOYMENT SECURITY FUND SHALL INCLUDE PAYMENTS IN LIEU OF CONTRIBUTIONS; AMENDING SECTION 72-1349, IDAHO CODE, TO CLARIFY THE PAYMENTS REQUIRED BY COST REIMBURSEMENT EMPLOYERS AND TO PROVIDE FOR CREDITING THEIR ACCOUNTS UNDER CERTAIN CIRCUMSTANCES; AMENDING SECTION 72-1352, IDAHO CODE, TO CLARIFY PAYMENTS REQUIRED BY POLITICAL SUBDIVISIONS OF THE STATE AND TO PROVIDE FOR CREDITING THEIR ACCOUNTS UNDER CERTAIN CIRCUMSTANCES; AND AMENDING SECTION 72-1357, IDAHO CODE, TO PROVIDE FOR ADJUSTMENTS AND REFUNDS WHERE THERE HAVE BEEN PAYMENTS MADE IN LIEU OF CONTRIBUTIONS.

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

SECTION 1. That Section 72-1307, Idaho Code, be, and the same is hereby amended to read as follows:

72-1307. BENEFITS. The term "benefits" means the money payments payable paid to an individual, as provided in this act, with respect to his unemployment.

SECTION 2. That Section 72-1314, Idaho Code, be, and the same is hereby amended to read as follows:

72-1314. CONTRIBUTIONS. The term "contributions" means the money payments required by this act to be paid into the employment security fund by any covered employer pursuant to sections 72-1349 to 72-1353, Idaho Code, inclusive; payments made in lieu of contributions by cost reimbursement employers as provided in section 72-1349(g) are not contributions.

SECTION 3. That Section 72-1346, Idaho Code, be, and the same is hereby amended to read as follows:
72-1346. EMPLOYMENT SECURITY FUND. (a) Establishment and Control. There is hereby established in the state treasury a special fund, separate and apart from all public moneys or funds of this state, an "Employment Security Fund," which shall be administered by the director exclusively for purposes of this act. All moneys coming into said fund are hereby perpetually appropriated to the director to be by him administered separate and apart from all other moneys and funds of this state pursuant to the provisions of this act and the Federal Social Security Act. This fund shall consist of all contributions collected pursuant to this act, payments in lieu of contributions, interest earned upon any moneys in the fund, any property or securities acquired through the use of moneys belonging to the fund, all earnings of such property or securities, and all other moneys received for the fund from any other source. All moneys in the fund shall be mingled and undivided.

(b) Accounts and Deposits. The state treasurer shall maintain within the fund three (3) separate accounts: (1) a clearing account, (2) an unemployment trust fund account, and (3) a benefit account. All moneys payable to the fund, upon receipt thereof by the director, shall be promptly forwarded to the state treasurer for immediate deposit in the clearing account. All moneys in the clearing account after clearance thereof, shall, except as herein otherwise provided, be deposited promptly with the secretary of the treasury of the United States of America to the credit of the account of this state in the unemployment trust fund, established and maintained pursuant to section 904 of the Social Security Act, as amended, any provisions of law in this state relating to the deposit, administration, release, or disbursement of moneys in the possession or custody of this state to the contrary notwithstanding. Refunds and reimbursements payable pursuant to sections 72-1357, 72-1316(a)(4), Idaho Code, may be paid from the clearing account or the benefit account, except that amounts found to be refundable which were paid into the state employment security administrative and reimbursement fund, shall be paid only out of such latter fund. The benefit account shall consist of all moneys requisitioned for the payment of benefits from this state's account in the unemployment trust fund in the treasury of the United States. Except as herein otherwise provided, moneys in the clearing and benefit accounts may be deposited by the state treasurer under the direction of the director in any depository bank in which general funds of the state may be deposited, but no public deposit insurance charge or premium shall be paid out of the
fund. Moneys in the clearing and benefit accounts shall not be commingled with other state funds, but shall be maintained in separate accounts on the books of the depository bank. Such money shall be secured by the depository bank to the same extent and in the same manner as required by the general public depository law of this state; and collateral pledged for this purpose shall be kept separate and distinct from collateral pledged to secure other funds of the state. The state treasurer shall be liable on his official bond for the faithful performance of his duties in connection with the employment security fund provided for under this act.

(c) Withdrawals. Moneys requisitioned by the director through the treasurer from this state's account in the unemployment trust fund shall be used exclusively for the payment of benefits and for refunds pursuant to the provisions of this act, except that money credited to this state's account pursuant to section 903 of the Federal Social Security Act, as amended, shall be used exclusively as provided in subsection (e) of this section. The director through the treasurer shall from time to time requisition from the unemployment trust fund such amounts, not exceeding the amounts standing to this state's account therein, as he deems necessary for the payment of such benefits and refunds for a reasonable future period. Upon receipt thereof such moneys shall be deposited in the benefit account. Expenditures of such moneys in the benefit account and refunds from the clearing account shall not be subject to any provisions of law requiring specific appropriations or other formal release by state officers of money in their custody, nor shall such expenditures require the approval of the state board of examiners. All warrants issued for the payment of benefits and refunds shall bear the signature of the director or his duly authorized agent for that purpose. Upon approval and agreement by and between the director and state auditor, amounts in the benefit account may be transferred to a revolving fund established and maintained in a depository bank from which the director may issue checks for the payment of benefits and refunds in accordance with the provisions of this act, and for no other purpose. Moneys so transferred shall be deposited subject to the same requirements as provided with respect to moneys in the clearing and benefit accounts in this section, *subject* subdivision (b). Any balance of moneys requisitioned from the unemployment trust fund which remains unclaimed or unpaid in the benefit account or revolving fund referred to herein, after the expiration of the period for which such sums were requisitioned shall either be deducted from estimates for, and may
be utilized for the payment of benefits and refunds during succeeding periods, or, in the discretion of the director, shall be redeposited with the secretary of the treasury of the United States of America to the credit of this state's account in the unemployment trust fund, as provided in subsection (b) of this section.

(d) Management of funds upon discontinuance of unemployment trust fund. The provisions of subsections (a), (b), and (c) of this section, to the extent that they relate to the unemployment trust fund, shall be operative only so long as such unemployment trust fund continues to exist and so long as the secretary of the treasury of the United States of America continues to maintain for this state a separate book account of all funds deposited by this state for benefit purposes, together with this state's proportionate share of the earnings of such unemployment trust fund, from which no other state is permitted to make withdrawals. If and when such unemployment trust fund ceases to exist, or such separate book account is no longer maintained, all moneys belonging to the employment security fund of this state shall be administered by the director as a trust fund for the purpose of paying benefits under this act, and the director shall have authority to hold, invest, transfer, sell, deposit, and release such moneys, and any properties, securities, or earnings acquired as an incident to such administration; provided, that such moneys shall be invested in accordance with the provisions of the State Depository Law; provided, further, that such investment shall be at all times made so that all the assets of the fund shall always be readily convertible into cash when needed for the payment of benefits.

(e) Money credited to the account of this state in the unemployment trust fund by the secretary of the treasury of the United States of America pursuant to section 903 of the Federal Social Security Act, as amended, may not be withdrawn or used except for the payment of benefits and for the payment of expenses incurred for the administration of this act. Such money may be requisitioned and used for the payment of expenses incurred for the administration of this act pursuant to a specific appropriation by the legislature, provided that the expenses are incurred and money is requisitioned after the enactment of an appropriation law which specifies the purposes for which such money is appropriated and the amounts appropriated therefor and provides that the amounts be limited by the following provisions:

(1) Such money may not be obligated after the close of the two (2) year period which began on the date of the
enactment of the appropriation law; and

(2) The amount which may be obligated during any twelve (12) month period beginning on July 1 and ending on the next June 30 does not exceed the amount by which (i) the aggregate of the amounts credited to the account of this state pursuant to section 903 of the Federal Social Security Act, as amended, during the same twelve (12) month period and the twenty-four (24) preceding twelve (12) month periods, exceeds (ii) the aggregate of the amounts used pursuant to this subsection and charged against the amounts credited to the account of this state during any such twenty-five (25) twelve (12) month periods. For the purposes of this subsection, amounts used during any twelve (12) month period beginning on July 1 and ending on the next June 30 shall be charged against equivalent amounts which were first credited and which are not already so charged; except that no amount obligated for the administration of this act during any such twelve (12) month period may be charged against any amount credited during such a twelve (12) month period earlier than the twenty-fourth preceding such period.

SECTION 4. 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. Contribu-
tions 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 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.

(l) Liability for contributions and election of reimbursements. Any nonprofit organization shall pay contributions under the provisions of subsections (a), (b), (c), (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 (1/2) the extended benefits paid, that is — attributable-to-service for any reason including but not limited to payments made as a result of a determination or payments erroneously or incorrectly paid or paid as a result of a determination of eligibility which is subsequently
reversed, if said payment or any portion thereof was made as a result of wages earned in the employ of such nonprofit organization, any sums recovered by the department from a benefit claimant as a result of said payments shall be credited to the account of the nonprofit organization which reimbursed the fund for the payment of said benefits. 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 (1/2) of the amount of extended benefits paid for any reason as herein provided in paragraph (g)(1) above during such quarter or other prescribed period which is attributable to service paid as a result of wages earned in the employ of such organization.

2. Bond on surety requirements. 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 such 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.

(h) In the payment of any contributions a fractional part of a cent shall be disregarded unless it amounts to one-half cent (1/2¢) or more, in which case it shall be increased to one cent (1¢).

SECTION 5. That Section 72-1352, Idaho Code, be, and the same is hereby amended to read as follows:

72-1352. PERIOD, TERMINATION, AND ELECTION OF EMPLOYER COVERAGE. (a) Except as otherwise provided in subsection (c) of this section any employer who is or becomes a covered employer within any calendar year shall be deemed to be a covered employer until his coverage is terminated.

(b) The coverage of any covered employer may be terminated if --

1. As of the close of any calendar quarter, it is found that such covered employer had no individuals performing services for him in covered employment, and that the continued operation of his trade, profession, or business is not likely to result in his having a quarterly payroll of three hundred dollars ($300) or more within the ensuing two calendar quarters, or

2. As of the close of a calendar year, it is found that such covered employer did not pay or become liable to pay for services rendered to him in covered employment wages amounting to three hundred dollars ($300) or more in any calendar quarter of such year, and that the continued operation of his trade, profession, or business is not likely to create covered employment as defined in section 72-1316, Idaho Code, within the ensuing calendar year.
(3) Notwithstanding the provisions in subsections (b)(1) or (b)(2) the coverage of an employer may not be terminated if he is or was subject under the provisions of the federal unemployment tax act during the current or preceding calendar year.

(c) Any employer for whom services that do not constitute covered employment are performed, may file with the director a written election that all such services with respect to which payments are not required under an unemployment compensation or insurance law of any other state or of the federal government, and which are performed by individuals for him in one or more distinct establishments or places of business, shall be deemed to constitute covered employment for not less than two (2) calendar years. Upon written approval by the director of such election, such services shall be deemed to constitute covered employment from and after the date stated in such approval. Such services shall cease to be covered employment as of January 1st of any calendar year subsequent to such two (2) calendar years, if not later than January 31st of such year either such employer has filed with the director a written notice of termination, or the director on his own motion, has given notice of termination of such coverage.

(l) Any political subdivision of this state may elect to cover under this act services performed by employees of all hospitals and institutions of higher education operated by such political subdivisions. Any political subdivision electing coverage under this subsection shall make payments in lieu of contributions with respect to benefits paid attributable to for any reason including but not limited to payments made as a result of a determination or payments erroneously or incorrectly paid or paid as a result of a determination of eligibility which is subsequently reversed, if said payment or any portion thereof was made as a result of wages earned in such employment, any sums recovered by the department from a benefit claimant as a result of said payments shall be credited to the account of the political subdivision which reimbursed the fund for the payment of said benefits. Such payments shall be made in such manner and frequency as prescribed by the director. Payments in lieu of contributions will be equal to the full amount of regular benefits plus one-half (1/2) the amount of extended benefits paid for any reason as herein provided during the prescribed period which is attributable to service paid as a result of wages earned in the employ of such political subdivisions.

These political subdivisions may elect such coverage by filing with the director a notice of such election at least
thirty (30) days prior to the effective date of such election. The election may exclude those services excluded pursuant to the provisions of section 72-1316, Idaho Code. An election under this subsection may be terminated by filing written notice with the director not later than thirty (30) days preceding the last day of the calendar year in which the termination is to be effective. Such termination becomes effective as of the first day of the next ensuing calendar year with respect to services performed after that date.

(d) Benefits payable to the employees thus covered will be payable under the same basis, the same benefit formula and eligibility conditions as prevail for all other covered employees.

SECTION 6. That Section 72-1357, Idaho Code, be, and the same is hereby amended to read as follows:

72-1357. ADJUSTMENTS AND REFUNDS. (a) If any person shall make application for a refund or credit of any amount paid as contributions or payments in lieu of contributions or penalties under this act the director shall, upon determining that such amount or any portion thereof was erroneously collected, either allow credit therefor, without interest, in connection with subsequent contribution payments, or shall refund from the appropriate fund, without interest, the amount erroneously paid.

(b) No refund or credit shall be allowed with respect to a payment as contributions or penalties unless an application therefor shall be made on or before whichever of the following dates shall be later:

(1) One (1) year from the date on which such payment was made; or

(2) Three (3) years from the last day of the calendar quarter with respect to which such payment was made. For a like cause and within the same period a refund may be so made, or credit allowed, on the initiative of the director. Nothing in this act, or any part thereof, shall be construed to authorize any refund or credit of moneys due and payable under the law and regulations in effect at the time such moneys were paid.

(c) In the event that any application for refund or credit is rejected in whole or in part, a written notice of rejection shall be forwarded to the applicant. Within fourteen (14) days after the mailing of such notice to the applicant's last known address, or in the absence of such mailing, within fourteen (14) days after delivery thereof, the applicant may appeal to the director for a hearing with
regard to the rejection, setting forth the grounds for such appeal. Proceedings on the appeal shall be had in accordance with the provisions of section 72-1361, Idaho Code.

Approved March 19, 1976.
AN ACT
RELATING TO PERSONAL PROPERTY TAX ASSESSMENT REPORTING PROCEDURES; AMENDING SECTION 63-203, IDAHO CODE, TO PROVIDE THAT THE ASSESSOR FURNISH THE TAXPAYER WITH TAX REPORTING FORMS IN DUPLICATE, AND STRIKING SURPLUS LANGUAGE.

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 amended 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 duplicate 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.

Approved March 19, 1976.
AN ACT
RELATING TO PROPERTY TAX ASSESSMENT PROCEDURES; AMENDING SECTION 63-1904, IDAHO CODE, TO PROVIDE A TAXPAYER WITH AN APPEAL PROCESS ON AN ASSESSMENT MADE AFTER THE MEETING OF THE COUNTY COMMISSIONERS MEETING AS A SUBSEQUENT BOARD OF EQUALIZATION IN NOVEMBER, AND PROVIDING PAYMENT DATES FOR TAXES.

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

SECTION 1. That Section 63-1904, Idaho Code, be, and the same is hereby amended to read as follows:

63-1904. MEETING OF COMMISSIONERS AS BOARD OF EQUALIZATION. The board of county commissioners of each county in this state shall meet as a board of equalization on the fourth Monday of November in each year for the purpose of equalizing the assessment of all property entered upon the subsequent property assessment rolls and determining complaints in regard to the assessment of such property, and allowing or disallowing exemptions and rebates claimed under the provisions of this act affecting the assessment of property entered upon the rolls, and having a settlement with the assessor and tax collector. The board shall complete their business and adjourn on or before the first Monday of December in each year, and further that if other personal or real property is discovered and assessed after the subsequent board has adjourned, the taxpayer may appeal that assessment to the county commissioner's meeting as a board of equalization during their monthly meeting in January of the following year. Provided further that the entire personal property tax shall be due and payable not later than thirty (30) days following the adjournment of that board of equalization meeting in January subject to the extension provisions of section 63-1304, Idaho Code. The real property taxes so assessed must be paid on or before the 20th day of June of the following year.

Approved March 19, 1976.
Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 63-2210, Idaho Code, be, and the same is hereby amended to read as follows:

63-2210. APPEALS FROM COUNTY BOARD OF EQUALIZATION. Any time within thirty (30) days after mailing of notice of a decision of the board of county commissioners, sitting as a board of equalization, or pronouncement of a decision if this is announced at a hearing, upon a complaint by a taxpayer, the assessor or the state tax commission in relation to the property valuation, an appeal may be taken from any act, order or proceeding of the board, or the failure of the board to act before adjournment of the board as a board of equalization, to the board of tax appeals, by any person aggrieved thereby, or by the state tax commission or by any taxpayer of the county when he deems any such act, or failure to act, order or proceeding illegal or prejudicial to the public interest, but nothing in this section shall be construed so as to suspend the payment of taxes pending said appeal.

Notice of such appeal stating the grounds therefor shall be filed, in duplicate, with the county auditor, who shall forthwith transmit to the board of tax appeals one (1) of said notices, together with a certified copy of the minutes of the proceedings of the board resulting in such act, order or proceeding, or a certificate to be furnished by the clerk of the board, that said board has failed to act prior to the second--Monday--of--July--of--the--year--to--which--the--assessment relates in the time required by law on any complaint, protest, objection, application or petition in regard to assessment of the complainant's property, or a petition of the state tax commission. The county auditor shall also forthwith transmit all evidence taken in connection with the
matter appealed. The board of tax appeals may receive fur­
ther evidence, and shall make such order as in its judgment
is just and proper. The board of tax appeals will hear the
appeal as provided in the act establishing such board.

Approved March 19, 1976.
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, 1976, THROUGH JUNE 30, 1977.

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, 1976, through June 30, 1977:

<table>
<thead>
<tr>
<th>FOR:</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel Costs</td>
<td>$1,525,800</td>
</tr>
<tr>
<td>Operating Expenditures</td>
<td>342,000</td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>61,200</td>
</tr>
<tr>
<td>Trustee &amp; Benefit Payments</td>
<td>340,700</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$2,269,700</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>FROM:</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Fund</td>
<td>$1,988,900</td>
</tr>
<tr>
<td>Water Administration Fund</td>
<td>91,400</td>
</tr>
<tr>
<td>Federal Funds</td>
<td>189,400</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$2,269,700</strong></td>
</tr>
</tbody>
</table>

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, 1976, through June 30, 1977.
<table>
<thead>
<tr>
<th>PROGRAM</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>A. ADMINISTRATION: FROM: General Fund</td>
<td>$159,700</td>
<td>$47,500</td>
<td>$7,700</td>
<td>$61,600</td>
<td>$276,500</td>
</tr>
<tr>
<td>Water Administration Fund</td>
<td>$17,600</td>
<td>$8,000</td>
<td>$7,700</td>
<td>$61,600</td>
<td>$302,100</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$177,300</td>
<td>$55,500</td>
<td>$15,400</td>
<td>$61,600</td>
<td>$302,100</td>
</tr>
<tr>
<td>B. PLANNING: FROM: General Fund</td>
<td>$435,400</td>
<td>$68,200</td>
<td>$8,900</td>
<td>$264,100</td>
<td>$776,600</td>
</tr>
<tr>
<td>Water Administration Fund</td>
<td>$16,900</td>
<td>$18,000</td>
<td>$8,900</td>
<td>$264,100</td>
<td>$349,000</td>
</tr>
<tr>
<td>Water Resource &amp; Planning Fund</td>
<td>$54,200</td>
<td>$45,300</td>
<td>$99,500</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Corps of Engineers Fund</td>
<td>$51,400</td>
<td>$10,500</td>
<td>$15,000</td>
<td>$76,900</td>
<td></td>
</tr>
<tr>
<td>Waste Well Disposal Fund</td>
<td>$6,100</td>
<td>$6,900</td>
<td>$13,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>$564,000</td>
<td>$148,900</td>
<td>$8,900</td>
<td>$279,100</td>
<td>$1,000,900</td>
</tr>
<tr>
<td>C. OPERATIONS: FROM: General Fund</td>
<td>$766,100</td>
<td>$125,100</td>
<td>$44,600</td>
<td>$935,800</td>
<td></td>
</tr>
<tr>
<td>Water Administration Fund</td>
<td>$18,400</td>
<td>$12,500</td>
<td>$30,900</td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>$784,500</td>
<td>$137,600</td>
<td>$44,600</td>
<td>$966,700</td>
<td></td>
</tr>
<tr>
<td>GRAND TOTAL</td>
<td>$1,525,800</td>
<td>$342,000</td>
<td>$61,200</td>
<td>$340,700</td>
<td>$2,269,700</td>
</tr>
</tbody>
</table>

Approved March 19, 1976.
Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. It is declared to be the policy of the state of Idaho that the installation of energy-saving insulation materials in existing structures and the use of alternative energy devices, including solar and geothermal heating or cooling systems, should be encouraged as conserving non-renewable resources, reducing environmental pollution and promoting the health and well-being of the people of this state, and should be valued in relation to these benefits to the people of the state of Idaho. That while the federal and state tax structures allow investments for insulation and alternative energy devices in income-producing property to be amortized or otherwise favorably treated, a need exists to encourage similar investments in nonincome-producing residential property.

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 63-3022B, Idaho Code, and to read as follows:

63-3022B. DEDUCTION FOR INSULATION OF RESIDENCES. For taxable years commencing on and after January 1, 1976, an individual taxpayer may deduct from taxable income as defined in section 63 of the Internal Revenue Code an amount actually paid or accrued by the individual taxpayer during the taxable year for the actual installation, but not replacement, of insulation within any existing building in the...
state of Idaho which serves as a place of residence of the individual taxpayer. As used in this section, "insulation" means any material commonly used in the building industry and actually installed for the purpose of retarding the passage of heat energy into or out of a building, including but not limited to, such items as fiberglass insulation, weather stripping, double pane windows, and storm doors and windows. As used in this section, "existing building" means any building in being, under construction, or subject to an outstanding legal building permit on the effective date of this act.

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 63-3022C, Idaho Code, and to read as follows:

63-3022C. DEDUCTION FOR ALTERNATIVE ENERGY DEVICE AT RESIDENCE. (1) An individual taxpayer who installs an alternative energy device to serve a place of residence of the individual taxpayer in the state of Idaho may deduct from taxable income as defined in section 63 of the Internal Revenue Code, the following amounts actually paid or accrued by the individual taxpayer: forty percent (40%) of the amount that is properly attributable to the construction, reconstruction, remodeling, installation or acquisition of the alternative energy device in the year when such device is completed or acquired and is placed in service by the taxpayer; and twenty percent (20%) per year thereafter for a period of three (3) succeeding years; provided, however, that said deduction shall not exceed five thousand dollars ($5,000) in any one (1) taxable year.

(2) An individual taxpayer who purchases a residence in the state of Idaho served by an alternative energy device for which none or less than all of the total deduction allowable under this section has been taken, may take the deduction specified in this section, or the unused balance of the deduction.

(3) As used in this section, "alternative energy device" means any system or mechanism or series of mechanisms using solar radiation, wind, geothermal resource as defined in section 42-4002, Idaho Code, or wood or wood products primarily to provide heating, to provide cooling, to produce electrical power, or any combination thereof. Alternative energy device includes a fluid to air heat pump operating on a fluid reservoir heated by solar radiation or geothermal resource. A built-in fireplace does not qualify
as an energy-saving device unless it is equipped with a metal heat exchanger that will deliver heated air to a substantial portion of the residence and is equipped with control doors and a regulated draft.

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, 1976.

Approved March 19, 1976.
CHAPTER 213
(H.B. No. 479, As Amended)

AN ACT
AMENDING TITLE 54, IDAHO CODE, BY THE ADDITION THERETO OF A
NEW CHAPTER 32, TITLE 54, IDAHO CODE, RELATING TO SOCIAL
WORK LICENSING; PROVIDING A PURPOSE AND LEGISLATIVE
INTENT; PROVIDING DEFINITIONS; PROVIDING FOR THE CRE-
ATION OF A STATE BOARD OF SOCIAL WORK EXAMINERS,
APPOINTMENTS AND TERMS; PROVIDING FOR THE POWERS AND
DUTIES OF THE BOARD; ESTABLISHING A SOCIAL WORK EXAM-
INERS ACCOUNT; PROVIDING FOR LICENSING AND QUALIFICA-
TION; PROVIDING FOR THE LICENSING OF PRIVATE PRACTICE OF
SOCIAL WORK; PROVIDING EXEMPTIONS FROM EXAMINATIONS;
PROVIDING FOR FEES, PROVIDING FOR DURATION OF LICENSES;
PROVIDING FOR A CODE OF ETHICS; PROVIDING FOR REVOCATION
OR SUSPENSION OF LICENSES, HEARINGS AND APPEAL; PROVID-
ING FOR PRIVILEGED COMMUNICATION; PROVIDING FOR REPRE-
SENTATION TO THE PUBLIC IN CERTAIN CATEGORIES; PROVIDING
FOR EXEMPTIONS; PROVIDING FOR THE RIGHT AND DUTY OF THE
ATTORNEY GENERAL AND PROSECUTING ATTORNEYS; PROVIDING
THAT VIOLATION OF THIS ACT IS A MISDEMEANOR; AND AMEND-
ing SECTION 67-2601, IDAHO CODE, TO PROVIDE FOR THE
ADDITION OF THE STATE BOARD OF SOCIAL WORK EXAMINERS TO
THE DEPARTMENT OF SELF-GOVERNING AGENCIES.

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

SECTION 1. That Title 54, Idaho Code, be, and the same
is hereby amended by the addition thereto of a NEW CHAPTER,
to be known and designated as Chapter 32, Title 54, Idaho
Code, and to read as follows:

CHAPTER 32
SOCIAL WORK LICENSING ACT

54-3201. PURPOSE — LEGISLATIVE INTENT. Recognizing
that the profession of social work involves the application
of a special knowledge of social resources, social systems,
human capabilities, and the part that conscious and
unconscious motivation plays in determining behavior, and
further recognizing that social work profoundly affects the
lives of people of the state of Idaho, it is the legislative
intent and purpose of this act to protect the public by
54-3202. 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) "Board" means the state board of social work examiners hereinafter provided in this chapter.

(2) "Social work" is defined as the professional activity of helping individuals, groups or communities enhance or restore their capacity for social functioning and creating societal conditions favorable to this goal. Social work practice consists of the professional application of social work values, principles, and techniques. The practice of social work requires knowledge of human development and behavior of social, economic and cultural institutions and of the interaction of all these factors.

(3) "Certified social worker" means an individual who has a doctorate or master's degree in social work from a college or university approved by the board.

(4) "Social worker" means an individual who has a baccalaureate degree in social work or related fields from a college or university approved by the board.

54-3203. STATE BOARD OF SOCIAL WORK EXAMINERS -- CREATED -- APPOINTMENTS -- TERMS. (1) A state board of social work examiners is hereby created and made a part of the department of self-governing agencies. It shall be the duty of the board to administer the provisions of this act pursuant to the provisions of chapters 26 and 52, title 67, Idaho Code. The board shall consist of five (5) members, three (3) of which shall be certified social workers, and two (2) of which shall be social workers. Board members shall be appointed by the governor after reviewing and considering a list of three (3) nominees for each position to be filled, submitted to him by the executive board of the Idaho chapter of the national association of social workers. The board shall be appointed within thirty (30) days after the effective date of this act for terms beginning on the effective date of this act, and shall serve the following terms commencing upon appointment: one (1) shall be appointed for a term of one (1) year; one (1) for a term of two (2) years; one for a term of three (3) years; one for a term of four (4) years; and one for a term of five (5) years. Thereafter all terms shall be for a period of five (5) years. Whenever a vacancy occurs, the governor shall
appoint a qualified person to fill the vacancy for the unexpired term after reviewing and considering a list of three nominees supplied by the executive board of the Idaho chapter of the national association of social workers.

(2) All members of the board shall be citizens of the United States, residents of the state of Idaho, and shall be eligible for licensing as provided by this act.

(3) 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 a majority vote of the members of the board, a chairman who shall preside at meetings of the board. In the event the chairman is not present at any board meeting, the board may by majority vote of the members present appoint a temporary chairman. A majority of the members of the board shall constitute a quorum.

(4) Each member of the board shall be reimbursed for actual traveling, incidental and clerical expenses necessarily incurred while actually engaged in the services of the board.

54-3204. BOARD -- POWERS AND DUTIES. The board shall have the following powers and duties:

(1) Adopt and amend rules and regulations to administer and carry out the provisions of this act and for the conduct of its affairs, provided that such rules and regulations shall be promulgated in accordance with the provisions of chapters 26 and 52, title 67, Idaho Code;

(2) Annually publish a list of the names and addresses of all persons licensed under this act;

(3) At its discretion, contract with the bureau of occupational licenses for such clerical and administrative help as deemed necessary for the proper administration of this act.

54-3205. DISPOSITION OF RECEIPTS -- EXPENSES -- REFUND. All fees received under the provisions of this act shall be deposited in the state treasury to the credit of the occupational license fund and all costs and expenses incurred by the board under the provisions of this act shall be a charge against and paid from said fund for such purposes, and the funds collected hereunder shall be immediately available for the administration of this act, the provisions of any other law notwithstanding. In no instance will the occupational license fund be obligated to pay any claims which in aggregate with claims already paid exceed the income to the occupational license fund which has been derived by the
application of this act. The money paid into the occupational license fund is continuously appropriated to the board for expenditure in the manner prescribed herein to defray the expenses of the board and in carrying out and enforcing the provisions of this act.

54-3206. LICENSING -- QUALIFICATIONS. The board shall issue licenses to qualified applicants who, in addition to qualifications enumerated in section 54-3202, Idaho Code, have passed an examination conducted by the board and are of good moral character.

54-3207. PRIVATE AND INDEPENDENT PRACTICE OF SOCIAL WORK. On and after July 1, 1976, no person shall engage in the private and independent practice of social work unless he is licensed under this act as a certified social worker and has had two (2) years of post-graduate experience under appropriate supervision as determined by the board in review of the applicant's qualification.

54-3208. EXEMPTIONS FROM EXAMINATION REQUIREMENTS. (1) Any person who is, or is eligible to be, a member of the academy of certified social workers of the national association of social workers shall be considered by the board as meeting the requirements for a licensed certified social worker. This provision shall be effective until one (1) year after the effective date of this act. Thereafter, all applicants for a license must meet the licensing requirements of this act.

(2) An applicant shall be exempted from the requirement for any examination provided for herein and academic qualifications required herein if he satisfies the board that he is and has been actually engaged for at least two (2) years in the practice of social work or equivalent training and has acquired knowledge equivalent to what would be required to pass the board's examination. Such application for exemption and licensing must be made within two (2) years of the effective date of this act, and during those two (2) years any person may practice social work under the supervision of a licensed social worker.

(3) An applicant shall be exempted totally from the requirement for any examination provided herein if:
   (a) He satisfied the board that he is licensed or registered under the laws of another state or territory that imposes substantially the same requirements as provided by this act; or
(b) He has taken and passed an examination similar to that for which exemption is sought.

54-3209. FEES -- LICENSING -- DURATION OF LICENSES. Each person licensed to practice social work shall pay to the treasurer of the state of Idaho a license fee, not to exceed fifty dollars ($50.00) as determined by the board, on July 1 of each year for the following fiscal year. Licenses shall expire on the last day of the month of June following their issuance and shall become invalid after that date. Renewal may be affected at any time during the fiscal year by the payment of the fee for the balance of the fiscal year.

54-3210. CODE OF ETHICS. The board shall prepare and adopt a code of ethics and may revise and amend such code from time to time. Preparation, revision, amendment and distribution of said code of ethics shall be pursuant to the provisions of chapters 26 and 52, title 67, Idaho Code.

54-3211. REFUSAL TO RENEW, SUSPENSION OR REVOCATION OF LICENSE -- UNPROFESSIONAL CONDUCT. The department may refuse to renew, may suspend, or may revoke any license issued under this act upon proof, after a hearing, that the person has engaged in "unprofessional conduct." The words "unprofessional conduct" as relating to persons licensed under this act are defined to include but not limited to:

(1) Conviction of a felony, or of any offense involving moral turpitude.
(2) Habitual drunkenness or addiction to habit-forming drugs, either of which impair the ability to perform his work without danger to himself or the public he serves.
(3) Conviction of fraud or deceit in connection with services rendered as a certified social worker or social worker, or in establishing qualifications under this act.
(4) Aiding or abetting a person not licensed under this act or a person representing himself as licensed in the practice of social work in the state of Idaho.
(5) Failing to be licensed or continuing to represent himself as licensed after the expiration of his license.
(6) Being found guilty of unprofessional conduct by the rules established by the board.

54-3212. REVOCATION OR SUSPENSION OF LICENSES -- HEARINGS -- TAKING TESTIMONY -- APPEAL. The board shall have the power to revoke or suspend any license if the same was obtained through error or fraud, or if the holder thereof is shown to be incompetent, or has willfully violated any of
the rules or regulations prescribed by the board, or as pre-
scribed by this act, provided, before any license shall be
revoked or suspended, the holder thereof shall have written
notice enumerating the charges against him and a hearing by
an officer, appointed by the board or the chief of the
bureau of occupational licenses, shall be held after notice
has been served on the licensee. Provisions of chapter 52,
title 67, Idaho Code, shall apply to all cases of revocation
or suspension of licenses.

The chief of the bureau of occupational licenses shall
have the 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 board shall be based
on examination of the testimony taken and the records pro-
duced. Any person whose license has been revoked may, after
the expiration of two (2) years from the date of such revo-
cation, but not before, apply for a new license.

54-3213. PRIVILEGED COMMUNICATIONS. No person licensed
under the provisions of this act shall disclose any informa-
tion he may have acquired from persons consulting him in his
professional capacity that was necessary to enable him to
render services in his professional capacity to those per-
sons, except:

(1) With the written consent of that person or, in the
case of death or disability, of his own personal representa-
tive, other person authorized to sue, or the beneficiary of
an insurance policy on his life, health or physical condi-
tion;

(2) That a person licensed under the provisions of this
act shall not be required to treat as confidential communi-
cation that reveals the contemplation or execution of a
crime or harmful act;

(3) When the person is a minor under the laws of this
state, and the information acquired by the licensee indi-
cates that the minor was the victim or subject of a crime,
the licensee may testify fully in relation thereto upon any
examination, trial, or other proceeding in which the commis-
sion of such a crime is the subject of the inquiry;

(4) When the person waives the privilege by bringing
charges against the licensee.

54-3214. LICENSE REQUIRED -- REPRESENTATION TO PUBLIC.
(1) No person may engage in the practice of social work
unless he is licensed under this act, is a student under the
supervision of a person who is licensed under this act, or
is a non-compensated volunteer providing services related to social work practice and is under the supervision of a licensed social worker.

(2) On and after the effective date of this act, no person shall be represented as a social worker by the use of titles "certified social worker," "social caseworker," "social service worker" or any other title that includes such words, or by adding the letters "CSW," "SW," "RSW," "SSW" or "SWA" unless licensed under the provisions of this act.

54-3215. EXEMPTIONS. Nothing within this act shall be construed to prevent any person from doing work within the standards and ethics of their respective professions or calling provided they do not hold themselves out to the public by title or description of service as being engaged in social work practice. Students enrolled in a recognized program of social work leading to a degree may practice only under the direct supervision of a certified social worker or social worker licensed under this act.

54-3216. ATTORNEY GENERAL -- PROSECUTING ATTORNEYS. It shall be the right and duty of the attorney general or the prosecuting attorneys of the various counties to represent and appear for the people of the state of Idaho and the board in all actions and proceedings involving any question under this act or under any order or act of said board and perform such other services as required.

54-3217. VIOLATIONS OF ACT A MISDEMEANOR. Any person who shall engage in the profession of social work as herein defined without a license as provided for by this act, or the rules or regulations of the board herein provided for, shall be guilty of a misdemeanor.

SECTION 2. That Section 67-2601, Idaho Code, be, and the same is hereby amended to read as follows:

67-2601. DEPARTMENT CREATED -- ORGANIZATION -- DIRECTOR -- BUREAU OF OCCUPATIONAL LICENSES CREATED. (1) There is hereby created the department of self-governing agencies. The 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.

(2) The department shall consist of the following:

(a) agricultural commodity commissions: Idaho apple commission, as provided by chapter 36, title 22, Idaho Code;
Idaho bean commission as provided by chapter 29, title 22, Idaho Code; Idaho beef council, as provided by chapter 29, title 25, Idaho Code; Idaho cherry commission, as provided by chapter 37, title 22, Idaho Code; Idaho dairy products commission, as provided by chapter 31, title 25, Idaho Code; Idaho honey-advertising commission, as provided by chapter 28, title 22, Idaho Code; Idaho pea and lentil commission, as provided by chapter 35, title 22, Idaho Code; Idaho potato commission, as provided by chapter 12, title 22, Idaho Code; Idaho prune commission, as provided by chapter 30, title 22, Idaho Code; and the Idaho wheat commission, as provided by chapter 33, title 22, Idaho Code; and,

(b) professional and occupational licensing boards:
- Idaho State board of certified public accountant, as provided by chapter 2, title 54, Idaho Code; board of architectural examiners, as provided by chapter 3, title 54, Idaho Code; office of the state athletic director, as provided by chapter 4, title 54, Idaho Code; board of barber examiners, as provided by chapter 5, title 54, Idaho Code; board of commissioners of the Idaho state bar, as provided by chapter 4, title 3, Idaho Code; board of chiropractic examiners, as provided by chapter 7, title 54, Idaho Code; Idaho board of cosmetology, as provided by chapter 8, title 54, Idaho Code; state board of dentistry, as provided by chapter 9, title 54, Idaho Code; state board of engineering examiners, as provided by chapter 12, title 54, Idaho Code; board of environmental health specialists examiners, as provided by chapter 24, title 54, Idaho Code; state board for registration of professional geologists, as provided by chapter 28, title 54, Idaho Code; board of hearing aid dealers and fitters, as provided by chapter 29, title 54, Idaho Code; Idaho state board of landscape architects, as provided by chapter 30, title 54, Idaho Code; state board of medicine, as provided by chapter 18, title 54, Idaho Code, and its associated physical therapist advisory board, as provided by chapter 22, title 54, Idaho Code; state board of morticians, as provided by chapter 11, title 54, Idaho Code; board of nurses, as provided by chapter 14, title 54, Idaho Code; board of examiners of nursing home administrators, as provided by chapter 16, title 54, Idaho Code; state board of optometry, as provided by chapter 15, title 54, Idaho Code; Idaho outfitters and guides board, as provided by chapter 54, title 36, Idaho Code; board of pharmacy, as provided by chapter 17, title 54, Idaho Code; state board of podiatry, as provided by chapter 6, title 54, Idaho Code; Idaho state board of psychologist examiners, as provided by chapter 23, title 54, Idaho Code; public works contractors licensing
board, as provided by chapter 19, title 54, Idaho Code; Idaho real estate board, as provided by chapter 20, title 54, Idaho Code; board of social work examiners as provided by chapter 32, title 54, Idaho Code; and the board of veterinary medicine, as provided by chapter 21, title 54, Idaho Code; and,

(3) The bureau of occupational licenses is hereby created within the department of self-governing agencies.

Approved March 19, 1976.

CHAPTER 214

(H.B. No. 422)

AN ACT
RELATING TO SELF-GOVERNING POWERS OF CITIES; AMENDING SECTION 50-301, IDAHO CODE, TO PROVIDE THAT CITIES MAY EXERCISE AND PERFORM ALL FUNCTIONS OF LOCAL SELF-GOVERNMENT NOT PROHIBITED BY LAW OR BY THE CONSTITUTION.

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

SECTION 1. That Section 50-301, Idaho Code, be, and the same is hereby amended to read as follows:

50-301. CORPORATE AND LOCAL SELF-GOVERNMENT POWERS. Cities governed by this act shall be bodies corporate and politic; may sue and be sued; contract and be contracted with; accept grants-in-aid and gifts of property, both real and personal, in the name of the city; acquire, hold, lease, and convey property, real and personal; have a common seal, which they may change and alter at pleasure; may erect buildings or structures of any kind, needful for the uses or purposes of the city; and exercise such other powers as may be conferred by law all powers and perform all functions of local self-government in city affairs as are not specifically prohibited by or in conflict with the general laws or the constitution of the state of Idaho.

Approved March 22, 1976.
CHAPTER 215
(H.B. No. 700)

AN ACT
EXPRESSING LEGISLATIVE INTENT WITH RESPECT TO EXPENDITURES FOR THE INDUSTRIAL COMMISSION; 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, 1976 THROUGH JUNE 30, 1977; APPROPRIATING MONEYS TO THE INDUSTRIAL COMMISSION TO BE EXPENDED FOR DESIGNATED PROGRAMS ACCORDING TO EXPENSE CLASSES DESIGNATED THEREIN FROM THE LISTED FUNDS FOR THE PERIOD FROM THE EFFECTIVE DATE OF THIS ACT THROUGH JUNE 30, 1977; AND PROVIDING AN EFFECTIVE DATE FOR SECTION 3 OF THIS ACT 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 Industrial Commission not exceed the following amounts for the period July 1, 1976, through June 30, 1977:

<table>
<thead>
<tr>
<th>EXPENDITURE</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel Costs</td>
<td>$713,900</td>
</tr>
<tr>
<td>Operating Expenditures</td>
<td>$237,300</td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>$290,400</td>
</tr>
<tr>
<td>Trustee and Benefit Payments</td>
<td>$30,000</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$1,271,600</strong></td>
</tr>
</tbody>
</table>

FROM:

<table>
<thead>
<tr>
<th>FUND</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Miscellaneous Receipts Fund</td>
<td>$30,000</td>
</tr>
<tr>
<td>Industrial Administration Fund</td>
<td>$1,175,600</td>
</tr>
<tr>
<td>Industrial Special Indemnity Fund</td>
<td>$66,000</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$1,271,600</strong></td>
</tr>
</tbody>
</table>

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, 1976, through June 30, 1977:
SECTION 3. 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 from the effective date of this act through June 30, 1977:

<table>
<thead>
<tr>
<th>PROGRAM</th>
<th>PERSONAL COSTS</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. ADMINISTRATION</td>
<td>FROM: Industrial Administration $509,400</td>
<td>$622,300</td>
</tr>
<tr>
<td></td>
<td>Fund Industrial Special Indemnity Fund $20,600</td>
<td>$2,100</td>
</tr>
<tr>
<td></td>
<td>Miscellaneous Receipts $7,200</td>
<td>$2,100</td>
</tr>
<tr>
<td></td>
<td>TOTAL $547,200</td>
<td>$641,500</td>
</tr>
<tr>
<td>B. REHABILITATION</td>
<td>FROM: Industrial Administration $166,700</td>
<td>$172,900</td>
</tr>
<tr>
<td></td>
<td>Fund Industrial Special Indemnity Fund $51,200</td>
<td>$10,300</td>
</tr>
<tr>
<td></td>
<td>TOTAL $17,200</td>
<td>$51,200</td>
</tr>
<tr>
<td></td>
<td>TOTAL $184,900</td>
<td>$183,100</td>
</tr>
</tbody>
</table>

SECTION 4. This act shall be in full force and effect on and after July 1, 1976, except 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 24, 1976.
CHAPTER 216
(S.B. No. 1519)

AN ACT
RELATING TO THE DEFINITION OF A VETERAN; AMENDING SECTION 65-203, IDAHO CODE, PROVIDING FOR A DEFINITE TERMINATION DATE FOR THE VIETNAM CONFLICT; AND AMENDING SECTION 65-507, IDAHO CODE, AND PROVIDING FOR A DEFINITE TERMINATION DATE FOR THE VIETNAM CONFLICT.

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

SECTION 1. That Section 65-203, Idaho Code, be, and the same is hereby amended to read as follows:

65-203. "VETERAN" DEFINED. The word veteran as used in this chapter shall include any honorably discharged person who was an actual resident of the state of Idaho for a period of at least three (3) months immediately before his or her entry into the armed forces of the United States, or who has been an actual resident of the state of Idaho for a period of at least three (3) years next preceding the date of his or her application for relief and who was regularly enlisted, drafted, inducted or commissioned and who served on active duty in the armed forces of the United States at some time during the periods from April 21, 1898, and before August 13, 1898, during the Spanish American War, and from August 13, 1898, and before July 15, 1903, during the Philippine Insurrection and service in Moro Province, from June 20, 1900, and before May 13, 1901, in the Boxer Rebellion, from April 6, 1917, and before November 12, 1918, in World War I, from November 11, 1918, and before April 1, 1920, in active service in Russia; and from December 7, 1941, and on or before December 31, 1946 in World War II, from June 27, 1950, and before February 1, 1955, in the Korean conflict, and from August 5, 1964 to a date not yet determined May 7, 1975, in the Vietnam conflict; or, who, being a citizen and resident of the state of Idaho, at the time of his or her entry therein, or who has been an actual resident of the state of Idaho for at least three (3) consecutive years immediately preceding the date of his or her application for relief, served on active duty in the naval, military or air forces of any of the governments associated with the United States during said periods; provided, that no person shall
be entitled to any benefits under this chapter (a) who being in the armed forces of the United States or of any of the governments associated with the United States during said periods, refused on conscientious, political, or other grounds, to be subject to military discipline or unqualified service; or (b) who being in such service was separated therefrom under circumstances amounting to dishonorable discharge or discharge without honor; provided, however, that nothing in this chapter contained shall prevent said Idaho veterans affairs commission from rendering every possible aid and assistance to any honorably discharged veteran, or his or her dependents, except grants of direct relief shall be confined to veterans and their dependents as defined herein. Any aid or assistance, which is determined by the commission to be duplicated in any manner by any other agency or organization authorized by the veterans administration, may not be rendered by said commission.

SECTION 2. That Section 65-507, Idaho Code, be, and the same is hereby amended to read as follows:

65-507. DEFINITIONS. "Disabled war veterans" as used in this act means disabled persons who have served in the active service of the armed forces of the United States during any of the following recognized war periods and have been discharged or released under other than dishonorable conditions:

- Spanish American........April 21, 1898, to August 12, 1898
- Philippine Insurrection...August 13, 1898, to July 4, 1902
  (If service was in Moro Province, ending date is July 15, 1903)
- Boxer Rebellion.............June 20, 1900, to May 12, 1901
- World War I...........April 6, 1917, to November 11, 1918
  (If service was in Russia, ending date is April 1, 1920)
- World War II........December 7, 1941, to December 31, 1946
- Korean Conflict........June 27, 1950, to January 31, 1955
- Vietnam Conflict........August 5, 1964 to date-yet-determined May 7, 1975

The term "Armed Forces" includes the Army, Navy, Marine Corps, Coast Guard, Air Force and their auxiliaries.

In addition to the recognized war periods enumerated above, disabled persons who had active service in any war or conflict officially engaged in by the government of the United States shall be recognized as disabled war veterans. The term "disabled persons" as used in this act means persons who had active service in any war or conflict officially engaged in by the government of the United States and
who are officially recognized by the U.S. veterans administration as having a disability incurred in service of a degree of 10 per cent or more or who are in receipt of pension or compensation for nonservice-connected disabilities in accordance with laws and regulations administered by the U.S. veterans administration.

Approved March 24, 1976.

CHAPTER 217
(S.B. No. 1533)

AN ACT
RELATING TO THE TIME OF PAYMENT OF SALARIES OF STATE OFFICERS AND EMPLOYEES; AMENDING SECTION 59-503, IDAHO CODE, TO PROVIDE THAT THE STATE AUDITOR MAY PRESCRIBE PAY PERIODS DIFFERENT FROM A MONTHLY PAY PERIOD, AND TO PROVIDE THAT PAYMENT OF SALARIES SHALL BE MADE ON OR BEFORE THE END OF THE NEXT SUCCEEDING PAY PERIOD.

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

SECTION 1. That Section 59-503, Idaho Code, be, and the same is hereby amended to read as follows:

59-503. TIME OF PAYMENT OF SALARIES. (1) The salaries of all state and district officers and employees whose salaries are paid monthly from the state treasury, shall be paid monthly on or before the tenth day of the month following the month for which the salary is due, out of any money in the treasury not otherwise appropriated.

(2) From and after June 30, 1973, the state auditor may prescribe pay periods different from the monthly pay period prescribed in subsection (1) above, except that any such program shall insure that payment is made on or before the tenth day end of the pay period following the end of the pay period for which salaries are due. The programs prescribed by the state auditor need not be uniform between or among agencies and departments.

Approved March 24, 1976.
AN ACT
AMENDING SECTION 14-425, IDAHO CODE, TO PROVIDE THAT TEN PER CENT OF THE MONEYS COLLECTED PURSUANT TO THE TRANSFER AND INHERITANCE TAX ACT, WHICH ARE TO BE PAID TO THE COUNTY TREASURERS, SHALL BE PAID BY THE STATE TAX COMMISSION, RATHER THAN THE STATE TREASURER, TO THE COUNTY TREASURERS FROM THE FUNDS SO COLLECTED; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 14-425, Idaho Code, be, and the same is hereby amended to read as follows:

14-425. STATE TAX COMMISSION TO COLLECT TAXES. The state tax commission shall collect all taxes and moneys that may be due under this act, and remit such moneys to the state treasurer. Such moneys shall be distributed as follows:

(a) Ten per cent (10%) of such moneys shall be paid to the county treasurer of the county in which venue for probate and administration lies, pursuant to section 15-3-201, Idaho Code, regardless of whether such probate or administration was in fact instituted. Such moneys shall be paid by the state treasurer tax commission to the appropriate counties not less than quarterly, and shall be credited to the county current expense fund. The state tax commission shall report to the state treasurer by counties the source of moneys collected under this act, and based upon such reports, the state treasurer shall pay to each of the counties of the state ten per cent (10%) of all tax revenues accruing from such counties.

(b) Eighty-five per cent (85%) of such moneys shall be transferred to the credit of the water pollution control fund of the state.

(c) An amount equal to five per cent (5%) of such moneys, but not to exceed fifty thousand dollars ($50,000), shall be deposited in the transfer and inheritance tax act refund fund, which is hereby created in the state treasury. Any part of such five per cent (5%) not deposited in the transfer and inheritance tax act refund fund shall be dis-
tributed as are moneys described in subsection (b) of this section. The transfer and inheritance tax act refund fund shall be used for the purpose of repaying overpayments made under the transfer and inheritance tax act, for the purpose of repaying any other erroneous receipts under such act, for the purpose of repaying any tax, penalty, or interest illegally assessed or collected, or for the purpose of paying any judgment rendered against the state tax commission under the terms and provisions of the transfer and inheritance tax act. In the event any such refund or repayment is made, then the county which under subsection (a) of this section originally received ten per cent (10%) of the transfer and inheritance tax shall be charged with ten per cent (10%) of the moneys refunded but not in excess of the amount originally distributed under subsection (a) and to the extent of such refunds charged future distributions to be made under subsection (a) to such counties shall be paid into the transfer and inheritance tax act refund fund in lieu of being paid to such counties. Any balance in the refund fund in excess of fifty thousand dollars ($50,000) shall be paid solely to the water pollution control fund.

SECTION 2. This act shall be in full force and effect on and after July 1, 1976.

Approved March 24, 1976.
CHAPTER 219
(S.B. No. 1487)

AN ACT
RELATING TO LIABILITY OF ELECTRIC POWER AND GAS SUPPLIERS;
AMENDING SECTION 61-536, IDAHO CODE, BY PROVIDING NON-
LIABILITY OF SUCH SUPPLIERS FOR INABILITY TO SERVE DUE
TO INADEQUATE OR INSUFFICIENT SUPPLIES; AND PROVIDING AN
EFFECTIVE DATE.

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

SECTION 1. That Section 61-536, Idaho Code, be, and the
same is hereby amended to read as follows:

61-536. LIABILITY OF SUPPLIERS. No supplier of electric
power or gas shall be liable for (a) 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 com-
mission; or (b) inability of a supplier to furnish adequate
or sufficient supplies of electric power or gas or refusal
to supply electric power or gas when such inability or
refusal is due to inadequate or insufficient supplies on the
supplier's system occurring as a result of the supplier's
being unable to obtain from the commission an order which
allows adequate time to construct necessary generating and
transmission facilities.

SECTION 2. This act shall be in full force and effect
on and after July 1, 1976.

Approved March 24, 1976.
CHAPTER 220
(S.B. No. 1356)

AN ACT
RELATING TO APPOINTMENT OF BOARDS OF TRUSTEES FOR AIR REGIONS; AMENDING SECTION 21-803, IDAHO CODE, PROVIDING FOR A PETITION OF ELECTORS WITHIN AN AIR REGION TO BE SENT TO THE IDAHO TRANSPORTATION BOARD PRIOR TO THE APPOINTMENT OF AN INTERIM BOARD OF TRUSTEES FOR A REGIONAL AIRPORT AUTHORITY.

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

SECTION 1. That Section 21-803, Idaho Code, be, and the same is hereby amended to read as follows:

21-803. APPOINTMENT OF BOARDS OF TRUSTEES. The Idaho transportation board shall, upon the effective date of this act, appoint for each of the five (5) air regions receipt of a petition signed by not less than twenty-five (25) electors from each legislative district within an air region as described in section 21-802, Idaho Code, an interim board of trustees to consist of one (1) appointee from each legislative district in the region. Members of such boards shall serve without pay until such time as the regional airport authority is established and tax levying authority granted, after which such boards shall be reimbursed for actual and necessary expenses incurred in the performance of official duties. At the first meeting of each such board, a chairman shall be selected from the membership of the respective board. Such interim boards shall serve in such capacity until their successors are elected and qualified as provided in section 21-806, Idaho Code, and such boards shall exercise all powers and duties granted to the permanent board of trustees under section 21-807, Idaho Code.

Approved March 24, 1976.
CHAPTER 221
(S.B. No. 1377)
AN ACT
RELATING TO CLOSING AND ABANDONMENT OF GRADE CROSSINGS OVER RAILROAD TRACTS, AMENDING SECTION 62-305, IDAHO CODE, TO PERMIT CLOSING AND ABANDONMENT OF CROSSINGS NO LONGER REASONABLY NECESSARY FOR PUBLIC SAFETY OR OTHERWISE AND PROVIDING FOR HEARINGS BEFORE THE PUBLIC UTILITIES COMMISSION.

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

SECTION 1. That Section 62-305, Idaho Code, be, and the same is hereby amended to read as follows:

62-305. CLOSING AND ABANDONMENT OF CROSSINGS UPON RELOCATION OF HIGHWAYS OR CONSTRUCTION OF UNDERPASSES OR OVERPASSES OR OTHERWISE -- HEARINGS. Wherever and whenever the location of any state highway, or other public street, road or highway, has been or shall be changed, the result of which has changed or will change the location of the place where such street, road or highway crosses any railroad tracks at grade, and a new crossing at grade or an overpass or underpass has been or shall be constructed at such new location, or whenever the closing and abandonment of an existing crossing is in the interest of and reasonably necessary for the public safety, or an existing crossing is no longer reasonably necessary as a public crossing for any reason, then the old grade crossing shall be deemed to be unnecessary and may be eliminated and discontinued. In the event any objection be made to the elimination and discontinuance of said old grade crossing, the Idaho transportation board or the owners, operators, or lessees of any such railroad, or both, may, upon the completion and placing in operation of said new grade crossing, overpass or underpass, or whenever for any other reason a crossing is to be closed and abandoned, the public authority having jurisdiction over the street, road or highway, or the owners, operators, or lessees of any such railroad, or both, shall petition the public utilities commission for an order eliminating and discontinuing said old grade crossing, whether said change of location has been made or construction of an underpass or overpass completed before or after the passage of this act, and said commission shall be and is hereby
authorized and empowered to hear and determine said petition in accordance with the provisions of chapters 1 to 7, inclusive, title 61, Idaho Code, and if upon hearing duly had it shall find and determine that the closing and abandonment of such grade crossing is in the interest of, and reasonably necessary for the public safety, or that said crossing is no longer reasonably needed, it shall make an order authorizing the closing and abandonment of said crossing. Any order made by the commission concerning said matter shall be enforceable and subject to review in the same manner as other orders of the commission. Upon any order of closing and abandonment becoming final, said grade crossing may be closed either by the Idaho-transportation-department public authority having jurisdiction over the street, road or highway or by the owner, operator or lessee of such railroad.

Approved March 24, 1976.

CHAPTER 222
(S.B. No. 1411, As Amended)

AN ACT
AMENDING SECTION 28-33-404, IDAHO CODE, REMOVING LIMITATIONS ON ATTORNEY'S FEES WITH RESPECT TO CONSUMER LOANS.

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

SECTION 1. That Section 28-33-404, Idaho Code, be, and the same is hereby amended to read as follows:

28-33-404. ATTORNEY'S FEES. Except as provided by the provisions on limitations on attorney's fees as to certain supervised loans (section 28-33-514), with respect to a consumer loan the agreement may provide for the payment by the debtor of reasonable attorney's fees not-in-excess-of-15-per-cent-of-the-unpaid-debt after default and referral to an attorney not a salaried employee of the lender. A provision in violation of this section is unenforceable.

Approved March 24, 1976.
AN ACT
AMENDING SECTION 44-1506, IDAHO CODE, RELATING TO STUDENTS IN ACCREDITED SECONDARY SCHOOL WORK TRAINING PROGRAMS AND PROVIDING DEFINITIONS OF A SECONDARY SCHOOL PROGRAM.

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

SECTION 1. That Section 44-1506, Idaho Code, be, and the same is hereby amended to read as follows:

44-1506. APPRENTICE. For any employment in which the minimum wage is applicable, the director of the department of labor and industrial services may issue to an apprentice or learner a special license authorizing the employment of such apprentice or learner for the time and under the conditions which he determines and at a wage less than the minimum wage established by this act. Apprentice or learner shall include a student or students enrolled in a bona fide secondary school program administered by an accredited school district which includes work training experience. The director may hold such hearings and conduct such investigations as he shall deem necessary before fixing a special wage for such apprentice or learner.

Approved March 24, 1976.
CHAPTER 224
(S.B. No. 1389, As Amended)

AN ACT
AMENDING SECTION 72-1316, IDAHO CODE, RELATING TO COVERED EMPLOYMENT, EMPLOYMENT SECURITY ACT, BY PROVIDING EXEMPTION FOR SECONDARY SCHOOL STUDENTS PARTICIPATING IN A WORK TRAINING PROGRAM.

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

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

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

(1) Agricultural labor, as defined by section 72-1304, Idaho Code;

(2) Service performed as domestic service in a private home, local college club, or local chapter of a college fraternity or sorority;

(3) (A) Service performed by an individual in the employ of his spouse;

(B) Service performed by a child under the age of twenty-one (21) years in the employ of his father or mother;

(C) Service performed by a student or students enrolled in a bona fide secondary school program administered by an accredited school district which includes work training experience not exceeding twenty (20) hours per week;

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

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

(6) Service performed in the employ of any public institution or instrumentality which acquires its operating funds primarily through direct or indirect taxation, including but not limited to, counties, municipalities, highway districts, drainage districts, cemetery districts, and school districts; provided, however, that service performed in the employ of irrigation districts and soil conservation districts shall be considered covered employment;

(7) Service performed:

(A) In the employ of (1) a church or convention or association of churches, solely in religious activities, or (2) an organization which is operated primarily for religious purposes and which is operated, supervised, controlled, or principally supported by a church, or convention or association of churches; or

(B) In the employ of a public or parochial school which is not an institution of higher education, or if an institution of higher education it is devoted primarily to preparation of a student for the ministry or training candidates to become members of a religious order; or

(C) By a duly ordained, commissioned, or licensed minister of a church in the exercise of his ministry or by a member of a religious order in the exercise of duties required by such order; or

(D) In a facility conducted for the purpose of carrying out a program of rehabilitation for individuals whose earning capacity is impaired by age or physical or mental deficiency or injury or providing remunerative work for individuals who because of their impaired physical or mental capacity cannot be readily absorbed in the competitive labor
market by an individual receiving such rehabilitation or remunerative work; or

(E) As part of an unemployment work relief program or as part of an unemployment work training program assisted or financed in whole or in part by any federal agency or an agency of a state or political subdivision thereof, by an individual receiving such work relief or work training.

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

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

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

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

(B) Service performed by an individual for a real estate broker as an associate real estate broker or as a real estate salesman, if all such service performed by such individual for such person is performed for remuneration solely by way of commission.

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

(12) Service performed in the employ of a school or college by a student who is enrolled and regularly attending classes at such school or college;

(13) Service performed in the employ of a hospital by a patient during the time that he is a patient of such hospital;

(b) Notwithstanding any of the other provisions of this section, services shall be deemed to be in covered employ-
ment if with respect to such services a tax is required to be paid or was required to be paid the previous year pursuant to the provisions of the federal unemployment tax act imposing a tax against which credit may be taken for contributions required to be paid into a state unemployment fund or which as a condition for full tax credit against the tax imposed by the federal unemployment tax act is required to be covered under this act.

(c) Services covered by an election pursuant to section 72-1352, Idaho Code, and services covered by an election duly approved by the director in accordance with an arrangement pursuant to section 72-1344, Idaho Code, shall be deemed to be covered employment during the effective period of such election.

(d) Services performed by an individual for remuneration shall, for the purposes of the Employment Security Law, be covered employment:

(1) Unless it is shown:
(A) that the worker has been and will continue to be free from control or direction in the performance of his work, both under his contract of service and in fact, and
(B) that the worker is engaged in an independently established trade, occupation, profession, or business;
(2) Even though such individual meets the exemption of subsection (d)(1)(A) and (B) of this section but performs services;
(A) As an agent-driver or commission-driver engaged in distributing meat products, vegetable products, fruit products, bakery products, beverages, or laundry or dry cleaning services for his principal;
(B) As a traveling or city salesman engaged upon a full-time basis in the solicitation on behalf of, and the transmission to his principal (except for side line sales activities on behalf of some other person) of orders from wholesalers, retailers, contractors, or operators of hotels, restaurants, or other similar establishments for merchandise for resale or supplies for use in their business operations.

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

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

(3) Service shall be deemed to be localized within a state if
(A) the service is performed entirely within such state; or
(B) the service if performed both within and without such state, but the service performed without such state is incidental to the individual's service within the state, for example, is temporary or transitory in nature or consists of isolated transactions.

(4) The term "covered employment" shall include an individual's service, wherever performed within the United States, the Virgin Islands, or Canada, if
(A) such service is not covered under the unemployment compensation law of any other state, the Virgin Islands, or Canada, and
(B) the place from which the service is directed or controlled is in this state.

(f) The term "covered employment" shall include the services of an individual who is a citizen of the United States, performed outside the United States, (except in Canada or the Virgin Islands) in the employ of an American employer (other than service which is deemed "covered employment" under the provisions of subsection (e) of this section or the parallel provisions of another state's law); if

(1) the employer's principal place of business in the United States is located in this state; or
(2) the employer has no place of business in the United States; but
(A) the employer is an individual who is a resident of this state; or
(B) the employer is a corporation which is organized under the laws of this state; or
(C) the employer is a partnership or a trust and the number of the partners or trustees who are residents of this state is greater than the number who are residents of any other state; or

(3) None of the criteria of provisions of (1) or (2) of this subsection (e) are met but the employer has elected coverage in this state, or the employer having failed to elect coverage in any state, the individual has filed a claim for benefits based on such service, under the law of this state;

(4) An "American employer" for purposes of this
subparagraph means a person who is:

(A) an individual who is a resident of the United States; or

(B) a partnership if two-thirds (2/3) or more of the partners are residents of the United States; or

(C) a trust if all of the trustees are residents of the United States; or

(D) a corporation organized under the laws of the United States or of any state;

(5) For purposes of this subsection (f) the term "United States" means the states, the District of Columbia, and the Commonwealth of Puerto Rico.

Approved March 24, 1976.
AN ACT
RELATING TO MEDICAL MALPRACTICE INSURANCE AND THE TEMPORARY JOINT UNDERWRITING ASSOCIATION; AMENDING SECTION 41-4101, IDAHO CODE, BY PROVIDING THAT CERTAIN LIABILITY INSURANCE CARRIERS MAY BE REQUIRED TO PROVIDE MEDICAL MALPRACTICE INSURANCE UNTIL 12:01 A.M., JANUARY 1, 1978, AND STRIKING THE PROVISION FOR RECOUPEMENT OF LOSSES TO INSURERS THROUGH A SURCHARGE ON FUTURE LIABILITY INSURANCE POLICIES; AMENDING SECTION 41-4102, IDAHO CODE, BY STRIKING THE DEFINITION FOR THE TERM "COMMISSION"; AMENDING SECTION 41-4103, IDAHO CODE, BY PROVIDING THAT THE PURPOSE OF THE TEMPORARY JOINT UNDERWRITING ASSOCIATION SHALL BE TO PROVIDE A MARKET FOR MEDICAL MALPRACTICE INSURANCE FOR A PERIOD NOT TO EXTEND BEYOND 12:01 A.M., JANUARY 1, 1978; AMENDING SECTION 41-4105, IDAHO CODE, BY STRIKING ALL PROVISIONS FOR THE RECOUPEMENT OF LOSSES TO MEMBERS OF THE TEMPORARY JOINT UNDERWRITING ASSOCIATION THROUGH A SURCHARGE APPLIED TO THE ANNUAL PREMIUMS ON FUTURE POLICIES OF INSURANCE WHICH FORM THE BASIS FOR INSURERS' PARTICIPATION IN THE ASSOCIATION, AND STRIKING THE PROVISION FOR THE RECOUPEMENT OF LOSSES TO MEMBERS THROUGH A DEDUCTION OF PAST PREMIUM TAXES; AMENDING SECTION 41-4109, IDAHO CODE, BY PROVIDING THAT THE TEMPORARY JOINT UNDERWRITING ASSOCIATION SHALL BE GOVERNED BY A BOARD OF ELEVEN BOARD MEMBERS TO BE APPOINTED ANNUALLY BY THE DIRECTOR OF INSURANCE, AND PROVIDING THAT FOUR OF THE BOARD MEMBERS SHALL BE APPOINTED AS REPRESENTATIVES OF THE MEDICAL PROFESSION AND THE REMAINING SEVEN OF THE BOARD MEMBERS SHALL BE REPRESENTATIVES OF INSURERS WHO ARE MEMBERS OF THE ASSOCIATION, AND PROVIDING THE BOARD MEMBERS SHALL BE ELIGIBLE FOR REAPPOINTMENT, THAT THE DIRECTOR SHALL FILL BY APPOINTMENT ANY VACANCY FOR THE REMAINDER OF ANY UNEXPIRED TERM, AND THAT ANY BOARD MEMBER MAY BE REMOVED BY THE DIRECTOR AFTER NOTICE AND A PUBLIC HEARING FOR MISFEASANCE, MALFEASANCE, OR WILFUL NEGLECT OF DUTY; AMENDING TITLE 41, CHAPTER 41, IDAHO CODE, BY ADDING A NEW SECTION 41-4115, IDAHO CODE, PROVIDING THAT THE IDAHO INSURANCE GUARANTY ASSOCIATION IS NOT RESPONSIBLE FOR LOSSES SUSTAINED BY THE TEMPORARY JOINT UNDERWRITING ASSOCIATION AND THAT THE TEMPORARY JOINT UNDERWRITING
ASSOCIATION IS NOT A MEMBER OF THE IDAHO INSURANCE GUAR- ANTLY ASSOCIATION; AND AMENDING TITLE 41, CHAPTER 41, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 41-4116, IDAHO CODE, PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 41-4101, Idaho Code, be, and the same is hereby amended to read as follows:

41-4101. 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 years not to extend past 12:01 a.m. on January 1, 1978, should the director of insurance find after holding a hearing that such insurance is not available in the voluntary market on a reasonably competitive basis; 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 and 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. That Section 41-4102, Idaho Code, be, and the same is hereby amended to read as follows:

41-4102. 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. That Section 41-4103, Idaho Code, be, and the same is hereby amended to read as follows:

41-4103. 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 17, 1977 January 1, 1978, 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. That Section 41-4105, Idaho Code, be, and the same is hereby amended to read as follows:

41-4105. 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 30, 1977 January 1, 1978, unless sooner terminated in accordance with
the provisions of this act. All such policies shall be issued 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 41-4106, Idaho Code. 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 asso-
cijation 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-{i}-of-the-following-procedures:-{a}-applying--a surecharge--to-be-determined-by-the-association-at-a-rate-not to-exceed-two-per-cent-{(2%)}-of-the-annual-premiums-en-future policies-affording-these-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-{i}-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 41-4108, Idaho Code. Any such contribu­tion shall be reimbursed to the members by recoupment as provided in subsection 6 of this section.

SECTION 5. That Section 41-4109, Idaho Code, be, and the same is hereby amended to read as follows:

41-4109. GOVERNING BOARD. The association shall be gov­erned by a board of eleven (11) board members, to-be-elected annually.-Right-{(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-preceeding-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 before the date of such meeting who shall be appointed annually by the director. Four (4) members of the board shall be appointed by the director as representatives of the medical profession. The remaining seven (7) of the board members shall be appointed by the director as representatives of the insurers who are members of the association. Any board member shall be eligible for reappointment. The director shall fill by appointment any vacancy for the remainder of any unexpired term. Any board member may be removed by the director for misfeasance, malfeasance, or willful neglect of duty or other cause after notice and a public hearing unless such notice or hearing shall be expressly waived in writing.

SECTION 6. That Chapter 41, 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 41-4115, Idaho Code, and to read as follows:

41-4115. NOT MEMBER OF IDAHO INSURANCE GUARANTY ASSOCIATION. The association shall not be a member of the Idaho insurance guaranty association created under section 41-3606, Idaho Code, nor shall that association be otherwise responsible for losses sustained by the temporary joint underwriting association.

SECTION 7. That Chapter 41, 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 41-4116, Idaho Code, and to read as follows:

41-4116. SEVERABILITY CLAUSE. 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. 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 24, 1976.
AN ACT
RELATING TO SICK LEAVE FOR SCHOOL DISTRICT EMPLOYEES; AMENDING SECTION 33-1216, IDAHO CODE, BY PROVIDING THAT THE BOARD OF TRUSTEES MAY SUPPLEMENT THE WORKMEN'S COMPENSATION PAYMENT AND ESTABLISHING A MAXIMUM.

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

SECTION 1. That Section 33-1216, Idaho Code, be, and the same is hereby amended to read as follows:

33-1216. SICK AND OTHER LEAVE. (a) At the beginning of each new employment year and thereafter as necessary during the employment year, each certificated and noncertificated employee of any school district, including charter districts, shall be entitled to sick leave with full pay of one (1) day for each month of service, or major portion thereof as projected for the employment year, subject to the limitations provided by this chapter. The local board of trustees shall not provide compensation for unused sick leave.

(b) The board of trustees may require proof of illness adequate to protect the district against malingering and false claims of illness.

Each local board of trustees may establish a policy governing leave for certificated and noncertificated employees in the case of illness or death of members of the families of such employees, for professional conferences and workshops, and for such other purposes as the board may determine. The local board of trustees shall not provide compensation for unused sick leave.

(c) Each local board of trustees may establish a policy governing leave for certificated and noncertificated employees in the case of absence during a period for which the employee is paid by workmen's compensation. In addition the board may supplement the workmen's compensation payment by an amount not to exceed an amount which when combined with the workmen's compensation payment would be equal to the amount the employee would have been paid if he had not been injured. Time for which a person is paid workmen's compensation shall not be allowed as sick leave.

(d) The board of trustees of any school district,
including any specially chartered district, may also grant a leave of absence to any certificated employee of such dis­trict for service to a professional educational organization of which such certificated employee is a member and has been elected to hold the office of president therein, such leave to be for a period not exceeding one (1) year. During the period of any such leave of absence the said certificated employee shall receive the same compensation and receive or accrue such other rights and benefits that he would have been entitled to or have received or accrued had he been present and working for the school district, and he shall remain an active member of the public employee retirement system of Idaho; provided that such professional educational organization shall first pay to the said school district an amount equal to any and all compensation, contributions to the public employee retirement system of Idaho and any other amounts paid to or accrued in the name of said employee during such period.

Approved March 24, 1976.
CHAPTER 227

(S.B. No. 1351)

AN ACT

RELATING TO VIOLATIONS OF PROVISIONS OF CAMPAIGN CONTRIBUTION AND LOBBYISTS' REGISTRATION AND REPORTING LAW; AMENDING SECTION 67-6625, IDAHO CODE, TO PROVIDE THAT PERSONS WHO VIOLATE SECTIONS SPECIFIED SHALL BE LIABLE FOR A CIVIL FINE.

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

SECTION 1. That Section 67-6625, Idaho Code, be, and the same is hereby amended to read as follows:

67-6625. PENALTIES—FOR VIOLATIONS — CIVIL FINE — MISDEMEANOR PENALTY — PROSECUTION — LIMITATION. (a) Any person who violates the provisions of sections 67-6603 -- 67-6614, 67-6617, 67-6619, 67-6620, 67-6621(a) or 67-6624, Idaho Code, is guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not more than two hundred fifty dollars ($250) if an individual, and not more than two thousand five hundred dollars ($2,500) if a person other than an individual. When the violation consists of the failure to file a report or statement or to register on or before a specified date, each day during which such violation continues shall be deemed a separate offense. The burden of proof for such civil liability shall be met by showing a preponderance of the evidence.

(b) Any person who violates section 67-6621(b), Idaho Code, and any person who knowingly and willfully violates sections 67-6603 -- 67-6614, 67-6617, 67-6619, 67-6620, 67-6621(a) or 67-6624, Idaho Code, is guilty of a misdemeanor and, upon conviction, in addition to the penalties fines set forth in subsection (a) of this section, may be imprisoned for not more than six (6) months or be both fined and imprisoned.

(c) The Attorney General or the appropriate prosecuting attorney may prosecute any violations of this act.

(d) Prosecution for violation of this act must be commenced within two (2) years after the date on which the violation occurred.

Approved March 24, 1976.
AN ACT
RELATING TO REQUIREMENTS FOR REPORTS BY PERSONS WHO MAKE CAMPAIGN EXPENDITURES OTHER THAN BY CONTRIBUTION; AMENDING SECTION 67-6611, IDAHO CODE, TO STRIKE THE WORD INDIVIDUAL AND INSERT THE WORD PERSON.

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

SECTION 1. That Section 67-6611, Idaho Code, be, and the same is hereby amended to read as follows:

67-6611. EXPENDITURES OTHER THAN CONTRIBUTIONS. Not more than thirty (30) days after the date of an election, each individual person who made expenditures in a total amount of more than fifty dollars ($50.00) in support of or in opposition to any one (1) candidate, political committee or measure other than by contribution to a candidate or political committee shall file a statement of the expenditure with the Secretary of State.

Approved March 24, 1976.
CHAPTER 229
(S.B. No. 1355)

AN ACT
RELATING TO REGISTRATION OF LOBBYISTS; AMENDING SECTION 67-6617, IDAHO CODE, TO STRIKE THE WORD "SAID" IN RELATION TO COMPENSATION, TO PROVIDE THAT A FEE OF TEN DOLLARS MUST BE PAID WITH EACH SEPARATE NOTICE OF REPRESENTATION BY A LOBBYIST, TO STRIKE THE REQUIREMENT THAT A NOTICE OF REPRESENTATION MUST SHOW THE AMOUNT OF THE PAYMENTS OR CONTRIBUTIONS MADE BY EACH PERSON WHERE THE LOBBYIST IS ACTING AS SUCH IN RESPECT TO THE SAME LEGISLATION OR TYPE OF LEGISLATION FOR MORE THAN ONE PERSON, AND TO REQUIRE REGISTRATION ON OR BEFORE JANUARY 10 BY PERSONS PREVIOUSLY REGISTERED.

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

SECTION 1. That Section 67-6617, Idaho Code, be, and the same is hereby amended to read as follows:

67-6617. REGISTRATION OF LOBBYISTS. (a) Before doing any lobbying, or within thirty (30) days after being employed as a lobbyist, whichever occurs first, a lobbyist shall register by filing with the Secretary of State a lobbyist registration statement, in such detail as the Secretary of State shall prescribe, accompanied by payment of a registration fee of ten dollars ($10.00) (which shall be deposited by the Secretary of State in the state treasury), showing:

(1) His name, permanent business address, and any temporary residential and business address in Ada County during the legislative session;
(2) The name, address and general nature of the occupation or business of the lobbyist's employer, and the duration of his employment;
(3) Whether the person from whom he receives said compensation employs him solely as a lobbyist or whether he is a regular employee performing services for his employer which include but are not limited to lobbying of legislation;
(4) The general subject or subjects of the lobbyist's legislative interest;
(5) The name and address of the person who will have
custody of the accounts, bills, receipts, books, papers, and documents required to be kept under this act;

(6) If the lobbyist's employer is a nonbusiness entity (including, but not limited to, business and trade associations) whose members include, or which as a representative entity undertakes lobbying activities for, businesses, groups, associations or organizations, the name and address of each member of such entity or person represented by such entity whose fees, dues, payments or other consideration paid to such entity during either of the prior two (2) years have exceeded five hundred dollars ($500) or who is obligated to or has agreed to pay fees, dues, payments or other consideration exceeding five hundred dollars ($500) to such entity during the current year.

(b) Any lobbyist who receives or is to receive compensation from more than one person for his services as a lobbyist shall file a separate notice of representation, accompanied by the fee of ten dollars ($10.00) for each separate notice of representation, with respect to each such person; except that where a lobbyist whose fee for acting as such in respect to the same legislation or type of legislation is, or is to be, paid or contributed by more than one person then such lobbyist may file a single statement, in which he shall detail the name, business address and general occupation of each person so paying or contributing and the amount of the respective payments or contributions made by each such person.

(c) Whenever a change, modification, or termination of the lobbyist's employment occurs, the lobbyist shall, within one (1) week of such change, modification or termination, furnish full information regarding the same by filing with the Secretary of State an amended registration statement.

(d) Each lobbyist who has registered shall file a new registration statement, revised as appropriate, on or before each January 10, and failure to do so shall terminate his registration.

Approved March 24, 1976.
AN ACT
APPROPRIATING $5,370,900 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, 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. STATE BOARD OF EDUCATION:
   LEWIS-CLARK STATE COLLEGE: Construction of science-nursing classroom and laboratory building. $1,041,600
   NORTH IDAHO COLLEGE: Planning, land acquisition and construction of humanities classroom building. 385,000
   STATE LIBRARY: Construction of addition to library and archives. 250,000
   BOISE STATE UNIVERSITY: Construction of Phase II, science education building. 1,809,700
EASTERN IDAHO VOCATIONAL-TECHNICAL SCHOOL:
Planning for technology building. 35,000

2. DEPARTMENT OF LANDS:
Additional repair shop facilities, 55,000
Coeur d'Alene.
Timber management bunkhouse, Floodwood State Forest. 50,000
Coolin residence addition. 22,000
Equipment storage sheds at Kamiah, Coeur d'Alene, Cataldo and Craigmont. 140,000

3. MILITARY DIVISION: Final funding for Gowen Field Armory, Boise. 41,000

4. CAPITOL BUILDING: Fire alarm system. 25,000

5. CAPITOL MALL: Construction of parking structure; construction of service and utility tunnel from Capitol Building to new state office building. 600,000

6. DEPARTMENT OF HEALTH AND WELFARE:
Renovation and remodeling, State Hospital South. 800,000

7. 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. 116,600
TOTAL 5,370,900

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 ionations; 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 24, 1976.
CHAPTER 231
(S.B. No. 1424)

AN ACT
RELATING TO DETENTION ACCOMMODATIONS UNDER THE YOUTH REHABILITATION ACT; AMENDING SECTION 16-1812, IDAHO CODE, TO PROVIDE THAT RELATIVES OF A CHILD SHALL NOT BE REQUIRED TO MEET THE LICENSING REQUIREMENTS OF THE DEPARTMENT OF HEALTH AND WELFARE IN ORDER TO BE GRANTED THE TEMPORARY CUSTODY OF A CHILD, TO PROVIDE FOR REGIONAL DETENTION FACILITIES FOR CHILDREN UNDER THE YOUTH REHABILITATION ACT, TO PROVIDE THAT COUNTIES MAY ENTER INTO AGREEMENTS FOR SUCH REGIONAL DETENTION FACILITIES, AND TO PROVIDE FOR THE ADMINISTRATION OF APPROPRIATED FUNDS BY THE DIRECTOR OF THE DEPARTMENT OF ADMINISTRATION FOR THE PLANNING AND DESIGN OF REGIONAL DETENTION FACILITIES.

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

SECTION 1. That Section 16-1812, Idaho Code, be, and the same is hereby amended to read as follows:

16-1812. DETENTION ACCOMMODATIONS. 1. The county commissioners shall provide a detention home or homes for the temporary detention of children to be conducted by the court, or, subject to the approval of the court, by other appropriate public agency; or within the limits of funds provided by the county commissioners the court may arrange for the use of private homes for such detention, subject to the supervision of the court or other agency, or may arrange with any institution or agency to receive for temporary care and custody children within the jurisdiction of the court, provided said private individual or agency facilities, except relatives of the child, shall meet the licensing requirements of the state department of public-assistance health and welfare for care of children.

2. For the purpose of carrying out the provisions of this section, the county commissioners may enter into contracts or agreements with public or private agencies, individuals, other counties, or the board state department of health and welfare which may include the expenditures of moneys outside the county boundaries. If the county in which the court is located has made an agreement with another governmental unit or agency located outside the county or
the judicial district for the detention of children under this act, then any court in the county may order a child detained outside of the county or outside of the judicial district in the detention facility described in such agreement.

3. The county wherein any court has entered an order for the detention of a child outside of the county or outside of the judicial district as provided by subsection 2 of this section shall pay all direct and indirect costs of the detention of the child to the governmental unit or agency owning or operating the detention facility in which the child was detained. The amount of such cost may be determined on a per day per child basis by agreement between the county wherein the court entered the order of detention and the county or governmental unit or agency owning or operating such detention facility.

4. All funds appropriated by the state for the planning and design of regional detention facilities shall be administered and distributed by the director of the department of administration for the planning and design of regional detention facilities in accordance with the requirements or directives of such appropriation. In administering such fund, the director of the department of administration shall consult with the designated county officials of every county involved or affected by a proposed regional detention facility and shall abide by the decision of the designated representatives of each of the counties so involved or affected.

Approved March 30, 1976.
CHAPTER 232
(S.B. No. 1421)

AN ACT
RELATING TO THE WAIVER OF JURISDICTION UNDER THE YOUTH REHABILITATION ACT AND REQUIRING A PERSON TO BE HELD FOR CRIMINAL PROCEEDINGS UNDER THE CRIMINAL LAWS RELATING TO AN ADULT; AMENDING SECTION 16-1806, IDAHO CODE, TO DEFINE AND CLARIFY WHEN AND UNDER WHAT CIRCUMSTANCES A CHILD HAVING COMMITTED AN ACT WITHIN THE PURVIEW OF THE YOUTH REHABILITATION ACT, OR AN ADULT HAVING COMMITTED AN ACT WITH A CHILD WHICH BROUGHT HIM WITHIN THE PURVIEW OF THE YOUTH REHABILITATION ACT, MAY HAVE JURISDICTION UNDER THE YOUTH REHABILITATION ACT WAIVED AND BE PROSECUTED UNDER THE CRIMINAL LAWS AS AN ADULT.

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

SECTION 1. That Section 16-1806, Idaho Code, be, and the same is hereby amended to read as follows:

16-1806. TRANSFER TO OTHER COURTS. 1. The court may waive jurisdiction and order a child or adult held for criminal proceedings after full investigation and hearing when:

a. a child sixteen-(16)-years-of-age-or-over is alleged to have committed an act prior--to--having--become--eighteen (18) after he became sixteen (16) which would be a felony crime if committed by an adult; or

b. a child-eighteen- (18)-years-of-age-or-over an adult at the time of the filing of the petition is alleged to have committed an act prior to his having become eighteen (18) which would be a crime if committed by an adult, and the court finds that the child adult is not committable to an institution for the mentally deficient or mentally ill, is not treatable in any available institution or facility within the state designed for the care and treatment of children, or that the safety of the community requires that the child adult continue under restraint for--a--period extending-beyond-his-minority.

2. The court may waive jurisdiction over a child eighteen-(18)-years-of-age-or-more an adult already under the jurisdiction of the court who is alleged to have committed an act--which--if-committed-by a crime while an adult would-be-a-crime, provided, however, that when any court has
jurisdiction ever a child eighteen-18--years--of--age--or
deber7--but--under--twenty--one--21--years--of--age7--and--the--child
is--found--guilty7--the--court--in--its--discretion--may--commit--such
child--to--the--board--of--health.

3. If the child is not to be charged as a felon, court
does not waive jurisdiction and order a child or adult held
for criminal proceedings, the court in a county other than
the child's or adult's home county, after entering a decree
that the child or adult is within the purview of this act,
may certify the case for disposition to the court of the
county in which the child or adult resides upon being noti­
fied the receiving court is willing to accept transfer. In
the event of a transfer, which should be made unless the
court finds it contrary to the interest of the child or
adult, the jurisdiction of the receiving court shall attach
to the same extent as if the court had original jurisdi­
c tion.

Approved March 30, 1976.
CHAPTER 233
(S.B. No. 1423)

AN ACT
RELATING TO JURISDICTION UNDER THE YOUTH REHABILITATION ACT; REPEALING SECTION 16-1803, IDAHO CODE; AMENDING CHAPTER 18, TITLE 16, IDAHO CODE, BY ADDING A NEW SECTION 16-1803, IDAHO CODE, TO PROVIDE THE LIMITS OF JURISDICTION UNDER THE YOUTH REHABILITATION ACT OVER CHILDREN WHO HAVE NOT REACHED THE AGE OF MAJORITY, AND TO PROVIDE THE LIMITS OF JURISDICTION OVER AN ADULT WHO COMMITTED AN ACT WHILE A CHILD WHICH WOULD HAVE BEEN A CRIME IF COMMITTED BY AN ADULT SUBJECT TO EXCEPTIONS.

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

SECTION 1. That Section 16-1803, Idaho Code, be, and the same is hereby repealed.

SECTION 2. That Chapter 18, Title 16, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 16-1803, Idaho Code, and to read as follows:

16-1803. JURISDICTION. Subject to the prior jurisdiction of the United States, the court shall have exclusive, original jurisdiction over any child and over any adult who was a child at the time of any act, omission or status, found or living within the county, in the following cases:

1. Where the act, omission or status is prohibited by federal, state, local or municipal law or ordinance by reason of minority only, regardless of where the same occurred;

2. Where the act or omission is a violation of any federal, state, local or municipal law or ordinance which would be a crime if committed by an adult, regardless of where the same occurred, except traffic, watercraft and fish and game violations; provided, however, that the prosecuting attorney of any county may bring under this act the operation of a motor vehicle while the operator's permit or license to drive is suspended or revoked; the operation of motor vehicle or watercraft while under the influence of intoxicating liquor or drugs; the operation of a motor vehicle in a reckless manner; the operation of a watercraft in a careless
manner; or the violation of any motor vehicle, watercraft, or fish and game law or ordinance having theretofore been convicted of any combination of three (3) motor vehicle, watercraft or fish and game violations, regardless of where the violation, act, omission, revocation or suspension occurred;

3. Concerning any child under the purview of the interstate compact on juveniles as set forth in chapter 19, title 16, Idaho Code.

Approved March 30, 1976.
CHAPTER 234
(S.B. No. 1370)

AN ACT
AMENDING SECTION 1-2005, IDAHO CODE, RELATING TO SERVICES REQUIRED OF RETIRED SUPREME COURT JUSTICES AND DISTRICT JUDGES TO PROVIDE THAT DURING THE PERIOD THAT ANY SUCH RETIRED SUPREME COURT JUSTICE AND DISTRICT JUDGE IS SERVING AND HOLDING COURT, HE SHALL BE ENTITLED TO RECEIVE ALL OF HIS REGULAR RETIREMENT BENEFITS UNDER THE JUDGES' RETIREMENT FUND TOGETHER WITH AN ADDITIONAL SUM AS COMPENSATION FOR HIS SERVICES SUFFICIENT TO AMOUNT TO AN AGGREGATE SUM OF RETIREMENT BENEFITS AND ADDITIONAL COMPENSATION EQUAL TO THE CURRENT SALARY OF THE JUDICIAL OFFICE FROM WHICH HE RETIRED; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 1-2005, Idaho Code, be, and the same is hereby amended to read as follows:

1-2005. SERVICES REQUIRED OF RETIRED SUPREME COURT JUSTICES AND DISTRICT JUDGES. Any retired justice or judge, while he remains capable, upon compliance with Idaho Code, title 59, chapter 4, may hold a district court in any county at the request of the judge of the district court thereof, and upon the request of the governor, or of the chief justice, and when any such request is made or approved by the chief justice, it shall be his duty to do so.

Any retired justice or judge, while he remains capable, upon compliance with Idaho Code, title 59, chapter 4, may sit with the Supreme Court and exercise the authority of a member thereof in any cause in which he is requested by that court so to do, and when requested by the chief justice shall perform such other duties pertaining to the judicial department of government as directed.

Compensation for all such services by any retired justice--or--judge shall be at the current salary of the office from which he retired--which shall be paid from the general fund--as--provided by the legislature. During such period of service such retired justice--or--judge shall not be entitled to receive nor have paid to him retirement compensation from the judges' retirement fund.
During the period that any such retired Supreme Court justice or district judge is serving and holding court pursuant to this section, he shall be entitled to receive all of his retirement benefits under the judges' retirement fund 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 Supreme Court justice or district judge has retired. Such additional compensation, above the retirement benefits accruing to such retired justice or judge, shall be paid from the general fund as provided by the legislature.

When so serving outside of his county of residence, any such retired justice or judge shall receive and have paid to him his necessary traveling and subsistence expenses.

Any period of service so rendered by any retired justice or judge shall not in anywise be computed for additional retirement benefits, and the state auditor shall not receive or deduct any sum from the salary of any such retired justice or judge for such services, for transfer to the judges' retirement 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 30, 1976.
CHAPTER 235
(S.B. No. 1348)

AN ACT
RELATING TO PUBLICATION OF PROPOSED CONSTITUTIONAL AMENDMENTS AND ARGUMENTS RELATING THERETO; AMENDING TITLE 67, CHAPTER 4, IDAHO CODE, BY THE ADDITION THERETO OF A NEW SECTION 67-453, IDAHO CODE, TO PROVIDE THAT THE LEGISLATIVE COUNCIL SHALL PREPARE A BRIEF STATEMENT OF THE MEANING AND PURPOSE OF A PROPOSED CONSTITUTIONAL AMENDMENT, AND SHALL PREPARE A CONCISE PRESENTATION OF THE MAJOR ARGUMENTS ADVANCED BY PROONENTS AND OPPONENTS; AMENDING TITLE 67, CHAPTER 9, IDAHO CODE, BY THE ADDITION THERETO OF A NEW SECTION 67-913, IDAHO CODE, TO PROVIDE THAT THE SECRETARY OF STATE SHALL PUBLISH THE STATEMENT OF MEANING AND PURPOSE AND MAJOR ARGUMENTS AS WELL AS THE TEXT OF THE PROPOSED AMENDMENT IN EACH NEWSPAPER QUALIFIED TO PRINT LEGAL NOTICES AT LEAST THREE TIMES; AND REPEALING SECTION 67-507a, IDAHO CODE, RELATING TO STATEMENTS OF MEANING AND PURPOSE PROVIDED BY THE ATTORNEY GENERAL.

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

SECTION 1. That Chapter 4, Title 67, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 67-453, Idaho Code, and to read as follows:

67-453. STATEMENTS REGARDING PROPOSED CONSTITUTIONAL AMENDMENTS. Whenever the legislature shall have directed the submission of a proposal to amend the constitution of the state of Idaho to the electors, the legislative council shall, not less than one hundred twenty (120) days prior to the date of the election at which the proposed amendment will be submitted to the people, prepare and file with the secretary of state a dossier containing the following:

(1) a brief statement setting forth in simple, understandable language the meaning and purpose of the proposed amendment and the result to be accomplished by such amendment. The statement shall be included in the publications of the proposed amendment required by law of the secretary of state, and shall be printed on the official ballot by which such proposed amendment is submitted to the electors;
and

(2) a concise presentation of the major arguments advanced by the proponents and opponents of the proposed amendment designed to represent as fairly as possible the arguments relative to the proposed amendment. In preparing such arguments, the legislative council may seek the advice and suggestions of known supporters and opponents or any other persons or groups and may, in its sole discretion, use any of the suggested arguments. If any such suggestions are utilized by the legislative council, no recognition shall be given to the persons or groups which submitted the argument. The arguments shall be published in the publications required by law of the secretary of state, but shall not appear on the ballot by which such proposed amendment is submitted to the electors.

SECTION 2. That Chapter 9, 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 67-913, Idaho Code, and to read as follows:

67-913. PROPOSED CONSTITUTIONAL AMENDMENT. Whenever the legislature shall have directed the submission of a proposal to amend the constitution of the state of Idaho to the electors, the secretary of state shall provide for the publication of the statement of meaning and purpose, and the presentation of major arguments submitted by the legislative council, as well as the text of the proposed amendment. The information shall be published three (3) times, the first time to be not more than six (6) weeks preceding the election and the last time to be not more than seven (7) days preceding the election, in each newspaper qualified to print legal notices as defined in section 60-106, Idaho Code.

SECTION 3. That Section 67-507a, Idaho Code, be, and the same is hereby repealed.

Approved March 30, 1976.
CHAPTER 236

(S.B. No. 1269, As Amended)

AN ACT

RELATING TO INSPECTION OF PREMISES WHERE BEER IS SOLD;
AMENDING CHAPTER 10, TITLE 23, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 23-1011, IDAHO CODE, ALLOWING POLICE OFFICERS TO INSPECT THE PREMISES WHERE BEER IS SOLD AT RETAIL TO DETERMINE COMPLIANCE WITH STATE LAWS, RULES AND REGULATIONS AND LOCAL ORDINANCES.

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

SECTION 1. 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 23-1011, Idaho Code, and to read as follows:

23-1011. OFFICERS MAY EXAMINE PREMISES. The director or his duly authorized representative, the sheriff of any county, or any other police officer, shall have the right at any time to make an examination of the premises of any licensee as to whether the laws of the state of Idaho, the rules and regulations of the director, and the ordinances of any city or county are being complied with.

Approved March 30, 1976.
AN ACT

RELATING TO TRUSTEES OF TAX EXEMPT PROGRAMS; AMENDING CHAPTER 19, TITLE 26, IDAHO CODE, BY ADDING A NEW SECTION 26-1946, IDAHO CODE, ALLOWING SAVINGS AND LOAN ASSOCIATIONS TO ACT AS TRUSTEE FOR ANY TRUST FORMING A PART OF A STOCK BONUS, PENSION, OR PROFIT-SHARING PLAN WHICH QUALIFIES OR QUALIFIED FOR SPECIFIC TAX TREATMENT UNDER SECTION 401(d), 403(b), OR 408(a) OF THE INTERNAL REVENUE CODE OF 1954, AS AMENDED; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Chapter 19, Title 26, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 26-1946, Idaho Code, and to read as follows:

26-1946. ASSOCIATION AS TRUSTEE. An association may act as trustee, and may receive reasonable compensation for so acting, of any trust created or organized in the United States and forming part of a stock bonus, pension, or profit-sharing plan which qualifies or qualified for specific tax treatment under section 401(d), section 403(b), or section 408(a) of the Internal Revenue Code of 1954, as amended, if the funds of such trust are invested only in savings accounts or deposits in such association or in obligations or securities issued by such association. All funds held in such fiduciary capacity by any such association may be commingled for appropriate purposes of investment, but individual records shall be kept by the fiduciary for each participant and shall show in proper detail all transactions engaged in under the authority of 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.

Approved March 30, 1976.
AN ACT
RELATING TO BANKS ELIGIBLE AS STATE DEPOSITORIES; AMENDING
SECTION 67-2725, IDAHO CODE, TO PROVIDE THAT BANKS
SHOULD APPLY TO THE STATE TREASURER RATHER THAN THE
DEPARTMENT OF FINANCE FOR DESIGNATION AS STATE DEPOSI-
TORIES.

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

SECTION 1. That Section 67-2725, Idaho Code, be, and
the same is hereby amended to read as follows:

67-2725. BANKS ELIGIBLE AS DEPOSITORIES. Any national
bank or any state bank or trust company doing a banking
business in this state may become a state depository by
making application for that purpose to the department—of
finance state treasurer. Provided, as to banking corpora-
tions or national banking associations operating branches,
that they first comply with section 67-2739, Idaho Code,
upon which compliance and subject to the provisions of said
section, each of their banking offices where deposits are
received shall be designated and deemed a separate state
depository.

Approved March 30, 1976.
AMENDING SECTION 1-1105, IDAHO CODE, TO INCREASE THE CHARGES FOR FURNISHING WRITTEN TRANSCRIPTS OF COURT PROCEEDINGS TO THE SUM OF $1.75 PER PAGE FOR SAID TRANSCRIPTS.

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

SECTION 1. That Section 1-1105, Idaho Code, be, and the same is hereby amended to read as follows:

1-1105. COPY OF RECORD -- EFFECT -- CHARGE FOR FURNISHING. 1. It shall be the duty of each reporter to furnish, upon order of the court entered upon written application being made therefor by any attorney of record in a suit, or any party to a suit, in which a stenographic record has been made, a typewritten copy, or copies, of the record, or any part thereof, upon the payment by such attorney, or party, of the cost thereof, as provided in subdivision 2 hereof, to such reporter, which payment shall be retained by the reporter as a part of his compensation and in addition to his salary allowed by section 1-1102, of the Idaho Code. Said copy, or copies, shall, when properly certified by said reporter, constitute prima facie the minutes of the court, and may be used on all motions for new trials, review or appeal, when the minutes of the court may be used; and the cost of which may, when the same is used on review or appeal, be charged as costs in a civil case against the party finally defeated in the action.

2. That in all actions such reporter shall charge and receive, and retain as provided in subdivision 1 hereof, one dollar twenty seventy-five cents ($1.75) per page for the transcript to be prepared in the style and with the number of copies as directed by Rule of the Supreme Court. provided, however, that when such transcript is requested by a defendant or his attorney on an appeal in a criminal action where after conviction, it appears to the satisfaction of the district court that the accused is poor and unable to procure such transcript, the court must direct payment to such court reporter of the page charge in this subdivision provided, from the county treasury.

Approved March 30, 1976.
CHAPTER 240
(S.B. No. 1444)

AN ACT
RELATING TO TRUSTEES OF TAX EXEMPT PROGRAMS; AMENDING
CHAPTER 21, TITLE 26, IDAHO CODE, BY ADDING A NEW
SECTION 26-2167, IDAHO CODE, ALLOWING CREDIT UNIONS TO
ACT AS TRUSTEE FOR ANY TRUST FORMING A PART OF A STOCK
BONUS, PENSION, OR PROFIT-SHARING PLAN WHICH QUALIFIES
OR QUALIFIED FOR SPECIFIC TAX TREATMENT UNDER SECTION
401(d), 403(b), OR 408(a) OF THE INTERNAL REVENUE CODE
OF 1954, AS AMENDED; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Chapter 21, Title 26, Idaho Code, be,
and the same is hereby amended by the addition thereto of a
NEW SECTION, to be known and designated as Section 26-2167,
Idaho Code, and to read as follows:

26-2167. CREDIT UNION AS TRUSTEE. A credit union may
act as trustee, and may receive reasonable compensation for
so acting, of any trust created or organized in the United
States and forming part of a stock bonus, pension, or
profit-sharing plan which qualifies or qualified for spe­
cific tax treatment under section 401(d), section 403(b), or
section 408(a) of the Internal Revenue Code of 1954, as
amended, if the funds of such trust are invested only in
savings accounts or deposits in such credit union or in
obligations or securities issued by such credit union. All
funds held in such fiduciary capacity by any such associa­
tion may be commingled for appropriate purposes of invest­
ment, but individual records shall be kept by the fiduciary
for each participant and shall show in proper detail all
transactions engaged in under the authority of this section.

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

Approved March 30, 1976.
CHAPTER 241
(S.B. No. 1536)

AN ACT
EXPRESSING LEGISLATIVE INTENT WITH RESPECT TO EXPENDITURES FOR COLLEGES AND UNIVERSITIES AND JUNIOR COLLEGE SUPPORT; APPROPRIATING $2,788,100 FROM THE GENERAL FUND TO THE STATE BOARD OF EDUCATION FOR JUNIOR COLLEGE SUPPORT FOR THE PERIOD JULY 1, 1976, THROUGH JUNE 30, 1977; APPROPRIATING $54,699,300 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, 1976, THROUGH JUNE 30, 1977; MAKING CERTAIN CODE PROVISIONS SPECIFICALLY AVAILABLE TO THE STATE BOARD OF EDUCATION FOR FISCAL YEAR 1977 ONLY; AND RESERVING CERTAIN MONEYS FOR CONTINGENT USES.

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, 1976, through June 30, 1977:

<table>
<thead>
<tr>
<th>FOR:</th>
<th>FROM:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Educational Programs</td>
<td>General Fund</td>
</tr>
<tr>
<td></td>
<td>Federal Endowment Funds</td>
</tr>
<tr>
<td>State Endowment Funds:</td>
<td></td>
</tr>
<tr>
<td>Lewis-Clark Normal School</td>
<td></td>
</tr>
<tr>
<td>Income Fund</td>
<td></td>
</tr>
<tr>
<td>Idaho State University</td>
<td></td>
</tr>
<tr>
<td>Income Fund</td>
<td></td>
</tr>
<tr>
<td>Idaho State University</td>
<td></td>
</tr>
<tr>
<td>Teacher Training Fund</td>
<td></td>
</tr>
<tr>
<td>University of Idaho</td>
<td></td>
</tr>
<tr>
<td>Income Fund</td>
<td></td>
</tr>
<tr>
<td>Agricultural College Income Fund</td>
<td></td>
</tr>
<tr>
<td>School of Science Income Fund</td>
<td></td>
</tr>
<tr>
<td>Miscellaneous Receipts</td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>$57,487,400</td>
</tr>
</tbody>
</table>

$57,487,400
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, 1976, through June 30, 1977:

FOR:  
Junior College Support $2,788,100
FROM:  
General Fund $2,788,100

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, 1976, through June 30, 1977:

FOR:  
General Education Programs $54,699,300
FROM:  
General Fund $48,429,000
Federal Endowment Funds 206,600
State Endowment Funds:
    Lewis-Clark Normal School Income Fund 422,500
    Idaho State University Income Fund 173,300
    Idaho State University Teacher Training Fund 422,500
    University of Idaho Income Fund 445,000
    Agricultural College Income Fund 314,000
    School of Science Income Fund 889,000
Miscellaneous Receipts 3,397,400
TOTAL $54,699,300

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 1977 only, the provisions of Section 67-3516(1), (3) and (4), Idaho Code, notwithstanding.

SECTION 5. Out of the moneys appropriated in section 3 of this act, the sum of $250,000 from the General Fund shall be set aside to be used for contingencies by the State Board of Education and the Board of Regents of the University of Idaho. Such moneys shall be used solely for matters of an
emergency nature in educational programs which may arise during fiscal year 1977 and shall not be allocated at the commencement of fiscal year 1977 as a part of the operating budgets of the institutions. In the event such amount, or any portion thereof, is not needed for emergency purposes, such moneys shall not be used for any other purposes and shall revert to the General Fund as of June 30, 1977.

Approved March 30, 1976.

CHAPTER 242
(S.B. No. 1539)

AN ACT
APPROPRIATING MONEYS OUT OF THE FUNDS ENUMERATED TO THE SUPREME COURT FOR DESIGNATED PROGRAMS FOR THE PERIOD JULY 1, 1976, THROUGH JUNE 30, 1977; EXPRESSING LEGISLATIVE INTENT WITH RESPECT TO EXPENDITURES FOR THE JUDICIAL BRANCH; APPROPRIATING MONEYS OUT OF THE ENUMERATED FUNDS TO THE SUPREME COURT, TO BE EXPENDED FOR THE SPECIFIED PURPOSE FROM THE EFFECTIVE DATE OF THIS ACT THROUGH JUNE 30, 1976; PROVIDING AN EFFECTIVE DATE FOR A SECTION OF THIS ACT 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 sum of $4,269,200 to the Supreme Court to be expended for the designated programs from the listed funds for the period July 1, 1976, through June 30, 1977:
### For Major Programs:

<table>
<thead>
<tr>
<th>Program</th>
<th>FROM General Fund</th>
<th>FROM Miscellaneous Receipts Fund</th>
<th>FROM Federal Fund</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Supreme Court</td>
<td>$1,060,600</td>
<td>$10,000</td>
<td></td>
<td>$1,070,600</td>
</tr>
<tr>
<td>Law Library</td>
<td>143,800</td>
<td></td>
<td></td>
<td>143,800</td>
</tr>
<tr>
<td>District Court</td>
<td>1,393,600</td>
<td></td>
<td></td>
<td>1,393,600</td>
</tr>
<tr>
<td>Magistrate Division</td>
<td>1,464,900</td>
<td></td>
<td></td>
<td>1,464,900</td>
</tr>
<tr>
<td>Judicial Council</td>
<td>27,900</td>
<td></td>
<td></td>
<td>27,900</td>
</tr>
<tr>
<td>Matching Funds -- Federal Grants</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>$4,090,800</td>
<td>$10,000</td>
<td>$168,400</td>
<td>$4,269,200</td>
</tr>
</tbody>
</table>

### Section 2.

It is legislative intent that the appropriation made in section 1 shall be expended generally as outlined below for the period July 1, 1976, through June 30, 1977:

<table>
<thead>
<tr>
<th>Program</th>
<th>FOR PERSONNEL COSTS</th>
<th>FOR OPERATING EXPENDITURES</th>
<th>FOR CAPITAL OUTLAY</th>
<th>TRUSTEE AND BENEFIT PAYMENTS</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>A. Supreme Court:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Fund</td>
<td>$690,300</td>
<td>$365,700</td>
<td>$14,600</td>
<td></td>
<td>$1,060,600</td>
</tr>
<tr>
<td>Miscellaneous</td>
<td>10,000</td>
<td></td>
<td></td>
<td></td>
<td>10,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$680,300</td>
<td>$375,700</td>
<td>$14,600</td>
<td></td>
<td>$1,070,600</td>
</tr>
<tr>
<td><strong>B. Law Library:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Fund</td>
<td>$57,800</td>
<td>$54,000</td>
<td>$32,000</td>
<td></td>
<td>$143,800</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$57,800</td>
<td>$54,000</td>
<td>$32,000</td>
<td></td>
<td>$143,800</td>
</tr>
<tr>
<td><strong>C. District Court:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Fund</td>
<td>$1,340,900</td>
<td>$52,700</td>
<td></td>
<td></td>
<td>$1,393,600</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$1,340,900</td>
<td>$52,700</td>
<td></td>
<td></td>
<td>$1,393,600</td>
</tr>
<tr>
<td><strong>D. Magistrates Division:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Fund</td>
<td>$1,410,700</td>
<td>$54,200</td>
<td></td>
<td></td>
<td>$1,464,900</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$1,410,700</td>
<td>$54,200</td>
<td></td>
<td></td>
<td>$1,464,900</td>
</tr>
<tr>
<td><strong>E. Judicial Council:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Fund</td>
<td>$5,000</td>
<td>$22,900</td>
<td></td>
<td></td>
<td>$27,900</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$5,000</td>
<td>$22,900</td>
<td></td>
<td></td>
<td>$27,900</td>
</tr>
<tr>
<td>Program</td>
<td>Personnel Costs</td>
<td>Operating Expenditures</td>
<td>Capital Outlay</td>
<td>Trustee and Benefit Payments</td>
<td>Total</td>
</tr>
<tr>
<td>-------------------------</td>
<td>-----------------</td>
<td>------------------------</td>
<td>----------------</td>
<td>-----------------------------</td>
<td>----------</td>
</tr>
<tr>
<td>Court Reform -- Law</td>
<td>$62,500</td>
<td>$99,400</td>
<td>$6,500</td>
<td>$168,400</td>
<td>$168,400</td>
</tr>
<tr>
<td>Fund</td>
<td>$62,500</td>
<td>$99,400</td>
<td>$6,500</td>
<td>$168,400</td>
<td>$168,400</td>
</tr>
<tr>
<td>Grand Total</td>
<td>$3,557,200</td>
<td>$658,900</td>
<td>$53,100</td>
<td>$4,269,200</td>
<td>$4,269,200</td>
</tr>
</tbody>
</table>

SECTION 3. There is hereby appropriated out of the enumerated fund the following amount, or so much thereof as may be necessary to the Supreme Court for the purpose specified, from the effective date of this act through June 30, 1976:

**FOR:**
Deposit to the Judges' Retirement Fund
to improve actuarial soundness

**FROM:**
Fiscal Year 1976 General Fund Moneys

$136,000

SECTION 4. This act shall be in full force and effect on and after July 1, 1976, 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 30, 1976.
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 position control system that is integrated with and coordinated with the state's payroll system and to provide for payroll cost distributions as a part of the state's accounting system. It is legislative intent that the State Auditor, working through his staff, the staff of other executive departments and/or agencies, and necessary consultants, take such necessary actions as are required to acquire, develop, test, and implement a combined payroll-position control system within the state's accounting system in order that the legislative and executive departments may obtain accurate current, historical and projected personnel cost and benefit information.

SECTION 2. There is hereby appropriated to the State Auditor from the General Fund the sum of $135,000 for purposes of accomplishing the legislative intent expressed in section 1 of this act, 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 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 30, 1976.
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, 1976, THROUGH JUNE 30, 1977.

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 Revenue and Taxation not exceed the following amounts for the period July 1, 1976, through June 30, 1977:

<table>
<thead>
<tr>
<th>FOR:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel Costs</td>
<td>$3,215,200</td>
</tr>
<tr>
<td>Operating Expenditures</td>
<td>1,005,700</td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>50,700</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$4,271,600</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>FROM:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>General Fund</td>
<td>$4,042,800</td>
</tr>
<tr>
<td>State Highway Fund</td>
<td>226,100</td>
</tr>
<tr>
<td>Miscellaneous Receipts Fund</td>
<td>2,700</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$4,271,600</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, 1976, through June 30, 1977:
<table>
<thead>
<tr>
<th>PROGRAM</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>A. ADMINISTRATION &amp; SUPPORT:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Fund</td>
<td>$332,400</td>
<td>$120,300</td>
<td>$26,700</td>
<td></td>
<td>$479,400</td>
</tr>
<tr>
<td>Highway Fund</td>
<td>37,200</td>
<td>12,100</td>
<td>1,100</td>
<td></td>
<td>50,400</td>
</tr>
<tr>
<td>Miscellaneous Receipts Fund</td>
<td></td>
<td>200</td>
<td></td>
<td></td>
<td>200</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$369,600</td>
<td>$132,600</td>
<td>$27,800</td>
<td></td>
<td>$530,000</td>
</tr>
<tr>
<td>B. TAX COLLECTION &amp; AUDIT:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Fund</td>
<td>$2,283,300</td>
<td>$692,500</td>
<td>$20,100</td>
<td></td>
<td>$2,995,900</td>
</tr>
<tr>
<td>Highway Fund</td>
<td>113,400</td>
<td>61,600</td>
<td>700</td>
<td></td>
<td>175,700</td>
</tr>
<tr>
<td>Miscellaneous Receipts Fund</td>
<td></td>
<td>2,000</td>
<td></td>
<td></td>
<td>2,000</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$2,396,700</td>
<td>$756,100</td>
<td>$20,800</td>
<td></td>
<td>$3,173,600</td>
</tr>
<tr>
<td>C. AD VALOREM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Fund</td>
<td>$422,000</td>
<td>$83,500</td>
<td>$2,100</td>
<td></td>
<td>$507,600</td>
</tr>
<tr>
<td>Miscellaneous Receipts Fund</td>
<td></td>
<td>500</td>
<td></td>
<td></td>
<td>500</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$422,000</td>
<td>$84,000</td>
<td>$2,100</td>
<td></td>
<td>$508,100</td>
</tr>
<tr>
<td>D. MULTI-STATE TAX COMPACT:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Fund</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>$23,000</td>
<td></td>
<td></td>
<td></td>
<td>$23,000</td>
</tr>
<tr>
<td>E. TAX APPEALS:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Fund</td>
<td>$26,900</td>
<td>$10,000</td>
<td></td>
<td></td>
<td>$36,900</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$26,900</td>
<td>$10,000</td>
<td></td>
<td></td>
<td>$36,900</td>
</tr>
<tr>
<td>GRAND TOTAL</td>
<td>$3,215,200</td>
<td>$1,005,700</td>
<td>$50,700</td>
<td></td>
<td>$4,271,600</td>
</tr>
</tbody>
</table>

Approved March 30, 1976.
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, 1976, THROUGH JUNE 30,
1977; AND REPEALING SENATE BILL NO. 1540, SECOND REGULAR
SESSION, FORTY-THIRD IDAHO LEGISLATURE.

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

SECTION 1. It is legislative intent that the expendi­
tures for the Department of Law Enforcement not exceed the
following amounts for the period July 1, 1976 through June
30, 1977:

FOR:
Personnel Costs $8,009,700
Operating Expenditures 3,044,800
Capital Outlay 595,300
TOTAL $11,649,800

FROM:
General Fund $1,578,700
Dedicated Funds:
Highway Fund 260,600
Motor Vehicle Fund 7,947,300
Liquor Law Enforcement Fund 285,000
Alcohol Safety Action Program Fund 550,300
Idaho State Horse Racing Commission Fund 159,500
State Brand Board Fund 868,400
TOTAL $11,649,800
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, 1976 through June 30, 1977:

<table>
<thead>
<tr>
<th>PROGRAM</th>
<th>FOR PERSONNEL COSTS</th>
<th>FOR OPERATING EXPENDITURES</th>
<th>FOR CAPITAL OUTLAY</th>
<th>TRUSTEE AND BENEFIT PAYMENTS</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. GENERAL ADMINISTRATION:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Motor Vehicle Fund</td>
<td>$ 321,400</td>
<td>$ 141,900</td>
<td></td>
<td></td>
<td>$ 463,300</td>
</tr>
<tr>
<td>B. SUPPORT SERVICES:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Motor Vehicle Fund</td>
<td>$ 184,500</td>
<td>$ 223,900</td>
<td>$ 600</td>
<td></td>
<td>$ 409,000</td>
</tr>
<tr>
<td>C. CRIMINAL IDENTIFICATION BUREAU:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Fund</td>
<td>$ 267,900</td>
<td>$ 298,600</td>
<td>$ 2,500</td>
<td></td>
<td>$ 569,000</td>
</tr>
<tr>
<td>D. NARCOTICS AND DANGEROUS DRUGS:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Fund</td>
<td>$ 444,300</td>
<td>$ 226,200</td>
<td>$ 17,100</td>
<td></td>
<td>$ 687,600</td>
</tr>
<tr>
<td>E. LIQUOR LAW AND CRIMINAL INVESTIGATION:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Fund</td>
<td>$ 276,000</td>
<td>$ 37,300</td>
<td>$ 8,800</td>
<td></td>
<td>$ 322,100</td>
</tr>
<tr>
<td>Liquor Law Enforcement Fund</td>
<td>$ 175,200</td>
<td>$ 104,500</td>
<td>$ 5,300</td>
<td></td>
<td>$ 285,000</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$ 451,200</td>
<td>$ 141,700</td>
<td>$ 14,100</td>
<td></td>
<td>$ 607,100</td>
</tr>
<tr>
<td>F. OPERATOR'S LICENSE:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Motor Vehicle Fund</td>
<td>$ 392,500</td>
<td>$ 259,100</td>
<td>$ 500</td>
<td></td>
<td>$ 652,100</td>
</tr>
<tr>
<td>G. SAFETY RESPONSIBILITY:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Motor Vehicle Fund</td>
<td>$ 91,500</td>
<td>$ 22,900</td>
<td></td>
<td></td>
<td>$ 114,400</td>
</tr>
<tr>
<td>H. VEHICLE TITLES:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Motor Vehicle Fund</td>
<td>$ 286,200</td>
<td>$ 61,500</td>
<td>$ 2,700</td>
<td></td>
<td>$ 350,400</td>
</tr>
<tr>
<td>PROGRAM</td>
<td>FOR TRUSTEE AND BENEFIT PAYMENTS</td>
<td>FOR CAPITAL OUTLAY</td>
<td>FOR OPERATING EXPENDITURES</td>
<td>FOR PERSONNEL COSTS</td>
<td>TOTAL</td>
</tr>
<tr>
<td>---------------------------------------------</td>
<td>----------------------------------</td>
<td>--------------------</td>
<td>---------------------------</td>
<td>---------------------</td>
<td>-----------------</td>
</tr>
<tr>
<td>I. VEHICLE REGISTRATION:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Motor Vehicle Fund</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>J. MOTOR CARRIER BUREAU:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Motor Vehicle Fund</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>K. WEIGHTSTATION BUREAU:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Highway Fund</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Motor Vehicle Fund</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>L. IDAHO STATE POLICE:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Motor Vehicle Fund</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Alcohol Safety Action Program Fund</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>M. BRAND INSPECTION:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>State Brand Board Fund</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>N. HORSE RACING COMMISSION:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Idaho State Horse Racing Commission Fund</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

SECTION 3. That Senate Bill No. 1540, Second Regular Session, Forty-third Idaho Legislature, be, and the same is hereby repealed.

Approved March 30, 1976.
CHAPTER 246
(S.B. No. 1422)

AN ACT
RELATING TO A HEARING UNDER THE YOUTH REHABILITATION ACT; AMENDING SECTION 16-1809, IDAHO CODE, TO STRIKE THE REFERENCE TO THE NOTIFICATION OF A CHILD AND HIS PARENTS OF THE RIGHT TO COURT APPOINTED COUNSEL IF THEY ARE FINANCIALLY UNABLE TO EMPLOY COUNSEL; AMENDING CHAPTER 18, TITLE 16, IDAHO CODE, BY ADDING A NEW SECTION 16-1809A, IDAHO CODE, TO PROVIDE FOR THE NOTIFICATION TO A CHILD AND HIS PARENTS OR GUARDIAN OF THE RIGHT TO COURT APPOINTED COUNSEL IN A YOUTH REHABILITATION ACT PROCEEDING IF THEY ARE FINANCIALLY UNABLE TO PAY FOR SUCH LEGAL SERVICES, TO PROVIDE FOR THE PROCEDURE FOR THE APPOINTMENT OF COUNSEL FOR A CHILD OR HIS PARENTS OR GUARDIAN, TO PROVIDE FOR THE PROCEDURE TO DETERMINE WHETHER THERE IS ANY CONFLICT OF INTEREST BETWEEN THE CHILD AND HIS PARENTS OR GUARDIAN IN THE APPOINTMENT OF COUNSEL, TO PROVIDE THE REQUIREMENTS FOR A WAIVER OF RIGHT TO COURT APPOINTED COUNSEL, TO PROVIDE THAT THE PARENTS, SPOUSE OR OTHER PERSON LIABLE FOR THE SUPPORT OF THE CHILD, OR THEIR ESTATES, SHALL BE LIABLE FOR THE COST OF LEGAL SERVICES RENDERED BY COURT APPOINTED COUNSEL, AND TO PROVIDE FOR THE ENFORCEMENT AND COLLECTION OF SUCH REIMBURSEMENT FOR THE COST OF COURT APPOINTED COUNSEL FOR A CHILD OR HIS PARENTS OR GUARDIAN IN A YOUTH REHABILITATION ACT PROCEEDING.

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

SECTION 1. That Section 16-1809, Idaho Code, be, and the same is hereby amended to read as follows:

16-1809. SERVICE OF SUMMONS -- TRAVEL EXPENSES. Service of summons shall be made personally by delivery of an attested copy thereof to the person summoned; provided that if the judge is satisfied that it is impracticable to serve personally such summons or the notice provided for in the preceding section, he may order service by registered mail addressed to the last known address, or by publication thereof, or both. It shall be sufficient to confer jurisdiction if service is effected at least forty-eight (48) hours before the time fixed in the summons for the hearing. When
publication is used the summons shall be published in two (2) consecutive issues of a weekly newspaper printed and published in the county; such newspaper to be designated by the court in the order for publication of the summons, and such publication shall have the same force and effect as though such person had been personally served with said summons. Service of summons, process or notice required by this act shall be made by the sheriff or a probation officer upon the request of the court and a return must be made by the sheriff on the summons showing that such service has been made. The judge may authorize payment of any necessary travel expenses incurred by any person summoned or otherwise required to appear at the hearing of any case coming within the purview of this act, and such expenses when approved by the judge shall be a charge upon the county, except that not more than five (5) witnesses on behalf of any parent or guardian may be required to attend such hearing at the expense of the county. The court may summon the appearance of any person whose presence is deemed necessary as a witness or possible resource for the care and treatment of the child, including persons whom the child or the family wishes to have present. As early as possible in the proceedings before the hearing of the child and his parents, or guardian or custodian shall be notified of their right to have counsel; if they desire counsel and are financially unable to employ counsel, the court may appoint counsel to represent them, said counsel to receive reasonable compensation from the county.

SECTION 2. That Chapter 8, Title 16, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 16-1809A, Idaho Code, and to read as follows:

16-1809A. APPOINTMENT OF COUNSEL -- PAYMENT OF COST OF LEGAL SERVICES. 1. As early as possible in the proceedings, and in any event before the hearing of the petition on the merits, the child and his parents, or guardian, shall be notified of their right to have counsel represent them. When it appears to the court that the child or his parents or guardian desire counsel but are financially unable to pay for such legal services, the court shall appoint counsel to represent the child and his parents or guardian; provided that in the event the court shall find that there is a conflict of interest between the interest of the child and his parents or guardian, then the court shall appoint separate counsel for the child, whether or not he or his par-
ents or guardian are able to afford counsel, unless there is an intelligent waiver of the right of counsel by the child and the court further determines that the best interest of the child does not require the appointment of counsel. Counsel appointed under this section shall initially receive reasonable compensation from the county and the county shall have the right to be reimbursed for the cost thereof by the parents or guardian as hereafter provided in this section.

2. The parents, spouse or other person liable for the support of the child, or the estates of such persons, and the estate of such child, shall be liable for the cost to the county of legal services rendered to the child by counsel appointed pursuant to this section, unless the court finds such persons to be needy persons and financially unable to pay the cost of such legal services.

3. The prosecuting attorney of each county may, on behalf of the county, recover payment or reimbursement, as the case may be, from each person who is liable for the payment or reimbursement of the cost of court appointed counsel for the child, his parents or guardian under this section. In the event such payment or reimbursement is not made upon demand by the prosecuting attorney, suit may be brought against such persons by the prosecuting attorney within five (5) years after the date on which such counsel was appointed by the court.

Approved March 30, 1976.
CHAPTER 247
(S.B. No. 1522)

AN ACT
RELATING TO LIABILITY INSURANCE ON MOTOR VEHICLES; REPEALING
SECTIONS 49-232 THROUGH 49-237, IDAHO CODE; ADDING A NEW
SECTION 49-232, IDAHO CODE, DEFINING MOTOR VEHICLE; ADD-
ING A NEW SECTION 49-233, IDAHO CODE, REQUIRING LIABIL-
ITY INSURANCE OR EQUIVALENT AS A CONDITION OF REGISTA-
RATION; ADDING A NEW SECTION 49-234, IDAHO CODE, REQUIRING
CERTIFICATION OF COMPLIANCE; ADDING A NEW SECTION
49-235, IDAHO CODE, PROHIBITING UNINSURED OPERATION OF A
MOTOR VEHICLE AND ESTABLISHING A PENALTY THEREFORE;
DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Sections 49-232 through 49-237, Idaho
Code, be, and the same are hereby repealed.

SECTION 2. That Chapter 2, 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 49-232,
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.

SECTION 3. That Chapter 2, 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 49-233,
Idaho Code, and to read as follows:

49-233. REQUIRED MOTOR VEHICLE INSURANCE. (a) Every
owner of a motor vehicle which is registered and operated in
Idaho by the owner or with his permission shall continuously
provide insurance against loss resulting from liability
imposed by law for bodily injury or death or damage to prop-
erty suffered by any person caused by 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 shall demonstrate the existence of any other coverage required by title 49, Idaho Code, or a certificate of self-insurance issued by the director of law enforcement pursuant to section 49-1534, Idaho Code, for each motor vehicle to be registered.

(b) A motor vehicle owner who prefers to post an indemnity bond with the director of insurance in lieu of obtaining a policy of liability insurance may do so. 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) accident of which five thousand dollars ($5,000) is for property damage, for each vehicle to be registered up to a maximum up to 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 and operated. Such bond shall be on a form approved by the director of insurance with a surety company authorized to do business in the state.

SECTION 4. That Chapter 2, 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 49-234, Idaho Code, and to read as follows:

49-234. PROOF OF COMPLIANCE. Before any applicant required to register his motor vehicle as defined in section 49-232, Idaho Code, may do so the applicant must certify the existence of automobile liability insurance covering the motor vehicle or vehicles on a form prescribed by the department of law enforcement. The department of law enforcement may immediately cancel the registration card and license plates of the vehicle upon notification that the insurance certification was not correctly represented.

An owner of a motor vehicle who ceases to maintain the insurance required in accordance with this act shall immediately surrender the registration card and license plates for the vehicle to the department of law enforcement and may not operate or permit operation of the vehicle in Idaho until insurance has again been furnished as required in accordance with this act and the vehicle is again registered and li-
censed.

SECTION 5. That Chapter 2, 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 49-235, Idaho Code, and to read as follows:

49-235. 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 with the director of insurance as provided by section 49-233, Idaho Code. A violation of this section shall be a misdemeanor.

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 April 1, 1976.

Approved March 30, 1976.
AN ACT
RELATING TO BANKING; AMENDING CHAPTER 10, TITLE 26, IDAHO CODE, BY ADDING A NEW SECTION 26-1018, IDAHO CODE, PROVIDING FOR CUSTOMER-BANK COMMUNICATION TERMINALS AND PROVIDING LIMITATIONS ON THEIR OPERATION; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Chapter 10, Title 26, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 26-1018, Idaho Code, and to read as follows:

26-1018. CUSTOMER-BANK COMMUNICATION TERMINAL. A bank may make available for use by its customers one or more electronic devices or machines through which the customer may communicate to the bank a request to withdraw money either from his account or from a previously authorized line of credit, or an instruction to receive or transfer funds for the customer's benefit. The device may receive or dispense cash in accordance with such a request or instruction, subject to verification on line or off line by the bank. Any transactions initiated through such a device shall be subject to verification by the bank either by direct wire transmission or otherwise. Such facilities may be unmanned or manned.

A person may perform as would a device so long as the person does not perform any functions not specifically authorized by this section.

These devices shall be designated as a customer-bank communication terminal (CBCT). The use of a CBCT at locations other than the main office or a branch office of the bank does not constitute branch banking. A bank shall provide insurance protection under its bonding program for transactions involving such devices.

A. The establishment and use of a CBCT is subject to the following limitations:

(1) Written notice must be given to the director's office no less than thirty (30) days before any CBCT is put into operation. Any bank presently utilizing a CBCT
shall comply with the notice requirements within thirty (30) days. Such notice shall describe with regard to the communication system:

(a) the location;
(b) a general description of the area where located and the manner of installation;
(c) the manner of operation;
(d) the kinds of functions which will be performed;
(e) whether the CBCT will be shared, and, if so, under what terms and with what other institutions and their location;
(f) the manufacturer and, if owned, the purchase price or, if leased, a copy of the lease;
(g) the distance from the nearest banking office and from the nearest similar CBCT of the reporting bank; and
(h) the distance from the nearest banking office and nearest CBCT of another commercial bank, which will share the facility, and the name of such other bank or banks.

(2) The functions of the CBCT shall be limited to:
(a) the receiving of deposits;
(b) the cashing of checks;
(c) the dispensing of cash;
(d) payment of loan proceeds on a prearranged line of credit;
(e) the communication of other such information directly related to the customer's account; and
(f) receiving loan payments.

(3) Arrangements may be made at the CBCT for the placing or installation of a receptacle in which a customer may place packaged communication intended for the bank.

(4) The CBCT shall be a communication service available only to customers of the bank or other financial institutions which the management of the bank may approve.

(5) The CBCT shall not be advertised as full service banking or as performing anything other than activities set out in subsection A(2) of this section.

B. To the extent consistent with the anti-trust laws, the banks are required to share unmanned CBCTs at a reasonable fee with one or more other financial institutions if requested by the other financial institution.

C. The director may issue a cease and desist order upon a finding that a bank utilizing a CBCT is doing so in a manner not specifically authorized by this section.

D. The provisions of section 26-1002, Idaho Code, which
prohibit a bank from transacting business on Saturdays and legal holidays shall not apply to customer-bank communication terminals operated under the provisions of this section.

E. This section shall be deemed to apply to national banks operating customer-bank communication terminals and for the purpose of this act a financial institution shall mean any state or federally chartered commercial bank, savings and loan association or credit union authorized by the department of finance or a comparable federal agency to do business in the state of Idaho.

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

Approved March 30, 1976.
AN ACT

EXPRESSING LEGISLATIVE INTENT WITH RESPECT TO EXPENDITURES FOR THE DEPARTMENT OF FISH AND GAME; 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, 1976, THROUGH JUNE 30, 1977; AND EXEMPTING CONSTRUCTION AUTHORIZED IN 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, 1976 through June 30, 1977:

<table>
<thead>
<tr>
<th>FOR:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel Costs</td>
<td>$5,393,300</td>
</tr>
<tr>
<td>Operating Expenditures</td>
<td>2,721,700</td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>1,152,600</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$9,267,600</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>FROM:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Fish and Game Fund</td>
<td>$9,217,600</td>
</tr>
<tr>
<td>General Interaccount Fund</td>
<td>50,000</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$9,267,600</strong></td>
</tr>
</tbody>
</table>

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, 1976 through June 30, 1977:
<table>
<thead>
<tr>
<th>PROGRAM</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><strong>A. ADMINISTRATION:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fish &amp; Game Fund</td>
<td>$753,100</td>
<td>$321,800</td>
<td>$24,400</td>
<td>$1,099,300</td>
<td></td>
</tr>
<tr>
<td>General Interaccount Fund</td>
<td>20,000</td>
<td>20,000</td>
<td>10,000</td>
<td>50,000</td>
<td>$1,149,300</td>
</tr>
<tr>
<td><strong>B. ENFORCEMENT DIVISION:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fish &amp; Game Fund</td>
<td>$1,293,400</td>
<td>$284,200</td>
<td>$56,400</td>
<td>$1,634,000</td>
<td></td>
</tr>
<tr>
<td><strong>C. FISHERIES DIVISION:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fish &amp; Game Fund</td>
<td>$1,352,400</td>
<td>$1,056,100</td>
<td>$113,900</td>
<td>$2,522,400</td>
<td></td>
</tr>
<tr>
<td><strong>D. GAME PROGRAM:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fish &amp; Game Fund</td>
<td>$1,229,200</td>
<td>$787,200</td>
<td>$283,600</td>
<td>$2,300,000</td>
<td></td>
</tr>
<tr>
<td><strong>E. INFORMATION AND EDUCATION:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fish &amp; Game Fund</td>
<td>$225,100</td>
<td>$118,800</td>
<td>$37,500</td>
<td>$381,400</td>
<td></td>
</tr>
<tr>
<td><strong>F. ENGINEERING:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fish &amp; Game Fund</td>
<td>$441,300</td>
<td>$95,900</td>
<td>$626,300</td>
<td>$1,163,500</td>
<td></td>
</tr>
<tr>
<td><strong>G. PLANNING AND ENVIRONMENTAL SERVICES:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fish &amp; Game Fund</td>
<td>$78,800</td>
<td>$37,700</td>
<td>$500</td>
<td>$117,000</td>
<td></td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>$78,800</td>
<td>$37,700</td>
<td>$500</td>
<td>$117,000</td>
<td></td>
</tr>
<tr>
<td><strong>GRAND TOTAL</strong></td>
<td>$2,721,700</td>
<td></td>
<td>$1,152,600</td>
<td>$9,287,600</td>
<td></td>
</tr>
</tbody>
</table>

SECTION 3. Construction authorized under the provisions of this act in the engineering program, to include all preliminary matters through completion of construction, is expressly exempt from the provisions of section 67-5711, Idaho Code.

Approved March 30, 1976.
CHAPTER 250
(H.B. No. 447, As Amended in the Senate)

AN ACT
EXCUSING ALL LIENS AND INDEBTEDNESS OF ACTUAL RECIPIENTS OF OLD-AGE ASSISTANCE INCURRED AS A RESULT OF THE PAYMENT OF OLD-AGE ASSISTANCE AS PROVIDED IN CHAPTER 2, TITLE 56, IDAHO CODE; PROVIDING THAT THIS ACT SHALL NOT GIVE RISE TO ANY CLAIMS OR ACTIONS FOR REFUNDS FOR LIENS PREVIOUSLY SATISFIED NOR TO ANY CLAIMS OR LIENS AGAINST PROPERTY PURCHASED BY A SUBSEQUENT BUYER; REPEALING SECTION 56-224a, IDAHO CODE, RELATING TO RECOVERY FROM RECIPIENTS OF OLD-AGE ASSISTANCE WHO OWN REAL PROPERTY; REPEALING SECTION 56-224b, IDAHO CODE, RELATING TO COMPROMISE AND RELEASE OF CLAIMS AND LIENS; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. The purpose of this act is to excuse all liens and indebtedness of the actual recipients of old-age assistance incurred as a result of the payment of old-age assistance as provided in chapter 2, title 56, Idaho Code. This act shall not give rise to any claim or action for refunds for being previously satisfied, nor shall this act be applicable to any claims or liens against property purchased by a subsequent buyer.

SECTION 2. That Sections 56-224a and 56-224b, Idaho Code, be, and the same are hereby repealed.

SECTION 3. This act shall be in full force and effect on and after July 1, 1977.

Approved March 30, 1976.
AN ACT
RELATING TO IRRIGATION DISTRICTS; AMENDING SECTION 43-401, IDAHO CODE, TO PROVIDE THAT THE DIRECTORS OF AN IRRIGATION DISTRICT MAY ENTER INTO CONTRACTUAL INDEBTEDNESS WITH A MONEY-LENDING INSTITUTION; AMENDING SECTION 43-322, IDAHO CODE, TO PROVIDE THAT THE DISTRICT MAY INCUR INDEBTEDNESS THROUGH BORROWING FOR UP TO TWENTY YEARS, PROVIDED THAT SUCH INDEBTEDNESS SHALL BE SUBJECT TO THE ELECTION PROVISIONS OF SECTION 43-401, IDAHO CODE; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 43-401, Idaho Code, be, and the same is hereby amended to read as follows:

43-401. PLAN OF CONSTRUCTION -- ISSUANCE OF BONDS -- INDEBTEDNESS -- ELECTION. As soon as practicable after the organization of any such district the board of directors shall, by a resolution entered on its records, formulate a general plan of its proposed operations, in which it shall state what constructed works or other property it proposes to purchase and the cost of purchasing the same; and further what construction work it proposes to do and how it proposes to raise the funds for carrying out said plan. For the purpose of ascertaining the cost of any such construction work, said board shall cause such surveys, examinations and plans to be made as shall demonstrate the practicability of such plan, and furnish the proper basis for an estimate of the cost of carrying out the same. All such surveys, examinations, maps, plans and estimates, shall be made under the direction of a competent irrigation engineer and certified by him. Said board shall then submit a copy of the same to the department of water resources, and within ninety (90) days thereafter the department shall file a report upon the same with said board, which report shall contain such matters as, in the judgment of the department may be desirable.

Upon receiving said report said board of directors shall proceed to determine the amount of money necessary to be raised, and shall immediately thereafter call a special election, at which shall be submitted to the electors of
said district possessing the qualifications hereinafter prescribed the question whether or not the bonds of said district, or the right to enter into an obligation with the United States in the manner hereinafter in this title provided, or whether a contractual arrangement with a money-lending institution, in the amount as determined, shall be authorized.

Notice of such election must be given by posting notices in three (3) public places in each election precinct in said district at least four (4) weeks before the date of said election, and the publication thereof for the same length of time in some newspaper published in the district, and in case no paper is published in the district, then in a paper published in each county in which the district or any part thereof is located. Such notice must specify the time of holding the election, the qualifications of voters, the amount of bonds proposed to be issued, and, in case such maps and estimates have been made, it shall further state that copies thereof, and in all cases it shall state that said report of the department of water resources, are on file and open to public inspection by the people of the district, at the office of said board and at the office of the department of water resources at the state capitol.

No person who is not a resident holder of title or evidence of title to lands located and subject to assessment within such district, or the wife or husband of such holder of title or evidence of title, shall be entitled to vote at such election. Otherwise said election must be held and the results thereof determined and declared in all respects as nearly as practicable in conformity with the provisions of this title governing the election of officers: provided, that no informalities in conducting such an election shall invalidate the same if the election shall have been otherwise fairly conducted. At such election the ballots shall contain the words "bonds--yes" or "bonds--no," or other words equivalent thereto. If two-thirds (2/3) of the votes cast are "bonds--yes" the board of directors shall cause bonds in said amount to be issued; if more than one-third (1/3) of the votes cast at any bond election are "bonds--no" the result of such election shall be so declared and entered of record.

And whenever thereafter said board in its judgment deems it for the best interest of the district that the question of the issuance of bonds in said amount, or any other amount, shall be submitted to the electors, it shall so declare of record in its minutes, and may thereupon submit such questions to said electors in the same manner and with
like effect as at such previous election.

SECTION 2. That Section 43-322, Idaho Code, be, and the same is hereby amended to read as follows:

43-322. POWER TO INCUR DEBTS -- WARRANTS. The board of directors, or other officers of the district, shall have no power to incur any debt or liability whatever, either by issuing bonds or otherwise, in excess of the express provisions of this section; and any debt or liability incurred in excess of such express provisions shall be and remain absolutely void: provided, that for the purpose of organization, or for any of the purposes of this title, the board of directors may, before the collection of the first assessment, incur indebtedness and cause warrants of the district to issue therefor according to the following limitations: Districts embracing 50,000 acres, or more, of irrigable land, not in excess of $15,000 of warrants; districts embracing 40,000 acres, or more, and less than 50,000 acres of irrigable land, up to $12,000 of warrants; districts embracing 30,000 acres, or more, and less than 40,000 acres of irrigable land, up to $9,000 of warrants; districts embracing 20,000, or more, and less than 30,000 acres of irrigable land, up to $6,000 of warrants; districts embracing 10,000 acres, or more, and less than 20,000 acres of irrigable land, up to $4,000 of warrants; districts embracing more than 2,000 acres, or more, and less than 10,000 acres of irrigable land up to $3,000 of warrants, and districts embracing less than 2,000 acres of irrigable land up to $2,000 of warrants.

Provided, further, that for the purpose of defraying the expenses in the care, operation, repair and improvement of such portion of the irrigation works of the district as are completed and in use, including salaries of officers and employees, the board of directors of an irrigation district may at any time issue warrants of such district in payment of claims of indebtedness against the district, not to exceed the district's anticipated revenue.

The warrants herein authorized shall be in form and substance the same as county warrants or as near the same as may be practicable and shall be signed by the chairman and attested by the secretary of said board. All such warrants shall be presented by the holder thereof to the transfer of the district for payment who shall indorse thereon the day of presentation for payment with the additional indorsement thereon, in case of nonpayment, that they are not paid for want of funds, and such warrants shall draw interest at
seven per cent (7%) per annum from the date of their presentation to the treasurer for payment as aforesaid until such warrants are paid. No warrants shall be issued in payment of any indebtedness of such district for less than face or par value. It shall be the duty of the treasurer from time to time when he has sufficient funds in his hands for that purpose to advertise in some newspaper in the county in which the district is situated requiring the presentation to him for payment of as many of the outstanding warrants as he may be able to pay. Ten (10) days after the first publication of said notice by the treasurer calling in any of said outstanding warrants, said warrants shall cease to bear interest, which shall be stated in the notice. Said notice shall be published two (2) weeks consecutively and said warrants shall be called in and paid in the order of their indorsement.

Provided, further, after an irrigation district has organized and has no warrants outstanding, the district may maintain its operation on a cash basis and pay by check the expenses of operation and maintenance, repair, improvement, obligations on contractual or bonded indebtedness, and all other general necessary expenses incurred by the district.

The board of directors, or other officers of the district, may incur debt by contracting indebtedness with a money-lending institution, subject to the election requirements contained in section 43-401, Idaho Code, but the term of such indebtedness shall not exceed twenty (20) years.

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 30, 1976.
CHAPTER 252
(H.B. No. 708)

AN ACT

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

SECTION 1. It is legislative intent that the expenditures of 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, 1976, through June 30, 1977:

FOR:
Special Programs, University of Idaho $9,645,400
FROM:
General Fund 6,833,100
Federal Funds:
Hatch Act 700,300
Regional Research 289,000
Agricultural Research - Rural 14,200
Smith-Lever Act 1,382,600
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, 1976, through June 30, 1977.

A. AGRICULTURAL RESEARCH PROGRAM:

FOR:

Personnel Costs
Operating Expenditures
Capital Outlay

TOTAL

FROM:

General Fund
Federal Funds:
  Hatch Act
  Regional Research
  Agricultural Research - Rural
  Local Station Income

TOTAL

B. COOPERATIVE EXTENSION SERVICE PROGRAM:

FOR:

Personnel Costs
Operating Expenditures
Capital Outlay

TOTAL

FROM:

General Fund
Federal Funds:
  Smith-Lever Act
  Expanded Nutrition
  Indian Affairs
  Local Smith-Lever Act Funds

TOTAL
July 1, 1976, through June 30, 1977.

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 amounts, to be expended for the Northwest College of Veterinary Medicine Program for the designated purposes, according to expense classes designated from the enumerated funds, for the period July 1, 1976, through June 30, 1977.

A. INSTRUCTION:

FOR:
Personnel Costs $262,700
Operating Expenditures 39,700
Capital Outlay 20,000
TOTAL $322,400
FROM:
General Fund $309,600
Miscellaneous Receipts 12,800
TOTAL $322,400

B. RESEARCH AND SERVICE:

FOR:
Personnel Costs $134,200
Operating Expenditures 18,000
Capital Outlay 10,000
TOTAL $162,200
FROM:
General Fund $162,200

SECTION 5. 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 WAMI Medical Education Program, according to designated expense classes from the enumerated funds, for the period July 1, 1976, through June 30, 1977.

FOR:
Personnel Costs $179,500
Operating Expenditures 40,200
<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Trustee &amp; Benefit Payments</td>
<td>342,600</td>
</tr>
<tr>
<td>TOTAL</td>
<td>562,300</td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
</tr>
<tr>
<td>General Fund</td>
<td>556,500</td>
</tr>
<tr>
<td>Miscellaneous Receipts</td>
<td>5,800</td>
</tr>
<tr>
<td>TOTAL</td>
<td>562,300</td>
</tr>
</tbody>
</table>

Approved March 30, 1976.
AN ACT
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, 1976, THROUGH JUNE 30, 1977.

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

SECTION 1. 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, 1976, through June 30, 1977:

<table>
<thead>
<tr>
<th>PROGRAM</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>A. VOCATIONAL EDUCATION:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Fund</td>
<td>$653,500</td>
<td>$173,300</td>
<td>$12,200</td>
<td>$8,757,900</td>
<td>$9,596,900</td>
</tr>
<tr>
<td>Vocational Education Amendments of 1968 Fund</td>
<td></td>
<td></td>
<td></td>
<td>2,418,100</td>
<td>2,418,100</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$653,500</td>
<td>$173,300</td>
<td>$12,200</td>
<td>11,176,000</td>
<td>12,015,000</td>
</tr>
<tr>
<td>B. ADVISORY COUNCIL:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vocational Education Advisory Council Fund</td>
<td>$31,100</td>
<td>$22,700</td>
<td></td>
<td>$53,800</td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>$31,100</td>
<td>$22,700</td>
<td></td>
<td>$53,800</td>
<td></td>
</tr>
<tr>
<td>C. EMERGENCY TRAINING:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Fund</td>
<td>$684,600</td>
<td>$196,000</td>
<td>$12,200</td>
<td>$275,000</td>
<td>$275,000</td>
</tr>
<tr>
<td>GRAND TOTAL</td>
<td>$684,600</td>
<td>$196,000</td>
<td>$12,200</td>
<td>11,451,000</td>
<td>12,343,800</td>
</tr>
</tbody>
</table>

Approved March 30, 1976.
AN ACT
AMENDING SECTION 2, CHAPTER 225, LAWS OF 1975, RELATING TO
THE APPROPRIATION TO THE DEPARTMENT OF ADMINISTRATION,
BY INCREASING APPROPRIATIONS FROM THE GENERAL
INTERACCOUNT FUND BY $110,800, THE CAPITOL MALL FUND BY
$300, THE GENERAL FUND BY $1,000, THE PUBLIC BUILDINGS
ENDOWMENT FUND BY $300, THE RISK RETENTION FUND BY
$413,000 AND THE EMERGENCY MEDICAL SYSTEMS FUND BY $300;
AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 2, Chapter 225, Laws of 1975, be, and the same is hereby amended to read as follows:

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>PROGRAM</th>
<th>FROM:</th>
<th>OPERATING EXPENDITURES</th>
<th>CAPITAL OUTLAY</th>
<th>BENEFIT PAYMENTS</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>I. DEPARTMENTAL ADMINISTRATION PROGRAM:</td>
<td>General Fund</td>
<td>$ 60,100</td>
<td>$600</td>
<td></td>
<td>$60,100</td>
</tr>
<tr>
<td></td>
<td>Capitol Mall Fund</td>
<td>$ 20,700</td>
<td>$300</td>
<td>$ 88,400</td>
<td>$116,940</td>
</tr>
<tr>
<td></td>
<td>Public Buildings</td>
<td>$ 20,000</td>
<td>$300</td>
<td>$ 88,400</td>
<td>$116,940</td>
</tr>
<tr>
<td></td>
<td>Endowment Fund</td>
<td>$ 20,000</td>
<td>$300</td>
<td>$ 88,400</td>
<td>$116,940</td>
</tr>
<tr>
<td></td>
<td>Emergency Medical Systems Fund</td>
<td>$ 20,000</td>
<td>$300</td>
<td>$ 88,400</td>
<td>$116,940</td>
</tr>
<tr>
<td></td>
<td>TOTALS</td>
<td>$ 60,100</td>
<td>$600</td>
<td></td>
<td>$60,100</td>
</tr>
<tr>
<td>II. FISCAL OPERATIONS PROGRAM:</td>
<td>General Interaccount Fund</td>
<td>$ 20,100</td>
<td>$300</td>
<td>$ 88,400</td>
<td>$116,940</td>
</tr>
<tr>
<td></td>
<td>TOTALS</td>
<td>$ 20,100</td>
<td>$300</td>
<td></td>
<td>$20,100</td>
</tr>
<tr>
<td>III. GENERAL SERVICES -- ADMINISTRATION PROGRAM:</td>
<td>General Fund</td>
<td>$ 20,100</td>
<td>$300</td>
<td>$ 88,400</td>
<td>$116,940</td>
</tr>
<tr>
<td></td>
<td>TOTALS</td>
<td>$ 20,100</td>
<td>$300</td>
<td></td>
<td>$20,100</td>
</tr>
<tr>
<td>IV. GENERAL SERVICES -- POSTAL PROGRAM:</td>
<td>General Fund</td>
<td>$ 20,100</td>
<td>$300</td>
<td></td>
<td>$20,100</td>
</tr>
<tr>
<td></td>
<td>TOTALS</td>
<td>$ 20,100</td>
<td>$300</td>
<td></td>
<td>$20,100</td>
</tr>
<tr>
<td>V. GENERAL SERVICES -- TELEPHONE PROGRAM:</td>
<td>General Interaccount Fund</td>
<td>$ 20,100</td>
<td>$300</td>
<td>$ 88,400</td>
<td>$116,940</td>
</tr>
<tr>
<td></td>
<td>TOTALS</td>
<td>$ 20,100</td>
<td>$300</td>
<td></td>
<td>$20,100</td>
</tr>
<tr>
<td>VI. GENERAL SERVICES -- RADIO PROGRAM:</td>
<td>General Fund</td>
<td>$ 20,100</td>
<td>$300</td>
<td>$ 88,400</td>
<td>$116,940</td>
</tr>
<tr>
<td></td>
<td>TOTALS</td>
<td>$ 20,100</td>
<td>$300</td>
<td></td>
<td>$20,100</td>
</tr>
<tr>
<td>VII. GENERAL SERVICES -- RECORDS MANAGEMENT PROGRAM:</td>
<td>General Interaccount Fund</td>
<td>$ 20,100</td>
<td>$300</td>
<td>$ 88,400</td>
<td>$116,940</td>
</tr>
<tr>
<td></td>
<td>TOTALS</td>
<td>$ 20,100</td>
<td>$300</td>
<td></td>
<td>$20,100</td>
</tr>
<tr>
<td>VIII. GENERAL SERVICES -- PRINTING PROGRAM:</td>
<td>General Interaccount Fund</td>
<td>$ 20,100</td>
<td>$300</td>
<td>$ 88,400</td>
<td>$116,940</td>
</tr>
<tr>
<td></td>
<td>TOTALS</td>
<td>$ 20,100</td>
<td>$300</td>
<td></td>
<td>$20,100</td>
</tr>
</tbody>
</table>
### IX. GENERAL SERVICES -- CENTRAL PROPERTY INVENTORY PROGRAM:

<table>
<thead>
<tr>
<th>FROM:</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>$ 19,600</td>
<td>$ 19,300</td>
<td></td>
<td></td>
<td>$ 38,900</td>
</tr>
<tr>
<td>TOTALS</td>
<td>$ 19,600</td>
<td>$ 19,300</td>
<td></td>
<td></td>
<td>$ 38,900</td>
</tr>
</tbody>
</table>

### X. PUBLIC WORKS -- ADMINISTRATION PROGRAM:

<table>
<thead>
<tr>
<th>FROM:</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>Permanent Building Fund</td>
<td>$ 277,200</td>
<td>$ 80,100</td>
<td>$ 4,200</td>
<td></td>
<td>$ 361,500</td>
</tr>
<tr>
<td>TOTALS</td>
<td>$ 277,200</td>
<td>$ 80,100</td>
<td>$ 4,200</td>
<td></td>
<td>$ 361,500</td>
</tr>
</tbody>
</table>

### XI. PUBLIC WORKS -- BUILDING SERVICE PROGRAM:

<table>
<thead>
<tr>
<th>FROM:</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>$ 565,200</td>
<td>$ 443,000</td>
<td>$ 18,500</td>
<td></td>
<td>$ 1,026,700</td>
</tr>
<tr>
<td>TOTALS</td>
<td>$ 565,200</td>
<td>$ 443,000</td>
<td>$ 18,500</td>
<td></td>
<td>$ 1,026,700</td>
</tr>
</tbody>
</table>

### XII. PURCHASING PROGRAM:

<table>
<thead>
<tr>
<th>FROM:</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>$ 150,600</td>
<td>$ 18,800</td>
<td>$ 5,700</td>
<td></td>
<td>$ 175,100</td>
</tr>
<tr>
<td>TOTALS</td>
<td>$ 150,600</td>
<td>$ 18,800</td>
<td>$ 5,700</td>
<td></td>
<td>$ 175,100</td>
</tr>
</tbody>
</table>

### XIII. BUREAU OF SUPPLIES PROGRAM:

<table>
<thead>
<tr>
<th>FROM:</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 Interaccount Fund</td>
<td>$ 11,300</td>
<td>$ 307,800</td>
<td></td>
<td></td>
<td>$ 319,100</td>
</tr>
<tr>
<td>TOTALS</td>
<td>$ 11,300</td>
<td>$ 307,800</td>
<td></td>
<td></td>
<td>$ 319,100</td>
</tr>
</tbody>
</table>

### XIV. RISK MANAGEMENT PROGRAM:

<table>
<thead>
<tr>
<th>FROM:</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>Risk Retention Fund</td>
<td>$ 42,100</td>
<td>$ 669,400</td>
<td>$ 3,300</td>
<td></td>
<td>$ 714,800</td>
</tr>
<tr>
<td>TOTALS</td>
<td>$ 42,100</td>
<td>$ 669,400</td>
<td>$ 3,300</td>
<td></td>
<td>$ 714,800</td>
</tr>
</tbody>
</table>

### XV. INTERN PROGRAM:

<table>
<thead>
<tr>
<th>FROM:</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>$ 9,000</td>
<td></td>
<td></td>
<td></td>
<td>$ 9,000</td>
</tr>
<tr>
<td>TOTALS</td>
<td>$ 9,000</td>
<td></td>
<td></td>
<td></td>
<td>$ 9,000</td>
</tr>
</tbody>
</table>

### XVI. PERSONNEL COMMISSION PROGRAM:

<table>
<thead>
<tr>
<th>FROM:</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>Personnel Commission Fund</td>
<td>$ 508,900</td>
<td>$ 147,200</td>
<td>$ 1,900</td>
<td></td>
<td>$ 658,000</td>
</tr>
<tr>
<td>Intergovernment Personnel Act Fund</td>
<td>$ 35,000</td>
<td></td>
<td></td>
<td></td>
<td>$ 35,000</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$ 543,900</td>
<td>$ 147,200</td>
<td>$ 1,900</td>
<td></td>
<td>$ 693,000</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.
CHAPTER 255
(H.B. No. 704)

AN ACT
EXPRESSING LEGISLATIVE INTENT WITH RESPECT TO EXPENDITURES FOR THE DEPARTMENT OF CORRECTION; AND 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, 1976, THROUGH JUNE 30, 1977.

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, 1976, through June 30, 1977:

<table>
<thead>
<tr>
<th>FOR:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel Costs</td>
<td>$3,546,600</td>
</tr>
<tr>
<td>Operating Expenditures</td>
<td>1,906,400</td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>93,000</td>
</tr>
<tr>
<td>Trustee &amp; Benefit Payments</td>
<td>25,200</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$5,571,200</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>FROM:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>General Fund</td>
<td>$4,660,700</td>
</tr>
<tr>
<td>Penitentiary -- Law Enforcement Planning Fund</td>
<td>367,600</td>
</tr>
<tr>
<td>Miscellaneous Receipts Fund</td>
<td>150,000</td>
</tr>
<tr>
<td>Endowment Funds</td>
<td>392,900</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$5,571,200</td>
</tr>
</tbody>
</table>

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, 1976, through June 30, 1977:
<table>
<thead>
<tr>
<th>PROGRAM</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>A. ADMINISTRATION:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Fund</td>
<td>$ 361,200</td>
<td>$ 112,000</td>
<td>$ 4,500</td>
<td></td>
<td>$ 477,700</td>
</tr>
<tr>
<td>Penitentiary-Law Enforcement Planning Fund</td>
<td>$ 12,200</td>
<td></td>
<td></td>
<td></td>
<td>$ 12,200</td>
</tr>
<tr>
<td>TOTALS</td>
<td>$ 373,400</td>
<td>$ 112,000</td>
<td>$ 4,500</td>
<td></td>
<td>$ 489,900</td>
</tr>
<tr>
<td>B. INCARCERATION:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Fund</td>
<td>$1,824,500</td>
<td>$ 639,600</td>
<td>$ 76,000</td>
<td></td>
<td>$2,540,100</td>
</tr>
<tr>
<td>Penitentiary Income Fund</td>
<td>$ 392,900</td>
<td></td>
<td></td>
<td></td>
<td>$ 392,900</td>
</tr>
<tr>
<td>Miscellaneous Receipts</td>
<td>$ 150,000</td>
<td></td>
<td></td>
<td></td>
<td>$ 150,000</td>
</tr>
<tr>
<td>TOTALS</td>
<td>$1,824,500</td>
<td>$1,182,500</td>
<td>$ 76,000</td>
<td></td>
<td>$3,083,000</td>
</tr>
<tr>
<td>C. HABILITATION:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Fund</td>
<td>$ 317,800</td>
<td>$ 74,300</td>
<td>$ 6,000</td>
<td></td>
<td>$ 398,100</td>
</tr>
<tr>
<td>TOTALS</td>
<td>$ 317,800</td>
<td>$ 74,300</td>
<td>$ 6,000</td>
<td></td>
<td>$ 398,100</td>
</tr>
<tr>
<td>D. PROBATION AND PAROLE:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Fund</td>
<td>$ 813,500</td>
<td>$ 259,700</td>
<td></td>
<td></td>
<td>$1,073,200</td>
</tr>
<tr>
<td>Penitentiary-Law Enforcement Planning Fund</td>
<td>$ 45,400</td>
<td>$ 22,600</td>
<td>$ 6,500</td>
<td>$ 25,200</td>
<td>$ 99,700</td>
</tr>
<tr>
<td>TOTALS</td>
<td>$ 858,900</td>
<td>$ 282,300</td>
<td>$ 6,500</td>
<td>$ 25,200</td>
<td>$1,172,500</td>
</tr>
<tr>
<td>E. 120 DAY REMAND:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Fund</td>
<td>$ 70,400</td>
<td>$ 101,200</td>
<td></td>
<td></td>
<td>$ 171,600</td>
</tr>
<tr>
<td>Penitentiary-Law Enforcement Planning Fund</td>
<td>$ 101,600</td>
<td>$ 154,100</td>
<td></td>
<td></td>
<td>$ 255,700</td>
</tr>
<tr>
<td>TOTALS</td>
<td>$ 172,000</td>
<td>$ 255,300</td>
<td></td>
<td></td>
<td>$ 427,300</td>
</tr>
<tr>
<td>GRAND TOTALS</td>
<td>$3,546,600</td>
<td>$1,906,700</td>
<td>$ 93,000</td>
<td>$25,200</td>
<td>$5,571,200</td>
</tr>
</tbody>
</table>

Approved March 30, 1976.
CHAPTER 256
(H.B. No. 598)

AN ACT
RELATING TO AN URBAN RENEWAL AGENCY; AMENDING SECTION 50-2006, IDAHO CODE, TO AUTHORIZE THE LOCAL GOVERNING BODY BY THE ENACTMENT OF AN ORDINANCE TO APPOINT AND DESIGNATE THE COUNCIL OR THE LEGISLATIVE BODY OF SUCH LOCAL GOVERNING BODY AS THE URBAN RENEWAL AGENCY ASSUMING ALL THE RIGHTS, POWERS, DUTIES, PRIVILEGES AND IMMUNITIES VESTED IN AN APPOINTIVE BOARD OF COMMISSIONERS OF AN URBAN RENEWAL AGENCY.

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

SECTION 1. That Section 50-2006, Idaho Code, be, and the same is hereby amended to read as follows:

50-2006. URBAN RENEWAL AGENCY. (a) There is hereby created in each municipality an independent public body corporate and politic to be known as the "urban renewal agency" for the municipality: Provided, that such agency shall not transact any business or exercise its powers hereunder until or unless the local governing body has made the findings prescribed in section 50-2005, Idaho Code.

(b) Upon the local governing body making such findings, the urban renewal agency is authorized to transact the business and exercise the powers hereunder and by a board of commissioners to be appointed or designated as follows:

(1) The mayor, by and with the advice and consent of the local governing body, shall appoint a board of commissioners of the urban renewal agency which shall consist of five (5) commissioners. The commissioners who are first appointed shall be designated to serve for terms of one (1), two (2), three (3), four (4) and five (5) years, respectively, from the date of appointment, but thereafter commissioners shall be appointed as aforesaid for a term of five (5) years, except that all vacancies shall be filled for the unexpired term. For inefficiency or neglect of duty or misconduct in office, a commissioner may be removed only after a hearing and after he shall have been given a copy of the charges at least ten (10) days prior to such hearings and have had an opportunity to be heard in person or by counsel.
(2) By enactment of an ordinance, the local governing body may appoint and designate itself to be the board of commissioners of the urban renewal agency, in which case all the rights, powers, duties, privileges and immunities vested by the urban renewal law of 1965, and as amended, in an appointed board of commissioners, shall be vested in the local governing body, who shall, in all respects when acting as an urban renewal agency, be acting as an arm of state government, entirely separate and distinct from the municipality, to achieve, perform and accomplish the public purposes prescribed and provided by said urban renewal law of 1965, and as amended.

(3) By enactment of an ordinance, the local governing body may terminate the appointed board of commissioners and thereby appoint and designate itself as the board of commissioners of the urban renewal agency.

(c) A commissioner shall receive no compensation for his services but shall be entitled to the necessary expenses, including traveling expenses, incurred in the discharge of his duties. Each commissioner shall hold office until his successor has been appointed and has qualified. A certificate of the appointment or reappointment of any commissioner shall be filed with the clerk of the municipality and such certificate shall be conclusive evidence of the due and proper appointment of such commissioner.

The powers of an urban renewal agency shall be exercised by the commissioners thereof. A majority of the commissioners shall constitute a quorum for the purpose of conducting business and exercising the powers of the agency and for all other purposes. Action may be taken by the agency upon a vote of a majority of the commissioners present, unless in any case the by-laws shall require a larger number. Any persons may be appointed as commissioners if they reside within the area of operation of the agency (which shall be co-terminous with the area of operation of the municipality) and are otherwise eligible for such appointments under this act.

The mayor shall designate the first chairman and vice-chairman for a term of office of one (1) year from among the commissioners, thereafter the commissioners shall elect the chairman and vice-chairman for a term of one (1) year from among their members. An agency may employ an executive director, technical experts and such other agents and employees, permanent and temporary, as it may require, and determine their qualifications, duties and compensation. For such legal service as it may require, an agency may employ or retain its own counsel and legal staff. An agency author-
ized to transact business and exercise powers under this act shall file, with the local governing body, on or before March 31 of each year a report of its activities for the preceding calendar year, which report shall include a complete financial statement setting forth its assets, liabilities, income and operating expense as of the end of such calendar year. At the time of filing the report, the agency shall publish in a newspaper of general circulation in the community a notice to the effect that such report has been filed with the municipality and that the report is available for inspection during business hours in the office of the city clerk or county recorder and in the office of the agency.

{d}--Per-inefficiency-or-neglect-of-duty-or-misconduct in-office--a-commissioneer-may-be-removed-only-after-a-hearing-and-after-he-shall-have-been-given-a-copy-of-the-charges at-least-10-days-prior-to-such-hearings--and--have--had--an opportunity-to-be-heard-in-person-or-by-counsel. Approved March 30, 1976.
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, 1976, THROUGH JUNE 30,
1977.

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

SECTION 1. It is legislative intent that the expendi­
tures for the Department of Law Enforcement not exceed the
following amounts for the period July 1, 1976 through June
30, 1977:

<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>$ 8,009,700</td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>Operating Expenditures</td>
</tr>
<tr>
<td></td>
<td>3,044,800</td>
</tr>
<tr>
<td>TOTAL</td>
<td>Capital Outlay</td>
</tr>
<tr>
<td></td>
<td>595,300</td>
</tr>
<tr>
<td></td>
<td>TOTAL</td>
</tr>
<tr>
<td></td>
<td>$11,649,800</td>
</tr>
</tbody>
</table>

| Dedicated Funds:        | Dedicated Funds:                           |
| Highways Fund           | Highway Fund                               |
|                         | 6,360,600                                  |
| Motor Vehicle Fund      | Motor Vehicle Fund                         |
|                         | 1,847,300                                  |
| Liquor Law Enforcement Fund |
|                         | 285,000                                    |
| Alcohol Safety Action Program Fund |
|                         | 550,300                                    |
| Idaho State Horse Racing Commission Fund |
|                         | 159,500                                    |
| State Brand Board Fund  | State Brand Board Fund                      |
|                         | 868,400                                    |
| TOTAL                   | TOTAL                                       |
|                         | $11,649,800                                |
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, 1976 through June 30, 1977:

<table>
<thead>
<tr>
<th>PROGRAM</th>
<th>FOR PERSONNEL COSTS</th>
<th>FOR OPERATING EXPENDITURES</th>
<th>FOR CAPITAL OUTLAY</th>
<th>TRUSTEE AND BENEFIT PAYMENTS</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. GENERAL ADMINISTRATION:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Motor Vehicle Fund</td>
<td>$ 321,400</td>
<td>$ 141,900</td>
<td></td>
<td></td>
<td>$ 463,300</td>
</tr>
<tr>
<td>B. SUPPORT SERVICES:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Motor Vehicle Fund</td>
<td>$ 184,500</td>
<td>$ 223,900</td>
<td></td>
<td></td>
<td>$ 409,000</td>
</tr>
<tr>
<td>C. CRIMINAL IDENTIFICATION BUREAU:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Fund</td>
<td>$ 267,900</td>
<td>$ 298,600</td>
<td></td>
<td></td>
<td>$ 569,000</td>
</tr>
<tr>
<td>D. NARCOTICS AND DANGEROUS DRUGS:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Fund</td>
<td>$ 444,300</td>
<td>$ 226,200</td>
<td></td>
<td></td>
<td>$ 687,600</td>
</tr>
<tr>
<td>E. LIQUOR LAW AND CRIMINAL INVESTIGATION:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Fund</td>
<td>$ 276,000</td>
<td>$ 37,300</td>
<td></td>
<td></td>
<td>$ 322,100</td>
</tr>
<tr>
<td>Liquor Law Enforcement Fund</td>
<td>175,200</td>
<td>104,500</td>
<td></td>
<td></td>
<td>285,000</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$ 451,200</td>
<td>$ 141,800</td>
<td></td>
<td></td>
<td>$ 607,100</td>
</tr>
<tr>
<td>F. OPERATOR'S LICENSE:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Motor Vehicle Fund</td>
<td>$ 392,500</td>
<td>$ 259,100</td>
<td></td>
<td></td>
<td>$ 652,100</td>
</tr>
<tr>
<td>G. SAFETY RESPONSIBILITY:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Motor Vehicle Fund</td>
<td>$ 91,500</td>
<td>$ 22,900</td>
<td></td>
<td></td>
<td>$ 114,400</td>
</tr>
<tr>
<td>H. VEHICLE TITLES:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Highway Fund</td>
<td>$ 141,900</td>
<td></td>
<td></td>
<td></td>
<td>141,900</td>
</tr>
<tr>
<td>Motor Vehicle Fund</td>
<td>144,300</td>
<td>61,500</td>
<td>$ 2,700</td>
<td></td>
<td>208,500</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$ 286,200</td>
<td>$ 61,500</td>
<td>$ 2,700</td>
<td></td>
<td>$ 350,400</td>
</tr>
<tr>
<td>PROGRAM</td>
<td>FOR PERSONNEL COSTS</td>
<td>FOR OPERATING EXPENDITURES</td>
<td>FOR CAPITAL OUTLAY</td>
<td>FOR TRUSTEE AND BENEFIT PAYMENTS</td>
<td>TOTAL</td>
</tr>
<tr>
<td>---------</td>
<td>---------------------</td>
<td>-----------------------------</td>
<td>--------------------</td>
<td>----------------------------------</td>
<td>-------</td>
</tr>
<tr>
<td>I. VEHICLE REGISTRATION: PROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Highway Fund</td>
<td>$152,400</td>
<td>$454,700</td>
<td>$600</td>
<td></td>
<td>$607,700</td>
</tr>
<tr>
<td>J. MOTOR CARRIER BUREAU: PROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Highway Fund</td>
<td>$346,600</td>
<td>$101,900</td>
<td>$4,100</td>
<td></td>
<td>$452,600</td>
</tr>
<tr>
<td>K. WEIGHSTATION BUREAU: PROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Highway Fund</td>
<td>$1,244,500</td>
<td>$153,300</td>
<td>$28,000</td>
<td></td>
<td>$1,425,800</td>
</tr>
<tr>
<td>L. IDAHO STATE POLICE: PROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Highway Fund</td>
<td>$2,643,700</td>
<td>$718,900</td>
<td>$370,000</td>
<td></td>
<td>$3,732,600</td>
</tr>
<tr>
<td>Alcohol Safety Action Program Fund</td>
<td>373,900</td>
<td>45,900</td>
<td>130,500</td>
<td></td>
<td>550,300</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$3,017,600</td>
<td>$764,800</td>
<td>$500,500</td>
<td></td>
<td>$4,282,900</td>
</tr>
<tr>
<td>M. BRAND INSPECTION: PROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>State Brand Board Fund</td>
<td>$700,100</td>
<td>$144,100</td>
<td>$24,200</td>
<td></td>
<td>$868,400</td>
</tr>
<tr>
<td>N. HORSE RACING COMMISSION: PROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Idaho State Horse Racing Commission Fund</td>
<td>$109,000</td>
<td>$50,100</td>
<td>$400</td>
<td></td>
<td>$159,500</td>
</tr>
<tr>
<td>GRAND TOTAL</td>
<td>$8,009,700</td>
<td>$3,044,800</td>
<td>$595,300</td>
<td></td>
<td>$11,649,800</td>
</tr>
</tbody>
</table>

Law without signature.
CHAPTER 258
(S.B. No. 1282, As Amended)

AN ACT
RELATING TO THE OFF-ROAD MOTOR VEHICLE FUND; AMENDING SECTION 57-1901, IDAHO CODE, BY PROVIDING AN ADDITIONAL MEANS OF DISPERSING FUNDS TO LOCAL ENTITIES OF GOVERNMENT.

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

SECTION 1. That Section 57-1901, Idaho Code, be, and the same is hereby amended to read as follows:

57-1901. CREATION OF OFF-ROAD MOTOR VEHICLE FUND -- PURPOSE. (1) There is hereby created and established in the state treasury a fund to be known as the "off-road motor vehicle fund" to which shall be credited or deposited all moneys accruing for the purposes of the fund. The purposes for which moneys in the fund may be used shall be to acquire, purchase, improve, repair, maintain, furnish, and equip off-road motor vehicle facilities and sites in the state of Idaho. The park and recreation board is charged with the administration of the fund for the purposes specified herein. The provisions of section 67-4228, Idaho Code, are made applicable for the provisions of this section. All claims against the fund shall be examined, audited and allowed in the same manner now or hereafter provided by law for claims against the state, except that the board is hereby empowered to enter into agreements with legal governmental agencies in Idaho, for the disbursement of funds to them on a project by project basis.

(2) During each fiscal year, all amounts over the sum of three hundred thousand dollars ($300,000) received into the off-road motor vehicle fund shall be transferred to the park and recreation capital improvement fund.

Approved March 31, 1976.
CHAPTER 269
(S.B. No. 1283, As Amended)

AN ACT

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

SECTION 1. That Sections 39-1805, 39-1815, 39-1817 and 39-1818, Idaho Code, be, and the same are hereby repealed.

SECTION 2. That Section 39-1816, Idaho Code, be, and the same is hereby amended to read as follows:

39-1816. INSPECTOR'S BOOKS OPEN TO PUBLIC. It shall be the duty of the director of the department of health and welfare to see that all the provisions of this chapter are complied with and any official of said department shall personally inspect and enter in each yearly every hotel as defined by this chapter. Such officials and the director and his designees are hereby granted police power to enter any hotel at reasonable hours to determine whether the provisions of this chapter are being complied with. The director shall keep a complete set of books for public use and inspection, showing the conditions of each hotel so inspected, together with the name or names of the owners, proprietors and managers thereof, and showing the sanitary condition of the number and condition of its fire escapes and any other information for the betterment of the public service.

SECTION 3. That Chapter 18, 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 39-1834, Idaho Code, and to read as follows:

39-1834. RULES AND REGULATIONS. The board of health and welfare shall have the authority to adopt rules and regula-
tions consistent with the provisions of this chapter subject to the provisions of chapter 52, title 67, Idaho Code.

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 31, 1976.
CHAPTER 260
(S.B. No. 1288)

AN ACT
RELATING TO ESTABLISHING THE ELECTION CAMPAIGN FUND; AMENDING SECTION 34-2502, IDAHO CODE, TO PROVIDE THAT THE STATE AUDITOR SHALL ESTABLISH THE FUND RATHER THAN THE STATE TREASURER; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 34-2502, Idaho Code, be, and the same is hereby amended to read as follows:

34-2502. ELECTION CAMPAIGN FUND -- CREATION. 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 state auditor 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 34-2503, Idaho Code.

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

Approved March 31, 1976.
CHAPTER 261
(S.B. No. 1300)

AN ACT
RELATING TO REIMBURSEMENT PAID TO THE INDUSTRIAL COMMISSION;
AMENDING SECTION 72-1332, IDAHO CODE, BY ADDING A PROVI-
SION TO PROVIDE FOR A NEGOTIATED REIMBURSEMENT TO THE
INDUSTRIAL COMMISSION FOR PERSONAL AND NONPERSONAL SER-
VICES INVOLVED IN HEARING DEPARTMENT OF EMPLOYMENT
CASES.

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

SECTION 1. That Section 72-1332, Idaho Code, be, and
the same is hereby amended to read as follows:

72-1332. AUTHORITY AND DUTIES OF THE COMMISSION. The
commission shall have the power and authority to hear and
decide all matters appealed to it in accordance with other
provisions of this act. In addition to salaries paid from
the industrial administration fund each member of the com-
mission shall receive a salary to be paid from the employ-
ment security administration fund in an amount equal to one-
half of the salary paid from the industrial administration
fund. In addition to the amount paid to the commission for
salaries, prior to the beginning of each fiscal year, the
department of employment and the industrial commission shall
negotiate an amount to be paid the industrial commission to
reimburse it for the cost of personal and nonpersonal ser-
vices involved in hearing appeals as provided in section
72-1368(f), Idaho Code.

Approved March 31, 1976.
CHAPTER 262
(S.B. No. 1338, As Amended, As Amended in the House)

AN ACT
RELATING TO EXEMPTIONS FROM SALES TAX; AMENDING SECTION 63-3622, IDAHO CODE, TO EXEMPT ARTIFICIAL LIMBS AND OTHER PROSTHETIC DEVICES FROM SALES TAX; AND EXPRESSING LEGISLATIVE INTENT.

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 (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, PL93-29), and the sale of meals by a church to its members at a church function.

(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.

(n) The sale of articles through a coin-operated vending machine for a total consideration of fifteen cents ($.15) or less and individual transactions involving a total sales price of less than fifteen cents ($.15).

(o) Sales of liquor by the state liquor dispensary.

(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, the sale of artificial limbs, prescription braces, wheelchairs, hearing aids, crutches and other prosthetic devices except eyeglasses and dental bridgework.

(q) 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.

(r) 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.

(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.

(t) 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.

(u) 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.

(\(\text{w}\)) 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 exemp­
tion does not include machinery, equipment, materials and
supplies used in a manner that is incidental to the produc­
tion 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.

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.

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. LEGISLATIVE INTENT. It is legislative intent
that all amendments to section 63-3622, Idaho Code, enacted
in the Second Regular Session, Forty-third Idaho Legis­
lature, be incorporated into a single text, as if all had
been enacted in a single bill.

Approved March 31, 1976.
CHAPTER 263
(S.B. No. 1341, As Amended)

AN ACT
RELATING TO THE FINDING OF THE COMMISSION NECESSARY FOR INCREASE IN RATES; AMENDING SECTION 61-622, IDAHO CODE, 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 INITIAL PERIOD OF FIVE MONTHS, NOR AN ADDITIONAL PERIOD OF SIXTY DAYS; 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, pursuant to section 61-307, Idaho Code, unless the commission in its discretion extends the period of suspension for a further an initial period not exceeding five (5) months, nor unless the commission after a
showing of good cause on the record grants an additional sixty (60) days; 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 31, 1976.
CHAPTER 264
(S.B. No. 1445, As Amended)

AN ACT
AMENDING SECTION 72-508, IDAHO CODE, RELATING TO WORKMEN'S COMPENSATION, BY PROVIDING THAT THE INDUSTRIAL COMMISSION SHALL ADOPT RULES AND REGULATIONS PURSUANT TO CHAPTER 52, TITLE 67, IDAHO CODE.

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

SECTION 1. That Section 72-508, Idaho Code, be, and the same is hereby amended to read as follows:

72-508. AUTHORITY TO ADOPT RULES AND REGULATIONS. Pursuant to the provisions of chapter 52, title 67, Idaho Code, the commission shall have authority to promulgate and adopt reasonable rules and regulations for effecting the purposes of this act relating to safety. Notwithstanding the provisions of chapter 52, title 67, Idaho Code, the commission shall have authority to promulgate and adopt reasonable rules and regulations involving judicial matters. In administrative matters and all other matters, the commission shall be bound by the provisions of chapter 52, title 67, Idaho Code for effecting all other purposes of this act. Rules and regulations as promulgated and adopted, if not inconsistent with law, shall be binding in the administration of this law.

Approved March 31, 1976.
CHAPTER 265
(S.B. No. 1457)

AN ACT
AMENDING SECTION 36-407, IDAHO CODE, REMOVING THE RESTRICTION ON PURCHASE OF NONRESIDENT SEASON FISHING LICENSES BY NONRESIDENT CHILDREN UNDER FOURTEEN YEARS OF AGE.

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

SECTION 1. That Section 36-407, Idaho Code, be, and the same is hereby amended to read as follows:

36-407. NONRESIDENT FISH AND GAME LICENSE -- FEE -- RIGHTS UNDER. Licenses of the fifth class shall be issued in the several kinds and for fees as follows:

1. A license entitling a person twelve (12) years of age or older to whom issued to pursue, hunt, or kill game birds, cottontail rabbits, unprotected birds and animals and predatory birds and animals in accordance with the laws of this state, but such license shall not entitle such person to fish in the public waters of the state. A nonresident person so licensed shall be qualified to purchase game tags as provided in section 36-408, Idaho Code. A license of this kind may be had by any person who is not a resident of the state of Idaho upon payment of fifty dollars ($50.00).

2. A license entitling the person to catch fish from the public waters of the state in accordance with the laws thereof, but which license does not entitle such person to pursue, hunt or kill game birds or game animals or fur-bearing animals and limits said person to the catching of fish only. A license of this kind may be had by any person who is not a resident of the state of Idaho fourteen-{14} years--of--age--or--elder upon payment of twenty dollars ($20.00).

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

4. A license entitling the person to whom issued to
carry a shotgun or rifle for the protection of livestock, or to pursue, hunt and kill unprotected birds and animals and predatory birds and animals of this state. Such license does not entitle such person to pursue, hunt or kill game birds or game animals or to fish in the public waters of this state. A license of this kind may be purchased by any person who is not a resident of the state of Idaho and is twelve (12) years of age or older upon payment of five dollars ($5.00). This license shall be valid only during the period of January 1 to August 31 of the calendar year in which issued, unless verified by the director of the Idaho fish and game department, or his representative, that the licensee requires such a license to authorize him to carry a shotgun or rifle for the protection of livestock, in which case said license shall be valid until December 31 of the year in which issued.

5. A license entitling the person to whom issued to fish for and catch fish from the public waters of the state, in accordance with the laws thereof, for a period of seven (7) consecutive days only. Such a license does not entitle such person to pursue, hunt or kill game birds or game animals or to trap fur-bearing animals and limits said person to the catching of fish only. A license of this kind may be had by any person who is not a resident of the state of Idaho upon payment of seven dollars ($7.00).

6. A license entitling the person to whom issued to fish for and catch fish from the public waters of the state in accordance with the laws thereof on a day-to-day basis, but does not entitle such person to pursue, hunt or kill any game birds or game animals or to trap fur-bearing animals and limits said person to the catching of fish only. A license of this kind may be had by any resident or nonresident person (the provisions of section 36-404, Idaho Code, notwithstanding), upon payment of three dollars ($3.00) per day for each effective day thereof.

Approved March 31, 1976.
CHAPTER 266
(S.B. No. 1488, As Amended)

AN ACT
AMENDING SECTION 30-1435, IDAHO CODE, RELATING TO EXEMPT TRANSACTIONS UNDER THE IDAHO SECURITIES ACT BY PROVIDING AN EXEMPTION FROM REGISTRATION FOR SECURITIES SECURED BY AN INTEREST IN REAL PROPERTY; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 30-1435, Idaho Code, be, and the same is hereby amended to read as follows:

30-1435. EXEMPT TRANSACTIONS. Except as hereinafter in this section expressly provided, sections 30-1406 through 30-1433, inclusive, Idaho Code, shall not apply to;

(1) any isolated transaction or sales not involving a public offering, whether effected through a broker-dealer or not,

(2) any nonissuer distribution of an outstanding security by a registered broker-dealer if;

(a) a recognized securities manual contains the names of the issuer's officers and directors, a balance sheet of the issuer as of a date within eighteen (18) months and a profit and loss statement for either the fiscal year preceding that date or the most recent year of operations, or

(b) the security has a fixed maturity or a fixed interest or dividend provision and there has been no default during the current fiscal year or within the three (3) preceding fiscal years or during the existence of the issuer and any predecessors, if less than three (3) years, in the payment of principal, interest or dividends on the security,

(3) any nonissuer transaction effected by or through a registered broker-dealer pursuant to an unsolicited order or offer to buy, but the director may require that the customer acknowledge on a form prescribed by the director that the sale was unsolicited and the director may require that a signed copy of each such form be preserved by the broker-dealer for a specified period,

(4) any transaction between the issuer or other person on whose behalf the offering is made and an underwriter or among underwriters,
(5) any transaction by an executor, administrator, sheriff, marshal, receiver, trustee in bankruptcy, guardian or conservator in the performance of his official duties as such,

(6) any transaction executed by a bona fide pledgee without any purpose of evading this act,

(7) any offer or sale to a bank, savings institution, trust company, insurance company, investment company as defined in the Investment Company Act of 1940, pension or profit-sharing trust or other financial institution or institutional buyer or to a broker-dealer, whether the purchaser is acting for itself or in some fiduciary capacity,

(8) any transaction pursuant to an offer directed by the offerer to not more than ten (10) persons in this state other than those designated in subsection (7) of this section during any period of twelve (12) consecutive months, whether or not the offerer or any of the offerees is then present in this state, if

(a) the seller reasonably believes that all the buyers are purchasing for investment and,

(b) no commission or other remuneration is paid or given directly or indirectly for soliciting any prospective buyer,

(9) any offer or sale of a preorganization certificate or subscription, if

(a) no commission or other remuneration is paid or given directly or indirectly for soliciting any prospective subscriber,

(b) the number of subscribers does not exceed ten (10) and

(c) no payment is made by any subscriber,

(10) any transaction pursuant to an offer to existing security holders of the issuer, including persons who at the time of the transaction are holders of convertible securities, nontransferable warrants or transferable warrants exercisable within not more than ninety (90) days of their issuance, if

(a) no commission or other remuneration other than a standby commission is paid or given directly or indirectly for soliciting any security holder in this state, or

(b) the issuer files a notice in the form prescribed by the director not less than thirty (30) days before making the offer,

(11) any offer, but not a sale, of a security for which registration statements have been filed under both this act and the Securities Act of 1933 if no stop order or denial order is in effect and no public proceeding or examination
looking toward such an order is pending under either act,

(12) the issuance of any stock dividend, whether the corporation distributing the dividend is the issuer of the stock or not, if nothing of value is given by stockholders for the distribution other than the surrender of a right to a cash dividend where the stockholder can elect to take a dividend in cash or stock,

(13) any transaction incident to a right of conversion or a statutory or judicially approved reclassification, recapitalization, reorganization, quasi-reorganization, stock split, reverse stock split, merger, consolidation or sale of assets, if

(a) no commission or other remuneration other than a standby commission is paid or given directly or indirectly for soliciting any security holder in this state, or

(b) the issuer files a notice in the form specified by the director not less than thirty (30) days before making the offer;

(14) any transaction in a bond or other evidence of indebtedness secured by a real or chattel mortgage or deed of trust, or by an agreement for the sale of real estate or chattels, if the entire mortgage, deed of trust, or agreement, together with all the bonds or other evidences of indebtedness secured thereby, is offered and sold as a unit.

The director may by order deny or revoke the exemption specified in subsections (2), (3), (10) or (13) of this section with respect to a specific security. Upon the entry of such an order the director shall promptly notify all registered broker-dealers that it has been entered and of the reasons therefor and that within twenty (20) days of the receipt of a written request the matter will be set for hearing. If no hearing is requested and none is ordered by the director, the order will remain in effect until it is modified or vacated by the director.

If a hearing is requested or ordered, the director, after notice of and opportunity for hearing to all interested persons, may modify or vacate the order or extend it until final determination. No order under said subsections may operate retroactively. No person may be considered to have violated this act by reason of any offer or sale effected after the entry of any order under said subsections if he sustains the burden of proof that he did not know, and in the exercise of reasonable care could not have known of the order.

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, 1976.
AN ACT
KNOWN AS THE IDAHO ACCOUNTANCY ACT RELATING TO THE LICENSING
OF CERTIFIED PUBLIC ACCOUNTANTS AND PUBLIC ACCOUNTANTS;
AMENDING CHAPTER 2, TITLE 54, IDAHO CODE, BY AMENDING
THE SHORT TITLE; BY AMENDING THE STATEMENT OF LEGIS­
LATIVE INTENT; BY PROVIDING FOR THE CREATION OF PUBLIC
ACCOUNTANT'S ADVISORY COMMITTEE, MEMBERSHIP, TRANSITION
APPOINTMENTS AND VACANCIES; BY PROVIDING FOR THE POWERS
AND DUTIES OF THE ADVISORY COMMITTEE; BY PROVIDING FOR
MEETINGS AND COMPENSATION OF THE ADVISORY COMMITTEE; BY
AMENDING THE DEFINITIONS; BY AMENDING THE RESIDENCY
QUALIFICATION FOR LICENSURE; BY AMENDING THE QUALIFICATIONS
FOR LICENSURE; BY AMENDING THE LICENSE PROVISIONS
TO INCLUDE PUBLIC ACCOUNTANTS; BY AMENDING THE RECIPROCITY PROVISIONS TO INCLUDE PUBLIC ACCOUNTANTS; BY PROVIDING
FOR REGISTRATION OF PUBLIC ACCOUNTANTS ENGAGED IN
SUCH PRACTICE ON JANUARY 1, 1976, SERVING IN THE ARMED
FORCES AS PUBLIC ACCOUNTANTS, HOLDING SENIOR ACCOUNTING
POSITIONS WITH STATE OR LOCAL GOVERNMENT; BY AMENDING
THE TEMPORARY PRACTICE PROVISIONS TO INCLUDE PUBLIC
ACCOUNTANTS; BY AMENDING THE TITLE OF IDAHO STATE BOARD
OF CERTIFIED PUBLIC ACCOUNTANCY FUND; BY AMENDING THE
PROVISIONS FOR REVOCATION AND SUSPENSION OF LICENSES TO
INCLUDE PUBLIC ACCOUNTANTS; BY PROHIBITING THE USE OF
THE TITLE CERTIFIED PUBLIC ACCOUNTANT OR PUBLIC ACCOUNT-
ANT AND OTHER SIMILAR TERMS BY NONLICENSED PERSONS
ENGAGED IN THE PRIVATE PRACTICE OF ACCOUNTANCY; BY PRO-
HIBITING PERSONS ENGAGING IN THE PRIVATE PRACTICE OF
ACCOUNTANCY FROM ATTESTING AS AN EXPERT TO THE ACCURACY
OF ANY FINANCIAL DOCUMENT WHEN NOT LICENSED AS A CERTIF-
IED PUBLIC ACCOUNTANT OR PUBLIC ACCOUNTANT.

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

SECTION 1. That Section 54-201, Idaho Code, be, and the
same is hereby amended to read as follows:

54-201. SHORT TITLE. This act shall be known and may be
cited as "The Certified Public Accountants Act" "The Idaho
Accountancy Act."
SECTION 2. That Section 54-202, Idaho Code, be, and the same is hereby amended to read as follows:

54-202. LEGISLATIVE INTENT. Recognizing that to practice as a certified public accountant or a public accountant is a privilege granted by the state of Idaho and not a natural right of individuals, it is deemed necessary as a matter of state policy in the interest of public welfare to provide laws and provisions covering the granting of the privilege and its subsequent use, control and regulation to the end that the public shall be properly protected against unprofessional, improper, unauthorized and unqualified practice as a certified public accountant or a public accountant and from unprofessional conduct by a person licensed to practice as a certified public accountant or a public accountant, all of which enhances the confidence of the public and the business community in financial analysis, reporting and advice.

SECTION 3. That Section 54-203, Idaho Code, be, and the same is hereby amended to read as follows:

54-203. BOARD AND ADVISORY COMMITTEE CREATED -- MEMBERSHIP -- TRANSITION -- APPOINTMENT -- VACANCIES. A. There is hereby created in the department of self-governing agencies a board of certified-public-accoun­tancy accountancy in and for the state of Idaho, to be known as the Idaho state board of certified-public accountancy. The board shall consist of five (5) members appointed by the governor. Members of the board shall be citizens residents of this state who hold certified public accountant certificates issued under the laws of this state, three (3) of whom are licensed to practice as certified public accountants in the state of Idaho. The existing state board of certified public accountancy as previously created and constituted, shall continue in office until the terms of each respective member thereof shall expire. The additional members of the board first to be appointed shall hold office, one (1) for four (4) years, and one (1) for five (5) years, from the effective date July 27, 1974 of this act, the term of each to be designated by the governor. Their successors shall be appointed for terms of five (5) years. Whenever the term of a member of the board expires or becomes vacant for any cause, the Idaho society of certified public accountants shall nominate two (2) persons with qualifications to become members of the board as herein specified, for each such vacancy and shall forward the nominations to the governor who shall appoint from such
nominees the requisite number of persons to be members of
the board to fill such vacancy or vacancies. Vacancies
occurring during a term shall be filled by appointment for
the unexpired term. Upon the expiration of his term of
office, a member shall continue to serve until his successor
shall have been appointed and shall have qualified.

B. There is hereby created an advisory committee, to be
known as the public accountants' advisory committee. The
committee shall consist of five (5) members elected by the
Idaho association of public accountants and who possess the
qualifications for licensure as a public accountant, in
staggered terms, electing one (1) member to serve one (1)
year, one (1) member to serve two (2) years, one (1) member
to serve three (3) years, one (1) member to serve four (4)
years and one (1) member to serve five (5) years. After the
first year, a new committee member shall be elected every
year for a term of five (5) years and each new member must
be a licensed public accountant. Vacancies for the advisory
committee shall be filled by the Idaho association of public
accountants for the unexpired term. Upon expiration of his
term of office, a member shall continue to serve until his
successor shall have been appointed and shall have qualifi-
cation.

SECTION 4. That Section 54-204, Idaho Code, be, and the
same is hereby amended to read as follows:

54-204. POWERS AND DUTIES. A. The Idaho state board of
certified public accountancy, in addition to the other
powers and duties set forth in this act, shall have the
following powers and duties:

(1) To prescribe, promulgate, establish and amend rules
and regulations to carry into effect the provisions of this
act, and to promulgate and amend rules of professional con-
duct appropriate to establish and maintain a high standard
of integrity, professional competence, public responsibility
and dignity in the profession of certified public account-
ancy. Such rules and regulations shall be adopted in accord-
ance with the Administrative Procedure Act, chapter 52,
title 67, Idaho Code.

(2) To provide and conduct examinations of applicants
for certificates, at least annually, at such times and
places as circumstances and applications may warrant. To
prescribe rules and regulations for the method of exami-
nation for certificates and licenses to practice as certi-
fied public accountants. Such examination may include, but
is not to be limited to, any of the following subject mat-
ter: theory of accounts, practical accounting, auditing, commercial law, and professional ethics. Proper notice of time and place for such examination shall be given and selected pursuant to rules and regulations adopted by the board.

(3) To issue certificates of qualification and/or licenses to practice as certified public accountants or public accountants to such applicants as may be qualified by reciprocity or by examination.

(4) To charge and collect from all applicants, certificate holders, and licensees such fees as are provided by this act and prescribed by rules and regulations of the board.

(5) To receive complaints, cause the same to be investigated, instigate proceedings, and conduct hearings or proceedings pursuant to section 54-217, Idaho Code.

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

(7) To review and act upon actions taken by the advisory committee.

All hearings, investigations or proceedings conducted by the board shall, unless otherwise requested by the concerned party, be confidential and closed to the public.

All rules and regulations shall be filed in the office of the secretary of state and also the office of the board, and shall be open to public inspection.

B. The public accountants' advisory committee, in addition to other powers and duties set forth in this act, and subject to approval by the board, shall have the following powers and duties:

(1) To prescribe, promulgate, establish and amend rules and regulations to carry into effect the provisions of this act, and to promulgate and amend rules of professional conduct appropriate to establish and maintain a high standard of integrity, professional competence, public responsibility and dignity by those persons licensed as public accountants. Such rules and regulations shall be adopted in accordance with the Administrative Procedure Act, chapter 52, title 67, Idaho Code.

(2) To recommend for licensing as a public accountant such applicants as may be qualified pursuant to the act.

(3) To receive complaints, cause the same to be investigated, instigate proceedings, and conduct hearings or proceedings pursuant to chapter 2, title 54, Idaho Code.

(4) To provide and conduct examinations of applicants for licensure as public accountants as required by chapter 2, title 54, Idaho Code.
(5) To authorize by written agreement the bureau of occupational licenses, as agent, to act in its interest. All rules and regulations shall be filed in the office of the secretary of state, the office of the board and shall be open to public inspection.

SECTION 5. That Section 54-205, Idaho Code, be, and the same is hereby amended to read as follows:

54-205. MEETINGS -- COMPENSATION -- EXECUTIVE SECRETARY. A. The board shall have its principal office at Boise, Idaho. Three (3) members of the board shall constitute a quorum, a majority of whom may act, and the board shall meet no less than twice each year; provided, however, special meetings may be called at any time during the year after notice to all members of the board of such special meetings. The board shall elect annually a chairman, a vice-chairman, a secretary and a treasurer from its members. The offices of secretary and treasurer may be in the same person. The members of the board shall receive a per diem allowance of twenty-five dollars ($25.00) when actually engaged in official functions as members of said board, and shall receive their actual travel expenses and subsistence while engaged in the business of the Idaho state board of certified public accountancy away from their respective homes.

The board shall have the power to name an executive secretary who need not be a member of the board or a member licensed to practice as a certified public accountant or public accountant and who may be a full-time or part-time employee of the state of Idaho. The board shall prescribe the duties of such executive secretary and these duties shall include the preparation of all papers and records under this act for the board, and the advisory committee, and shall include such enforcement or investigative activities as to the board may from time to time appear advisable.

B. Three (3) members of the advisory committee shall constitute a quorum, a majority of whom may act, and the council shall meet no less than once each year. The advisory committee shall elect annually a chairman, a vice-chairman, a secretary and a treasurer from its members. The offices of secretary and treasurer may be in the same person. The members of the advisory committee shall receive a per diem allowance of twenty-five dollars ($25.00) when actually engaged in official functions as members of said advisory committee and shall receive their actual travel expenses and subsistence while engaged in the business of the advisory committee away from their respective homes.
SECTION 6. That Section 54-206, Idaho Code, be, and the same is hereby amended to read as follows:

54-206. DEFINITIONS. As used in this act:

(1) "Certified public accountant" means any person who holds a valid, unrevoked and unsuspended certificate and/or license (where applicable) under the provisions of this act chapter 2, title 54, Idaho Code, designating said person as a certified public accountant.

(2) "Citizen means any person eighteen-(18)-years-or-older-who-has-continuously-resided-in-the-state-of-Idaho-for-a-period-of-not-less-than-six-(6)-months-and-is-a--qualified-voter-in-this-state.

"Public accountant" means any person who holds a valid, unrevoked and unsuspended license under the provisions of chapter 2, title 54, Idaho Code.

(3) "Board" means the Idaho state board of certified public accountancy.

(4) "Advisory committee" means the public accountants' advisory committee.

(5) "Certificate" means that document issued by the board acknowledging and attesting to the fact that the holder thereof possesses good moral character and has satisfied the necessary qualifications of learning, experience and ability to be certified as a certified public accountant in the state of Idaho.

(6) "License" means that document issued by the board permitting the holder of a certificate to practice as a certified public accountant in the state of Idaho or a public accountant, and permitting a public accountant to practice as a public accountant.

(7) "Applicant" means any person having the requisite qualifications who makes application to the board for a certificate or license under this act.

(8) "Person" means any natural living person.

(9) "State" means any state, territory or insular possession of the United States, or the District of Columbia.

(10) "Academic year" means that period of study, at a college or university, approved by the board, necessary to accumulate the equivalent of thirty (30) semester credit hours.

(11) "Hold out" or "holding out" means providing or offering to provide, work or services as a certified public accountant or public accountant to anyone other than as an employee of an employer or employers by whom state and federal income tax, or FICA tax, is withheld from the salary
for which such services are rendered.

SECTION 7. That Section 54-208, Idaho Code, be, and the same is hereby amended to read as follows:

54-208. EXAMINATION -- QUALIFICATIONS. An applicant for admission to examination as a certified public accountant shall:
(a) be eighteen (18) years of age or older,
(b) be of good moral character, and
(c) be a resident, have been a resident, or intends to immediately become a resident of the state of Idaho.
(d) comply with either subparagraph (1) or (2) hereof;
(1) he shall present satisfactory evidence that he has successfully completed, or will successfully complete within ninety (90) days after the examination, at least four (4) academic years of study leading toward a degree, the required credits and courses to be prescribed by rules and regulations of the board; or
(2) he shall show to the satisfaction of the board that he has achieved the equivalent of the educational qualifications required by subparagraph (1) of this section;
(3) provided, however, subparagraphs (1) and (2) hereof shall not apply to any applicant who has qualified under the prior existing law and who has made his written application to the board and such application is on file with the board prior to the effective date {July 27, 1974} of this act.

SECTION 8. That Section 54-210, Idaho Code, be, and the same is hereby amended to read as follows:

54-210. EDUCATION -- EXPERIENCE. An applicant who successfully passes the examination shall receive a certificate as a certified public accountant and be licensed, if he has completed, or upon completion of, any of the following requirements:
(1) Four (4) academic years of study, leading toward a degree, the required credits and courses to be prescribed by rules and regulations of the board, and
(a) one (1) year of public accounting experience in the full-time employ of a certified public accountant or a partnership or corporation of which at least one-half (1/2) of the partners or shareholders are certified public accountants; or
(b) two (2) years of accounting experience of a character and for a length of time which is, in the opinion of
the board, acceptable accounting experience constituting the equivalent of subparagraph (a) hereof.

(2) Experience and education of a character and for a length of time which is, in the opinion of the board, substantially equivalent to the requirements of subparagraph (1) hereof and which experience and education constitute substantial compliance herewith.

(3) None of the education requirements specified in (1) above shall apply to an applicant who is licensed as a public accountant pursuant to chapter 2, title 54, Idaho Code.

SECTION 9. That Section 54-211, Idaho Code, be, and the same is hereby amended to read as follows:

54-211. LICENSES -- LICENSE PERIOD -- FEES. The board shall issue certificates and/or licenses to practice as a certified public accountant or a public accountant to persons who have qualified therefor in accordance with the provisions of this act and the rules and regulations of the board.

A certificate, once issued, shall continue in effect so long as the holder thereof complies with the provisions of this act.

Each license shall be issued for a period of one (1) year and will be effective until the first day of July next after its issuance.

The board shall collect an annual certification or license fee from all certificate holders or licensees in an amount not to exceed one hundred dollars ($100) as prescribed by the rules and regulations of the board, and those persons meeting the requirements for license renewal shall be issued a license for the following year.

The board shall collect examination and reexamination fees in an amount not to exceed one hundred dollars ($100), as prescribed by the rules and regulations of the board or advisory committee.

The board may charge an amount not to exceed ten dollars ($10.00) as prescribed by the rules and regulations of the board for any certificate, original or replacement, to be issued as herein provided.

All certification fees, examination and reexamination fees, and certificate charges shall be collected and deposited in the state treasury in accordance with section 54-216, Idaho Code.

SECTION 10. That Section 54-213, Idaho Code, be, and
the same is hereby amended to read as follows:

54-213. RECIPROCITY. The board, upon application and payment of the fee prescribed by the rules and regulations, may issue a certificate and/or license (where applicable) to any person who holds a certificate of qualification or registration as a certified public accountant or public accountant issued to him by the proper authority of a state, territory or possession of the United States, or of a foreign country; provided that requirements for the registration licensure or certification of certified public accountants, or public accountants, under which said certificate and/or license was issued, are of a standard not lower than those specified in this act and as the same may be from time to time amended, and provided such state, territory or possession or country will license or issue certificates of registration upon substantially the same conditions, to applicants holding certificates and licenses (where applicable) issued by the board under this act chapter 2, title 54, Idaho Code.

SECTION 11. That Chapter 2, Title 54, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 54-214, Idaho Code, and to read as follows:

52-214. PUBLIC ACCOUNTANTS -- REGISTRATION. Any person (a) who is a resident of this state or has a place of business herein, and (b) who has attained the age of eighteen (18) years, and (c) who is of good moral character, and (d) who meets the requirements of paragraph (1), (2) or (3) hereof may register with the board as a public accountant.

(1) Persons who on January 1, 1976, as determined on an individual basis by the advisory committee, held themselves out to the public as public accountants within this state in the practice of public accounting as their principal occupation and who have made application to the advisory committee between July 1, 1976, and July 1, 1977, for licensure as a public accountant.

(2) Persons serving in the armed forces of the United States of America on July 1, 1976, who immediately prior to entering such service held themselves out to the public as public accountants and were engaged within this state in the practice of public accounting as their principal occupation. In the case of any such persons, the time for registration shall be extended for a period of six (6) months from the time such person is separated from active duty with such
(3) Persons who on January 1, 1976, hold senior accounting positions as determined by the advisory committee, as employees of city, county, state or federal governments and who meet the experience requirements of section 54-210(2), Idaho Code, may file with the advisory committee between July 1, 1976, and July 1, 1977, an application for licensure as a public accountant. The one (1) year period of time for filing an application may be extended for one (1) year by filing with the advisory committee between July 1, 1976, and July 1, 1977, a letter of intent to enter the practice of public accounting. In order for a person to be licensed as a public accountant pursuant to this subsection, the applicant must also pass an examination administered by the advisory committee. To retain such license, the licensee must commence the practice of public accounting on a full-time basis within ninety (90) days after receipt of such license and continue such practice for one (1) year.

The advisory committee shall charge a fee not to exceed one hundred dollars ($100) for application for licensure hereunder.

SECTION 12. That Section 54-215, Idaho Code, be, and the same is hereby amended to read as follows:

54-215. TEMPORARY PRACTICE. Nothing in this act shall prohibit a certified public accountant or public accountant of another state or any accountant of a foreign country holding a comparable certificate, degree or license which permits him to practice therein, from temporarily practicing (not exceeding thirty (30) days in any calendar year) in this state on professional business incident to his regular practice.

SECTION 13. That Section 54-216, Idaho Code, be, and the same is hereby amended to read as follows:

54-216. STATE BOARD OF CERTIFIED PUBLIC ACCOUNTANCY FUND. The state board of certified public accountancy fund, established by section 16, chapter 264, laws of 1963, section 2, chapter 263, laws of 1974, shall hereafter be known and designated as the Idaho state board of certified public accountancy fund, which fund shall continue as a separate fund appropriated to carry out the purposes and objects of this act. All moneys in the state board of certified public accountancy fund on the effective date of this act shall be moneys in the Idaho state board
of certified--public accountancy fund. All fees, charges and fines of every kind collected by the board under the provi­sions of this act shall be deposited in the state treasury to the credit of the Idaho state board of certified--public accountancy fund. All such moneys as may hereafter come into the Idaho state board of certified--public accountancy fund are hereby appropriated to carry out the purposes and objects of this act, and for payment of all costs and expenses incurred in connection therewith. No other state funds shall be expended for the purposes of this act. Moneys shall be paid out of the fund upon warrants drawn by the state auditor upon the presentation of proper vouchers approved by the Idaho state board of certified--public accountancy. Such claims and vouchers will be subject to such examination by the board of examiners as are other claims against the state.

SECTION 14. That Section 54-217, Idaho Code, be, and the same is hereby amended to read as follows:

54-217. LICENSE -- REVOCATION, SUSPENSION OR DENIAL -- CAUSES. After notice and hearing as provided by chapter 52, title 67, Idaho Code, for cause shown, the board may revoke, suspend or refuse to issue any certificate or any license, or may censure, fine or reprimand the holder of any such certificate or license, for any one (1) of the following causes:

(1) Any false statement with the intent to mislead or deceive the board or its members in or in connection with any application; or, cheating or any attempt to cheat in an examination.

(2) Fraud or deceit in obtaining a certificate or in obtaining a license to practice as a certified public accountant or public accountant under this act.

(3) Dishonesty, fraud or gross negligence in the practice of certified public accounting or public accountancy.

(4) Violation of a rule of professional conduct or ethics promulgated or adopted by the board under authority granted by this act.

(5) Conviction of a felony under the laws of any state or of the United States.

(6) Conviction of any crime involving moral turpitude, an element of which is dishonesty or fraud, under the laws of any state or of the United States.

(7) Practicing as a certified public accountant or public accountant during any period in which the license of the person so practicing has been suspended by the board.
(8) Cancelation, revocation, suspension or refusal to renew a certificate or authority to practice as a certified public accountant or public accountant by any other state, for any cause other than failure to pay an annual registration or license fee in such other state.

(9) Practicing as a certified public accountant or public accountant under a false or assumed name; provided, however, this subsection shall have no application to practicing as a certified public accountant or public accountant under the name of a partnership or professional corporation, when such style or name is in uniformity with a type or form approved by the rules and regulations of the board.

(10) Habitual use of drugs or intoxicants to such a degree as to render the licensee unreliable and unfit to practice as a certified public accountant or public accountant.

(11) Suspension or revocation of the right to practice before any agency of the United States government or of the state of Idaho, for any cause other than failure to pay registration or similar fee.

(12) Having been declared mentally ill by a court of competent jurisdiction; provided, however, that when a person's license shall have been revoked or suspended for this cause, such license shall be reinstated by the board when said disability is judicially removed.

(13) Nonpayment of the annual certification or license fee required by this act, said nonpayment having continued for a period of ninety (90) days after the expiration of the previous certification or licensure; however, any certificate or license suspended or revoked for nonpayment of the annual certification fee may be reinstated upon payment of all past due fees, the maximum payment for such reinstatement not to exceed the amount which would have been payable for the preceding five (5) years.

(14) Holding oneself out as qualified or authorized to practice as a certified public accountant or public accountant in this state, without holding a valid, unrevoked and unsuspended certificate and/or license issued by the board.

The expenses incurred by the board, for any or all proceedings instigated against a person for violation of any of the provisions of this act, may be charged against such person by the board, upon the finding of a violation of this act, in addition to any fines which may be levied by the board against such person. Fines levied by the board shall not exceed one thousand dollars ($1,000) per violation.
SECTION 15. That Section 54-218, Idaho Code, be, and the same is hereby amended to read as follows:

54-218. USE OF TITLE -- VALID LICENSE TO PRACTICE. (1) No person shall assume or use the title of or designation "certified public accountant" or the letters "C.P.A." in connection with his name or business in this state without having a valid, unrevealed, and unsuspended certificate issued by the board to practice as a certified public accountant or any other title, designation, words, letters, abbreviations, sign, card, or device to indicate that such person is a certified public accountant unless such person holds a certificate or license as a certified public accountant pursuant to chapter 2, title 54, Idaho Code.

(2) No person shall assume or use the title or designation "public accountant" or any other title, designation, words, letters, abbreviations, sign, card, or device to indicate that such person is a public accountant unless such person holds a certificate or license pursuant to chapter 2, title 54, Idaho Code.

(3) No person, partnership or corporation shall assume or use the title or designation "certified accountant," "chartered accountant," "enrolled accountant," "licensed accountant," "registered accountant," "accredited accountant," "accountant," "auditor" or other title or designation or any of the abbreviations "CA," "EA," "RA," or "LA," or similar abbreviations likely to be confused with "certified public accountant" or "public accountant"; provided, that the provisions of this subsection shall not prohibit any officer, employer, partner or principal of any organization from using the designations accountant or auditor in reference to any wording designating the position, title or office which he holds in said organization nor shall the provisions of this subsection prohibit the use of the designations accountant or auditor by any public official or public employee in reference to his public position, title or office and provided that notwithstanding the provisions of this section, the board may promulgate regulations authorizing and limiting the use of specific titles and designations granted by recognized professional societies or associations.

(4) No person shall affix his name or any trade or
assumed name used by him in his profession or business to any opinion or certificate attesting in any way to the reliability of any representation or estimate in regard to any person or organization embracing (1) financial information or (2) facts respecting compliance with conditions established by law or contract, including but not limited to statutes, ordinances, regulations, grants, loans and appropriations, together with any wording accompanying or contained in such opinion or certificate, which indicates (A) that he is an accountant or auditor or (B) that he has expert knowledge in accounting or auditing unless he is licensed as a certified public accountant or public accountant pursuant to this act; provided, however, that the provisions of this subsection shall not prohibit any officer, employee, partner or principal of any organization from affixing his signature to any statement or report in reference to the affairs of said organization with any wording designating the position, title, or office which he holds in said organization, nor shall the provisions of this subsection prohibit any act of a public official or public employee in the performance of his duties as such.

(5) As to any person possessing the qualifications required for licensure as a public accountant, enforcement of subsection (2) and (4) of this section shall not commence until July 1, 1977.

Approved March 31, 1976.
CHAPTER 268  
(S.B. No. 1545)

AN ACT  
REAPPROPRIATING THE BALANCE OF THE APPROPRIATION MADE BY  
ITEM B, SECTION 1, CHAPTER 146, LAWS OF 1975, TO THE  
PERMANENT BUILDING FUND ADVISORY COUNCIL AND THE DIVI- 
SION OF PUBLIC WORKS FOR THE SPECIFIED PURPOSE; AND  
DECLARING AN EMERGENCY.

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

SECTION 1. The balance of the appropriation made by  
Item B, Section 1, Chapter 146, Laws of 1975, for construc- 
tion, Library Building, Idaho State University, being  
approximately the sum of $450,000, is hereby reappropriated  
to the Permanent Building Fund Advisory Council and the  
Division of Public Works for furnishings and fixtures for  
the Library Building at Idaho State University.

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

Approved March 31, 1976.
CHAPTER 269
(S.B. No. 1547)

AN ACT
APPROPRIATING MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE
TO BE EXPENDED FOR DESIGNATED PROGRAMS, ACCORDING TO
DEIGNED STANDARD EXPENDITURE CLASSES FROM THE LISTED
FUNDS FOR THE PERIOD JULY 1, 1976, THROUGH JUNE 30,
1977; AND PROVIDING THAT THE STATE AUDITOR SHALL MAKE
TRANSFERS FROM THE GENERAL FUND TO THE COOPERATIVE WEL­
FARE FUND AS REQUESTED BY THE DIRECTOR OF THE DEPARTMENT
OF HEALTH AND WELFARE AND APPROVED BY THE BOARD OF EXAM­
INERS.

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

SECTION 1. There is hereby appropriated to the Depart­
ment of Health and Welfare the following amounts to be
expended for the designated programs, from the listed funds,
according to designated standard expense classes for the
period from July 1, 1976, through June 30, 1977:
<table>
<thead>
<tr>
<th>PROGRAM</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>A. DIVISION OF ENVIRONMENT:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. Air Quality:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Fund</td>
<td>$173,000</td>
<td>$37,000</td>
<td>$4,000</td>
<td>$214,000</td>
<td></td>
</tr>
<tr>
<td>Cooperative Welfare Fund</td>
<td>133,800</td>
<td>49,200</td>
<td>4,000</td>
<td>183,000</td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>306,800</td>
<td>86,200</td>
<td>4,000</td>
<td>397,000</td>
<td></td>
</tr>
<tr>
<td>2. Water Quality:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Fund</td>
<td>$385,000</td>
<td>$128,900</td>
<td>$2,200</td>
<td>$516,100</td>
<td></td>
</tr>
<tr>
<td>Water Pollution Control Fund</td>
<td>205,200</td>
<td>42,800</td>
<td></td>
<td>248,000</td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>590,200</td>
<td>171,700</td>
<td>2,200</td>
<td>2,000,000</td>
<td></td>
</tr>
<tr>
<td>3. Environmental Health:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Fund</td>
<td>$484,900</td>
<td>$86,300</td>
<td>$5,100</td>
<td>$576,300</td>
<td></td>
</tr>
<tr>
<td>Cooperative Welfare Fund</td>
<td>10,700</td>
<td></td>
<td></td>
<td>10,700</td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>495,600</td>
<td>86,300</td>
<td>5,100</td>
<td>587,000</td>
<td></td>
</tr>
<tr>
<td>GRAND TOTAL</td>
<td>1,392,600</td>
<td>344,200</td>
<td>11,300</td>
<td>2,000,000</td>
<td></td>
</tr>
<tr>
<td>B. DIVISION OF HEALTH:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. Health Planning and Resource Development:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Fund</td>
<td>$302,600</td>
<td>$182,100</td>
<td>$1,800</td>
<td>$486,500</td>
<td></td>
</tr>
<tr>
<td>Cooperative Welfare Fund</td>
<td>537,900</td>
<td>182,100</td>
<td></td>
<td>975,000</td>
<td></td>
</tr>
<tr>
<td>Miscellaneous Receipts Fund</td>
<td>76,500</td>
<td>5,400</td>
<td>2,600</td>
<td>84,500</td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>917,000</td>
<td>369,600</td>
<td>4,400</td>
<td>1,546,000</td>
<td></td>
</tr>
<tr>
<td>2. Physical Health Services:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Fund</td>
<td>$497,400</td>
<td>$190,600</td>
<td>$1,600</td>
<td>$878,000</td>
<td></td>
</tr>
<tr>
<td>Cooperative Welfare Fund</td>
<td>511,600</td>
<td>346,800</td>
<td>3,100</td>
<td>1,402,200</td>
<td></td>
</tr>
<tr>
<td>Central Tumor Registry Fund</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>1,009,000</td>
<td>537,400</td>
<td>4,700</td>
<td>3,024,800</td>
<td></td>
</tr>
</tbody>
</table>
### FOR PROGRAM PERSONNEL COSTS

3. Emergency Medical Services:

<table>
<thead>
<tr>
<th>FROM</th>
<th>FOR PERSONNEL COSTS</th>
<th>FOR OPERATING EXPENDITURES</th>
<th>FOR TRUSTEE AND BENEFIT PAYMENTS</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Fund</td>
<td>$117,200</td>
<td>$121,800</td>
<td>$239,000</td>
<td></td>
</tr>
<tr>
<td>Cooperative Welfare Fund</td>
<td>218,500</td>
<td>41,800</td>
<td>649,000</td>
<td></td>
</tr>
<tr>
<td>Miscellaneous Receipts Fund</td>
<td>553,100</td>
<td>553,100</td>
<td>941,800</td>
<td></td>
</tr>
</tbody>
</table>

**TOTAL** $3,304,600

4. Laboratory Services:

<table>
<thead>
<tr>
<th>FROM</th>
<th>FOR PERSONNEL COSTS</th>
<th>FOR OPERATING EXPENDITURES</th>
<th>FOR TRUSTEE AND BENEFIT PAYMENTS</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Fund</td>
<td>$654,500</td>
<td>$121,800</td>
<td>$796,800</td>
<td></td>
</tr>
<tr>
<td>Cooperative Welfare Fund</td>
<td>333,900</td>
<td>91,500</td>
<td>425,400</td>
<td></td>
</tr>
<tr>
<td>Miscellaneous Receipts Fund</td>
<td>65,000</td>
<td>65,000</td>
<td>65,000</td>
<td></td>
</tr>
</tbody>
</table>

**TOTAL** $1,287,200

**GRAND TOTAL** $4,591,800

### SECTION 2. The State Auditor shall make transfers of the enumerated state general funds to the Cooperative Welfare Fund periodically as requested by the Director of the Department of Health and Welfare and approved by the Board of Examiners, not to exceed the amount provided herein.

Approved March 31, 1976.
CHAPTER 270
(H.B. No. 377, As Amended, As Amended in the Senate)

AN ACT
RELATING TO INTEREST ON UNPAID TAXES; AMENDING SECTION
63-3033, IDAHO CODE, TO INCREASE THE INTEREST RATE FROM SIX PERCENT TO EIGHT PERCENT ON TAXES NOT PAID BY THE DUE DATE; AMENDING SECTION 63-3045, IDAHO CODE, TO INCREASE THE INTEREST RATE FROM SIX PERCENT TO EIGHT PERCENT ON TAX DEFICIENCIES; AMENDING SECTION 63-3073, IDAHO CODE, TO INCREASE THE INTEREST RATE ON REFUNDS FROM SIX PERCENT TO EIGHT PERCENT; DECLARING AN EMERGENCY, PROVIDING FOR A RETROACTIVE EFFECTIVE DATE; AND PROVIDING DIRECTIONS TO IDAHO CODE COMMISSION.

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

SECTION 1. That Section 63-3033, Idaho Code, be, and the same is hereby amended to read as follows:

63-3033. EXTENSION OF TIME. The state tax commission may grant a reasonable extension of time for filing any return, declaration, statement or other document, or payment required by this act; provided, however, that no such extension shall be for a period in excess of six (6) months; except that taxpayers residing or traveling outside any of the United States and Puerto Rico (including persons in military or naval service) shall have an automatic extension of time within which to file income tax returns with this state for a period which shall expire on the fifteenth (15th) day of the sixth (6th) month following the close of their taxable year. Any taxpayer entitled to an automatic extension shall attach a statement to his return claiming his right to such extension. Taxpayers who are military personnel or residents of foreign nations and entitled to extensions for filing federal income tax returns as a result of the application of the provisions of sections 911 and 7508 of the Internal Revenue Code as they appeared on the first day of January, 1969, shall be entitled to extensions of time for the same period for filing income tax returns with the state of Idaho subject to the requirements imposed in implementation of the indicated sections.

In all cases, where the state tax commission has granted an extension of time in which to file any return, interest
shall be paid on any tax due from due date to date of payment at the rate of six eight per cent (6 8%) per annum.

SECTION 1. That Section 63-3045, Idaho Code, be, and the same is hereby amended to read as follows:

63-3045. NOTICE OF DEFICIENCY -- INTEREST. (a) If, in the case of any taxpayer, the state tax commission determines that there is a deficiency in respect of the tax imposed by this act, the state tax commission shall, immediately upon discovery thereof, send notice of such deficiency to the taxpayer by registered or certified mail. Within thirty (30) days after such notice is mailed (not counting Sunday as the thirtieth day), the taxpayer may, at his option, file a protest with the state tax commission or may file a complaint with the district court in Ada County or the county in which the taxpayer resides and obtain redetermination of the deficiency; but such complaint may be filed with the district court only upon payment of the tax deficiency asserted or filing a bond in accordance with the provisions of section 63-3049, Idaho Code. No assessment of a deficiency in respect of the tax imposed by this act, and no distraint or proceedings in court for its collection shall be made, begun, or prosecuted until such notice has been mailed to the taxpayer, nor until the expiration of such thirty (30) day period, nor, if a protest has been filed, until the decision of the state tax commission becomes final. If the present address of the taxpayer is not known, the notice shall be mailed to his last known address.

(b) If the taxpayer does not file a protest with the state tax commission or an action in the district court within the time prescribed in the first subsection of this section, the deficiency shall be assessed and shall become due and payable upon notice and demand from the state tax commission.

(c) Interest upon any deficiency shall be assessed at the same time as the deficiency, shall be due and payable upon notice and demand from the state tax commission and shall be collected as a part of the tax at the rate of six eight per centum (6 8%) per annum from the date prescribed for the payment of the tax. In the event any of the deficiency is reduced by reason of a carry-back of a net operating loss, such reduction in deficiency shall not affect the computation of interest under this subsection for the period ending with the last day of the taxable year in which the net operating loss arises.
SECTION 3. That Section 63-3073, Idaho Code, be, and the same is hereby amended to read as follows:

63-3073. INTEREST ON REFUNDS AND CREDITS. Upon the allowance of a credit or refund of any tax erroneously or illegally assessed or collected, or of any penalty collected without authority, or of any sum which was excessive or in any manner wrongfully collected, interest shall be allowed and paid on the amount of such credit or refund at the rate of six eight per cent (6 8%) per annum from the date such tax, penalty, or sum was paid or from the date the return was required to be filed, whichever date is the later, to the date of the allowance of the refund, or in the case of a credit, to the due date of the amount against which the credit is taken; provided, however, that in case of a voluntary and unrequested payment in excess of actual tax liability, no interest shall be allowed when such excess is refunded or credited.

Interest on refunds resulting from net operating loss carry-back claims shall be computed from the last day of the taxable year in which the net operating loss arises.

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, 1976.

SECTION 5. This act designated as House Bill No. 377, and another act designated as House Bill No. 378, both amend section 63-3033, Idaho Code. It is not the intention of this legislature by this enactment to supersede or repeal the act designated as House Bill No. 378. The Idaho code commission is directed to compile both bills if enacted and approved, as amendments to section 63-3033, Idaho Code.

Approved March 31, 1976.
AN ACT
RELATING TO TAXABLE INCOME; AMENDING SECTION 63-3022, IDAHO CODE, BY STRIKING REFERENCES TO PERCENTAGE DEPLETION, THEREBY MAKING THE COMPUTATION OF THE LIMITATION THE SAME FOR BOTH INDIVIDUALS AND CORPORATIONS AND IDENTICAL TO THE FEDERAL PROCEDURE, BY PROVIDING A CODE REFERENCE, AND TO PROVIDE FOR TAXATION OF NONRESIDENT SHAREHOLDERS OF SUBCHAPTER-S CORPORATIONS; DECLARING AN EMERGENCY AND PROVIDING FOR A RETROACTIVE EFFECTIVE DATE.

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

SECTION I. 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:

(i) No deduction shall be included for any state--taxes measured by income, and

(ii) 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 63-3027t\(e\), 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. In the case of a corporation having income from Idaho sources and having elected to file federal income tax returns thereon pursuant to Subchapter-S of the Internal Revenue Code, salaries, wages, fees, and other compensation paid to nonresident shareholders, and the dividends distributed and the undistributed taxable income allocated to each nonresident shareholder, shall be treated as income from sources within the state. Whether or not any personal services have been performed in this state by such nonresident shareholders, they shall be deemed to have a business situs in this state. If such dividends, undistributed taxable income, salaries, wages, fees or other compensation are not reported to this state by the nonresident shareholders, such corporation shall report the same to this state and be taxable thereon. In computing the income taxable to the corporation under this subsection, deduction shall not be allowed for a carryover.
or carryback of a net operating loss provided for in subsection (d) of this section or a capital loss provided for in section 1212 of the Internal Revenue 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, and retroactively to January 1, 1976.

Approved March 31, 1976.
CHAPTER 272
(H.B. No. 421)

AN ACT
RELATING TO COUNTY PROBATION OFFICERS; AMENDING SECTION 16-1820, IDAHO CODE, BY STRIKING THE REQUIREMENT THAT SELECTION AND COMPENSATION OF COUNTY PROBATION OFFICERS SHALL BE DONE IN ACCORDANCE WITH THE PROVISIONS OF THE STATE MERIT SYSTEM.

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

SECTION 1. That Section 16-1820, Idaho Code, be, and the same is hereby amended to read as follows:

16-1820. APPOINTMENT OF COUNTY PROBATION OFFICERS. The courts in the several counties of this state shall enter into a contract or agreement with the board to provide probation services to the counties or, if the court deems local probation services are necessary, may appoint one or more persons to serve as probation officers at the expense of the county, using the same standards for selection and compensation as used by a state merit system when such a system is established. The probation officer or youth rehabilitation counselor of the board shall be a friend of the child at all times and shall never be required to arrest, apprehend, accuse or prove that a child comes within the purview of this act, unless the child has previously been decreed by a court under section 16-1814, Idaho Code, to be within the purview of this act and is under the supervision of the court, in which instance the probation officer or field agent of the board shall have the same authority as any peace officer to take the child into custody. The efforts of the probation officer or youth rehabilitation counselor of the board shall be directed to the discovery and correction of the basic causes of maladjustment and to the development of the child's personality and character with the aid of the social resources of the community.

Approved March 31, 1976.
CHAPTER 273
(H.B. No. 439, As Amended, As Amended)

AN ACT
RELATING TO PAID FIREFIGHTER'S RETIREMENT; AMENDING SECTION 72-1402, IDAHO CODE, TO PROVIDE ADDITIONAL DEFINITIONS, AND TO PROVIDE CODE REFERENCES; AMENDING SECTION 72-1403, IDAHO CODE, TO PROVIDE THAT THIRTY PER CENT OF THE TAX ON FIRE INSURANCE PREMIUMS SHALL BE PAID TO THE FIREFIGHTER'S RETIREMENT FUND, AND TO PROVIDE CODE REFERENCES; AMENDING SECTION 72-1411, IDAHO CODE, TO PROVIDE THAT NINE PER CENT OF FIREFIGHTER'S SALARIES AND WAGES SHALL BE PAID INTO THE RETIREMENT FUND, AND TO PROVIDE CODE REFERENCES; AMENDING SECTION 72-1412, IDAHO CODE, TO PROVIDE FOR PAYMENTS FROM CITIES, TOWNS OR FIRE DISTRICTS INTO THE RETIREMENT FUND; AMENDING SECTION 72-1413, IDAHO CODE, TO PROVIDE FOR CONTINUED FUNDING OF VESTED BENEFITS; AMENDING SECTION 72-1414, IDAHO CODE, TO STRIKE REFERENCES TO VOLUNTARY RETIREMENT AND RETIREMENT FOR DISABILITY; AMENDING SECTION 72-1429F, IDAHO CODE, TO PROVIDE FOR BENEFITS AND RETIREMENT BECAUSE OF DISABILITY DUE TO NONSERVICE CAUSES; AMENDING SECTION 72-1430H, IDAHO CODE, AS ENACTED BY SENATE BILL NO. 1429, SECOND REGULAR SESSION OF THE FORTY-THIRD IDAHO LEGISLATURE, TO PROVIDE CERTAIN OPTIONS AND A COST OF LIVING ADJUSTMENT, AND TO PROVIDE FOR MEDICAL DETERMINATION OF DISABILITY; AMENDING SECTION 72-1429I, IDAHO CODE, TO PROVIDE FOR PAYMENT OF DEATH BENEFITS TO A SURVIVING SPOUSE; AMENDING SECTION 72-1429L, IDAHO CODE, TO CLARIFY THE PROCESS FOR PAYMENT OF DEATH BENEFITS TO A SURVIVING SPOUSE OR CHILDREN; AMENDING SECTION 72-1429M, IDAHO CODE, TO PROVIDE FOR A DEATH BENEFIT PAYMENT PER MONTH OF SIXTY-FIVE PER CENT OF THE AVERAGE PAID FIREFIGHTER'S MONTHLY SALARY WHEN DEATH OCCURRED AFTER TWENTY-FIVE YEARS ACTIVE SERVICE BUT FROM CAUSES DISCONNECTED WITH OFFICIAL DUTIES; AMENDING SECTION 72-1429R, IDAHO CODE, TO PROVIDE CODE REFERENCES AND TO PROVIDE FOR PAYMENTS OF INCAPACITATED FIREFIGHTERS; AMENDING SECTION 72-1430A, IDAHO CODE, TO CLARIFY THE PROCESS FOR PAYMENT OF BENEFITS FOR VOLUNTARY RETIREMENT AFTER TWENTY YEARS SERVICE; AMENDING SECTION 72-1430B, IDAHO CODE, TO CLARIFY THE PROCESS FOR PAYMENT OF BENEFITS FOR VOLUNTARY RETIREMENT AFTER TWENTY-ONE YEARS SERVICE; AMENDING SECTION 72-1430C, IDAHO CODE, TO CLAR-
IFY THE PROCESS FOR PAYMENT OF BENEFITS FOR VOLUNTARY RETIREMENT AFTER TWENTY-TWO YEARS SERVICE; AMENDING SECTION 72-1430D, IDAHO CODE, TO CLARIFY THE PROCESS FOR PAYMENT OF BENEFITS FOR VOLUNTARY RETIREMENT AFTER TWENTY-THREE YEARS SERVICE; AMENDING SECTION 72-1430E, IDAHO CODE, TO CLARIFY THE PROCESS FOR PAYMENT OF BENEFITS FOR VOLUNTARY RETIREMENT AFTER TWENTY-FOUR YEARS SERVICE; AMENDING SECTION 72-1430G, IDAHO CODE, TO CLARIFY THE PROCESS FOR PAYMENT OF DEATH BENEFITS TO A SURVIVING SPOUSE OR CHILDREN; AMENDING SECTION 72-1431, IDAHO CODE, TO PROVIDE THAT THE MAXIMUM PENSION PAYMENT SHALL VARY BASED ON A COST OF LIVING ADJUSTMENT; AMENDING CHAPTER 14, TITLE 72, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 72-1432, IDAHO CODE, TO PROVIDE FOR OPTIONAL RETIREMENT BENEFIT PLANS; AMENDING CHAPTER 14, TITLE 72, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 72-1432A, IDAHO CODE, TO PROVIDE A PROCESS FOR DETERMINING AVERAGE FINAL COMPENSATION OF A PAID FIREMAN; AMENDING CHAPTER 14, TITLE 72, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 72-1432B, IDAHO CODE, TO PROVIDE A PROCESS FOR MAKING COST OF LIVING ADJUSTMENTS TO RETIREMENT BENEFITS; AMENDING CHAPTER 14, TITLE 72, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 72-1432C, IDAHO CODE, TO PROVIDE FOR MEDICAL EXAMINATIONS OF RETIRED FIREFIREFMAN RECEIVING BENEFITS DUE TO DISABILITY; AND REPEALING SECTIONS 72-1425, 72-1429A, 72-1429B, 72-1429C, 72-1429D, 72-1429N, AND 72-1429O, IDAHO CODE.

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

SECTION 1. That Section 72-1402, Idaho Code, be, and the same is hereby amended to read as follows:

72-1402. DEFINITIONS. The following are definitions of terms used in this act:

(A) The words "paid fireman" are synonymous with "paid firefighter," and mean any individual, male or female, excluding office secretaries employed after July 1, 1967, who is on the payroll of any city or town or fire district in the state of Idaho and who devotes his or her principal time of employment to the care, operation, maintenance or the requirements of a regularly constituted fire department of such city or fire district in the state of Idaho.

(B) "Industrial commission" means the commission as
authorized and created under the provisions of chapter 5 of title 72, Idaho Code.

(C) "Workmen's compensation law" means the workmen's compensation law as authorized and created under title 72, Idaho Code.

(D) "Twenty-five (25) years active service": An individual whose principal means of livelihood for the period of twenty-five (25) years has been through employment by a city, or town, or fire district in the state of Idaho in a regularly constituted fire department of a city, town, or fire district, and has actually been carried on the payroll of an Idaho fire department for twenty-five (25) years or more.

(E) "Five (5) years continuous service": An individual who has been employed by a regularly constituted fire department in a city or town, or fire district in the state of Idaho for a period of five (5) years continuously, without having engaged in any other gainful occupation as his principal gainful occupation and has had "five (5) years continuous service" with a paid fire department of a city, town or fire district in the state of Idaho.

(F) "State insurance fund," as used herein, means the state insurance fund created by chapter 9 of title 72, Idaho Code, and the "director" thereof, as used herein, means the duly appointed, qualified and acting director or manager of said fund.

(G) The meaning of the term "incapacitated in a degree which prohibits efficient service" means that degree of mental or physical disability which prohibits the efficient performance of the duties of a paid fireman during a fire or conflagration.

(H) "Years active service": Service rendered by an individual whose principal means of livelihood for the prescribed period of years has been through employment by a city, or town, or fire district in the state of Idaho, in a regularly constituted fire department of a city, town, or fire district, and has actually been carried on the payroll of an Idaho fire department for the prescribed period of years. All years of active service as herein defined before the establishment of the firemen's retirement fund may count only toward the prescribed period of years for retirement as set out in sections 72-1429A, 72-1429B, 72-1429F, 72-1429L and 72-1429M, 72-1430A, 72-1430B, 72-1430C, 72-1430D, 72-1430E, 72-1430F, and 72-1430G, Idaho Code. Before any year's service since the establishment of the firemen's retirement fund may count toward the prescribed period of years, the tax must have been deducted from his or her wage
or salary and remitted as set out in sections 72-1411 and 72-1412, Idaho Code, for that year.

SECTION 2. That Section 72-1403, Idaho Code, be, and the same is hereby amended to read as follows:

72-1403. FIREMEN'S RETIREMENT FUND CREATED -- MONEYS RECEIVED -- TRANSFER OF EXISTING FUNDS. There is hereby created a special fund, in the treasury of the state to be designated and known as the firemen's retirement fund, for the purpose of providing retirement pay and other benefits for paid firemen, as defined herein, becoming aged or disabled while in the public fire fighting service of a city, town, or fire district of the state of Idaho, and also for their dependents as provided herein. Such fund shall consist of all moneys accruing under the provisions hereof, all appropriations thereto, all contributions to said fund, donations, properties, and securities acquired by investment or otherwise, interest, earned, and one-fourth-(1/4) thirty per cent (30%) of the gross receipts by the state of the tax on fire insurance premiums as provided by section 41-003 41-402, Idaho Code: and the said one-fourth-(1/4) thirty per cent (30%) of said gross receipts accruing under section 41-003 41-402, Idaho Code, shall, commencing with the effective date of this act, be and the same is hereby appropriated and segregated for the purpose of this act and shall be transferred to and deposited in the fund created hereby.

SECTION 3. That Section 72-1411, Idaho Code, be, and the same is hereby amended to read as follows:

72-1411. LEVY OF EXCISE TAX UPON FIREMEN -- MANNER OF COLLECTION. Beginning with the effective date of this act, there is hereby levied upon, and shall be paid into the state treasury to the credit of the firemen's retirement fund, in addition to other provisions of payment to said fund, an excise tax on each paid fireman as defined herein equal to seven nine per cent (7 9%) of the average paid fireman's salary or wage in the state of Idaho, or nine per cent (9%) on each individual fireman's salary or wage, based on each fireman's classification under Option 1 or Option 2 as defined under section 72-1432, Idaho Code, which tax shall be collected by the employer by deducting the amount of the tax from the fireman's wages or salary as and when paid; the said tax shall be payable to the fund quarterly and on the first days of April, July, October and January, and shall be remitted to the state treasury of Idaho by the
city, town, or fire district employing said paid fireman. Said average paid or individual fireman's salary or wage shall be determined annually by the director, as defined in section 72-1405 72-1412, Idaho Code, from the quarterly reports submitted to him the preceding October by the cities, towns or fire districts; after determining the amount to be collected from each paid fireman as herein set out, the director shall notify each city, town and fire district the amount of said tax to be collected for the ensuing calendar year.

SECTION 4. That Section 72-1412, Idaho Code, be, and the same is hereby amended to read as follows:

72-1412. PENSION FUND PAYMENTS BY CITIES, TOWNS AND FIRE DISTRICTS -- QUARTERLY REMITTANCES. It shall also be the duty of the cities, towns, and fire districts of this state employing paid firemen, and of the boards and officers having taxing authority therein, beginning with the effective date of this act, to cause to be levied, collected and remitted into the firemen's retirement fund annually, as other taxes are levied, collected and remitted, and as an incident to and part of the current expenses of such cities, towns, and fire districts, a sum equivalent to the total contribution rate and tax percentage paid into the Idaho public employee retirement system and the Social Security Act on other public employees during the year 1977, and each year thereafter of the annual average paid firefighter's salary or wage in the state of Idaho or the monthly gross salary or wage of each individual firefighter, to be computed according to the classification of each firefighter under Option I or Option II as defined under section 72-1432, Idaho Code, for each paid fireman employed by said cities, towns or fire districts; which said sum shall be measured and determined by the actual expenditures for such purpose during the preceding calendar year, and remitted quarterly as herein provided for remittances for individual firemen as set forth in section 72-1411, Idaho Code. Any city may levy a special property tax not to exceed one (1) mill to provide for increased contribution costs mandated by this act.

SECTION 5. That Section 72-1413, Idaho Code, be, and
the same is hereby amended to read as follows:

72-1413. FAILURE OF CITY, TOWN OR FIRE DISTRICT TO MAKE PAYMENT -- EFFECT. In event any city, town or fire district of this state shall fail to contribute to the said fund for any cause whatever, the provisions of this act shall apply to and be available for the payment of benefits to firemen employed by such municipality or subdivision if the contribution required of such city, town or fire district shall have been, in fact, paid from any source whatever. In the event that any city, town or fire district shall eliminate its paid fire department, the city, town or fire district shall continue to make its contribution prescribed by section 72-1412, Idaho Code, necessary to fund the payment of benefits vested in any paid fireman, or then being paid to any retired fireman or beneficiary, of such city, town or fire district.

SECTION 6. That Section 72-1414, Idaho Code, be, and the same is hereby amended to read as follows:

72-1414. PAYMENT OF PENSIONS -- AMOUNT TO BE PAID -- VOLUNTARY-RETIREMENT-RETIREMENT-OF-DISABLED-MEMBERS-- DEATH-BENEFITS PARTIES ENTITLED THERETO. Benefits shall be paid—firemen—including-those-who-have-heretofore-received retirement-compensation-under-this-act—as-fellows:

(a) Any paid fireman with net less than twenty-five (25)—years-active—service—as—a—paid—fireman—within—the state, as a paid fireman—defined—in—subdivision—{(a)—of section 72-1402—5—years-which—shall—have been—continuous—may—at—his—option—retire—‘and—in—event—of such—retirement—he—shall—be—paid—from—the—firemen's—retirement—fund—a—monthly—sum—of—ninety-five—dollars—{(695.00)—during—the—remainder—of—his—life.—This—payment—shall—also—be made—to—any—paid—fireman—attaining—the-age—of—fifty—five (55)—years—without—net-less-than-twelve-and-one-half—{12—1/2} years—active—service—as—a—paid—fireman—defined—in—this act—and—5—years-which—shall—have—been—continuous—where—shall—be—dismissed—or—retired—by—his employer—because—incapacitated—as—defined—under—the—previsions—of—subdivision—{(a)—of—section 72-1402—and—the—payment te-be-made—to—such—retired—fireman—shall—be—in—proportion—to twenty-five—{(25)—years—service—as—a—paid—fireman—}

(b) Any paid fireman—incapacitated—by—injury—in-the course-of-duty—er—by—illness—attributable—wholly—or—par
tially—to—service—as—a—paid—fireman—shall—be—retired—se ieng—as—such—disability—shall—continue—in—a—degree—which
prevents efficient service, and during such disability shall be paid from the said fund a monthly sum of ninety-five dollars. (§95-08) Provided, however, that if any such paid fireman is entitled to receive compensation under the Workmen's Compensation Law of the state of Idaho as it now exists, or shall hereafter be amended, the amount payable under this act shall be reduced by the amount to which said paid fireman is entitled under said Workmen's Compensation Law.

(C) In event a paid fireman is killed or sustains injury from which death results while in performance of his duty and leaves surviving him a widow, his widow shall during the time she remains his widow and does not remarry be paid from the said fund the monthly sum of ninety-five dollars. (§95-08) +

(D) In event a paid fireman, retired on retirement, pays shall, die and leave surviving him a widow, who was his wife for over five (5) years immediately prior to his death, but no minor children, she shall receive the retirement or benefit pay of her husband under subdivisions (A) or (B) of this section, during her lifetime or only until she remarries.

(E) In event a paid fireman, retired on retirement, pays shall, die and leave surviving him a widow, who was his wife for over five (5) years immediately prior to his death, and his minor child or children, the widow so long as she does not remarry shall be paid the retirement pay to which her deceased husband was eligible and if she dies without having remarried the full retirement pay shall be paid to the child or children until they reach the age of eighteen (18) years. Should a paid fireman, retired on retirement, pay, die without leaving a surviving wife, and leave surviving him a minor child or children, said child or children shall be entitled to receive the pension to which said fireman was entitled until they marry or shall attain eighteen (18) years of age.

(F) The widow of any paid fireman, dying, from causes disconnected with his official duties, but during the period of his service who has completed less than twelve and one-half (12 1/2) years of active service as a paid fireman as defined in this act shall be paid from the said fund the monthly sum of twenty-five dollars (§25-08) until her death or remarriage. Provided, however, if said fireman shall have completed twenty-five (25) years of service as a paid fireman, as defined in this act, then and in that event his widow shall be paid from the said fund the monthly sum of ninety-five dollars (§95-08) until her death or remarriage and in the event said fireman shall have completed less than twenty-
five--(25)--years-of-active-service—but-more-than-twelve-and
one-half--(12-1/2)--years-of-active-service,--said-widow--shall
until--her-death-or-remarriage,--be-paid-a-sum-from-said-fund
in-the-proportion-that-said-fireman's-years-of-service-bears
to-the-maximum-sum-payable-to--a--fireman--with--twenty-five
(25)--years-of-active-service.

(6) Any fireman, widow spouse, child or children of a
fireman entitled to compensation under the Workmen's Compensa-
tion Law, shall draw benefits under this act only to the
extent that the benefits under this act exceed those to
which he or she shall be entitled under the Workmen's
Compensation Law of Idaho.

(6)--If-a-paid-fireman,--as-defined-in-this-act,--quits-or
leaves--his--job—voluntarily—for—any—reason—prior—to—the
completion-of-twenty-five--(25)--years-of-service,--and—said
fireman—has—worked-continuously-two—(2)—years—or-more-as—a
paid-fireman—he—shall—be-entitled—to—receive—at-the-time—he
quits—or-leaves—his—job—as—a-paid—fireman—fifty—per—cent
(50%)—of—whatever—sum—he—has—contributed—to—the—retirement
fund—if—such-fireman—is—subsequently—reemployed—as—a—paid
fireman—with—duties—which—involve—or—are—incidental—to—fire-
fighting—he—shall—within—ninety—(90)—days—from—such
employment,—reimburse—the—retirement-fund—to—the—full—extent
of—the-amount—he—received—from—said-fund—upon—his—quitting
or—leaving—his—job.

(7) From—and—after—two—(2)—years—from—the—effective
date—(July-17—1970)—of—this—act,—the—retirement-pay—referred
to—in—subdivisions—(A),—(B),—(C),—(D),—(E),—and—(F)—herein
shall—be—increased—from—ninety-five—dollars—($95.00)—to—one
hundred-fifty—dollars—($150)—per—month—provided—that—such—increase—shall—not—apply—to—any—person—or—persons
drawing—retirement-pay—prior—to—the—effective-date—of—this
act,—with—respect—to—such—persons—said—payment—shall—con-
tinue—at—the-rate—of—ninety-five—dollars—($95.00)—per—month
so—long—as—such—person—or—persons—shall—be—entitled—to
receive—such—retirement-pay.

(8) From—and—after—the—effective-date—(July-17—1970)—of
this—act,—each—person—entitled—to—benefits—under—this
section—shall—receive—an—additional—ten—dollars—($10.00)—per
month—above—what—he—or—she—is—otherwise—entitled—to—receive
hereunder—for—so—long—as—such—person—or—persons—shall—be
entitled—to—receive—such—retirement-pay.

(9) In—addition—to—the—the-monthly-sums—provided—for—in
subsections—(A)—through—(8)—of—this—section,—each—person
drawing—benefits—provided—for—in—this—section,—shall—be
entitled—to—receive—adjustments—to—such—benefits—calculated
on—the—percentage—of—increase—or—decrease—in—the-average
paid-firemen's-salary-or-wage-in-this-state—as—calculated under-the-terms-of-section-72-14117-Idaho-Code—

SECTION 7. That Section 72-1429F, Idaho Code, be, and the same is hereby amended to read as follows:

72-1429F. PENSION PAYMENT -- RETIREMENT OF INCAPACITATED FIREFEOM AFTER FIVE, TWELVE AND ONE-HALF OR TWENTY YEARS FOR NONSERVICE. (1) Any paid fireman with not less than five (5) years' active service as defined in subsection (H) of section 72-1402{(H)}, Idaho Code, as a paid fireman as defined in this act and who—shall—be—dismissed—or—retired—by his—employer—because—incapacitated—not—in—the—performance—of duty—in—a—degree—which—prohibits—efficient—service—as defined—under—the—provisions—of—subdivision{(G)}—of—section 72-1402—Idaho-Code—shall so long as he—remains—in—incapacitated—be—paid—a—monthly—sum—equal—to—two—percent{(2%)}—of the—average—paid—fireman's—salary—or—wage—in—this—state—for each—year's—active—service—which—said—monthly—retirement sum—shall—vary—annually—according—to—the—determination—of the—average—paid—fireman's—salary—or—wage—in—this—state—as set—forth—in—section—72-14117—Idaho-Code—provided—that—if the—fireman—has—twenty—one{(21)}—or—more—years—of—service, the—monthly—sum—shall—be—the—same—amount—as—would—be—payable in—the—case—of—voluntary—retirement, who—shall—become totally—and—permanently—in—incapacitated—for—duty—by—reason—of a—personal—injury—or—disease—occurring—as—the—result—of causes—arising—outside—the—course—of—his—employment—by—t he—city,—town,—or—fire—district,—shall,—so—long—as—he remains—totally—in—incapacitated—he—shall—he—paid—a—monthly—sum—equal—to—two—percent{(2%)}—of the—average—paid—fireman's—salary—or—wage,—as defined—in—section—72-14117,—Idaho-Code,—in—this—state—for each—year's—active—service—or—a—monthly—sum—equal—to—two—percent{(2%)}—of—the—said—fireman's—average—monthly—salary—or—wage,—as defined—in—section—72-14117,—Idaho-Code,—based—on his—"average—final—compensation,"—as—defined—in—section 72-1432A,—Idaho-Code,—according—to—his—classification—as defined—in—section—72-1432,—Idaho-Code.

(2) Any paid fireman with not less than twelve and one-half (12-1/2) years' active service as defined in subsection (H) of section 72-1402, Idaho Code, as a paid fireman as defined in this act and who shall be dismissed or retired by his or her employer because incapacitated not in the performance of duty in a degree which prohibits efficient service, as defined under the provisions of subdivision{(G)}—of—section 72-1402,—Idaho-Code,—shall,—so—long—as—he—or—she remains—in-capacitated—he—shall—he—paid—a—monthly—sum—equal—to—two—per
cent (2%) of the average paid fireman's salary or wage, as defined in section 72-1411, Idaho Code, in this state for each year's active service or a monthly sum equal to two percent (2%) of the said fireman's average monthly salary or wage, as defined in section 72-1411, Idaho Code, based on his or her "average final compensation," as defined in section 72-1432A, Idaho Code, according to her or his classification as defined in section 72-1432, Idaho Code.

(3) In the event said fireman has twenty-one (21) or more years' service, the monthly sum shall be the same amount as would be payable in the case of voluntary retirement.

(4) The monthly benefits provided for in this section shall vary annually according to the "cost of living adjustment" as set forth in section 72-1432B, Idaho Code.

(5) Upon application of a firefighter or his or her department head for a nonservice disability retirement, and prior to said retirement, a medical examination of said firefighter shall be given by a medical committee, consisting of a physician named by the director of the state insurance fund, a physician named by the firefighter claiming benefits, and a third physician designated by the first two (2) physicians so named. If the medical committee, by a majority opinion certifies in writing, that: (1) the firefighter is mentally or physically incapacitated for the efficient performance of the duties of a paid firefighter in the service of the city, town or fire district, (2) such incapacity is likely to be permanent, (3) the firefighter should be retired, and (4) there is medical evidence of probative value including reports of clinical findings (such as the individual's medical history, physical or mental status examinations or both), laboratory findings, diagnosis, and treatment prescribed and response to treatment, the director may approve such application for retirement as provided herein.

SECTION 8. That Section 72-1430H, as enacted by Senate Bill No. 1429, Second Regular Session of the Forty-third Idaho Legislature, be, and the same is hereby amended to read as follows:

72-1430H. PENSION PAYMENT -- RETIREMENT OF FIREMAN INCAPACITATED IN THE PERFORMANCE OF DUTY. Any paid fireman incapacitated by injury in the performance of duty, or by illness attributable wholly or partially to service as a paid fireman, shall be retired so long as such disability shall continue in a degree which prevents efficient service,
and during such disability shall be paid from the said fund the monthly retirement sum to which he would be entitled if he elected to retire, but in no event less than a monthly sum equal to sixty-five per cent (65%) of the average paid fireman's salary or wage as above set out, which said monthly sum shall vary annually according to the determination of the average paid fireman's salary or wage in this state as set forth in section 72-1411, Idaho Code, as defined in section 72-1411, Idaho Code, in this state or a monthly sum equal to sixty-five per cent (65%) of the said fireman's average monthly salary or wage, as defined in section 72-1411, Idaho Code, based on his "average final compensation," as defined in section 72-1432A, Idaho Code, according to his classification as defined in section 72-1432, Idaho Code, which said monthly sum shall vary annually according to the "cost of living adjustment" as set forth in section 72-1432B, Idaho Code.

Upon application of a firefighter or his or her department head for a service disability retirement, and prior to said retirement, a medical examination of said firefighter shall be given by a medical committee consisting of a physician named by the director of the state insurance fund, a physician named by the firefighter claiming benefits, and a third physician designated by the first two (2) physicians so named. If the medical committee, by a majority opinion certifies in writing, that: (1) the firefighter is physically incapacitated for the efficient performance of the duties as a paid firefighter, as defined under the provisions of subsection (G), section 72-1402, Idaho Code, in the service of the city, town or fire district, (2) such incapacity is likely to be permanent, (3) the member should be retired, and (4) there is medical evidence of probative value including reports of clinical findings (such as the individual's medical history, physical status examinations), laboratory findings, diagnosis and treatment prescribed and response of such treatment, the director may approve such application for retirement as provided herein.

SECTION 9. That Section 72-1429I, Idaho Code, be, and the same is hereby amended to read as follows:

72-1429I. DEATH BENEFITS -- SPOUSE OF RETIRED FIREMAN. In the event a paid fireman, retired on retirement pay, shall die and leave surviving him a spouse, who was his such spouse for over five (5) years immediately prior to his said fireman's death, but no minor children, he or she such surviving spouse shall receive the retirement benefits to which
the deceased spouse was entitled during his-or-her-lifetime the lifetime of the deceased fireman and so long as he-or she such surviving spouse does not remarry.

SECTION 10. That Section 72-1429L, Idaho Code, be, and the same is hereby amended to read as follows:

72-1429L. DEATH BENEFITS -- WIDOW AND CHILDREN OF FIREMAN DYING FROM CAUSES DISCONNECTED WITH DUTIES BUT DURING SERVICE AFTER FIVE YEARS. (1) In the event a paid fireman who shall have died from causes disconnected with his said fireman's official duties, but during the period of his said fireman's service, leaves surviving him a widow-or-a-widow spouse or a spouse with child or children, and who shall have completed less than twenty (20) years, but more than five (5) years of active service as defined in subsection (H) of section 72-1402(4), Idaho Code, as a paid fireman as defined in this act, said widow spouse, during her spouse's lifetime and so long as she said spouse does not remarry, shall be paid from the fund a monthly sum equal to two per cent (2%) of the average paid fireman's salary or wage in this state for each-year's-active-service, which said-monthly-retirement-sum-shall-variably-anually-according-to the-determination-of-the-average-paid-fireman's-salary-or wage-in-this-state-as-set-forth-in-section-72-1411,--Idaho Code,--and-if-she-dies-said-monthly-sum-shall-be-paid-to-the surviving-child-or-children-until-they-reach-the-age-of eighteen-(18)-years-or-shall-marry, whichever-occurs-first, provided, however, that if said deceased-fireman-shall-have died-without-leaving-a-surviving-wife-and-leaving-surviving him-a-child-or-children, said-surviving-child-or-children shall-be-entitled-to-receive-said-monthly-sum-until-they shall-reach-the-age-of-eighteen-(18)-years-or-shall-marry, whichever-occurs-first, in this state, as defined in section 72-1411, Idaho Code, for each year's active service or a monthly sum equal to two per cent (2%) of said fireman's average monthly salary or wage, as defined in section 72-1411, Idaho Code, for each year's active service, based on his "average final compensation" as defined in section 72-1432A, Idaho Code, according to his classification as defined in section 72-1432A, Idaho Code, which said monthly sum shall vary annually, according to the determination of the average paid firefighter's salary or wage in this state as set forth in section 72-1411, Idaho Code, and if said surviving spouse dies said monthly sum shall be paid to the surviving child or children until they reach the age of eighteen (18) years or shall marry, whichever occurs first;
provided, however, that if said deceased fireman shall have died without leaving a surviving spouse and leaving surviving a child or children, said surviving child or children shall be entitled to receive said monthly sum until they shall reach the age of eighteen (18) years or shall marry, whichever occurs first.

(2) In the event a paid fireman who shall have died from causes disconnected with his said fireman’s official duties, but during the period of his said fireman’s service, leaves surviving him a widower or a widow or a spouse with child or children, and who shall have completed less than twenty-five (25) years, but more than twenty (20) years of active service as defined in subsection (H) of section 72-1402(2), Idaho Code, as a paid fireman as defined in this act, said widower or widow, during his or her lifetime and so long as she said spouse does not remarry, shall be paid from the fund a monthly sum equal to the sum the fireman would have received had he said fireman retired as of the date of his death, and for the purposes of this section, said fireman shall be deemed to have retired as of the date of death, which said monthly retirement sum shall vary annually according to the determination of the average-paid-fireman’s salary-wage in this state as set forth in section 72-1411, Idaho Code, and if she dies said monthly sum shall be paid to the surviving child or children until they reach the age of eighteen (18) years or shall marry, whichever occurs first, provided, however, that if said deceased fireman shall have died without leaving a surviving spouse and leaving surviving a child or children, said surviving child or children shall be entitled to receive said monthly sum until they reach the age of eighteen (18) years or shall marry, whichever occurs first.

SECTION 11. That Section 72-1429M, Idaho Code, be, and the same is hereby amended to read as follows:

72-1429M. DEATH BENEFITS -- SPOUSE AND CHILDREN OF
FIREMAN DYING FROM CAUSES DISCONNECTED WITH DUTIES BUT DURING SERVICE AFTER TWENTY-FIVE YEARS. In the event a paid fireman who shall have died from causes disconnected with his said fireman's official duties, but during the period of his said fireman's service, and left surviving him a spouse or a spouse with child or children, and who shall have completed twenty-five (25) years' active service as defined in subsection (H) of section 72-1402, Idaho Code, as a paid fireman as defined in this act, said spouse, during his or her lifetime and so long as he or she does not remarry, shall be paid from the fund a monthly sum equal to fifty sixty-five per cent (56.5%) of the average paid fireman's salary or wage as set out in section 72-1411, Idaho Code, which said sum shall vary annually according to the determination of the "cost of living adjustment" as set forth in section 72-1432B, Idaho Code, and if he or she dies said monthly sum shall be paid to the surviving child or children until they shall reach the age of eighteen (18) years or shall marry, whichever occurs first; provided, however, that if said deceased fireman shall have died without leaving a surviving spouse and leaving a child or children, said surviving child or children shall be entitled to receive the pension to which said fireman was entitled until they shall reach the age of eighteen (18) years or shall marry, whichever occurs first; or a monthly sum equal to sixty-five per cent (65%) of said fireman's average monthly salary or wage, as defined in section 72-1411, Idaho Code, based on his "average final compensation," as defined in section 72-1432A, Idaho Code, according to the classification as defined in section 72-1432, Idaho Code, which said sum shall vary annually according to the determination of the "cost of living adjustment" as set forth in section 72-1432B, Idaho Code, and if he or she dies said monthly sum shall be paid to the surviving child or children until they shall reach the age of eighteen (18) years or shall marry, whichever occurs first; provided, however, that if said deceased fireman shall have died without leaving a surviving spouse and leaving a child or children, said surviving child or children shall be entitled to receive the pension which said fireman was entitled until they shall reach the age of eighteen (18) years or shall marry, whichever occurs first.

SECTION 12. That Section 72-1429R, Idaho Code, be, and the same is hereby amended to read as follows:

72-1429R. DATE OF PAYMENT. All claims for benefits
originating under Option II from and after two five (25) years from the effective date of this act shall be payable as provided in section 72-1429A, 72-1432 through section 72-1429G, 72-1432C, Idaho Code, inclusive, and all claims for benefits now being paid or originating prior to said date shall be payable as provided in section 72-1414, Idaho Code, so long as such claims or benefits are entitled to be paid, as that section existed prior to July 1, 1976, provided, however, that any firefighter incapacitated in the performance of duty prior to the effective date of any claims under this act shall be entitled to benefits under Option II, if said firefighter and his or her employer have been contributing the required excise tax under sections 72-1411 and 72-1412, Idaho Code.

SECTION 13. That Section 72-1430A, Idaho Code, be, and the same is hereby amended to read as follows:

72-1430A. PENSION PAYMENT -- VOLUNTARY RETIREMENT AFTER TWENTY YEARS [EFFECTIVE-JANUARY-1, 1976]. Any paid fireman with not less than twenty (20) years' active service as defined in subsection (H) of section 72-1402(H), Idaho Code, as a paid fireman as defined in subsection (A) of section 72-1402(A), Idaho Code, within the state and not less than twenty (20) years of having the tax deducted from his salary or wage and the tax remitted as set out in sections 72-1411 and 72-1412, Idaho Code, may, at his option retire, and in the event of such retirement he shall be paid from the firemen's retirement fund a monthly sum during the remainder of his life equal to forty per cent (40%) of the average paid fireman's salary or wage in this state which -- said monthly -- retirement -- shall -- vary -- annually -- according to the determination of the average paid fireman's salary or wage in this state as set forth in section 72-1411, Idaho Code, as defined in section 72-1411, Idaho Code, or a monthly sum equal to forty per cent (40%) of the said fireman's average monthly salary or wage, as defined in section 72-1411, Idaho Code, based on his or her "average final compensation," as defined in section 72-1432A, Idaho Code, according to his classification as defined in section 72-1432, Idaho Code, which said monthly sum shall vary annually according to the determination of the "cost of living adjustment" as set forth in section 72-1432B, Idaho Code.

SECTION 14. That Section 72-1430B, Idaho Code, be, and the same is hereby amended to read as follows:
72-1430B. PENSION PAYMENT -- VOLUNTARY RETIREMENT AFTER TWENTY-ONE YEARS {EFFECTIVE--JANUARY--17--1976}. Any paid fireman with not less than twenty-one (21) years' active service as defined in subsection (H) of section 72-1402{H}, Idaho Code, as a paid fireman as defined in subsection (A) of section 72-1402{A}, Idaho Code, within the state and not less than twenty-one (21) years of having the tax deducted from his or her salary or wage and the tax remitted as set out in sections 72-1411 and 72-1412, Idaho Code, may, at his or her option, retire, and in the event of such retirement he said fireman shall be paid from the firemen's retirement fund a monthly sum during the remainder of his or her life equal to forty-five per cent (45%) of the average paid fireman's salary or wage in this state, which=said=monthly=retirement=sum=shall=vary=annually=according-to-the-determination-of-the-average-paid-fireman's-salary-or-wage-in-this-state-as-set-forth-in-section-72-1411, Idaho Code as defined in section 72-1411, Idaho Code, or a monthly sum equal to forty-five per cent (45%) of said fireman's average monthly salary or wage, as defined in section 72-1411, Idaho Code, based on his "average final compensation," as defined in section 72-1432A, Idaho Code, according to his classification as defined in section 72-1432, Idaho Code, which said monthly sums shall vary annually according to the determination of the "cost of living adjustment" as set forth in section 72-1432B, Idaho Code.

SECTION 15. That Section 72-1430C, Idaho Code, be, and the same is hereby amended to read as follows:

72-1430C. PENSION PAYMENT -- VOLUNTARY RETIREMENT AFTER TWENTY-TWO YEARS {EFFECTIVE--JANUARY--17--1976}. Any paid fireman with not less than twenty-two (22) years' active service as defined in subsection (H) of section 72-1402{H}, Idaho Code, as a paid fireman as defined in subsection (A) of section 72-1402{A}, Idaho Code, within the state and not less than twenty-two (22) years of having the tax deducted from his or her salary or wage and the tax remitted as set out in sections 72-1411 and 72-1412, Idaho Code, may at his or her option retire, and in the event of such retirement he or she shall be paid from the firemen's retirement fund a monthly sum during the remainder of his or her life equal to fifty per cent (50%) of the average paid fireman's salary or wage in this state, which=said=monthly=retirement=sum=shall=vary=annually=according-to-the-determination-of-the-average-paid-fireman's-salary-or-wage-in-this-state-as-set-forth-in-section-72-1411, Idaho Code as defined in section 72-1411,
Idaho Code, or a monthly sum equal to fifty per cent (50%) of said fireman's average monthly salary or wage, as defined in section 72-1411, Idaho Code, based on his or her "average final compensation," as defined in section 72-1432A, Idaho Code, according to his or her classification as defined in section 72-1432, Idaho Code, which said monthly sums shall vary annually according to the determination of the "cost of living adjustment" as set forth in section 72-1432B, Idaho Code.

SECTION 16. That Section 72-1430D, Idaho Code, be, and the same is hereby amended to read as follows:

72-1430D. PENSION PAYMENT -- VOLUNTARY RETIREMENT AFTER TWENTY-THREE YEARS (EFFECTIVE JANUARY 1, 1976). Any paid fireman with not less than twenty-three (23) years' active service as defined in subsection (H) of section 72-1402(A), Idaho Code, as a paid fireman as defined in subsection (A) of section 72-1402(A), Idaho Code, within the state and not less than twenty-three (23) years of having the tax deducted from his or her salary or wage and the tax remitted as set out in sections 72-1411 and 72-1412, Idaho Code, may at his or her option, retire, and in the event of such retirement he or she shall be paid from the firemen's retirement fund a monthly sum during the remainder of his or her life equal to fifty-five per cent (55%) of the average paid fireman's salary or wage in this state, which said monthly retirement sum shall vary annually according to the determination of the "cost of living adjustment" as set forth in section 72-1411, Idaho Code, or a monthly sum equal to fifty-five per cent (55%) of the said fireman's average monthly salary or wage, as defined in section 72-1411, Idaho Code, based on his or her "average final compensation" as defined in section 72-1432A, Idaho Code, according to the classification as defined in section 72-1432, Idaho Code, which said monthly sums shall vary annually according to the determination of the "cost of living adjustment" as set forth in section 72-1432B, Idaho Code.

SECTION 17. That Section 72-1430E, Idaho Code, be, and the same is hereby amended to read as follows:

72-1430E. PENSION PAYMENT -- VOLUNTARY RETIREMENT AFTER TWENTY-FOUR YEARS (EFFECTIVE JANUARY 1, 1976). Any paid fireman with not less than twenty-four (24) years' active service as defined in subsection (H) of section 72-1402(A), Idaho Code, as a paid fireman as defined in subsection (A) of section 72-1402(A), Idaho Code, within the state and not less than twenty-four (24) years of having the tax deducted from his or her salary or wage and the tax remitted as set out in sections 72-1411 and 72-1412, Idaho Code, may at his or her option, retire, and in the event of such retirement he or she shall be paid from the firemen's retirement fund a monthly sum during the remainder of his or her life equal to fifty-five per cent (55%) of the average paid fireman's salary or wage in this state, which said monthly retirement sum shall vary annually according to the determination of the "cost of living adjustment" as set forth in section 72-1411, Idaho Code, or a monthly sum equal to fifty-five per cent (55%) of the said fireman's average monthly salary or wage, as defined in section 72-1411, Idaho Code, based on his or her "average final compensation" as defined in section 72-1432A, Idaho Code, according to the classification as defined in section 72-1432, Idaho Code, which said monthly sums shall vary annually according to the determination of the "cost of living adjustment" as set forth in section 72-1432B, Idaho Code.
Idaho Code, as a paid fireman as defined in subsection (A) of section 72-1402{A}, Idaho Code, within the state and not less than twenty-four (24) years of having the tax deducted from his or her salary or wage and the tax remitted as set out in sections 72-1411 and 72-1412, Idaho Code, may, at his or her option, retire, and in the event of such retirement he said fireman shall be paid from the firemen's retirement fund a monthly sum during the remainder of his or her life equal to sixty per cent (60%) of the average paid fireman's salary or wage in this state, which said monthly retirement sum shall vary annually according to the determination of the average paid fireman's salary or wage in this state as set forth in section 72-1411, Idaho Code, or a monthly sum equal to sixty per cent (60%) of the said fireman's average monthly salary or wage, as defined in section 72-1411, Idaho Code, based on his or her "average final compensation" as defined in section 72-1432A, Idaho Code, according to his or her classification as defined in section 72-1432, Idaho Code, which said monthly sums shall vary annually according to the determination of the "cost of living adjustment" as set forth in section 72-1432B, Idaho Code.

SECTION 18. That Section 72-1430F, Idaho Code, be, and the same is hereby amended to read as follows:

72-1430F. PENSION PAYMENT -- VOLUNTARY RETIREMENT AFTER TWENTY-FIVE YEARS {EFFECTIVE JANUARY 1, 1976}. Any paid fireman with not less than twenty-five (25) years' active service as defined in subsection (H) of section 72-1402{H}, Idaho Code, as a paid fireman as defined in subsection (A) of section 72-1402{A}, Idaho Code, within the state and not less than twenty-five (25) years of having the tax deducted from his or her salary or wage and the tax remitted as set out in sections 72-1411 and 72-1412, Idaho Code, may at his or her option, retire, and in the event of such retirement he or she shall be paid from the firemen's retirement fund a monthly sum during the remainder of his or her life equal to sixty-five per cent (65%) of the average paid fireman's salary or wage in this state, which said monthly retirement sum shall vary annually according to the determination of the average paid fireman's salary or wage in this state as set forth in section 72-1411, Idaho Code, or a monthly sum equal to sixty-five per cent (65%) of the said fireman's average monthly salary or wage, as defined in section 72-1411, Idaho Code, based on his or her "average final compensation" as
defined in section 72-1432A, Idaho Code, according to his or her classification as defined in section 72-1432, Idaho Code, which said monthly sums shall vary annually according to the determination of the "cost of living adjustment" as set forth in section 72-1432B, Idaho Code.

SECTION 19. That Section 72-1430G, Idaho Code, be, and the same is hereby amended to read as follows:

72-1430G. DEATH BENEFITS -- SPOUSE AND CHILDREN OF FIREMAN DYING FROM CAUSES DISCONNECTED WITH DUTIES BUT DURING SERVICE AFTER TWENTY-FIVE YEARS [EFFECTIVE JANUARY 1, 1976]. In the event a paid fireman who shall have died from causes disconnected with his or her official duties, but during the period of service, and left surviving a spouse or a spouse with child or children, and who shall have completed twenty-five (25) years' active service as defined in subsection (H) of section 72-1402H, Idaho Code, as a paid fireman as defined in this act, said spouse during his or her lifetime and so long as he or she does not remarry, shall be paid from the fund a monthly sum equal to sixty-five per cent (65%) of the average paid fireman's salary or wage in this state as set forth in section 72-1411, Idaho Code, and if he or she dies, said monthly sum shall be paid to the surviving spouse and leaving surviving him or her a child or children, a monthly sum equal to sixty-five per cent (65%) of said fireman's average monthly salary or wage, as defined in section 72-1411, Idaho Code, based on his or her "average final compensation" as defined in section 72-1432A, Idaho Code, or a monthly sum equal to sixty-five per cent (65%) of said fireman's average monthly salary or wage, as defined in section 72-1411, Idaho Code, based on his or her "average final compensation" as defined in section 72-1432A, Idaho Code, which said monthly sums shall vary annually according to the determination of the "cost of living adjustment" as set forth in section 72-1432B, Idaho Code, and if he or she dies, said monthly sum shall be paid to the surviving child or children until they shall reach the age of eighteen (18) years or shall marry, whichever occurs first; provided, however, that if said deceased fireman shall have died without leaving a surviving spouse and leaving surviving him or her a child or
children, said surviving child or children shall be entitled to receive the pension to which said fireman was entitled until they shall reach the age of eighteen (18) years or shall marry, whichever occurs first.

SECTION 20. That Section 72-1431, Idaho Code, be, and the same is hereby amended to read as follows:

72-1431. PENSION PAYMENT -- MAXIMUM. [EFFECTIVE JANUARY 1, 1974]. No paid fireman, retiring under the firemen's retirement act, shall receive more than one hundred per cent (100%) of his last year's monthly average salary or wage, which said monthly sum shall vary annually according to the determination of the "cost of living adjustment" as set forth in section 72-1432B, Idaho Code.

SECTION 21. That Chapter 14, 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 72-1432, Idaho Code, and to read as follows:

72-1432. OPTIONAL PENSION AMOUNTS -- OPTION I AND OPTION II. Prior to the effective date of this act, but not thereafter, any paid fireman in this state, as defined in subsection (A) of section 72-1402, Idaho Code, may elect to receive his or her retirement benefits in accordance with the provisions of Option I or Option II as hereinafter set forth. Except as otherwise provided in this act, in the event a fireman fails to elect an option prior to the effective date of this act, then his or her pension benefits shall be paid to him under the provisions as set forth in Option I. Selection of option shall be nominated by written designation duly executed and filed with the director of the state insurance fund of Idaho. Any paid fireman employed in the state by a city, town or fire district, after the effective date of this act, shall be employed under the provisions as set forth in Option II.

1) OPTION I -- Upon the effective date of this act, any employed paid fireman, as defined in subsection (A) of 72-1402, Idaho Code, electing this option or failing to nominate an option, after payment of excise tax, as set forth in section 72-1411, Idaho Code, and after completion of "years active service," as defined in subsection (H) of section 72-1402, Idaho Code, may at his or her option retire, and in the event of such retirement said fireman shall be paid from the fireman's retirement fund a monthly sum during the remainder of his life equal to the percentage
of the average paid fireman's salary or wage in this state, as defined in section 72-1411, Idaho Code, and that said fireman is entitled to under the provisions of this act, which said monthly sum shall vary annually, according to the determination of the "cost of living adjustment" as set forth in section 72-1432B, Idaho Code.

(2) OPTION II -- Upon the conclusion of the five (5) year waiting clause from the effective date of this act, as defined in section 72-1429R, Idaho Code, any paid fireman, as defined in subsection (A) of section 72-1402, Idaho Code, electing this option, or employed after the effective date of this act, after payment of excise tax, as set forth in section 72-1411, Idaho Code, and after completion of "years active service," as defined in section 72-1402(H), Idaho Code, may at his or her option retire, and in the event of such retirement he or she shall be paid from the fireman's retirement fund a monthly sum during the remainder of his or her life equal to the percentage of said fireman's average monthly salary or wage, as defined in section 72-1411, Idaho Code, that said fireman is entitled to under the provisions as set forth in this act, based on his or her "average final compensation," as defined in section 72-1432, Idaho Code, which said monthly sum shall vary annually according to the determination of the "cost of living adjustment" as set forth in section 72-1432B, Idaho Code.

SECTION 22. That Chapter 14, 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 72-1432A, Idaho Code, and to read as follows:

72-1432A. AVERAGE FINAL COMPENSATION. "Average final compensation" shall mean the average of the highest annual compensation received by the individual paid fireman in this state, as defined in subsection (A) of section 72-1402, Idaho Code, during a period of five (5) consecutive years of service, as defined in subsection (H) of section 72-1402, Idaho Code, immediately preceding his or her retirement or leaving service. If said fireman has less than five (5) years of service, then "average final compensation" shall mean the annual average compensation received by him or her during the total years of service.

SECTION 23. That Chapter 14, 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 72-1432B, Idaho Code, and to read as follows:
72-1432B. COST OF LIVING ADJUSTMENT. In addition to the monthly sums provided for under this act, any retired fireman or his or her surviving spouse, child, or children drawing benefits shall be entitled to receive adjustments to such benefits, calculated on the percentage of increase or decrease in the average paid firefighter's salary or wage, in this state, as computed under the terms of section 72-1411, Idaho Code.

SECTION 24. That Chapter 14, 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 72-1432C, Idaho Code, and to read as follows:

72-1432C DISABILITY -- REEXAMINATION -- RETURN TO SERVICE. At least once each year during the first five (5) years following the retirement of a firefighter with a disability retirement pension and in any three (3) year period thereafter, the director of the state insurance fund may, or upon the disabled firefighter's application shall, require the disabled firefighter to undergo a medical examination, to be made by or under the direction of a physician designated by the director, at the place of residence of said disabled firefighter or other place mutually agreed upon. Should any disabled firefighter refuse to submit to such medical examination in any period, his or her disability retirement may be discontinued by the director and should such refusal continue for one (1) year all his or her rights in and to his or her disability retirement pension shall be revoked by the director. If upon such medical examination of said disabled firefighter, the said physician reports to the director that said disabled firefighter is physically able and capable of resuming employment in the classification held by him or her at the time of his or her retirement, he or she shall be restored to active service in the employment of the city, town or fire district and payment of his or her disability retirement shall cease, provided the report of the physician is concurred in by the director. A disabled firefighter so restored to active service shall from the date of his or her return to service become a member of the retirement system, thereafter in the same manner as prior to his or her disability retirement. Any service credited to him or her at the time of his or her disability retirement shall be restored to full force and effect. He or she shall be given credit for the period he or she was receiving service disability pension, provided under section 72-1429G, Idaho Code; he or she shall not be given service credit for
the period he or she was receiving a nonservice disability pension, provided under section 72-1429F, Idaho Code. When a disabled firefighter on a disability retirement engages in work activities commensurate with the physical demands that were required in his or her classification as a firefighter, the work performed may demonstrate that said firefighter has the ability to be restored as a firefighter in the employ of the city, town or fire district. However, the circumstances under which the work was performed generally must be considered. Where said disabled firefighter has to discontinue his or her work after a short time because of his or her impairment, his or her work activities would not demonstrate ability to resume his or her employment as a firefighter. The findings of the adequacy of the said firefighter's performance of work activities must be concurred in by the director. If said firefighter has a disability which is amenable to corrective treatment that could be expected to restore his or her efficient performance of duties of a paid firefighter, as defined in section 72-1402G, Idaho Code, he or she would be considered disabled, provided he or she is undergoing the treatment prescribed by the medical committee, as set forth in sections 72-1429F(5) and 72-1429G(2), Idaho Code.

However, nothing in this section shall be construed to require a firefighter who in good faith relies on or is treated by prayer through spiritual means alone by a duly accredited practitioner of a well-recognized church to undergo any medical or surgical treatment, nor shall he or his dependents be deprived of any benefits hereunder to which he would have been entitled if medical or surgical treatment were employed.


Approved March 31, 1976.
CHAPTER 274
(H.B. No. 452, As Amended in the Senate)

AN ACT
RELATING TO EXEMPTIONS FROM THE SALES TAX; AMENDING SECTION
63-3622, IDAHO CODE, TO STRIKE THE REQUIREMENT THAT FOR
PRESCRIPTION DRUGS AND OXYGEN TO BE EXEMPT, THEY MUST BE
SOLD BY A REGISTERED PHARMACIST; AND EXPRESSING LEGISLA-
TIVE INTENT.

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 consump-
tion of tangible personal property which this state is pro-
hibited 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 con-
sumption in this state of tangible personal property which
will enter into and become an ingredient or component part
of tangible personal property manufactured, processed,
mixed, 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
operations 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 prop-
erty 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 (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, PL93-29), and the sale of meals by a church to its members at a church function.

(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.

(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).

(o) Sales of liquor by the state liquor dispensary.

(p) Sales of prescription 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.

(q) 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.

(r) 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 non-profit 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, cos-
metology, 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.

(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.

(t) 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.

(u) Sales of motor vehicles and trailers for use outside 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.

(əv) 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 exemp-
tion 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.

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.

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. LEGISLATIVE INTENT. It is legislative intent that all amendments to section 63-3622, Idaho Code, enacted in the Second Regular Session, Forty-third Idaho Legislature, be incorporated into a single text, as if all had been enacted in a single bill.

Approved March 31, 1976.
AN ACT
RELATING TO CIVIL PRAYERS FOR DAMAGES; PROVIDING THAT AMOUNTS SOUGHT FOR GENERAL DAMAGES SHALL NOT BE DISCLOSED TO THE JURY, PROVIDING THAT VIOLATIONS SHALL BE GROUNDS FOR MISTRIAL, AND DECLARING PUBLIC POLICY WITH RESPECT TO EVALUATIONS BY JURIES; AND DECLARING AN EMERGENCY.

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

SECTION 1. In any civil action for damages, the amount of general damages sued for shall not be disclosed to the jury by court, counsel or any party and it shall be grounds for mistrial for any person to violate the prohibition of this act whether by specific statements or generalized argument. In furtherance of the provisions of this act it is declared that it is the exclusive province of the jury in a civil action for money damages involving allegations of general damages to resolve such issues of fact and it is against the policy of the state of Idaho for the jurors required to make such determinations to be informed of the particulars of allegations of damages in the pleadings on file with the court, by the arguments of counsel or otherwise, the dollar amount appraisal or evaluation of such damages being the exclusive province of the trier of fact; provided, this act shall not be construed to prohibit proof of damages or presentation of arguments which are legally relevant and proper in view of the record and issues before the court in any action for money damages.

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, 1976.
CHAPTER 276
(H.B. No. 476, As Amended)

AN ACT
RELATING TO TOLLING OF STATUTES OF LIMITATIONS; AMENDING SECTION 5-230, IDAHO CODE, RELATING TO PERSONS UNDER DISABILITIES, BY DELETING REFERENCE TO DISABILITY OF A MARRIED WOMAN; BY ADDING A PROVISION THAT SUCH DISABILITIES OR OTHER REASONS SHALL NOT TOLL THE RUNNING OF LIMITATION PERIODS FOR MORE THAN SIX YEARS; PROVIDING FOR RETROACTIVE APPLICATION; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 5-230, Idaho Code, be, and the same is hereby amended to read as follows:

5-230. PERSONS UNDER DISABILITIES -- OTHER THAN FOR REAL PROPERTY. If a person entitled to bring an action, other than for the recovery of real property, be, at the time the cause of action accrued, either:
1. Within the age of majority; or,
2. Insane; or,
3. Imprisoned on a criminal charge, or in execution under the sentence of a criminal court for a term less than for life; or,
4. A married woman, and her husband be a necessary party with her in commencing such action;

the time of such disability is not a part of the time limited for the commencement of the action, provided however, that the time limited for the commencement of an action shall not be tolled for a period of more than six (6) years on account of minority, incompetency, a defendant's absence from the jurisdiction, any legal disability or for other cause or reason except as specifically provided in section 5-213, Idaho Code.

SECTION 2. This act shall apply retroactively as respects all claims heretofore accrued and also to acts, errors or omissions heretofore or hereafter occurring.

SECTION 3. This act shall be in full force and effect on and after September 1, 1976.

Approved March 31, 1976.
CHAPTER 277
(H.B. No. 478, As Amended in the Senate)

AN ACT
RELATING TO PROOF IN MEDICAL MALPRACTICE CASES; DECLARING PUBLIC POLICY; REQUIRING DIRECT EXPERT TESTIMONY OF VIOLATIONS OF THE APPLICABLE STANDARD OF HEALTH CARE PRACTICE IN THE COMMUNITY; PROVIDING STANDARDS FOR SUCH TESTIMONY AND PROOF; PROVIDING FOR RETROACTIVE APPLICATION; AND DECLARING AN EMERGENCY.

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

SECTION 1. 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 physicians, hospitals and other health care providers in this state and that the same be available at reasonable cost, thus assuring the availability of such health care providers for the provision of care to persons in the state. It is, therefore, further declared to be in the public interest that the liability exposure of such health care providers be limited and made more definable by a requirement for direct proof of departure from a community standard of practice.

SECTION 2. In any case, claim or action for damages due to injury to or death of any person, brought against any physician and surgeon or other provider of health care, including, without limitation, any dentist, physicians' assistant, nurse practitioner, registered nurse, licensed practical nurse, nurse anesthetist, medical technologist, physical therapist, hospital or nursing home, or any person vicariously liable for the negligence of them or any of them, on account of the provision of or failure to provide health care or on account of any matter incidental or related thereto, such claimant or plaintiff must, as an essential part of his or her case in chief, affirmatively prove by direct expert testimony and by a preponderance of all the competent evidence, that such defendant then and there negligently failed to meet the applicable standard of health care practice of the community in which such care allegedly was or should have been provided, as such standard existed at the time and place of the alleged negligence of
such physician and surgeon, hospital or other such health care provider and as such standard then and there existed with respect to the class of health care provider that such defendant then and there belonged to and in which capacity he, she or it was functioning. Such individual providers of health care shall be judged in such cases in comparison with similarly trained and qualified providers of the same class in the same community, taking into account his or her training, experience, and fields of medical specialization, if any. If there be no other like provider in the community and the standard of practice is therefore indeterminable, evidence of such standard in similar Idaho communities at said time may be considered. As used in this act, the term "community" refers to that geographical area ordinarily served by the licensed general hospital at or nearest to which such care was or allegedly should have been provided.

SECTION 3. The applicable standard of practice and such a defendant's failure to meet said standard must be established in such cases by such a plaintiff by testimony of one or more knowledgeable, competent expert witnesses, and such expert testimony may only be admitted in evidence if the foundation therefor is first laid, establishing (a) that such an opinion is actually held by the expert witness, (b) that the said opinion can be testified to with reasonable medical certainty, and (c) that such expert witness possesses professional knowledge and expertise coupled with actual knowledge of the applicable said community standard to which his or her expert opinion testimony is addressed; provided, this section shall not be construed to prohibit or otherwise preclude a competent expert witness who resides elsewhere from adequately familiarizing himself with the standards and practices of a particular such area and thereafter giving opinion testimony in such a trial.

SECTION 4. This act shall apply retroactively as respects all claims heretofore accrued and also to acts, errors or omissions heretofore or hereafter occurring.

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 31, 1976.
CHAPTER 278
(H.B. No. 489, As Amended in the Senate)

AN ACT
RELATING TO PRELITIGATION SCREENING OF MEDICAL MALPRACTICE CLAIMS; DECLARING PUBLIC POLICY; PROVIDING FOR A HEARING PANEL FOR PRELITIGATION CONSIDERATION OF CLAIMS AGAINST PHYSICIANS AND HOSPITALS; PROVIDING FOR APPOINTMENT AND COMPOSITION OF PANELS; SPECIFYING HEARING PROCEDURE; PROVIDING FOR ADVISORY DECISIONS; PROVIDING FOR TOLLING OF LIMITATION PERIODS DURING PENDENCY OF PROCEEDINGS; PROVIDING A FURTHER POST-DECISION STAY; REQUIRING SERVICE OF CLAIM; PROVIDING FOR CONFIDENTIALITY OF PROCEEDINGS; PERMITTING PARTICIPATION OF COUNSEL; PROHIBITING PANEL COMPENSATION; AND LIMITING THE DURATION OF THE PROCEEDINGS.

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

SECTION 1. 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 physicians and hospitals in this state and that the same be available at reasonable cost, thus assuring the availability of such health care providers for the provision of care to persons in this state. It is, therefore, further declared to be in the public interest to encourage nonlitigation resolution of claims against physicians and hospitals by providing for prelitigation screening of such claims by a hearing panel as provided in this act.

SECTION 2. The Idaho state board of medicine, in alleged malpractice cases involving claims for damages against physicians and surgeons practicing in the state of Idaho or against licensed acute care general hospitals operating in the state of Idaho, is directed to cooperate in providing a hearing panel in the nature of a special civil grand jury and procedure for prelitigation consideration of personal injury and wrongful death claims for damages arising out of the provision of or alleged failure to provide hospital or medical care in the state of Idaho, which proceedings shall be informal and nonbinding, but nonetheless compulsory as a condition precedent to litigation. Proceedings conducted or maintained under the authority of this act
shall at all times be confidential, privileged and immune from civil process and evidence of them or results, findings or determinations thereof shall be inadmissible in any civil or other action or proceeding by, against or between the parties thereto or any witness therein. Formal rules of evidence shall not apply and all such proceedings shall be expeditious and informal.

SECTION 3. The board of medicine shall provide for and appoint an appropriate panel or panels to accept and hear complaints of such negligence and damages, made by or on behalf of any patient who is an alleged victim of such negligence. Said panels, shall include one (1) person who is licensed to practice medicine in the state of Idaho. In cases involving claims against hospitals, one (1) additional member shall be a then serving administrator of a licensed acute care general hospital in the state of Idaho. One (1) additional member of each such panel shall be appointed by the commissioners of the Idaho state bar, which person shall be a resident lawyer licensed to practice law in the state of Idaho, and shall serve as chairman of the panel. The panelists so appointed shall select by unanimous decision a layman panelist who shall not be a lawyer, doctor or hospital employee but who shall be a responsible adult citizen of Idaho. All panelists shall serve under oath that they are without bias or conflict of interest as respects any matter under consideration.

SECTION 4. There shall be no record of such proceedings and all evidence, documents and exhibits shall, at the close thereof, be returned to the parties or witnesses from whom the same were secured. The hearing panel shall have the authority to issue subpoenas and to administer oaths; provided, the parties requesting the presentation of such proof shall provide the funds required to tender witness fees and mileage as provided in proceedings in district courts. Except upon special order of the panel, and for good cause shown demonstrating extraordinary circumstances, there shall be no discovery or perpetuation of testimony in said proceedings.

SECTION 5. At the close of proceedings the panel, by majority and minority reports or by unanimous report, as the case may be, shall provide the parties its comments and observations with respect to the dispute, indicating whether the matter appears to be frivolous, meritorious or of any other particular description. If the panel is unanimous
with respect to an amount of money in damages that in its opinion should fairly be offered or accepted in settlement, it may so advise the parties and affected insurers or third-party payors having subrogation, indemnity or other interest in the matter.

SECTION 6. There shall be no judicial or other review or appeal of such matters. No party shall be obliged to comply with or otherwise affected or prejudiced by the proposals, conclusions or suggestions of the panel or any member or segment thereof; however, in the interest of due consideration being given to such proceedings and in the interest of encouraging consideration of claims informally and without the necessity of litigation, the applicable statute of limitations shall be tolled and not be deemed to run during the time that such a claim is pending before such a panel and for thirty (30) days thereafter.

SECTION 7. During said thirty (30) day period neither party shall commence or prosecute litigation involving the issues submitted to the panel and the district or other courts having jurisdiction of any pending such claims shall stay proceedings in the interest of the conduct of such proceedings before the panel.

SECTION 8. At the commencement of such proceedings and reasonably in advance of any hearing or testimony, the accused provider of health care in all cases shall be served a true copy of the claim to be processed which claim shall set forth in writing and in general terms, when, where and under what circumstances the health care in question allegedly was improperly provided or withheld and the general and special damages attributed thereto.

SECTION 9. Neither party shall be entitled, except upon special order of the panel, to attend and participate in the proceedings which shall be confidential and closed to public observation at all times, except during the giving of his or her own testimony or presentation of argument of his or her position, whether by counsel or personally; nor shall there be cross-examination, rebuttal or other customary formalities of civil trials and court proceedings. The panel itself may, however, initiate requests for special or supplemental participation, in particular respects and of some or all parties; and communications between the panel and the parties, excepting only the parties' own testimony on the merits of the dispute, shall be fully disclosed to
all other parties.

SECTION 10. Parties may be represented by counsel in proceedings before such panels, though it shall not be required.

SECTION 11. There shall be no fees or compensation paid to, charged or collected by the panel members, who shall serve upon the sworn commitment that all related matters shall be held confidential and privileged.

SECTION 12. There shall be no repeat or reopening of panel proceedings. In no case shall a panel retain jurisdiction of any such claim in excess of ninety (90) days from date of commencement of proceedings. If at the end of such ninety (90) day period the panel is unable to decide the issues before it, it shall summarily conclude the proceedings and the members may informally, by written communication, express to the parties their joint and several impressions and conclusions, if any, albeit the same may be tentative or based upon admittedly incomplete consideration; provided, by written agreement of all parties the jurisdiction of the panel, if it concurs therein, may be extended and the proceeding carried on for additional periods of thirty (30) days.

Approved March 31, 1976.
CHAPTER 279
(H.B. No. 499)

AN ACT
RELATING TO THE PREMIUM TAX; AMENDING SECTION 41-402, IDAHO CODE, TO PROVIDE THAT ALL ANNUITY CONTRACTS ARE EXEMPT FROM THE PREMIUM TAX.

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
(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, and shall not apply as to annuity contracts.

Approved March 31, 1976.
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) Five hundred thousand dollars ($500,000) per biennium year 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 year 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) Twenty per cent (20%) is hereby appropriated and shall be paid from the sales tax fund to the county treasurer of each county in amounts to be determined in accordance with subsection (g) of this section.

(f) The payments required by this section shall be made periodically but no less frequently than quarterly.
{g}--of-this-section;
{2}--Ten--per--cent--{(10\%)}--of-the-total-amount-collected
and-deposited-in-the-sales-tax-fund-during-the-year-commenc-
ing-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-period-
ically--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-col-
clected-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-period-
ically--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-col-
clected-and-deposited-in-the-sales-tax-fund-during-the-year-commenc-
ing--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 percent-
age--that-the-average-amount-of-taxes-collected-from-assess-
ments--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}--(e)--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 com-
pute--the-percentage--that-the-average-amount-of-taxes-col-
lected-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 (e) 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.

(j) Any moneys remaining in the sales tax fund over and above those necessary to meet and reserve for payments under subsections (c), (d), and (i) of this section shall be paid periodically, but no less frequently than quarterly, to the general fund.

(k) The appropriations herein provided shall not be subject to the provisions of the "Standard Appropriations Act of 1945."

Approved March 31, 1976.
CHAPTEI 281
(H.B. No. 523)

AN ACT
RELATING TO COUNTY CLERKS AND RECORDERS, REPEALING SECTIONS 31-2416 AND 31-2420; AMENDING SECTION 31-3201, IDAHO CODE, BY INCREASING CERTAIN FEES THEREIN, STRIKING REFERENCE TO FEES FOR TESTIMONY AND REPLACING REFERENCE TO FOLIO BY PAGE; AMENDING SECTION 31-3205, IDAHO CODE, BY INCREASING CERTAIN FEES THEREIN, ADDING A FEE FOR RECORDING OF CLAIMS IN EXCESS OF TEN, STRIKING REFERENCE TO FEES FOR ABSTRACT AND SEARCH OF TITLE; AMENDING SECTION 47-606, IDAHO CODE, BY INCREASING CERTAIN FEES THEREIN; AMENDING SECTION 47-612, IDAHO CODE, BY STRIKING REFERENCE TO FEES.

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

SECTION 1. That Sections 31-2416 and 31-2420, Idaho Code, be, and the same are hereby repealed.

SECTION 2. That Section 31-3201, Idaho Code, be, and the same is hereby amended to read as follows:

31-3201. CLERK OF DISTRICT COURT -- FEES. The clerk of the district court shall lawfully charge, demand and receive the following fees for services rendered by him in discharging the duties imposed upon him by law:

For filing and docketing abstract or transcript of judgment from another court ........................................ $1.00

For issuing execution upon an abstract or transcript of judgment and filing same on return ............... $1.00

For recording execution issued upon abstract or transcript of judgment, per folio page .................. $ .30 1.00

For taking affidavits, including jurat .................. $ .50

For taking acknowledgments, including seal ........ $ .50

For taking down testimony or depositions, including certificate and seal, for each folio page ........... $ .30

For filing and indexing designation of agent of foreign corporation .................................................. $1.00

For filing and indexing notarial statement ........ $1.00

For making copy of any file or record, by the clerk, the clerk shall charge and receive, per folio page ........ $ .30 1.00

For certifying a prepared copy of any file or record,
the clerk shall charge and receive, per file or page .......... $ .50

For certifying the same an additional fee for certi-

ficate and seal of ........................................... $ .50

For appearance after judgment, reopen case ........ $5.00

For all services not herein enumerated, and of him law-

fully required, the clerk of the district court shall demand
and receive such fees as are herein allowed for similar ser-

vices.

All fees collected under the provisions of this section
shall be paid over to the county treasurer, at the same time
and in the same manner as other fees.

SECTION 3. That Section 31-3205, Idaho Code, be, and
the same is hereby amended to read as follows:

31-3205. RECORDER'S FEES. The county recorder is
allowed, and may receive for his services, the following
fees, to be paid him by the party procuring his services:

For filing, indorsing and indexing every instrument,
paper or notice, when the instrument, paper or notice is not
for record, but to be kept on file ......................... $1.00

For recording every instrument, paper or notice, for
each page ...................................................... $1.00

For copies of any record or paper, for each page . $1.00

For each certificate under seal, when required ... $ .50

For abstract-of-title-and-searching-the-records-there-

for, and for each conveyance-or-incumbrance-certified--$1.00

For entry or discharge of mortgage or other instrument
of on the margin of the record, witnessing and indexing the
same .............................................................. $ .75 1.00

For release or assignment of mortgage where more than
one mortgage is released or assigned in the same instrument,
for each additional release or assignment ........ $ .50 1.00

For recording every town plat or map, for first one hun-
dred (100) lots or less ..................................... $500 10.00

And for each additional lot .............................. $ .01 .05

For taking acknowledgments, including seal ........ $ .50

For administering-to-locator-the-oath-and-certifying-the
same-on recording the location notice or amended location
notice, of a mining claim, and for filing, recording and
indexing each notice and recording affidavit of labor for up
to ten (10) mining claims ................................. $2.00

Plus an additional charge for each claim in excess of
ten (10) ......................................................... $ .20
For issuing marriage license, filing, recording and indexing the certificate of marriage and taking and filing affidavits required in issuance of the license $4.75.
For administering an oath, including jurat $ .50.
And certifying the same when required an additional sum of $ .50.
For comparing and certifying a prepared copy of a file or record in his office, for each page $ .50.
For making and certifying a report of search for lien upon personal property, excluding Uniform Commercial Code, for each name searched $1.50.
For administering oath $.50 and recording affidavit of labor on mining claim $.75 or a total of $1.25.
For filing certificate of release of chattel mortgage $1.00.
For filing annual statement of corporation $1.00.
For filing certificate of assumed business name $1.00.
For filing contract of sale upon condition $1.00.
For filing satisfaction or release of contract of sale upon condition $1.00.
For filing United States tax lien $1.00.
For filing certificate of discharge of United States tax lien $1.00.
For filing writ and notice of attachment of mortgaged personal property $1.00.
For each certificate under seal there shall be an additional fee of fifty cents (50¢).
For all other services as recorder, not enumerated herein, the fee fixed in the statute requiring the service or the same fee as allowed the clerk of the district court for like service.
A page shall not exceed fourteen (14) inches in length nor eight and one-half (8-1/2) inches in width. The recording fee to be charged for maps, sketches, drawings or other instruments except plats larger than the size permitted above for a page shall be one cent (1¢) per square inch.

SECTION 4. That Section 47-606, Idaho Code, be, and the same is hereby amended to read as follows:

47-606. AFFIDAVIT OF PERFORMANCE OF LABOR -- NOTICE OF ACCEPTANCE OF WAIVER, SUSPENSION OR EXTENSION -- FEES -- EFFECT AS EVIDENCE. Within sixty (60) days after any time set or period allowed for the performance of labor, or making improvements upon any lode or placer claim, the person in whose behalf such work or improvement is performed or some person for him, must make and record an affidavit in
substance as follows:
State of Idaho, county of ...., ss.

Before me, the subscriber, personally appeared ...., who being first duly sworn says, that at least .... dollars worth of work or improvements were performed or made upon .... claim, situate in .... mining district, County of ...., State of Idaho:

That such expenditure was made by, for, or at the expense of ...., owner of said claim, for the purpose of holding said claim; all stakes, monuments or trees marking boundaries of said claim are in proper place and position.

Subscribed and sworn to before me this .... day of ...., 19...

The fee for administering the oath and recording the foregoing affidavit, when taken before any county recorder, shall be seventy-five-cents-(75¢) two dollars and fifty cents ($2.50); provided, however, that up to ten (10) claims in the same mining district, belonging to the same person or persons, association or corporation, may be included in one (1) affidavit without additional charge, but a fee of five-cents-(5¢) twenty cents ($.20) per claim shall be charged for all claims in excess of ten (10) included in the one (1) affidavit. The fee for recording the same when the oath is taken before any other officer authorized to administer oaths shall be fifty-cents-(50¢) two dollars ($2.00), plus the additional charge of five-cents-(5¢) twenty cents ($.20) for each claim in excess of ten (10) included in the affidavit.

Such affidavit, or a certified copy thereof in case the original is lost, shall be prima facie evidence of the performance of such labor. The failure to file such affidavit shall be considered prima facie evidence that such labor has not been done.

When the performance of annual labor upon any lode or placer claim is suspended, extended or waived by act of congress of the United States, and provision is therein made for filing or recording a notice, affidavit or statement by the claimant or other person for him, accepting the provisions of said act, then the same shall be filed as herein provided for affidavit of performance of annual labor, and the same fees shall be charged therefor and the same effect shall be given thereto, and the same presumptions shall arise therefrom as provided herein for said affidavit of performance of annual labor.

SECTION 5. That Section 47-612, Idaho Code, be, and the same is hereby amended to read as follows:
47-612. MANNER OF RECORDING NOTICES ---PBBS. The location notice herein required to be recorded must be recorded in the office of the county recorder of the county in which the claim is located (when the legal fee therefor is tendered), in a book kept for that purpose. Said book must be indexed, with the names of all the locators arranged in alphabetical order, according to the family or surname of each. The fee to be tendered for making such record, administering the oath to the locator and certifying the same, for indexing the names appearing on the notice, and to include recording the notice by the recorder as hereinafter required, and the indexing by said recorder, is two dollars ($2.00) and no other additional sum of money must be demanded or received for any services connected with the recording of any location notice made pursuant to the requirements of this chapter; provided that the fee shall be two dollars ($2.00) for each original location notice and two dollars ($2.00) for each amended or additional location notice.

Approved March 31, 1976.
AN ACT
RELATING TO PRELIMINARY HEARINGS; AMENDING SECTION 19-804, IDAHO CODE, PROVIDING THAT AFTER PRELIMINARY HEARING HAS BEEN COMMENCED, THE MAGISTRATE CAN CONTINUE OR POSTPONE SUCH HEARING BY COURT ORDER RATHER THAN BY AFFIDAVIT AND PROVIDING THAT SUCH CONTINUANCE MAY BE FOR NOT MORE THAN SIX DAYS UNLESS THE DEFENDANT HAS CONSENTED TO OR MOVED THE COURT FOR A LONGER CONTINUANCE.

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

SECTION 1. That Section 19-804, Idaho Code, be, and the same is hereby amended to read as follows:

19-804. PRELIMINARY EXAMINATION. The magistrate shall conduct a preliminary examination unless the same is waived by the defendant. At such preliminary examination, the magistrate shall first read the complaint to the defendant unless the defendant waives such reading, and it shall be the duty of the magistrate at such examination to determine whether or not a public offense has been committed and whether or not there is probable or sufficient cause to believe that the defendant committed such public offense. Once commenced, the examination must be completed at one (1) session unless the magistrate for good cause shown by affidavit court order postpones it, or unless the parties stipulate in writing or upon the court record to a continuance to a date certain. If the defendant is incarcerated, the postponement or continuance cannot be for more than two--six (6) days at--each time, nor--for more than six (6) days in all, or, if the defendant is not incarcerated, for more than twenty (20) days, unless on motion by or with the consent of the defendant the court orders a longer continuance or postponement.

Approved March 31, 1976.
CHAPTER 283
(H.B. No. 543)

AN ACT
PROVIDING FOR CHANGES IN MORTGAGE FINANCING AUTHORITY AND HOUSING MANAGEMENT AUTHORITY OF THE IDAHO HOUSING AGENCY; AMENDING SECTION 67-6201, IDAHO CODE, TO PROVIDE THAT PUBLIC PURPOSES INCLUDE PROVIDING DWELLINGS NOT SOLELY FOR PERSONS OF LOW INCOMES; AMENDING SECTION 67-6205, IDAHO CODE, TO INCORPORATE HOME IMPROVEMENT AND MOBILE HOME LOANS, INTO THE DEFINITIONS AND TO ADD A DEFINITION OF "MIXED INCOME HOUSING PROJECT"; AMENDING SECTION 67-6206, IDAHO CODE, TO CLARIFY AGENCY AUTHORITY TO FINANCE MORTGAGES FOR PERSONS OF LOW INCOME AND HOUSING PROJECTS FOR PERSONS OF LOW INCOME, AS WELL AS MIXED INCOME HOUSING PROJECTS AND TO PURCHASE ANY MORTGAGE FROM MORTGAGE LENDERS CONDITIONED ON THE MORTGAGE LENDER'S REINVESTMENT IN MORTGAGES TO PERSONS OF LOW INCOME; AMENDING SECTION 67-6207B, IDAHO CODE, TO REQUIRE THAT PROCEEDS RECEIVED FROM AGENCY FROM SALE OF MORTGAGE LOANS BE REINVESTED BY MORTGAGE LENDERS IN MORTGAGE LOANS TO PERSONS OF LOW INCOME; AMENDING SECTION 67-6207D TO PROVIDE THAT THE AGENCY REEXAMINE INCOME OF TENANTS IN RENTAL HOUSING PROJECTS; AMENDING SECTION 67-6211, IDAHO CODE, TO CLARIFY CAPITAL RESERVE FUND REQUIREMENTS; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 67-6201, Idaho Code, be, and the same is hereby amended to read as follows:

67-6201. PURPOSE. It is hereby declared: (a) That within the state there is a shortage of safe or sanitary dwelling accommodations available which persons of low incomes can afford and that such persons are forced to occupy overcrowded and congested dwelling accommodations; that the aforesaid conditions cause an increase in and spread of disease and crime, and constitute a menace to the health, safety, morals and welfare of the residents of the state and impair economic values; that these conditions necessitate excessive and disproportionate expenditures of public funds for crime prevention and punishment, public health and safety, fire and accident protection, and other
public services and facilities.

(b) That private enterprise has not been able to provide, without assistance, an adequate supply of safe and sanitary dwellings at prices or rents which persons and families of low income can afford, or to achieve rehabilitation of much of the present low income housing. It is imperative that the supply of housing for persons and families of low income be increased and that coordination and cooperation among private enterprise, state and local government be encouraged to sponsor, build and rehabilitate residential housing for such persons and families.

(c) That the clearance, replanning and reconstruction of the areas in which unsanitary or unsafe housing conditions exist, and the providing of safe and sanitary dwelling accommodations for persons of low incomes (which dwelling accommodations need not be solely for persons of low incomes in order to avoid concentrations of such persons in specific localities), are public uses, and uses and purposes for which public money may be spent and private property acquired, and are governmental functions.

(d) It is hereby further declared that all of the foregoing are public purposes and uses for which public moneys may be borrowed, expended or granted and that such activities are governmental functions and serve a public purpose in improving or otherwise benefiting the people of this state; that the necessity of enacting the provisions hereinafter set forth is in the public interest and is hereby so declared as a matter of express legislative determination.

SECTION 2. That Section 67-6205, Idaho Code, be, and the same is hereby amended to read as follows:

67-6205. DEFINITIONS. The following terms, wherever used or referred to in this chapter, shall have the following respective meanings, unless a different meaning clearly appears from the context:

(a) "Agency" or "housing agency" shall mean the Idaho housing agency created by section 67-6202, Idaho Code.

(b) "Housing project" shall mean any work or undertaking:

(1) to demolish, clear or remove buildings from any slum area; such work or undertaking may embrace the adoption of such area to public purposes, including parks or other recreational or community purposes; or

(2) to construct, sell, lease, finance, operate or otherwise provide decent, safe and sanitary urban or
rural dwellings, apartments or other living accommodations for persons of low income; such work or undertaking may include buildings, land, equipment, facilities and other real or personal property which are necessary, convenient or desirable appurtenances, such as, but not limited to, streets, sewers, water service, parks, site preparation, gardening, administrative, community, health, recreational, and welfare or other purposes; or

(3) to accomplish a combination of the foregoing. The term "housing project" also may be applied to the planning of the buildings and improvements, for either single or multi-family housing, the acquisition of property, the demolition of existing structures, the construction, reconstruction, rehabilitation, alteration and repair of the buildings and improvements and all other work in connection therewith.

c) "Governing body" shall mean the city council, board of commissioners, board of trustees or other body having charge of the locality in which the agency desires to undertake a housing project.

d) "Federal government" shall include the United States of America, or any other agency or instrumentality, corporate or otherwise, of the United States of America.

e) "City" shall mean any city in the state of Idaho, including each city having a special charter.

f) "County" or "counties" shall include all counties in the state of Idaho as designated in chapter 1, title 31, Idaho Code.

g) "Clerk" shall mean the clerk of the city or county as the case may be or the officer charged with the duties customarily imposed on such clerk.

h) "Area of operation" shall mean the state of Idaho.

i) "Slum" shall mean any area where dwellings predominate which, by reason of dilapidation, overcrowding, lack of ventilation, light or sanitary facilities or any combination of these factors, are detrimental to safety, health or morals.

j) "Person of low income" means persons deemed by the agency, including those defined as "elderly" in the United States Housing Act of 1937 [U.S.C., tit. 42, sections 1401-1430], as amended, to require assistance available under this act on account of insufficient personal or family income, to pay the rents or carrying charges required by the unaided operation of private enterprise in providing an adequate supply of decent, safe and sanitary housing and in making such determination the agency shall take into consideration, without limitation, such factors as:
(1) the amount of the total income of such persons available for housing needs,
(2) the size of the family,
(3) the cost and condition of housing facilities available,
(4) standards established for various federal programs determining eligibility based on income of such persons, and
(5) the ability of such persons to compete successfully in the normal housing market and to pay the amounts at which private enterprise is providing decent, safe and sanitary housing.

(k) "Bonds," "notes" or "bond anticipation notes," and "obligations" shall mean any bonds, notes, interim certificates, debentures or other evidences of financial indebtedness issued by the agency pursuant to this chapter.

(l) "Real property" shall include all lands, including improvements and fixtures thereon, and property of any nature, appurtenant thereto, or used in connection therewith, and every estate, interest and right, legal or equitable, therein, including terms for years and liens by way of judgment, mortgage or otherwise and the indebtedness secured by such liens.

(m) "Housing authority" or "authority" means a housing authority established pursuant to the "housing authorities and cooperation law" constituting chapter 19, title 50, Idaho Code.

(n) "Rent" shall mean the periodic payment made by a person of low income in a housing project whether such money is being used as rent, or for the development of equity by such person.

(o) "Interim financing" means a short-term construction loan for planning and/or development of residential housing for persons of low-income which loan shall run until financing can be assumed through other federal, state or private financing.

(p) "Housing sponsor" means individuals, joint ventures, partnerships, limited partnerships, public bodies, trusts, firms, associations, or other legal entities or any combination thereof, and corporations, cooperatives, and condominiums, approved by the agency as qualified either to own, construct, acquire, rehabilitate, operate, manage or maintain a housing project, subject to the regulatory powers of the agency and other terms and conditions set forth in this chapter. A "housing sponsor" shall be either a "limited profit" sponsor or a "nonprofit" sponsor.
"Mortgage lender" means any bank or trust company, savings bank, mortgage company, mortgage banker, credit union, national banking association, savings and loan association, building and loan association, life insurance company, and any other financial institution authorized to transact business in the state.

"Mortgage loan" means an interest-bearing obligation secured by a deed of trust, a mortgage, bond, note, or other instrument which is a first lien on real property in the state.

"Mixed Income Housing Project" means a housing project which contains dwellings occupied or to be occupied by persons of low income constituting at least twenty percent (20%) of such occupancy.

SECTION 3. That Section 67-6206, Idaho Code, be, and the same is hereby amended to read as follows:

67-6206. POWERS OF AGENCY. The housing agency is an independent public body corporate and politic, exercising public and essential governmental functions, and having all the powers which are hereby declared to be public purposes necessary or convenient to carry out and effectuate the purposes and provisions of this act, including the following powers in addition to others herein granted:

(a) To sue and to be sued; to have a seal and to alter the same at pleasure; to have perpetual succession; to make and execute contracts and other instruments necessary or convenient to the exercise of the powers of the agency; and to make and from time to time amend and repeal by-laws, rules and regulations, not inconsistent with this act, to carry into effect the powers and purposes of the agency.

(b) To conduct its operations within any or all of the counties of the state, including the construction and operation of housing projects. If an existing housing authority is operating in a county where the Idaho housing agency determines that a need exists for additional housing for persons of low income, the agency shall advise that housing authority of its findings of need for that county and shall urge that housing authority to make appropriate plans to meet that need. Provided that the Idaho housing agency shall have no power or authority in any city or county having its own active local housing authority prior or subsequent to passage and approval of this act unless such power or authority is specifically granted to the Idaho housing agency by such local housing authority.

(c) To cooperate with housing authorities throughout
Idaho in the development of housing projects and, upon receipt of a petition from the residents of any city or county, which petition shall be signed by fifteen (15) electors of such city or county for every one thousand (1,000) persons residing in such city or county, and, in any event, shall be signed by at least twenty-five (25) electors of such city or county, to conduct special investigation into the low cost housing needs of said locality. A report on the findings of such special investigation shall be presented to the governing body with recommendations for action within sixty (60) days after receipt of the petition.

(d) To assign priorities for action and revise or modify said priorities from time to time.

(e) To make and execute agreements, contracts and other instruments necessary or convenient in the exercise of the powers and functions of the agency under this act, including contracts with any housing sponsor, mortgage lender, person, firm, corporation, governmental agency, or other entity; and to include in any contract let in connection with a project, stipulations requiring that the contractor and any subcontractors comply with requirements as to minimum wages and maximum hours of labor, and comply with any conditions which the federal government may have attached to its financial aid of the project and to designate mortgage lenders to act for and in behalf of the agency, with respect to originating or servicing and processing mortgage loans of the agency, and to pay the reasonable value of service rendered to the agency by such mortgage lenders pursuant to contracts with mortgage lenders.

(f) To lease, sell, construct, finance, reconstruct, restore, rehabilitate, operate or rent any housing projects or any dwellings, houses, accommodations, lands, buildings, structures or facilities embraced in any housing project and, subject to the limitations contained in this act, to establish and revise the rents or charges therefor.

(g) To own, hold and improve real or personal property; to purchase, lease, obtain options upon, acquire by gift, grant, bequest, devise or otherwise, any real or personal property or any interest therein.

(h) To acquire any real property; to sell, lease, exchange, transfer, assign, pledge or dispose of any real or personal property or any interest therein.

(i) To insure or provide for the insurance of any real or personal property or operation of the agency against any risks or hazards, and to procure or agree to the procurement of insurance or guarantees from the federal government of the payment of any bonds or parts thereof issued by the
agency, including the power to pay premiums on any such insurance.

(j) To invest any funds held in reserves or sinking funds, or any funds not required for immediate disbursement, in property or securities in which a bank, as defined in the "bank act," section 26-102, Idaho Code, may legally invest funds.

(k) Within its area of operation: to investigate into living, dwelling and housing conditions and into the means and methods of improving such conditions; to determine where slum areas exist or where there is a shortage of adequate, safe and sanitary dwelling accommodations for persons of low income; to make studies and recommendations relating to the problem of clearing, replanning and reconstruction of slum areas and the problem of providing dwelling accommodations for persons of low income, and to cooperate with the city, the county, the state or any political subdivision thereof in action taken in connection with such problems; and to engage in research, studies and experimentation on the subject of housing.

(l) To review the plans of a housing authority prior to the acquisition of any real property and prior to the undertaking of any construction or other initiation of a project, for the purpose of assisting such housing authority to comply with federal requirements, and to ensure that the proposed housing project is responsive to the housing needs of persons of low income in the locality. In undertaking such review the agency may recommend modifications to the proposed plan of the housing authority.

(m) To participate in cooperative ventures with agencies, organizations and individuals eligible to undertake the construction of housing for persons of low income.

(n) To provide research and technical assistance to eligible agencies, organizations and individuals eligible to develop low cost housing and to research new low cost housing development and construction methods.

(o) To make and undertake commitments to make or participate in the making of mortgage loans to persons of low income and to housing sponsors, including without limitation federally insured mortgage loans, and to make temporary loans and advances in anticipation of permanent loans to housing sponsors; said mortgage loans to housing sponsors shall be made to finance the construction, improvement, or rehabilitation of housing projects for persons of low income, and/or mixed income housing projects upon the terms and conditions set forth in this act; provided, however, that such loans shall be made only upon the determination by
the agency that mortgage loans are not otherwise available, wholly or in part, from private lenders upon reasonably equivalent terms and conditions.

(p) To purchase, or make commitments to purchase or participate in the purchase of mortgage loans from mortgage lenders which loans have been made for the construction, improvement, or rehabilitation of housing projects for persons of low income and/or mixed income housing projects or loans which have been made to persons of low income for residential housing, upon terms set forth in this act; provided, however, that any such purchase shall be made only upon the determination by the agency that the mortgage loans to be made are not otherwise being made by available, wholly or in part, from mortgage lenders upon reasonably equivalent terms and conditions. Also, to purchase, or make commitments to purchase or participate in the purchase of mortgage loans from mortgage lenders whether or not said loans were made to persons of low income, upon terms set forth in this act; provided, however, that the proceeds from such purchase or the equivalent thereof shall be reinvested in mortgage loans to persons of low income, for housing projects for persons of low income and/or mixed income housing projects, and provided that any such purchase shall be made only upon the determination by the agency that the mortgage loans to be made are not otherwise being made by mortgage lenders upon reasonably equivalent terms and conditions.

(q) To provide interim financing for housing projects including mixed income housing projects approved by the agency, provided that the agency has determined that such financing is not otherwise available from mortgage lenders upon reasonably equivalent terms and conditions.

(r) To prescribe rules, regulations and policies in connection with the performance of its functions and duties.

(s) To do all other things deemed necessary and desirable to accomplish the objectives of this act.

(t) To borrow money and issue bonds and notes or other obligations and to fund or refund the same and to provide for the rights of the holders of its obligations as provided in this act.

(u) To receive and accept aid or contributions from any source.

(v) To employ architects, engineers, attorneys, accountants, housing construction and financial experts and such other advisors, consultants and agents as may be necessary in its judgment and to fix their compensation.

(w) To insure mortgage payments of any mortgage loan made for the purpose of constructing, rehabilitating, pur-
chasing, leasing, or refinancing housing projects upon such terms and conditions as the agency may prescribe.

(x) To fix and revise from time to time and charge and collect fees and charges in connection with loans made or other services provided by the agency pursuant to this act, and to make and publish rules and regulations respecting the making and purchase of mortgage loans.

(y) To organize a nonprofit corporation to assist the agency in providing for housing projects.

(z) To enter upon and inspect any housing project, including housing projects undertaken by housing sponsors, for the purpose of investigating the physical and financial condition thereof, and its construction, rehabilitation, operation, management and maintenance, and to examine all books and records with respect to capitalization, income and other matters relating thereto.

(aa) To order such alterations, changes or repairs as may be necessary to protect the security of its investment in a housing project or the health, safety, and welfare of the occupants thereof.

SECTION 4. That Section 67-6207B, Idaho Code, be, and the same is hereby amended to read as follows:

67-6207B. MORTGAGE LOANS -- RULES AND REGULATIONS -- PURCHASE. The agency shall promulgate rules and regulations governing the various programs which it has authorized to be undertaken. In promulgating such regulations it shall consider the following:

(a) The agency shall from time to time adopt, modify or repeal rules and regulations governing the making of loans to housing sponsors and the purchase and sale of mortgage loans from mortgage lenders and the application of the proceeds thereof, including rules and regulations as to any or all of the following:

(1) Restrictions as to the interest rates on mortgage loans or the return realized therefrom by mortgage lenders;

(2) Requirements as to disbursements and commitments by mortgage lenders with respect to mortgage loans;

(3) Rules and regulations relative to the purchase and sale of mortgage loans shall be designed to effectuate the general purposes of this act and the following specific objectives:

(i) the expansion of the supply of funds in this state available for mortgage loans for persons of low income;

(ii) the provision of the additional housing for persons of low income needed to remedy the shortage of adequate
housing in this state and eliminate the existence of a large number of substandard dwellings;

(iii) the restriction of the financial return and benefit to that necessary to protect against the realization by mortgage lenders of an excessive financial return or benefit as determined by prevailing market conditions; and

(iv) standards as to the number of dwelling units and housing projects and other characteristics of dwelling units for persons of low income and housing projects to be financed by mortgage loans.

(b) The ratio of loan to total housing project cost and the amortization period of loans made under this act which are insured by the federal housing administration (FHA) shall be governed by the FHA mortgage insurance commitment for each housing project; but in no event shall such amortization period exceed fifty (50) years. In the case of a mortgage loan not insured by FHA the amount of the loan to

(1) limited profit housing sponsors shall not exceed ninety-five per cent (95%) of the total housing project cost as determined by the agency, and

(2) nonprofit housing sponsors shall not exceed one hundred per cent (100%) of the total housing project cost as determined by the agency.

The amortization period of such loan shall be determined in accordance with regulations formulated and published by the agency, but in no event shall such amortization period exceed fifty (50) years.

(c) A mortgage loan made hereunder may be prepaid to maturity after such period of years and under such terms and conditions as shall be determined by the agency.

(d) No mortgage loan purchased from a mortgage lender shall be eligible for purchase or commitment to purchase by the agency hereunder unless at or before the time of transfer thereof to the agency such mortgage lender certifies:

(1) That in its judgment the mortgage loan would in all respects be a prudent investment; and

(2) That the proceeds of sale or its equivalent shall be reinvested in residential mortgage loans to provide residential housing for persons of low income within this state, or invested in short term obligations pending the making of such mortgage loans.

(e) The agency shall purchase mortgage loans at a purchase price equal to the outstanding principal balance; provided, however, that discount from the principal balance or the payment of a premium may be employed to effect a fair rate of return, as determined by the rate of return on comparable investment under market conditions existing at the time of purchase.
(f) Each mortgage loan shall be evidenced by a mortgage or deed of trust, note or bond and by a mortgage or deed of trust which shall be a first lien on the housing project and on all of the real property constituting the site of or relating to such housing project and which shall contain such terms and provisions and be in a form approved by the agency.

(g) Each mortgage loan shall be subject to an agreement between the agency and the housing sponsor which will subject said sponsor and its principals or stockholders to limitations established by the agency as to rentals and other charges, builders' and developers' profits and fees, and the disposition of its property and on all of the real property constituting the site of or relating to such housing project.

(h) Each mortgage loan shall be subject to an agreement between the agency and any housing sponsor prohibiting the transfer of ownership or management responsibilities by such housing sponsor at any time prior to repayment of at least five per cent (5%) of the original mortgage loan, unless the transfer of ownership or management responsibilities has been ordered by a court of competent jurisdiction to a different housing sponsor.

(i) The agency shall require as a condition of each loan to a mortgage lender, and (except for mortgage loans to persons of low income or for housing projects for persons of low income and/or for mixed income housing projects which were made by a mortgage lender pursuant to a preexisting commitment with the agency to purchase such mortgage loans) as a condition of the purchase or the making of a commitment to purchase mortgage loans from a mortgage lender, that such mortgage lender shall enter into the ninetieth (90th) day (or earlier day as shall be prescribed by rules and regulations of the agency) following the receipt of the loan proceeds or sale proceeds have entered into written commitments with the agency to make, and shall thereafter proceed as promptly as practicable to make and disburse from such loan proceeds, mortgage loans to persons of low income in an aggregate principal amount equal to the amount of such prior loan; and the agency shall not purchase nor make commitment to purchase such mortgage loans or obligations from a mortgage lender from which it has previously purchased such mortgage loans nor make a loan to a mortgage lender to which it has previously made a loan unless said mortgage lender has either restored or made commitments to restore to its portfolio of mortgage loans in this state, mortgage loans to provide residential housing for persons of low income from
the date thereof in an aggregate principal amount equal to the proceeds of prior sale to said mortgage lender.

(j) To assure repayment loans from the agency to mortgage lenders, the agency shall require that loans made to mortgage lenders shall be secured as to payment of both principal and interest by a pledge of and lien upon collateral security, including without limitation direct obligations of, or obligations (including, without limitation, mortgages) guaranteed or insured as to payment of principal and interest by, the federal government or this state.

SECTION 5. That Section 67-6207D, Idaho Code, be, and the same is hereby amended to read as follows:

67-6207D. PERIODIC EXAMINATION OF INCOME OF PERSONS RESIDING IN HOUSING PROJECTS. (a) The agency shall, by rules and regulations, provide for the periodic examination of the income of any person or family residing in and renting a dwelling unit in any rental housing project, assisted by virtue of the powers granted the agency under this act. In the event that the gross aggregate income of such persons or families residing in any such housing project increases and the ratio to the current rental or carrying charges of the dwelling unit becomes greater than the ratio prescribed for admission by the agency, but is not more than twenty-five per cent (25%) above the income level prescribed for admission to the project, the owner or managing agent of such housing project shall permit such persons to continue to occupy the unit.

(b) The agency or the housing sponsor (with the approval of the agency) of any such rental housing project, assisted by virtue of the powers granted the agency under this act, may terminate the tenancy or interest of any such person or family residing in such housing project whose gross aggregate income exceeds twenty-five per cent (25%) of that prescribed herein and which continues to exceed the same for a period of six (6) months or more; provided, that no tenancy or interest of any such person in any such housing project shall be terminated except upon reasonable notice and opportunity to obtain suitable alternate housing, in accordance with rules and regulations of the agency; provided further, that any such person, with the approval of the agency, shall be permitted to continue to occupy the unit, subject to payment of rent or carrying charges or a surcharge to the housing sponsor in accordance with a schedule of surcharges fixed by the agency.

(c) Any person residing in a housing project who has
acquired equity in such housing project, including equity in a housing project which is a cooperative, and is required to be removed from the housing project because of excessive income as herein provided, shall be discharged from liability on any note, bond, or other evidence of indebtedness relating thereto and shall be reimbursed, in accordance with the rules of the agency, for all sums paid by such person to the housing sponsor on account of the purchase of stock or debentures as a condition of occupancy or on account of the acquisition of title for such purpose.

SECTION 6. That Section 67-6211, Idaho Code, be, and the same is hereby amended to read as follows:

67-6211. ADDITIONAL DEFINITIONS. As used in this section, the following words and phrases shall have the following meanings unless the context shall indicate another or different meaning or intent:

(a) "Maximum capital reserve fund requirement" shall mean, as of any particular date of computation, an amount of money equal to the greatest of the respective amounts, for the then current or any future fiscal year of the agency, of annual debt service of the agency, such annual debt service for any fiscal year being the amount of money equal to the aggregate of:

(1) all interest payable during such fiscal year on all bonds secured by such capital reserve fund of the agency outstanding on said date of computation, plus

(2) the principal amount of all bonds of the agency secured by such capital reserve fund, outstanding on said date of computation which matures during such fiscal year, plus

(3) the amount of all annual sinking fund payments payable during such fiscal year with respect to any bonds of the agency secured by such capital reserve fund, outstanding on said date of computation.

(b) "Annual sinking fund payment" shall mean the amount of money specified in the resolution authorizing term bonds as payable into a sinking fund during a particular fiscal year for the retirement of term bonds which mature after such fiscal year, but shall not include any amount payable by reason only of the maturity of a bond.

(c) "Available operating revenues" shall mean all amounts received on account of rentals and fees and other charges imposed by the agency, if any, and income or interest earned or added to funds of the agency due to the investment thereof and not required under the terms or
provisions of any covenant or agreement with holders of any bonds or notes of the agency to be applied to any purposes other than payment of expenses of the agency.

(d) "Amortized value," when used with respect to securities purchased at a premium above or a discount below par, shall mean the value as of any given date obtained by dividing the total premiums or discount at which such securities were purchased by the number of interest payments remaining to maturity on such securities after such purchase, and by multiplying the amount so calculated by the number of interest payment dates having passed since the date of such purchase; and

(1) in the case of securities purchased at a premium, by deducting the product thus obtained from the purchase price, and

(2) in the case of securities purchased at a discount, by adding the product thus obtained to the purchase price.

(e) The agency shall create and establish one or more special funds (herein referred to as "capital reserve funds"), and shall pay into each such capital reserve fund:

(1) any proceeds of sale of notes or bonds, to the extent provided in the resolution or resolutions of the agency authorizing the issuance thereof,

(2) any funds directed to be transferred by the agency to such fund, and

(3) any other moneys which may be made available to the agency for the purpose of such fund from any other source or sources.

(f) All moneys held in or credited to each such capital reserve fund, except as hereinafter provided, shall be used, as required, solely for the payment of the principal of bonds or of the sinking fund payments hereinafter mentioned with respect to such bonds, the purchase or redemption of bonds, the payment of interest on bonds or the payment of any redemption premium required to be paid when such bonds are redeemed prior to maturity; provided, however:

(1) that moneys in any such fund shall not be withdrawn therefrom at any time in such amount as would reduce the amount of such fund to less than the maximum capital reserve fund requirement, except for the purposes of making payment, when due, with respect to such bonds, of principal or redemption price of, interest and the sinking fund payments, as the same become due, and for the payment of which other moneys of the agency are not available.

(2) any income or interest earned by, or increment to, any capital reserve fund due to the investment thereof may be transferred by the agency to other funds or accounts of
the agency to the extent it does not reduce the amount of such capital reserve fund below the maximum capital reserve fund requirement.

(g) The agency may provide by resolution that it shall not issue bonds at any time if upon issuance, the amount in the capital reserve funds securing such bonds will be less than the maximum capital reserve fund requirement, unless the agency, at the time of issuance of such bonds, shall deposit in such fund, from the proceeds of the bonds so to be issued, or other sources, an amount which, together with the amount then in such fund, will not be less than the maximum capital reserve fund requirement.

(h) Moneys in a capital reserve fund not required for immediate use or disbursement may be invested in obligations of the state or the United States of America or obligations the principal of an interest on which are guaranteed by the state or the United States of America or obligations of agencies of the United States of America or obligations which may from time to time be legally purchased by savings banks of the state, as investment of funds belonging to them or in their control. In computing the amount of a capital reserve fund for the purposes of this section, securities in which all or a portion of such fund are invested shall be valued at par if purchased at or, if purchased at other than par, at amortized value.

(i) The agency shall create and establish such other fund or funds as may be necessary or desirable for its corporate purposes.

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 31, 1976.
CHAPTER 284
(H.B. No. 580)

AN ACT
RELATING TO PAYMENT OF INCOME TAX; AMENDING SECTION 63-3034, IDAHO CODE, TO PROVIDE AUTHORITY FOR COLLECTION OF INCOME TAX IN ADVANCE OF THE NORMAL FILING DATE.

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

SECTION 1. That Section 63-3034, Idaho Code, be, and the same is hereby amended to read as follows:

63-3034. PAYMENT OF TAX. (a) The entire tax imposed by this act shall be paid to the tax commissioner on or before the date upon which the return must be filed with the tax commissioner, provided that payments made before the termination of the year for which taxes are paid shall be (1) based upon the taxpayer's estimate of total state tax liability or (2) when the estimated gross income of any such taxpayer is more than six hundred dollars ($600) and the state tax commission deems it necessary to insure compliance with this act, the commission may require any persons subject to this act to place with the commission such security as the commission may determine.

(b) The amount of the security shall be fixed by the tax commission but shall not be greater than twice the amount of tax estimated to be due, or twenty thousand dollars ($20,000), whichever is less. The amount of the security may be increased or decreased by the tax commission at any time within the limitations set forth in this subsection.

(c) If the tax commission finds that a taxpayer of whom security is required fails to furnish the security, the tax commission may issue a jeopardy assessment as prescribed by section 63-3065, Idaho Code, and take appropriate action to effect collection of the required security.

(d) The tax commission may sell the security at public auction or, in the case of security in the form of bearer bonds issued by the United States or the state of Idaho which have a prevailing market price, at a private sale at a price not lower than the prevailing market price if it becomes necessary to make such sale in order to recover any tax, interest or penalties due on any amount required to be
collected. Notice of the sale must be given to the person who deposited the security at least ten (10) days before the sale; such notice may be given personally or by mail addressed to the person at the address furnished to the tax commission and as it appears in the records of the tax commission. Upon such sale, any surplus above the amounts due shall be returned to the person who placed the security.

Approved March 31, 1976.
CHAPTER 285
(H.B. No. 613, As Amended in the Senate)

AN ACT
RELATING TO EXEMPTION OF OWNERS OF SOLE PROPRIETORSHIPS FROM WORKMEN'S COMPENSATION COVERAGE; AMENDING SECTION 72-212, IDAHO CODE, BY THE ADDITION OF SOLE PROPRIETORSHIPS AS EMPLOYMENTS EXEMPT FROM WORKMEN'S COMPENSATION COVERAGE.

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

SECTION 1. That Section 72-212, Idaho Code, be, and the same is hereby amended to read as follows:

72-212. EXEMPTIONS FROM COVERAGE. None of the provisions of this law shall apply to the following employments unless coverage thereof is elected as provided in section 72-213, Idaho Code.

(1) Household domestic service.
(2) Casual employment.
(3) Employment of outworkers.
(4) Employment of members of an employer's family dwelling in his household.
(5) Employment which is not carried on by the employer for the sake of pecuniary gain.
(6) Employment as the owner of a sole proprietorship; employment of a working member of a partnership; employment of an officer of a corporation who at all times during the period involved owns not less than ten per cent (10%) of all of the issued and outstanding voting stock of the corporation and is also a director thereof.
(7) Employment for which a rule of liability for injury, occupational disease, or death is provided by the laws of the United States.
(8) Agricultural pursuits. Agricultural pursuits, as used herein, shall include the raising or harvesting of any agricultural or horticultural commodity including the raising, pelting, shearing, feeding, caring for, training and management of livestock, bees, poultry and fur-bearing animals and wildlife raised in captivity, on inclosed lands and public ranges.
(9) Pilots of agricultural spraying or dusting planes. Employment as a pilot of an aircraft, used to apply fertil-
izers and pesticides, as defined in section 22-2209, Idaho Code, to agricultural crops, when actually operating an aircraft, shall be exempt from the provisions of the workmen's compensation law, if: the employer files with, and has written approval by, the industrial commission, prior to employing a pilot for the purpose of engaging in the application of pesticides to agricultural crops by aircraft, proof of coverage of an insurance policy that will provide to the employed pilot of such aircraft while actually operating an aircraft, benefits in an amount of not less than: twenty-five thousand dollars ($25,000) accidental death and dismemberment, ten thousand dollars ($10,000) medical expense payments, and five hundred dollars ($500) per month disability income for a minimum of forty-eight (48) months.

(10) Associate real estate brokers and real estate salesmen. Service performed by an individual for a real estate broker as an associate real estate broker or as a real estate salesman, if all such service performed by such individual for such person is performed for remuneration solely by way of commission.

Approved March 31, 1976.
CHAPTER 286

(H.B. No. 650)

AN ACT

PROVIDING FOR A CITIZENS' COMMITTEE ON LEGISLATIVE COMPENSATION; AMENDING SECTION 67-406a, IDAHO CODE, TO PROVIDE NAME CHANGES; AMENDING SECTION 67-406b, IDAHO CODE, TO PROVIDE THAT THE CITIZENS' COMMITTEE ON LEGISLATIVE COMPENSATION SHALL ESTABLISH THE RATE OF COMPENSATION AND EXPENSES FOR SERVICES AND PROVIDE THE DEADLINE FOR ESTABLISHING THE RATE; AMENDING SECTION 67-406c, IDAHO CODE, TO PROVIDE NAME CHANGES; REPEALING SECTION 67-452, IDAHO CODE, AS ADDED BY CHAPTER 271, LAWS OF 1971, PROVIDING A TIME WHEN CHANGES IN LEGISLATIVE REMUNERATION ARE PROHIBITED; AND PROVIDING AN EFFECTIVE DATE AND TRANSITION.

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

SECTION 1. That Section 67-406a, Idaho Code, be, and the same is hereby amended to read as follows:

67-406a. CITIZENS' COMMITTEE ON LEGISLATIVE COMPENSATION -- MEMBERS -- APPOINTMENT -- TERMS -- ELECTION OF CHAIRMAN. There is hereby established the citizens' committee on legislative compensation commission, to consist of three (3) members appointed by the governor and three (3) members appointed by the Supreme Court. Members of the committee shall be residents of the state of Idaho and shall be appointed from the public and without regard to political affiliation. No one may be appointed to the committee who is an official or employee of the state of Idaho or any department, agency, or political subdivision thereof or who is an official or employee of any county, municipality or other unit of local government or of any agency or institution to which any state funds are appropriated.

Of the members of the committee first to be appointed, one (1) appointee each of the governor and the Supreme Court shall be appointed for a term of two (2) years, one (1) appointee each of the governor and the Supreme Court shall be appointed for a term of three (3) years, and one (1) appointee each of the governor and the Supreme Court shall be appointed for a term of four (4)
years, commencing July 1, 1967. Thereafter, all members of the commission committee shall be appointed for a four (4) year term, commencing July 1st. Vacancies shall be filled in the same manner as the original appointments and for the balance of the unexpired term.

The commission committee shall elect one (1) of its members chairman, and members of the commission committee shall be reimbursed for actual and necessary expenses incurred while performing the duties imposed by this act, which expenses shall be paid from the moneys appropriated for the operation of the legislature.

SECTION 2. That Section 67-406b, Idaho Code, be, and the same is hereby amended to read as follows:

67-406b. COMPENSATION AND EXPENSES LIMITED------COMPEN- SATION-AND-EXPENSES-BETWEEN-SESSIONS. With the exception of the--salary--and--mileage--allowance--provided--in--section--237 Article-III-of-the-Constitution-of-the-state-of-Idaho,--which shall-be-the-only-salary-and-mileage--allowance-paid-to--mem- bers-of-the-legislature-during-and-for-traveling-to-and-from legislative-sessions;--no--No member of the legislature of the state of Idaho shall receive any compensation for services rendered or expenses incurred as a legislator, except as set by the commission committee.

The commission committee shall, on or before April--1, 1960 November 30, 1976, establish the rate of compensation and expenses for services to be rendered by members of the legislature during the interim between legislative sessions and the rate of payment of expenses incurred by members of the legislature in the performance of their duties during the two (2) year period commencing on December 1, 1960 1976. The compensation and expenses so established shall, on or before such date, be filed with the secretary of state and the state auditor. The rates thus established shall be the rates applicable for the two (2) year period specified unless prior to the twenty-fifth legislative day of the regular 1969 1977 legislative session, by concurrent resolution, the senate and house of representatives shall reject said rates of compensation and expenses and declare the same to be inoperative.

Thereafter the commission committee shall on or before the first last day of April November of each even numbered year, establish the rate of compensation and expenses for services to be rendered by members of the legislature during the interim between legislative sessions and the rate of payment of expenses incurred by members of the legislature
in-the-performance-of-their-duties during the two (2) year period commencing on the first day of December of such year. The compensation and expenses so established shall, on or before such date, be filed with the secretary of state and the state auditor. The rates thus established shall be the rates applicable for the two (2) year period specified unless prior to the twenty-fifth legislative day of the next regular biennial session, by concurrent resolution, the senate and house of representatives shall reject said rates of compensation and expenses and declare the same to be inoperative.

SECTION 3. That Section 67-406c, Idaho Code, be, and the same is hereby amended to read as follows:

67-406c. SECRETARIAL AND OTHER ASSISTANCE. The legislative council is directed to furnish such secretarial and other staff assistance as the commission may require in the performance of its duties.

SECTION 4. That Section 67-452, Idaho Code, as added by chapter 271, Laws of 1971, be, and the same is hereby repealed.

SECTION 5. The provisions of this act shall be in full force and effect on and after the day on which the state board of canvassers certifies the ratification of the proposed amendment to section 23, article III, of the constitution of the state of Idaho, submitted to the electors of the state of Idaho by the second regular session of the forty-third Idaho legislature which authorizes the establishment of a citizens' committee on legislative compensation and prescribes duties for said committee. The members serving on the legislative compensation commission, on the effective date of this act, shall fill the term of office to which they were appointed on the citizens' committee on legislative compensation, and vacancies existing on the effective date of this act shall be filled as provided by law.

Approved March 31, 1976.
CHAPTER 287
(H.B. No. 657)

AN ACT
RELATING TO WIDOW'S BENEFITS UNDER THE POLICEMAN'S RETIREMENT FUND; AMENDING SECTION 50-1516, IDAHO CODE, TO PROVIDE THAT A WIDOW'S BENEFIT SHALL BE ADJUSTED IN PROPORTION TO COST-OF-LIVING ADJUSTMENTS MADE FOR ACTIVE EMPLOYEES.

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

SECTION 1. That Section 50-1516, Idaho Code, be, and the same is hereby amended to read as follows:

50-1516. RETIREMENT FOR DISABILITY -- DEATH BENEFITS -- FUNERAL BENEFITS. No person shall be retired as provided in the above sections unless the said party shall comply with the qualifications set out and provided by sections 50-1501 through 50-1524, Idaho Code:

(a) Any paid policeman incapacitated by injury or by illness as a result of the performance of his official duties as a paid member of a police department shall be retired so long as such disability shall continue in a degree which prevents efficient service and during such disability shall be paid from the said fund disability benefit as follows:

(1) For disability attributable wholly to service as a paid policeman, a monthly sum equal to one twenty-fourth (1/24) of the amount of the annual salary attached to the rank which he held in the said police department for a period of one (1) year next preceding the date of such retirement;

(2) For disability attributable only in part to service as a paid policeman, a monthly disability benefit in an amount to be fixed by the board of police retirement fund commissioners, but commensurate with the extent of proportion such service-connected disability relates to such person's preexisting injury or infirmity, the said board may increase or decrease such monthly benefits whenever the impairment in the person's earning capacity warrants an increase or decrease, but in no event shall a monthly benefit paid to such person exceed the benefit provided under subparagraph (1) above;
(3) Provided, however, that if any such paid policeman is entitled to receive compensation under the Workmen's Compensation Law of the state of Idaho as it now exists, or shall hereafter be amended, the amount payable under this act shall be reduced by the amount to which said paid policeman is entitled under the Workmen's Compensation Law;

(4) The board of police retirement fund commissioners shall require medical examinations of all applicants for retirement by reason of disability, and shall, at the discretion of said board, require periodic medical examinations of persons receiving a disability retirement allowance. The said board shall prescribe general rules for medical examination required hereunder, and may provide for the discontinuance of any disability retirement allowance and forfeiture of all rights under this act for any person who refuses to submit to such an examination;

(5) The decision of the said board as to eligibility allowances or benefits shall be final;

(6) When a disability beneficiary is determined by the said board to be not incapacitated in a degree which prevents efficient service, his disability retirement allowance shall be canceled forthwith;

(7) Such a person, who for any reason is not reinstated in the service of his department, shall receive separation benefits according to his entitlement, as provided under section 50-1515, Idaho Code.

(b) In event a paid policeman is killed or sustains injury, from which death results, while in the performance of his duty or from causes disconnected with his official duties but during the period of his service, and leaves surviving him a widow or a minor child or minor children, his widow, during the time she remains his widow and does not remarry, or, in the event his wife has predeceased him, his minor child or children, shall be paid from the said fund a yearly retirement sum equal to one-half (1/2) of the amount of the salary attached to the rank he held in the said police department of the city for a period of one (1) year next preceding the date of such time of injury or death. In event a widow of a policeman so killed, or whose death so results, shall thereafter die or remarry and there shall be at the time of such remarriage or death, a minor child or minor children of the deceased policeman under the age of eighteen (18) years, the payments aforesaid shall be paid, notwithstanding such remarriage, for the sole benefit of such minor child or children under and until reaching the age of eighteen (18) years; provided, however, that any sums payable to any widow or minor child or children of any
policeman under this act shall be reduced by any sum to
which such widow or minor child or children may be entitled
under the provisions of the Workmen's Compensation Law of
the state of Idaho.

(c) In event a paid policeman, retired on retirement
pay, shall die and leave surviving him a widow, who was his
wife for over five (5) years immediately prior to his death,
but no minor children, she shall receive an amount equal to
three-fourths (3/4) of the retirement or benefit pay of her
husband prior to his death, adjusted in proportion to any
cost-of-living adjustments made to the salaries of active
employees, but only during her lifetime or until she
remarries.

(d) In event a paid policeman, retired on retirement
pay, shall die and leave surviving him a widow who was his
wife for over five (5) years immediately prior to his death
or a minor child or minor children, the widow, or, in the
event his wife has predeceased him, his minor child or chil-
dren, shall be paid the retirement pay to which the deceased
policeman was eligible, and if his surviving widow there-
after dies or remarries the full retirement pay shall be paid
to the child or children until they reach the age of eighteen (18) years.

(e) In event any paid policeman shall die within three
(3) months, from and as a result of injuries received in
performance of duty or from causes disconnected with his
official duties but during the period of his service and
shall at the time of his death be unmarried but shall leave
surviving him dependent natural father and mother, the
retirement or benefit pay to which he would have been
entitled thereunder shall be paid fifty per cent (50%) to
each of the surviving parents during the continuance of his
or her natural life.

(f) In addition to the foregoing, at the death of any
paid policeman from whatever cause, the said fund shall pay
the sum of one hundred dollars ($100) as funeral expenses.

(g) Any policeman, father, mother, widow, child or
children of a policeman entitled to compensation under the
Workmen's Compensation Law shall draw benefits under sec-
tions 50-1501 through 50-1524, Idaho Code, only to the
extent that the benefits under sections 50-1501 through
50-1524, Idaho Code, exceed those to which he shall be
entitled under the Workmen's Compensation Law of the state
of Idaho.

(h) When a policeman has been disabled and when the
period of his disability combined with his prior service as
a policeman makes him eligible for retirement under the provisions of sections 50-1501 through 50-1524, Idaho Code, he may upon application to the board be retired at one-half (1/2) the rate of pay applicable for the job classification at the time of disability, or its equivalent, which he held at the time of disability which pay shall be adjusted in proportion to any cost of living adjustments made to the pay of active employees.

Approved March 31, 1976.
CHAPTER 288
(H.B. No. 659)

AN ACT
RELATING TO THE TRANSFER AND INHERITANCE TAX ACT; AMENDING SECTION 14-408, IDAHO CODE, TO INCREASE THE AMOUNT OF EXEMPTIONS FROM INHERITANCE TAXATION, AND TO CREATE A NEW EXEMPTION.

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

SECTION 1. That Section 14-408, Idaho Code, be, and the same is hereby amended to read as follows:

14-408. EXEMPTIONS. The following exemptions from the tax are hereby allowed:

1. All property transferred to societies, corporations, trusts and institutions now or hereafter exempted by law from taxation, or to any public corporation, or to any society, corporation, institution, trust or association, or persons engaged in or devoted to any charitable, benevolent, educational, public, or other like work (pecuniary profit not being its object or purpose), or to any person, society, corporation, trust, institution, or association of persons in trust for or to be devoted to any charitable, benevolent, educational, or public purpose, by reason whereof any such person, corporation or trust shall become beneficially entitled, in possession or expectancy, to any such property or to the income thereof, shall be exempt; provided, however, that such society, corporation, trust, institution or association be organized or existing under the laws of this state or that the property transferred be limited for use within this state, or that such society, corporation, trust, institution or association be organized or existing under the laws of a state which grants similar reciprocal tax exemption to such societies, corporations, trusts, institutions and associations in this state, except that all transfers to any privately owned hospital for crippled children within the United States, to which crippled or afflicted children from the state of Idaho are, without discrimination gratuitously admitted and treated, shall be exempt.

2a. Property of the clear value of $10,000 thirty thou-
sand dollars ($30,000) transferred to the widow surviving spouse or to a minor child of the decedent, of $15,000 fifteen thousand dollars ($15,000) transferred to each of the other persons described in the first subdivision of section 14-406, Idaho Code, and all community property transferred to the surviving husband-ex-wife spouse shall be exempt.

b. All property transferred, or property which can be identified as having been received in exchange for property transferred, by a decedent to any person described in the first subdivision of section 14-406, Idaho Code, providing the same was transferred to such decedent not more than four (4) years prior to his death by another decedent of the class described in the first subdivision of section 14-406, Idaho Code, and inheritance tax paid thereon to the state of Idaho, shall be exempt. The payment of the additional tax levied for the purpose of absorbing the credit allowed by the federal estate tax law imposed by section 14-407a and section 14-407b, Idaho Code, shall not be considered as a payment of inheritance tax for the purpose of entitlement to the exemption herein allowed.

3. Property of the clear value of $10,000 ten thousand dollars ($10,000), transferred to each of the persons described in the second subdivision of section 14-406, Idaho Code, shall be exempt.

4. Property of the clear value of $500 ten thousand dollars ($500), transferred to each of the persons described in the third subdivision of section 14-406, Idaho Code, shall be exempt.

5. Property of the clear value of ten thousand dollars ($10,000), transferred to each of the persons described in the fourth subdivision of section 14-406, Idaho Code, shall be exempt.

6. In computing the tax upon transfers subject to tax under the provisions of this act, no tax shall be imposed or computed upon the amounts of exemptions provided for herein. The exemptions in this section allowed shall be deducted from the aggregate value of the property passed or transferred, and the tax shall in all cases be imposed and computed upon the remainder only.

Approved March 31, 1976.
CHAPTER 289
(H.B. No. 664, As Amended in the Senate)

AN ACT RELATING TO AMBULANCE SERVICE DISTRICTS; AMENDING SECTION 31-3901, IDAHO CODE, TO PROVIDE THAT AMBULANCE SERVICE IS A GOVERNMENTAL FUNCTION; AMENDING SECTION 31-3908, IDAHO CODE, TO PROVIDE THAT AMBULANCE SERVICE IS A GOVERNMENTAL FUNCTION, AND TO PROVIDE MILL LEVY LIMITS FOR PROVIDING AMBULANCE SERVICE DISTRICTS; AMENDING CHAPTER 39, TITLE 31, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 31-3909, IDAHO CODE, TO GRANT IMMUNITY FROM CIVIL DAMAGES TO AMBULANCE ATTENDANTS OF AMBULANCE SERVICE DISTRICTS; DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

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

SECTION 1. That Section 31-3901, Idaho Code, be, and the same is hereby amended to read as follows:

31-3901. AUTHORIZATION TO ESTABLISH AMBULANCE SERVICE SPECIAL LEVY. The boards of county commissioners in the several counties are hereby authorized, whenever existing ambulance service is not reasonably available to the inhabitants of the county or any portion thereof, to procure an ambulance and pay for the same out of any funds available and to establish an ambulance service to serve the areas, which do not have an existing ambulance service reasonably available, both within and outside the cities and villages in their respective counties, and to levy a special tax not to exceed one (1) mill to support the same. Providing ambulance service is a governmental function.

SECTION 2. That Section 31-3908, Idaho Code, be, and the same is hereby amended 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 desig-
nated 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 protestants, 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, and providing ambulance service is a governmental function.

(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.

(4) 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, except as authorized by subsection (a) below, 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.

(a) In any county where an ambulance service district has been created as of January 1, 1976, and the assessed valuation of the district is less than twenty-five million dollars, the board of county commissioners is authorized to levy a special tax, not to exceed five (5) 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.

SECTION 3. 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 31-3909, Idaho Code, and to read as follows:
31-3909. IMMUNITY OF AMBULANCE ATTENDANT. No action shall lie or be maintained for civil damages in any court of this state against any person or person, or group of persons, including ambulance attendants employed by an ambulance service district, who offers and administers first aid or emergency medical attention as a part of his normal duty as an ambulance attendant to any person or person utilizing the services and facilities of an ambulance service district, unless it can be shown that the person or persons offering or administering first aid or emergency medical attention is guilty of gross negligence in the care or treatment offered or administered, or has treated them in a grossly negligent manner. The immunity described herein shall cease upon delivery of the injured or treated person to either a generally recognized hospital for treatment of ill or injured persons, or upon assumption of treatment in the office or facility of any person undertaking to treat said ill or injured person or persons.

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, 1976.

Approved March 31, 1976.
CHAPTER 290

(H.B. No. 667)

AN ACT

RELATING TO DISABLED PHYSICIANS; STATING THE SHORT TITLE;
PROVIDING GROUNDS FOR RESTRICTION, SUSPENSION OR REVOCATION OF LICENSES TO PRACTICE MEDICINE; GIVING DUTIES TO THE BOARD OF MEDICINE; PROVIDING FOR EXAMINATION OF A PHYSICIAN BY A COMMITTEE; PROVIDING FOR VOLUNTARY RESTRICTION OF LICENSURE; PROVIDING FOR REPORTS TO THE BOARD OF MEDICINE BY THE COMMITTEE; PRESCRIBING PROCEEDINGS AGAINST A PHYSICIAN; PROVIDING FOR REINSTATEMENT OF LICENSES; PROVIDING FOR JUDICIAL REVIEW; GRANTING IMMUNITY FROM LIABILITY UNDER THE ACT; AND AUTHORIZING A BOARD OF PROFESSIONAL DISCIPLINE TO ACT FOR THE BOARD OF MEDICINE.

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

SECTION 1. SHORT TITLE. This act shall be known as the "Disabled Physician Act."

SECTION 2. GROUNDS FOR RESTRICTION, SUSPENSION, OR REVOCATION OF LICENSE. The license of any physician to practice medicine in this state shall be subject to restriction, suspension, or revocation, as hereinafter provided, in case of inability of the licensee to practice medicine with reasonable skill or safety to patients by reason of one or more of the following:

(a) mental illness;
(b) physical illness, including but not limited to, deterioration through the aging process, or loss of motor skill; or
(c) excessive use or abuse of drugs, including alcohol.

SECTION 3. DUTIES OF BOARD OF MEDICINE. (a) If the board of medicine ("board") has reasonable cause to believe that a physician licensed to practice medicine in this state is unable to practice medicine with reasonable skill and safety to patients because of a condition described in section 2 of this act, such board shall cause an examination of such physician to be made and shall, following such examination, take appropriate action within the provisions of this act.
(b) Examination of a physician under this section shall be conducted by an examining committee which the board shall designate and which shall be composed of three (3) licensed, practicing physicians including at least one (1) psychiatrist if a question of mental illness is involved in the particular examination of the particular physician in any given case.

SECTION 4. EXAMINATION BY COMMITTEE. (a) The examining committee assigned to examine a physician pursuant to referral by the board under section 3 of this act shall conduct an examination of such physician for the purpose of determining the physician's fitness to practice medicine with reasonable skill and safety to patients, either on a restricted or unrestricted basis, and shall report its findings and recommendations to the board. The committee shall order the physician to appear before the committee for hearing and give him ten (10) days' notice of time and place of the hearing, together with a statement of the cause for such examination. Such notice shall be served upon the physician either personally or by registered or certified mail with return receipt requested.

(b) If the examining committee, in its discretion, should deem a mental or physical examination of the physician necessary to its determination of the fitness of the physician to practice, the committee shall order the physician to submit to such examination. Any person licensed to practice medicine in this state shall, by so practicing or by making or filing of annual registration to practice medicine in this state, be deemed to have given his consent to submit to mental or physical examination when so directed by the examining committee and, further, to have waived all objections to the admissibility of the examining committee's report to the board on the grounds of privileged communication. Any physician ordered to a hearing before the committee under subsection (a) of this section shall be entitled to a mental or physical examination by that committee if he makes request therefor.

(c) Any physician who submits to a diagnostic mental or physical examination as ordered by the examining committee shall have a right to designate another physician to be present at the examination and make an independent report to the board.

(d) Failure of a physician to comply with a committee order under subsection (b) of this section to appear before it for hearing or to submit to mental or physical examination under this section shall be reported by the committee
to the board, and, unless due to circumstances beyond the control of the physician, shall be grounds for suspension by the board of the physician's license to practice medicine in this state until such time as such physician has complied with the order of the committee.

SECTION 5. VOLUNTARY RESTRICTION OF LICENSURE. A physician may request in writing to the board a restriction of his license to practice medicine. The board may grant such request for restriction and shall have authority, if it deems appropriate, to attach conditions to the licensure of the physician to practice medicine within specified limitations, and waive the commencement of any proceeding under section 7 of this act. Removal of a voluntary restriction on licensure to practice medicine shall be subject to the procedure for reinstatement of license in section 8 of this act.

SECTION 6. REPORT TO THE BOARD -- ACTION. (a) The examining committee shall report to the board its findings on the examination of the physician under section 4 of this act, the determination of the committee as to the fitness of the physician to engage in the practice of medicine with reasonable skill and safety to patients, either on a restricted or unrestricted basis, and any management that the committee may recommend. Such recommendation by the committee shall be advisory only and shall not be binding on the board.

(b) The board may accept or reject the recommendation of the examining committee to permit a physician to continue to practice with or without any restriction on his license to practice medicine, or may refer the matter back to the examining committee for further examination and report thereon.

(c) In the absence of a voluntary agreement by a physician under section 5 of this act for restriction of the licensure of such physician to practice medicine, any physician shall be entitled to a hearing in formal proceedings before the board and a determination on the evidence as to whether or not restriction, suspension, or revocation of licensure shall be imposed.

SECTION 7. PROCEEDINGS. (a) The board may proceed against a physician under this act by serving upon such physician at least fifteen (15) days' notice of a time and place fixed for a hearing, together with copies of the examining committee's report and diagnosis. Such notice and
reports shall be served upon the physician either personally or by registered or certified mail with return receipt requested.

(b) At said hearing the physician shall have the right to be present, to be represented by counsel, to produce witnesses or evidence in his behalf, to cross-examine witnesses, and to have subpoenas issued by the board.

(c) At the conclusion of the hearing, the board shall make a determination of the merits and, if grounds therefor are found to exist, may issue an order imposing one or more of the following:

1. Make a recommendation that the physician submit to the care, counseling, or treatment by physicians acceptable to the board; or
2. Suspend or restrict the license of the physician to practice medicine for the duration of his impairment; or
3. Revoke the license of the physician to practice medicine; and if grounds are not found to exist, the board shall enter its order so stating, shall dismiss the proceedings and shall provide the respondent a true copy thereof.

(d) The board may temporarily suspend or restrict the license of any physician or enter an appropriate order of temporary probation, ex parte, on its own motion or on petition of the examining committee, pending further or final order without prior hearing, simultaneously with or at any time after the institution of proceedings for a hearing under this section, but only if it first finds, on the basis of a responsible showing which satisfactorily demonstrates that the physician, in his capacity as such and for reasons set forth by petition, affidavit, or other verified showing, is causing great harm to the public, or to any patient or group of patients, or is likely to cause such harm and therefore should be immediately suspended, restricted or specially controlled in or from the practice of medicine.

1. In such cases, the board may summarily, and ex parte, order temporary conditions of probation, suspension or restriction of said physician and his or her license and authority to practice medicine in the state of Idaho, pending further or final order in the proceedings.
2. In cases of extreme emergency the board may enter said temporary order under this section without prior referral to or recommendation from the examining committee.
3. In cases in which the examining committee first determines that such temporary suspension, restriction
or probation of such physician is necessary and in the public interest pending the final conclusion of proceed- ings or further order, it shall so recommend to the board, and the board, if it finds that the evidence in support of such determination and recommendation is clear and convincing and that the physician's continu- ation in the practice would constitute an imminent danger to public health and safety or pose a threat or menace of the kind hereinabove specified, may, in its discretion, enter an order in keeping with the recom- mendation of the examining committee or provide such modifications, conditions or orders as it deems appro- priate.

(4) The physician may, for good cause, request dissolu- tion or amendment of any such temporary order by petition filed with the board, which petition shall be set for prompt hearing before the board or, if necessary and on request of the physician in the interest of early consideration, before a hearing officer or special committee designated by the board for that purpose, which officer or committee shall forthwith hear said matter and report to the board its report and recom- mendation. The board, consistent with due process, shall rule with the least amount of delay reasonably possible.

(e) Neither the record of the proceeding nor any order entered against a physician may be used against him in any other legal proceeding except upon judicial review as pro- vided herein, it being the intent and purpose of this act that all evidence, testimony, showings and proceedings are privileged and confidential and not to be used in criminal or civil proceedings concerning the subject physician.

SECTION 8. REINSTATEMENT OF LICENSE. (a) A physician whose license has been restricted, suspended or revoked under this act, voluntarily or by action of the board, shall have a right, at reasonable intervals, to petition for rein- statement of his license and to demonstrate that he can resume the competent practice of medicine with reasonable skill and safety to patients. Such petition shall be made in writing and on a form prescribed by the board. Action of the board on such petition shall be initiated by referral to and examination by the examining committee pursuant to the provisions of sections 4 and 5 of this act. The board may, upon written recommendation of the examining committee, restore the licensure of the physician on a general or limited basis or institute a proceeding pursuant to section 8 of this act for the determination of the fitness of the
physician to resume his practice.

SECTION 9. JUDICIAL REVIEW. (a) Interlocutory appeals and judicial review of orders or proceedings of the board shall not be undertaken by any court, but final orders of the board under provisions of this act and any order of temporary suspension, restriction or probation entered under subsection (d) of section 7 of this act shall be subject to judicial review as hereinafter provided, but only by and before the supreme court, which appellate jurisdiction shall be and is exclusive.

(b) Any party to proceedings under this act, including any petitioner initiating the same, shall have standing to initiate and prosecute an appeal; provided, such appeal must be taken within twenty (20) days following the order complained of or such order shall not be subject to review, and the supreme court shall lack jurisdiction to entertain the same.

(c) In no case shall any order of the board entered pursuant to this act be summarily stayed, enjoined, modified or reversed in any respect upon any ex parte proceedings of any party, judicial review to be available only as and to the extent provided for by this act.

(d) Appeals shall be limited to a review of questions of law.

(e) Appeals shall be taken by filing in the supreme court a notice of appeal and serving a copy of the same on the board and a copy on any adverse party or his or her attorney of record in the proceedings. Such notice shall briefly describe such order or ruling and state the intention of the party to appeal therefrom.

(f) At the time of serving the notice, as aforesaid, or within five (5) days thereafter, the appellant may file with the board a praecipe on appeal, specifying such records, proceedings, transcript of stenographic or machine report of the testimony introduced before the board, and such files and exhibits as he desires to have certified to the supreme court, for consideration upon appeal.

(g) Within twenty (20) days after service of the notice of appeal, as aforesaid, the board shall certify three (3) copies of its records, proceedings, transcript of the stenographic or machine report of the testimony introduced at the hearing, if a hearing was had, or three (3) copies of a transcript of any other documentation that may pertain in the particular case, to the court, together with such files and exhibits as the appellant may desire to have certified and has designated, as specified above. Other parties,
within twenty (20) days thereafter, may likewise specify any
or all of the files, records and materials or transcripts
before the board for inclusion in the record on appeal,
whereupon the same shall be included as if originally speci-
fied in the appellant's papers, as provided above.

(h) The appeal shall be deemed perfected when such
records, proceedings and transcripts shall have been filed
with the clerk of the supreme court. There shall be no tran-
script fee charged or collected on account of any such
appeal.

(i) In addition to preparing and filing in the supreme
court the copies of the records, proceedings and transcript,
as provided above, the board shall cause to be prepared two
(2) further and additional copies thereof and transmit and
deliver one (1) such copy to the appellant and the other to
the adversary party or parties, if any, at or about the same
time as the record of proceedings is filed with the supreme
court.

(j) Such appeal shall not operate as a stay of any
order or ruling appealed.

(k) Upon hearing, the court may affirm or set aside
such order or ruling, if the same be found contrary to law
or it may set the same aside upon the ground:

1. The board's findings of fact are not based upon any
substantial competent evidence;

2. The board has acted without jurisdiction or in
excess of its powers;

3. The findings of fact, order or ruling were procured
by fraud; or

4. The findings of fact do not as a matter of law sup-
port the order or ruling appealed from.

(l) Except as herein expressly provided, no court of
this state shall have jurisdiction to review, vacate, set
aside, reverse, revise, correct, amend or annul any order or
award of the board under this act, or to suspend or delay
the carrying out or operation thereof, or to enjoin,
restrain or interfere with the board in the performance of
its duties under this act.

SECTION 10. PROTECTED ACTION AND COMMUNICATION. There
shall be no liability on the part of and no action for dam-
gages against:

(a) Any member of the examining committee or the board
for any action undertaken or performed by such member within
the scope of the functions of such committee or the board
under this act when acting without malice and in the reason-
able belief that the action taken by him is warranted; or
(b) Any person providing information to the committee or to the board without malice in the reasonable belief that such information is accurate.

SECTION 11. BOARD OF PROFESSIONAL DISCIPLINE. If the board hereafter establishes a board of professional discipline and delegates to it its role and authority in the enforcement and supervision of professional disciplinary enforcement under chapter 18, title 54, Idaho Code, then when and so long as such board of professional discipline is duly constituted, references in this act to the board of medicine shall be deemed and construed to be references to such board of professional discipline.

Approved March 31, 1976.
CHAPTER 291
(H.B. No. 668)

AN ACT
RELATING TO CONTESTS OF MILL LEVY INCREASE ELECTIONS; AMENDING SECTION 34-2001A, IDAHO CODE, TO PROVIDE THAT ELECTIONS BY SCHOOL DISTRICTS FOR MILL LEVY INCREASES AS AUTHORIZED BY SECTIONS 33-802, 33-803 AND 33-804, IDAHO CODE, MAY BE CONTESTED.

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

SECTION 1. That Section 34-2001A, Idaho Code, be, and the same is hereby amended to read as follows:

34-2001A. BOND ELECTION AND MILL LEVY CONTESTS -- TIME FOR FILING -- VALIDATION OF ELECTIONS AND BONDS. A. The provisions of this chapter with respect to the contest of elections shall be applicable to bond elections conducted by cities, counties, school districts and water and sewer districts, and to elections conducted by school districts for mill levy increases as authorized by sections 33-802, 33-803 and 33-804, Idaho Code. Any such contest shall be regarded as one contesting the outcome of the vote on the bond or mill levy proposition, rather than election to office, and the public entity calling the election rather than a person declared to have been elected to office, shall be regarded as the defendant.

B. When the validity of any bond or mill levy election is contested upon any of the grounds enumerated in section 34-2001, Idaho Code, or upon any other grounds whatsoever the plaintiff or plaintiffs must, within forty (40) days after the votes are canvassed and the results thereof declared, file in the proper court a verified written complaint setting forth, in addition to the other requirements of this chapter, the following:

(1) The name of the party contesting the bond or mill levy election, and that he is an elector of the public entity conducting the bond or mill levy election.

(2) The proposition or propositions voted on at the election which are contested.

(3) The particular grounds of such contest.

C. No such election contest shall be maintained and no bond or mill levy election shall be set aside or held
invalid unless a complaint is filed as permitted hereunder within the period prescribed in this section. As to bond or mill levy elections which have been held prior to the effective date of March 21, 1969 of this act, no such contest shall be maintained wherein it is alleged that the bond election should be set aside or held on any ground enumerated in section 34-2001, Idaho Code, or on any other ground, unless such bond election contest be filed as herein provided within forty (40) days from and after the effective date of this act.

D. All bond elections conducted by cities, counties, school districts and water and sewer districts prior to the effective date of this act, and all proceedings had in the authorization and issuance of the bonds authorized thereat, are hereby validated, ratified and confirmed and all such bonds are declared to constitute legally binding obligations in accordance with their terms. Nothing in this section shall be construed to affect or validate any bond election, or bonds issued pursuant thereto, the legality of which is being contested at the time this act takes effect, or any election the legality of which is contested within the forty (40) day period from and after the effective date of this act.

Approved March 31, 1976.
AN ACT
RELATING TO THE SALE OF WINE; AMENDING SECTION 23-1334, IDAHO CODE, TO PROVIDE THAT A PERSON UNDER NINETEEN YEARS OF AGE MAY NOT SELL, SERVE OR DISPENSE WINE.

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

SECTION 1. That Section 23-1334, Idaho Code, be, and the same is hereby amended to read as follows:

23-1334. MINORS -- PURCHASE, CONSUMPTION OR POSSESSION BY PROHIBITED -- SALE, GIFT, OR DELIVERY TO PROHIBITED -- MISREPRESENTATION OF AGE PROHIBITED. (a) No person under the age of nineteen (19) years may sell, serve, dispense, purchase, consume or possess wine.
(b) No person shall give, sell, or deliver wine to any person under the age of nineteen (19) years.
(c) No person under the age of nineteen (19) years shall by any means represent to any retailer or distributor or to any agent or employee of such retailer or distributor that he or she is nineteen (19) years or more of age for the purpose of inducing such retailer or distributor, or his agent or employee, to sell, serve or dispense wine to such person.
(d) No person shall, by any means, represent to any retailer or distributor or the agent or employee of such retailer or distributor, that any other person is nineteen (19) years or more of age, when in fact such other person is under the age of nineteen (19) years, for the purpose of inducing such retailer or distributor, or the agent or employee of such retailer or distributor, to sell, serve, or dispense wine to such other person.

Approved March 31, 1976.
AN ACT
RELATING TO MEDICAL DISCIPLINARY ENFORCEMENT; ADDING A NEW
SECTION 54-1806A, IDAHO CODE, PROVIDING FOR THE CREATION
OF A FREE-STANDING BOARD OF PROFESSIONAL DISCIPLINE BY
THE BOARD OF MEDICINE FOR THE POLICING OF THE MEDICAL
PROFESSION AND THE ENFORCEMENT OF PROFESSIONAL STANDARDS
OF THE MEDICAL PRACTICE ACT IN THE STATE OF IDAHO, PROV-
VIDING PROCEDURES, STANDARDS AND RULE-MAKING AUTHORITY
THEREFOR, PROVIDING FOR THE TERMS, SIZE AND MAKEUP OF
THE BOARD OF PROFESSIONAL DISCIPLINE INCLUDING THE
REQUIREMENT TO INCLUDE LAY REPRESENTATION THEREON, PRO-
VIDING FOR A CHAIRMAN AND A QUORUM AND FOR DISQUALIFI-
CATIONS IN CASES OF CONFLICT OF INTEREST, PROVIDING FOR
HEARING COMMITTEES, STAFF AND ADMINISTRATIVE PROCEDURES
FOR IMPLEMENTATION OF THE ACT, PROVIDING BROAD AUTHORITY
IN THE IMPOSITION OF DISCIPLINE OR CONDITIONAL DISCI-
PLINE INCLUDING REVOCATION, SUSPENSION, CONDITIONS
AND/OR PROBATIONARY PROVISIONS UPON LICENSURE OF PHYSI-
CIANS IN PROPER CASES, PROVIDING FOR LIMITED CONFIDENTI-
ALITY, PROVIDING FOR TEMPORARY SUSPENSIONS AND INTERIM
ORDER, PROVIDING FOR JUDICIAL REVIEW, AND PROVIDING
IMMUNITY FROM LIABILITY FOR WITNESSES AND OFFICIALS PRO-
CEEDING UNDER THIS ACT.

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

SECTION 1. That Chapter 18, Title 54, Idaho Code, be,
and the same is hereby amended by the addition thereto of a
NEW SECTION, to be known and designated as Section 54-1806A,
Idaho Code, and to read as follows:

54-1806A. MEDICAL DISCIPLINARY ENFORCEMENT. The board
of medicine is authorized to create a board of professional
discipline and to delegate to it its role and authority in
the enforcement and supervision of professional disciplinary
enforcement under this chapter and particularly under sec-
tions 54-1810 and 54-1811, Idaho Code, including without
limitation the power to make rules and regulations and to
provide forms and procedures therefor, to the full extent
that the board of medicine is authorized or empowered to
act; such board of professional discipline, however, shall
not act or be authorized to act in connection with licensing of applicants, except as respects proceedings for reinstatement following voluntary surrender of license while under investigation or prosecution for conduct allegedly improper, or following restriction, suspension or revocation of license in the state of Idaho or under any other duly constituted medical licensing authority of any other state or territory of the United States or of any other nation. By its order therefor, the state board of medicine shall provide as follows respecting a board of professional discipline created under this act:

(1) Membership. Said board shall consist of five (5) members appointed by the board of medicine. Initially, it shall consist of two (2) members licensed to practice medicine and surgery in the state of Idaho, whose terms shall expire midnight, June 30, 1979; and two (2) members licensed to practice medicine and surgery in the state of Idaho, whose terms shall expire midnight, June 30, 1978, and one (1) member who is an adult Idaho citizen of good character and reputation who shall not be licensed to practice medicine and surgery in the state of Idaho, whose term shall expire midnight June 30, 1977. Subsequent terms of all members appointed shall be for three (3) years so that there shall be a rotation of membership of a portion of the said board each year; provided, the board of medicine may, in its discretion, reappoint members and may but need not appoint members of the board of medicine itself to any or all of the positions of membership upon said board initially and/or from time to time as vacancies occur. Subsequent appointees to the board shall have the qualifications required of the original appointees.

(2) Chairman. The board of medicine shall designate one (1) member of the board of professional discipline as its chairman, and he shall serve and function in that capacity for one (1) year or until his successor is duly appointed, whichever is later.

(3) Quorum. Three (3) members shall constitute a quorum though no meeting of said board shall be held without reasonable prior notice of at least three (3) days to all members, which notice may be given by the chairman or any three (3) members. Notice may be waived unanimously; otherwise, it shall be in writing and state the time, place and purpose of the meeting.

(4) Compensation. Members shall serve without pay but shall be reimbursed from the state board of medicine fund for actual, reasonable and duly authorized expenses incurred in the course of serving on said board or acting on its behalf.

(5) Conflicts and Disqualification. Members shall
disqualify themselves and, on motion of any interested party may, on proper showing, be disqualified in any proceeding concerning which they have an actual conflict of interest or bias which interferes with their fair and impartial service.

(6) Additional Powers of Board of Professional Discipline. In addition to its other powers, the board of professional discipline shall be empowered and authorized:

(a) To initiate or commence proceedings, studies or investigations on its own motion and initiative or to proceed on the request or complaint of any person, whether formally or informally stated and whether or not verified; provided, it may impose reasonable requirements respecting the form, content and sufficiency of complaints invoking its jurisdiction.

(b) To investigate or inquire into misconduct or unprofessional behavior, whether real, apparent or merely suspected; and take such action with respect thereto as it deems best in the interest of the public and justice.

(c) To retain and appoint staff to administer, process and assist in the work assigned it under this act or by the board of medicine, including, as deemed appropriate, legal counsel to assist in presentation of matters before it and/or to advise it on matters of law.

(d) To appoint hearing committees to take evidence, conduct hearings and make recommended findings and conclusions to it in any matter or proceeding assigned to the committee, which hearing committees shall be of such number and size as the disciplinary board directs composed of licensed physicians resident and licensed to practice medicine and surgery in Idaho, who shall serve without pay and for such term as the board may specify, not to exceed one (1) year or during the pendency of any matters referred to it, whichever is longer. Proceedings before such committees, and before said board, except as otherwise provided or may be inconsistent with the clear intent or conflicting specific provisions of this act, shall be as provided by the administrative procedures act, chapter 52, title 67, Idaho Code; provided, there shall be no hearings de novo on appellate review as a matter of right.

(e) To make findings respecting matters coming before it or before any hearing committee or authorized hearing officer acting on its behalf, and to make conclusions and enter orders dispositive of such proceedings, including, without limitation, disciplinary orders as provided in and by the Idaho Code respecting misconduct or other grounds for discipline respecting any licensed
physician and surgeon licensed to practice medicine and surgery in the state of Idaho, which authority shall, for good cause shown, include the power to suspend, restrict, condition, limit or revoke the license or present or future right or privilege to practice medicine of any physician, surgeon or other person licensed or purporting to be qualified or authorized to practice medicine and surgery in the state of Idaho.

(f) To privately and confidentially reprimand by informal admonition any licensed physician and surgeon respecting any matter it finds is minor misconduct.

(g) To accept the resignation and surrender of license of any physician and surgeon under investigation or prosecution who tenders the same, and to impose terms and conditions in connection therewith as it may deem appropriate in the best interest of the public and of justice.

(h) To order, for good cause, nondisciplinary suspension or transfer to inactive status of any licensed physician and surgeon incapacitated by illness, senility, disability, or addiction to drugs, intoxicants or other chemical or like substances, and to provide terms and conditions therefor, including provisions and conditions controlling reinstatement and any request therefor; provided, this subparagraph shall not be construed to amend or repeal specific legislation expressly dealing with disabled physicians whether heretofore or hereafter enacted by the legislature of the state of Idaho but rather shall be construed as complementary thereto.

(i) To provide by order in general and/or in particular for reciprocal discipline in cases involving the discipline of a licensed physician and surgeon disciplined in any other jurisdiction, provided that such licensee or applicant shall be entitled on due motion and notice to appear and show cause why such order should not apply in his or her case.

(j) To provide for and conduct informal proceedings and to provide rules and practices to encourage fair and expeditious disposition of business, complaints and matters properly coming before it.

(7) Substitution of Board of Professional Discipline in Matters of Discipline and Self-Policing. From and after the effective date of the board of medicine creating and establishing the board of professional discipline, references in the laws of the state of Idaho, including the medical practices act, this act and the Idaho Code in general, to the
board shall, when concerned with matters of self-policing or professional discipline within the medical profession, be deemed and construed to be references to the board of professional discipline.

(8) Confidentiality. Except as specifically otherwise ordered in the interest of justice or the public health, hearings and proceedings before the board of professional discipline shall be open in all cases in which the board has determined that there is probable cause to proceed to formal hearing; provided, as respects private and confidential reprimands for minor misconduct, proceedings shall be closed and confidential unless the respondent physician in writing rejects the reprimand within ten (10) days of the order providing therefor, in which cases said matters shall promptly be set for hearing and such proceedings and hearings thereafter shall be public and open unless, as hereinabove authorized, the board for good cause otherwise orders and directs. Determination that there is probable cause to proceed may be made informally by the chairman and also by written expression of a majority of the members of the board of professional discipline. The determination that there is not probable cause to proceed shall be made in writing and a copy forwarded to such person whose complaint may have initiated or commenced the proceedings, which person shall have standing to request en banc review of such determination by the entire committee which shall have jurisdiction to reverse or affirm such determination as in its discretion it deems in the interest of justice and the public health.

(9) Voluntary Restriction of Licensure. A physician may request in writing to the board of professional discipline a restriction of his license to practice medicine and the board is authorized to grant such request and, if it deems it appropriate to do so, it is granted the authority in such cases to attach conditions to the licensure of the physician to practice medicine within specified limitations. The board is also authorized in such cases thereafter to waive the commencement of proceedings under this act or other provisions of the medical practice act if in the interest of justice it determines that such voluntary proceedings have rendered the same unnecessary. Removal of a voluntary restriction on or suspension of licensure to practice medicine shall be subject to the procedures for reinstatement elsewhere in this act, in the medical practice act or by rule and regulation of the board of professional discipline provided; also, such reinstatements may be subject to further conditions specially imposed in the individual case as a condition of the order entered therein.
(10) Adjudication of Discipline or Exoneration. At the conclusion of the proceedings the board of professional discipline shall make a determination of the merits and, if grounds therefor are found to exist, may issue its order:
(a) Revoking the respondent physician's license to practice medicine.
(b) Suspending or restricting the respondent physician's license to practice medicine.
(c) Imposing conditions or probation upon the respondent physician and requiring rehabilitation planning, commitment and conditions upon such respondent physician's licensure; and,
if grounds for any of the foregoing are not found to exist, the board shall enter its order so stating and dismissing the proceedings and shall provide the respondent and, if there be one, the complainant or petitioner in the proceedings a true copy thereof.

(11) Temporary Suspension or Restriction Pending Final Order. The board of professional discipline may temporarily suspend or restrict the license of any physician or enter an appropriate order of temporary probation, ex parte, on its own motion or on verified petition of any person, pending further or final order, without prior hearing, simultaneously with or at any time after the institution of proceedings under this act or the medical practice act, but only if it first finds, on the basis of a responsible showing which satisfactorily demonstrates that the physician in his capacity as such and for reasons set forth by petition, affidavit, or other verified showing, or determined by it in reliance upon other reliable proof, is causing great harm to the public or to any patient or group of patients, or is imminently likely to cause such harm, for which reason he or she and his or her license to practice medicine should be immediately suspended or restricted or he or she should be specially controlled, suspended in or restricted from the practice of medicine. In such cases, the board may summarily, and ex parte, order temporary conditions of probation, suspension or restriction of said physician and his or her license and authority to practice medicine in the state of Idaho, pending further or final order in the proceedings. Thereafter the physician may, for good cause, request dissolution or amendment of any such temporary order by petition filed with the board of professional discipline, which petition shall be set for prompt hearing before said board or, if necessary and if requested by the affected respondent physician in the interest of early consideration, before a designated hearing officer or special committee appointed by
the board for that purpose, which officer or committee shall forthwith hear said matter and report to the board its report and recommendations. The board, consistent with due process, shall rule on such petition for dissolution or amendment with the least amount of delay reasonably possible. Neither the record of the proceeding nor any order entered therein may be used against the respondent physician in any other legal proceeding except upon judicial review as provided elsewhere herein.

(12) Judicial Review.
(a) Interlocutory appeals and judicial review of orders or proceedings of the board of professional discipline shall not be undertaken by any court, however, final orders of the board under provisions of this act and any order of temporary suspension, restriction or probation entered hereunder shall be subject to judicial review as hereinafter provided, but only by and before the supreme court, which appellate jurisdiction shall be and is exclusive.
(b) Any party to proceedings within the jurisdiction or purview of the board of professional discipline, including any petitioner initiating the same, shall have standing to initiate and prosecute an appeal; provided, such appeal must be taken within twenty (20) days following the order complained of or such order shall not be subject to review, and the supreme court shall lack jurisdiction to entertain the same.
(c) In no case shall any order of the board of professional discipline be summarily stayed, enjoined, modified or reversed in any respect upon any ex parte proceedings of any party, judicial review to be available only as and to the extent provided for by this act.
(d) Appeals shall be limited to a review of questions of law.
(e) Appeals shall be taken by filing in the supreme court a notice of appeal and serving a copy of the same on the board of professional discipline and a copy on any adverse party or his or her attorney of record in the proceedings if there be any such party or attorney. Such notice shall briefly describe such order or ruling appealed and state the intention of the party to appeal therefrom.
(f) At the time of serving the notice, as aforesaid, or within five (5) days thereafter, the appellant may file with the board of professional discipline, a praecipe on appeal, specifying such records, proceedings, transcript of stenographic or machine report of the testimony
introduced before the board, and such files and exhibits as he desires to have certified to the supreme court, for consideration upon appeal.

(g) Within twenty (20) days after service of the notice of appeal, as aforesaid, the board of professional discipline shall certify three (3) copies of its records, proceedings, transcript of the stenographic or machine report of the testimony introduced at the hearing, if a hearing was had, or three (3) copies of a transcript of any other documentation that may pertain in the particular case, to the court, together with such files and exhibits as the appellant may desire to have certified and has designated, as specified above. Other parties, within twenty (20) days thereafter, may likewise specify any or all of the files, records and materials or transcripts before the board for inclusion in the record on appeal, whereupon the same shall be included as if originally specified in the appellant's papers, as provided above. For good cause the supreme court may, ex parte, grant reasonable enlargements of the times specified in this subsection.

(h) The appeal shall be deemed perfected when such records, proceedings and transcripts shall have been filed with the clerk of the supreme court. There shall be no transcript fee charged or collected on account of any such appeal.

(i) In addition to preparing and filing in the supreme court the copies of the records, proceedings and transcript, as provided above, the board of professional discipline shall cause to be prepared two (2) further and additional copies thereof and transmit and deliver one (1) such copy to the appellant and the other to the adversary party or parties, if any, at or about the same time as the record of proceedings is filed with the supreme court.

(j) Such appeal shall not operate as a stay of any order or ruling appealed unless, as respects any temporary or interim order appealed, the supreme court specially so orders on the basis of a special hearing thereon having been first duly noticed and held, and then only if the court determines that the interests of justice and the public health require that such a stay be imposed.

(k) Upon hearing, the court may affirm or set aside such order or ruling, if the same be found contrary to law or it may set the same aside upon the ground:

1. Said board's findings of fact are not based
upon any substantial competent evidence;
2. Said board has acted without jurisdiction or in excess of its powers;
3. The findings of fact, order or ruling were procured by fraud; or
4. The findings of fact do not as a matter of law support the order or ruling appealed from.

(13) Except as herein expressly provided, no court of this state shall have jurisdiction to review, vacate, set aside, reverse, revise, correct, amend or annul any order or award of the board of professional discipline, to suspend or delay the carrying out or operation thereof, or to enjoin, restrain or interfere with said board in the performance of its duties under this act.

(14) Protected Action and Communication. There shall be no liability on the part of and no action for damages against:

(a) Any member of the board of professional discipline or the staff or officials thereof for any action undertaken or performed within the scope of the functions of said board or this act; or
(b) Any person providing information or testimony to the said board or its staff or officials.

Approved March 31, 1976.
RELATING TO THE DEFINITION OF INSURANCE AGENTS; AMENDING SECTION 41-1023, IDAHO CODE, BY DEFINING THE TERM INDEPENDENT INSURANCE AGENT AND PROHIBITING THE USE OF THE TERM BY OTHER INSURANCE AGENTS.

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

SECTION 1. That Section 41-1023, Idaho Code, be, and the same is hereby amended to read as follows:

41-1023. "LIFE AGENT," "DISABILITY AGENT," INDEPENDENT INSURANCE AGENT," DEFINED. (1) A "life agent" is an agent, as defined in section 41-1021, Idaho Code, who transacts life insurance or annuity business, and includes also the transaction of disability insurance on behalf of an insurer for whom the agent is also licensed as to life insurance.

(2) A "disability agent" is an agent, as defined in section 41-1021, Idaho Code, who transacts only disability insurance.

(3) An independent insurance agent is an agent, as defined in section 41-1021, Idaho Code, who is not owned or controlled by any insurer or group of insurers and whose agency agreement with any insurer or group of insurers does not prohibit the representation of other insurers or groups of insurers and which provides that upon termination of the agreement, the use and control of the agent's records remain the property of the agent. No agent other than an "independent insurance agent" shall be represented to the public as an independent insurance agent or agency.

Approved March 31, 1976.
CHAPTER 295

(H.B. No. 689)

AN ACT
RELATING TO HEALTH DISTRICTS; REPEALING SECTION 39-425, IDAHO CODE, AND AMENDING CHAPTER 4, TITLE 39, IDAHO CODE, BY THE ADDITION THEREOF OF A NEW SECTION 39-425, IDAHO CODE, TO PROVIDE FOR GENERAL STATE AID TO THE DISTRICTS, AND PROVIDING PROCEDURES.

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

SECTION 1. That Section 39-425, Idaho Code, be, and the same is hereby repealed.

SECTION 2. That Chapter 4, 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 39-425, Idaho Code, and to read as follows:

39-425. GENERAL STATE AID TO DISTRICTS -- PROCEDURES. (1) On or before December 31 of every year, the director of the department of health and welfare shall include as an addendum to the budget request submitted to the legislature, a request for money to be used to match funds raised by the levy of the counties, pursuant to section 31-862, Idaho Code, for the maintenance and operation of district health departments. The matching amount to be included in the request shall be sixty-seven per cent (67%) of the amounts pledged to be raised by the levy of each county, pursuant to section 31-862, Idaho Code, as adopted as part of the budget for the health districts during the budget formulations in the immediately preceding August and September, as provided for in section 39-423, Idaho Code. If the determined amount of participation by a county would exceed the amount which could be raised applying the maximum levy prescribed in section 31-862, Idaho Code, that county's participation shall be reduced to the maximum amount which can be raised thereby.

(2) The foregoing provision shall not limit the director from authorizing or granting additional funds for selected projects to individual health districts in excess of the percentage of participation of general aid granted all health districts.
(3) General state aid to the various health districts shall be made available from state appropriations, and shall be matched and distributed in the following manner:
   a. One-half (1/2) of the amount appropriated shall be remitted to the account of the health districts on or before September 30, and
   b. The remaining one-half (1/2) of the amount appropriated shall be remitted to the account of the health districts on or before March 31.

(4) The liability of the state of Idaho to the public health districts and the public health district fund and its divisions is limited to:
   a. Sixty-seven per cent (67%) of the ad valorem tax contributed by each county as specified in subsection (1) of this section or the funds appropriated to the department of health and welfare for that purpose, and;
   b. The funds actually authorized or granted to the various public health districts as provided for in subsection (2) of this section, and;
   c. The funds due the various health districts in payment of legally authorized contracts and agreements entered into between the departments of the state of Idaho and the various public health districts.

(5) If revenues to the state treasury are insufficient to fully meet appropriations, and reductions in spending authority have been ordered pursuant to law, the amount of moneys to match revenues raised by the counties, pursuant to section 39-423, Idaho Code, which has been appropriated pursuant to this section, shall be reduced by the same percentage rate as all other general fund appropriations for the department of health and welfare.

Approved March 31, 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 Governor as set forth in section 2, not exceed the following amounts for the period July 1, 1976 through June 30, 1977.

<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>Idaho Commission for the Blind Fund</td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>Miscellaneous Receipts Fund</td>
</tr>
<tr>
<td>Trustee and Benefit Payments</td>
<td>Office on Aging, Administration</td>
</tr>
<tr>
<td>TOTAL</td>
<td>Office on Aging Fund</td>
</tr>
</tbody>
</table>

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel Costs</td>
<td>$ 737,900</td>
</tr>
<tr>
<td>Operating Expenditures</td>
<td>171,400</td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>6,800</td>
</tr>
<tr>
<td>Trustee and Benefit Payments</td>
<td>1,781,400</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$2,697,500</td>
</tr>
<tr>
<td>General Fund</td>
<td>$ 242,400</td>
</tr>
<tr>
<td>Idaho Commission for the Blind Fund</td>
<td>570,900</td>
</tr>
<tr>
<td>Miscellaneous Receipts Fund</td>
<td>28,900</td>
</tr>
<tr>
<td>Office on Aging, Administration</td>
<td>473,400</td>
</tr>
<tr>
<td>Office on Aging Fund</td>
<td>1,381,900</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$2,697,500</td>
</tr>
</tbody>
</table>
SECTION 2. There is hereby appropriated to the Office of the Governor 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, 1976 through June 30, 1977:

<table>
<thead>
<tr>
<th>PROGRAM</th>
<th>FOR PERSONNEL COSTS</th>
<th>FOR OPERATING EXPENDITURES</th>
<th>FOR CAPITAL OUTLAY</th>
<th>TRUSTEE AND BENEFIT PAYMENTS</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. SERVICE TO THE BLIND:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Fund</td>
<td>$ 91,400</td>
<td>$ 82,100</td>
<td>$ 6,800</td>
<td>$ 34,500</td>
<td>$ 125,900</td>
</tr>
<tr>
<td>Blind Commission Fund</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Miscellaneous Receipts Fund</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>$ 399,000</td>
<td>$ 82,100</td>
<td>$ 6,800</td>
<td>$ 237,800</td>
<td>$ 725,700</td>
</tr>
<tr>
<td>B. COMMISSION ON WOMEN'S PROGRAMS:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Fund</td>
<td></td>
<td></td>
<td></td>
<td>$ 10,000</td>
<td>$ 10,000</td>
</tr>
<tr>
<td>TOTAL</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>$ 10,000</td>
</tr>
<tr>
<td>C. EDUCATION COMMISSION AND COUNCIL:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Fund</td>
<td>$ 14,300</td>
<td></td>
<td></td>
<td>$ 14,300</td>
<td>$ 14,300</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$ 14,300</td>
<td></td>
<td></td>
<td></td>
<td>$ 14,300</td>
</tr>
<tr>
<td>D. IDAHO OFFICE ON AGING:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Fund</td>
<td>$ 69,300</td>
<td>$ 22,900</td>
<td></td>
<td>$ 92,200</td>
<td></td>
</tr>
<tr>
<td>Office on Aging, Administration</td>
<td>269,600</td>
<td>42,100</td>
<td></td>
<td>$ 161,700</td>
<td>473,400</td>
</tr>
<tr>
<td>Office on Aging Fund</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>$ 338,900</td>
<td>$ 65,000</td>
<td></td>
<td>$1,543,600</td>
<td>$1,947,500</td>
</tr>
</tbody>
</table>

Approved March 31, 1976.
CHAPTER 297
(H.B. No. 709)

AN ACT
RELATING TO SALES TAX; AMENDING SECTION 63-3606, IDAHO CODE, TO REDEFINE THE TERM "NEW MOBILE HOME"; AMENDING SECTION 63-3613, IDAHO CODE, TO REDEFINE THE SALES PRICE OF A NEW MOBILE HOME, AND TO DISALLOW A REDUCTION FOR TRADE-INS ON SALES OF NEW MOBILE HOMES; AMENDING SECTION 63-3622, IDAHO CODE, TO PROVIDE LIMITED EXEMPTIONS OF HOME YARD SALES FROM THE SALES TAX, TO STRIKE REFERENCES TO PERSONAL PROPERTY USED FOR THE PERFORMANCE OF A CONTRACT ON PUBLIC WORKS EXECUTED PRIOR TO A CERTAIN DATE, TO EXEMPT THE SALE OF USED MOBILE HOMES FROM THE SALES TAX; AND EXPRESSING LEGISLATIVE INTENT.

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

SECTION 1. That Section 63-3606, Idaho Code, be, and the same is hereby amended to read as follows:

63-3606. NEW MOBILE HOME. The term "new mobile home" means a vehicile, thirty-(30)-feet or more in length, excluding--the--draw--bar--or--tongue--thereof,--without--motive--power, designed--to--constitute--a--complete--home mobile home, as defined in section 39-4105, Idaho Code, which is sold for the first time at retail. Such The term "new mobile home" includes all fixtures, appliances, and attachments components incorporated in such vehicle--and--which--have become--a--component--part--thereof mobile home at the time of manufacture and remaining unchanged at the time of the original retail sale thereof. Furniture, fixtures, furnishings, appliances and attachments not incorporated as component parts of the mobile home at the time of manufacture shall be subject to the sales and use tax separately and distinctly from the sales price of a new mobile home.

SECTION 2. That Section 63-3613, Idaho Code, be, and the same is hereby amended to read as follows:

63-3613. SALES PRICE. (a) The term "sales price" means the total amount for which tangible personal property, including services agreed to be rendered as a part of the
sale, is sold, rented or leased, valued in money, whether paid in money or otherwise, without any deduction on account of any of the following:

1. The cost of the property sold. However, in accordance with such rules and regulations as the state tax commission may prescribe, a deduction may be taken if the retailer has purchased property for some purpose other than resale or rental, has reimbursed his vendor for tax which the vendor is required to pay to the state or has paid the use tax with respect to the property, and has resold or rented the property prior to making any use of the property other than retention, demonstration or display while holding it for sale in the regular course of business. If such a deduction is taken by the retailer, no refund or credit will be allowed to his vendor with respect to the sale of the property.

2. The cost of materials used, labor or service cost, losses, or any other expense.

3. The cost of transportation of the property prior to its sale.

(b) The term "sales price" does not include any of the following:

1. Discounts allowed and taken on sales, but only to the extent that such discounts represent price adjustments as opposed to cash discounts offered only as an inducement for prompt payment.

2. Any sums allowed on merchandise accepted in part payment of other merchandise, provided that this allowance shall not apply to the sale of a "new mobile home" as defined herein.

3. The amount charged for property returned by customers when the amount charged therefor is refunded either in cash or credit; but this exclusion shall not apply in any instance when the customer, in order to obtain the refund, is required to purchase other property at a price greater than the amount charged for the property that is returned.

4. The amount charged for labor or services rendered in installing or applying the property sold, provided that said amount is stated separately and such separate statement is not used as a means of avoiding imposition of this tax upon the actual sales price of the tangible personal property.

5. The amount of any tax (not including, however, any manufacturers' or importers' excise tax) imposed by the United States upon or with respect to retail sales whether imposed upon the retailer or the consumer.

6. The amount charged for finance charges, carrying charges, service charges, time-price differential, or inter-
est on deferred payment sales, provided such charges are not used as a means of avoiding imposition of this tax upon the actual sales price of the tangible personal property.

7. Charges for transportation of tangible personal property after sale.
   (c) The sales price of a "new mobile home" as defined in this act shall be limited to and include only forty fifty-five per centum (40% 55%) of the sales price as otherwise defined herein.
   (d) For sales made on and after January 1, 1967, taxes previously paid on amounts represented by accounts found to be worthless and actually charged off for income tax purposes may be credited upon a subsequent payment of the tax herein provided or, if no such tax is due, refunded; provided, however, that such credit or refund may be claimed only upon that sales tax returned for the month following the filing date of the taxpayer's state income tax return in which a deduction is claimed for such worthless accounts. If such accounts are thereafter collected, a tax shall be paid upon the amount so collected.

SECTION 3. 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 operations 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 (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 written contract entered into prior to the passage and approval of this act at home yard sales; provided, however, that no more than two (2) such home yard sales per individual per calendar year shall be exempt.

(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, PL93-29), and the sale of meals by a church to its members at a church function.

(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.

(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).

(o) Sales of liquor by the state liquor dispensary.

(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.

(q) 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.
(r) 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.

(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.

(t) 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.

(u) 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; and the sale of used mobile homes, whether or not such used mobile homes are sold for use outside this state, and whether or not such used mobile homes are sold by a dealer. Every mobile home sale after its sale as a "new mobile home," as defined in section 63-3606, Idaho Code, is a sale as a used mobile home.

\{v\} (\{w\}) 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.

\{w\} (\{x\}) 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\} (\{y\}) 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 4. LEGISLATIVE INTENT. It is legislative intent that all amendments to section 63-3622, Idaho Code, enacted
in the Second Regular Session, Forty-third Idaho Legislature, be incorporated into a single text, as if all had been enacted in a single bill.

Approved March 31, 1976.
CHAPTER 298
(H.B. No. 710)

AN ACT
MAKING CERTAIN SUMS AVAILABLE FROM APPROPRIATIONS MADE FOR FISCAL YEAR 1977 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 1977 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.

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>STATE BOARD OF EDUCATION</td>
<td>$ 9,200</td>
<td>99,600</td>
<td>14,300</td>
<td>500</td>
<td>$123,600</td>
</tr>
<tr>
<td>DEPARTMENT OF HEALTH &amp; WELFARE:</td>
<td>$ 15,200</td>
<td>6,600</td>
<td>1,200</td>
<td></td>
<td>$23,000</td>
</tr>
<tr>
<td>AREA OFFICE - Coolin</td>
<td>$ 3,000</td>
<td></td>
<td></td>
<td></td>
<td>$3,000</td>
</tr>
<tr>
<td>GRAND TOTAL</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>$157,500</td>
</tr>
</tbody>
</table>
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 31, 1976.
CHAPTER 299
(H.B. No. 711)

AN ACT
EXPRESSING LEGISLATIVE INTENT WITH RESPECT TO EXPENDITURES FOR THE DEPARTMENT OF LANDS; 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, 1976 THROUGH JUNE 30, 1977; APPROPRIATING MONEYS OUT OF THE ENUMERATED FUND TO THE DEPARTMENT OF LANDS, TO BE EXPENDED FOR THE SPECIFIED PURPOSE FROM THE EFFECTIVE DATE OF THIS ACT THROUGH JUNE 30, 1977; PROVIDING AN EFFECTIVE DATE FOR A SECTION OF THIS ACT AND DECLARING AN EMERGENCY.

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, 1976, through June 30, 1977:

<table>
<thead>
<tr>
<th>FOR:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel Costs</td>
<td>$4,414,400</td>
</tr>
<tr>
<td>Operating Expenditures</td>
<td>3,287,000</td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>385,000</td>
</tr>
<tr>
<td>Trustee &amp; Benefit Payments</td>
<td>297,900</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$8,384,300</strong></td>
</tr>
</tbody>
</table>

FROM:

| General Fund                | $3,776,900 |
| Dedicated Funds:            |           |
| Log Scalers Law Fund        | 76,000    |
| Forest Protection Fund      | 953,600   |
| Forest & Range Conservation Fund | 11,300   |
| Land Commissioners Scaling Trust Fund | 197,000 |
| Forest Management Fund      | 1,807,700 |
| 10% Timber & Grazing Land Lease Fund | 1,290,400 |
| **Receipts to Appropriations** | 271,400  |
| **TOTAL**                   | **$8,384,300** |

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, 1976, through June 30, 1977.
## ADMINISTRATIVE SUPPORTING SERVICES:

<table>
<thead>
<tr>
<th>PROGRAM</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>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Fund</td>
<td>$496,400</td>
<td>$183,500</td>
<td>$600</td>
<td></td>
<td>$680,500</td>
</tr>
<tr>
<td>Forest Protection Fund</td>
<td>$17,100</td>
<td>$6,400</td>
<td></td>
<td></td>
<td>23,500</td>
</tr>
<tr>
<td>Forest Management Fund</td>
<td>$9,100</td>
<td>1,500</td>
<td></td>
<td></td>
<td>10,600</td>
</tr>
<tr>
<td>10% Timber &amp; Grazing</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Land Lease Fund</td>
<td>200</td>
<td></td>
<td></td>
<td></td>
<td>200</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$522,600</td>
<td>$191,600</td>
<td>$600</td>
<td></td>
<td>714,800</td>
</tr>
</tbody>
</table>

## FOREST & RANGE FIRE PROTECTION:

<table>
<thead>
<tr>
<th>PROGRAM</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>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<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>$713,000</td>
<td>118,800</td>
<td>98,300</td>
<td></td>
<td>930,100</td>
</tr>
<tr>
<td>Forest Management Fund</td>
<td>469,100</td>
<td>1,175,400</td>
<td>41,200</td>
<td></td>
<td>1,685,700</td>
</tr>
<tr>
<td>10% Timber &amp; Grazing</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>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>5,000</td>
<td>5,300</td>
<td>1,000</td>
<td></td>
<td>11,300</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$1,187,100</td>
<td>$1,894,400</td>
<td>$140,500</td>
<td>$161,600</td>
<td>3,383,600</td>
</tr>
</tbody>
</table>

## FOREST RESOURCES MANAGEMENT:

<table>
<thead>
<tr>
<th>PROGRAM</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>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Fund</td>
<td>$736,400</td>
<td>$62,000</td>
<td>$22,100</td>
<td></td>
<td>820,500</td>
</tr>
<tr>
<td>Land Commissioners</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Scaling Trust Fund</td>
<td>169,500</td>
<td>19,200</td>
<td>8,300</td>
<td></td>
<td>197,000</td>
</tr>
<tr>
<td>Forest Management Fund</td>
<td>38,400</td>
<td>70,000</td>
<td>3,000</td>
<td></td>
<td>111,400</td>
</tr>
<tr>
<td>10% Timber &amp; Grazing</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Land Lease Fund</td>
<td>408,500</td>
<td>577,900</td>
<td>71,700</td>
<td></td>
<td>1,058,100</td>
</tr>
<tr>
<td>Receipts to Appropriations</td>
<td>93,200</td>
<td></td>
<td></td>
<td></td>
<td>93,200</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$1,446,000</td>
<td>$729,100</td>
<td>$105,100</td>
<td></td>
<td>2,280,200</td>
</tr>
</tbody>
</table>

## RANGE RESOURCES MANAGEMENT:

<table>
<thead>
<tr>
<th>PROGRAM</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>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Fund</td>
<td>$313,200</td>
<td>$83,900</td>
<td>$10,700</td>
<td></td>
<td>407,800</td>
</tr>
<tr>
<td>10% Timber &amp; Grazing</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Land Lease Fund</td>
<td>26,500</td>
<td>124,700</td>
<td>65,700</td>
<td></td>
<td>216,900</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$339,700</td>
<td>$208,600</td>
<td>$76,400</td>
<td></td>
<td>624,700</td>
</tr>
<tr>
<td>PROGRAM</td>
<td>PERSONAL COSTS</td>
<td>OPERATING EXPENDITURES</td>
<td>CAPITAL OUTLAY</td>
<td>BENEFIT PAYMENTS</td>
<td>TOTAL</td>
</tr>
<tr>
<td>-------------------------------</td>
<td>----------------</td>
<td>------------------------</td>
<td>----------------</td>
<td>------------------</td>
<td>----------</td>
</tr>
<tr>
<td>E. LAND ACTIONS &amp; EARTH</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>RESOURCES MANAGEMENT: FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Fund</td>
<td>$275,300</td>
<td>$47,300</td>
<td>$11,400</td>
<td></td>
<td>$334,000</td>
</tr>
<tr>
<td>10% Timber &amp; Grazing</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Land Lease Fund</td>
<td>4,100</td>
<td>11,000</td>
<td></td>
<td></td>
<td>15,100</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$279,400</td>
<td>$58,300</td>
<td>$11,400</td>
<td></td>
<td>$349,100</td>
</tr>
<tr>
<td>F. MINERAL &amp; GEOLOGIC</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>RESEARCH: FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Fund</td>
<td>$226,900</td>
<td>$56,500</td>
<td>$36,500</td>
<td></td>
<td>$319,900</td>
</tr>
<tr>
<td>Receipts to Appropriations</td>
<td>112,400</td>
<td>53,800</td>
<td>9,000</td>
<td></td>
<td>175,200</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$339,300</td>
<td>$110,300</td>
<td>$45,500</td>
<td></td>
<td>$495,100</td>
</tr>
<tr>
<td>G. SOILS &amp; WATER</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>MANAGEMENT: FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Fund</td>
<td>$199,700</td>
<td>$33,800</td>
<td>$400</td>
<td></td>
<td>$356,900</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$199,700</td>
<td>$33,800</td>
<td>$400</td>
<td></td>
<td>$356,900</td>
</tr>
<tr>
<td>H. SCALING PRACTICES: FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Log Scalers Law Fund</td>
<td>$53,200</td>
<td>$17,900</td>
<td>$4,900</td>
<td></td>
<td>$76,000</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$53,200</td>
<td>$17,900</td>
<td>$4,900</td>
<td></td>
<td>$76,000</td>
</tr>
<tr>
<td>I. GOODING TUBERCULOSIS HOSPITAL MAINTENANCE:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Fund</td>
<td>$47,400</td>
<td>$43,000</td>
<td>$200</td>
<td>$10,300</td>
<td>$100,900</td>
</tr>
<tr>
<td>Receipts to Appropriation</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>$47,400</td>
<td>$43,000</td>
<td>$200</td>
<td>$13,300</td>
<td>$103,900</td>
</tr>
<tr>
<td>GRAND TOTAL</td>
<td>$4,414,400</td>
<td>$3,287,000</td>
<td>$385,000</td>
<td>$297,900</td>
<td>$8,384,300</td>
</tr>
</tbody>
</table>

SECTION 3. There is hereby appropriated out of the enumerated fund the following amount, or so much thereof as may be necessary, to the Department of Lands for the purpose specified, from the effective date of this act through June 30, 1977:

FOR:
Forest and Range Fire Protection Program
  Operating Expenditures
  Trustee and Benefit Payments
  TOTAL

FROM:
Fiscal Year 1976 General Fund Moneys

SECTION 4. This act shall be in full force and effect on and after July 1, 1976, except 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 31, 1976.
AN ACT
APPROPRIATING MONEYS FROM THE GENERAL FUND TO THE SPEAKER OF THE HOUSE OF REPRESENTATIVES FOR THE LEGISLATIVE TAX ANALYSIS COMPUTER SERVICE.

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

SECTION 1. There is hereby appropriated from the General Fund to the Speaker of the House of Representatives the sum of five thousand dollars ($5,000) for the purpose of providing assistance in revenue projections through the legislative tax analysis computer service.

Approved March 31, 1976.

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 $1,669,400, for the period July 1, 1976, through June 30, 1977, for the purposes enumerated in sections 63-117 through and including 63-125, Idaho Code, for the tax year 1976.

Approved March 31, 1976.
CHAPTER 302
(H.B. No. 720, As Amended)

AN ACT
RELATING TO THE SALARIES OF COUNTY COMMISSIONERS; AMENDING SECTION 31,3104, IDAHO CODE, TO INCREASE THE SALARIES OF CERTAIN COUNTY COMMISSIONERS; DECLARING AN EMERGENCY AND PROVIDING FOR 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 $20,000</td>
</tr>
<tr>
<td>Adams</td>
<td>$3,050</td>
</tr>
<tr>
<td>Bannock</td>
<td>$6,070 $12,000</td>
</tr>
<tr>
<td>Bear Lake</td>
<td>$6,372 $3,600</td>
</tr>
<tr>
<td>Benewah</td>
<td>$6,472 $5,000</td>
</tr>
<tr>
<td>Bingham</td>
<td>$6,072 $10,000</td>
</tr>
<tr>
<td>Blaine</td>
<td>$4,200</td>
</tr>
<tr>
<td>Boise</td>
<td>$3,000</td>
</tr>
<tr>
<td>Bonner</td>
<td>$6,075 $10,500</td>
</tr>
<tr>
<td>Bonneville</td>
<td>$10,000</td>
</tr>
<tr>
<td>Boundary</td>
<td>$6,472 $6,000</td>
</tr>
<tr>
<td>Butte</td>
<td>$6,270 $2,400</td>
</tr>
<tr>
<td>Camas</td>
<td>$6,170 $2,100</td>
</tr>
<tr>
<td>Canyon</td>
<td>$11,500</td>
</tr>
<tr>
<td>Caribou</td>
<td>$6,370 $3,600</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>$6,479 $5,000</td>
</tr>
<tr>
<td>Custer</td>
<td>$2,400</td>
</tr>
<tr>
<td>Elmore</td>
<td>$6,472 $4,800</td>
</tr>
<tr>
<td>Franklin</td>
<td>$6,372 $3,600</td>
</tr>
<tr>
<td>Fremont</td>
<td>$6,375 $4,000</td>
</tr>
<tr>
<td>Gem</td>
<td>$3,800</td>
</tr>
<tr>
<td>Gooding</td>
<td>$6,372 $3,600</td>
</tr>
<tr>
<td>Idaho</td>
<td>$6,372 $4,800</td>
</tr>
<tr>
<td>County</td>
<td>Amount</td>
</tr>
<tr>
<td>------------</td>
<td>----------</td>
</tr>
<tr>
<td>Jefferson</td>
<td>$3,600</td>
</tr>
<tr>
<td>Jerome</td>
<td>$3,700</td>
</tr>
<tr>
<td>Kootenai</td>
<td>$12,000</td>
</tr>
<tr>
<td>Latah</td>
<td>$7,000</td>
</tr>
<tr>
<td>Lemhi</td>
<td>$2,600</td>
</tr>
<tr>
<td>Lewis</td>
<td>$2,000</td>
</tr>
<tr>
<td>Lincoln</td>
<td>$2,200</td>
</tr>
<tr>
<td>Madison</td>
<td>$3,500</td>
</tr>
<tr>
<td>Minidoka</td>
<td>$4,800</td>
</tr>
<tr>
<td>Nez Perce</td>
<td>$10,000</td>
</tr>
<tr>
<td>Oneida</td>
<td>$3,700</td>
</tr>
<tr>
<td>Owyhee</td>
<td>$3,700</td>
</tr>
<tr>
<td>Payette</td>
<td>$4,000</td>
</tr>
<tr>
<td>Power</td>
<td>$2,200</td>
</tr>
<tr>
<td>Shoshone</td>
<td>$12,000</td>
</tr>
<tr>
<td>Teton</td>
<td>$2,100</td>
</tr>
<tr>
<td>Twin Falls</td>
<td>$10,200</td>
</tr>
<tr>
<td>Valley</td>
<td>$3,300</td>
</tr>
<tr>
<td>Washington</td>
<td>$4,700</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, and retroactive to January 1, 1976.

Approved March 31, 1976.
CHAPTER 303
(H.B. No. 721, As Amended)

AN ACT
RELATING TO THE SALARIES OF PROSECUTING ATTORNEYS; AMENDING
SECTION 31-3113, IDAHO CODE, TO INCREASE THE SALARIES OF
CERTAIN PROSECUTING ATTORNEYS, AND REQUIRING THE CANYON
COUNTY PROSECUTOR TO SERVE FULL TIME; AND DECLARING AN
EMERGENCY AND PROVIDING FOR RETROACTIVE APPLICATION.

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
{EFFECTIVE--UNTIL--JANUARY-17-1976}. 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>$6,750</td>
</tr>
<tr>
<td>Bannock</td>
<td>$15,000</td>
</tr>
<tr>
<td>Bear Lake</td>
<td>$6,000</td>
</tr>
<tr>
<td>Benewah</td>
<td>$6,750</td>
</tr>
<tr>
<td>Bingham</td>
<td>$12,750</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>$12,000</td>
</tr>
<tr>
<td>Butte</td>
<td>$6,750</td>
</tr>
<tr>
<td>Camas</td>
<td>$10,000</td>
</tr>
<tr>
<td>Canyon</td>
<td>$15,500</td>
</tr>
<tr>
<td>Caribou</td>
<td>$6,750</td>
</tr>
<tr>
<td>Cassia</td>
<td>$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>$15,000</td>
</tr>
<tr>
<td>Franklin</td>
<td>$6,200</td>
</tr>
<tr>
<td>Fremont</td>
<td>$10,000</td>
</tr>
<tr>
<td>Gem</td>
<td>$6,750</td>
</tr>
<tr>
<td>Gooding</td>
<td>$6,9700</td>
</tr>
<tr>
<td>Idaho</td>
<td>$11,000</td>
</tr>
</tbody>
</table>

$17,500 $8,250 $15,000 $8,250 $15,000 $7,700 $12,000 $7,800 $8,500 $9,500 $12,000
Jefferson $8,700
Jerome $6,7200 $12,000
Kootenai $16,7000 $17,000
Latah $14,0000 $15,000
Lemhi $7,000
Lewis $6,8000 $9,000
Lincoln $6,6700 $7,000
Madison $12,000
Minidoka $20,000
Nez Perce $16,000
Oneida $6,5700 $5,700
Owyhee $13,7500 $15,500
Payette $10,000
Power $6,000
Shoshone $14,7500 $18,000
Teton $3,500
Twin Falls $16,000 $17,000
Valley $7,500
Washington $7,500

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. The prosecuting attorneys in the following counties are required to devote full time to the discharge of their duties: Canyon.

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, 1976.

Approved March 31, 1976.
CHAPTER 304  
(H.B. No. 728)

AN ACT
RELATING TO REGISTRATION OF MOTOR VEHICLES; AMENDING SECTION 49-126, IDAHO CODE, AS AMENDED BY CHAPTER 4, LAWS OF 1976, BY INCREASING OPERATING FEES; DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 49-126, Idaho Code, as amended by Chapter 4, Laws of 1976, be, and the same is hereby amended to read as follows:

49-126. OPERATING FEES FOR PASSENGER CARRYING MOTOR VEHICLES AND PICKUP TRUCKS NOT IN EXCESS OF 8,000 LBS. GWT.  
(1) All vehicles required by this section to be registered shall be registered for a period of twelve (12) consecutive calendar months. All vehicles required by any other section of this chapter to be registered shall be registered for a calendar year, expiring midnight December 31 of each year.  
(2) There are ten (10) registration periods, each of which shall start on the first day of a calendar month and end on the last day of the twelfth month from the date of beginning. The months of November and December are excluded from the monthly series registration system. The periods shall be designated, in accordance with the ending date, as follows:
   (a) January 31, first period; designated by the ending numeral 1.  
   (b) February 28 or 29, second period; designated by the ending numeral 2.  
   (c) March 31, third period; designated by the ending numeral 3.  
   (d) April 30, fourth period; designated by the ending numeral 4.  
   (e) May 31, fifth period; designated by the ending numeral 5.  
   (f) June 30, sixth period; designated by the ending numeral 6.  
   (g) July 31, seventh period; designated by the ending numeral 7.  
   (h) August 31, eighth period; designated by the ending
numeral 8.

(i) September 30, ninth period; designated by the ending numeral 9.

(j) October 31, tenth period; designated by the ending numeral 0.

Registration periods shall expire midnight on the last day of the registration period in the year designated by the registration sticker or year embossed on the plate. The last numeral digit on the number plate or plates shall, as does the registration card, fix the registration period under the "staggered plate system" of Idaho for the purpose of reregistration and notice of expiration.

(3) A vehicle that has once been registered for any of the above designated periods shall, upon reregistration, be registered for the period bearing the same number, and the registration card shall show and be the exclusive proof of the expiration date of registration and licensing.

(4) The annual fee for operating each pickup truck and each other motor vehicle having a maximum gross weight not in excess of 8,000 pounds, designed for the purpose of carrying passengers, and not used for hire shall be as follows:

<table>
<thead>
<tr>
<th>Age of Vehicle</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>One (1) and two (2) years old</td>
<td>$29.40</td>
</tr>
<tr>
<td>Three (3) and four (4) years old</td>
<td>$27.00</td>
</tr>
<tr>
<td>Five (5) and six (6) years old</td>
<td>$21.00</td>
</tr>
<tr>
<td>Seven (7) and eight (8) years old</td>
<td>$18.00</td>
</tr>
<tr>
<td>Over eight (8) years old</td>
<td>$12.60</td>
</tr>
</tbody>
</table>

In addition to the annual fee prescribed in this section any such motor vehicle designed for the purpose of carrying passengers and not used for hire which is propelled by special fuel as defined in section 49-1230, Idaho Code, shall pay a fee of $3.75 per month for each month of a registration period, which fee shall be considered in lieu of ordinary motor vehicle fuels tax levied upon fuels used by other motor vehicles enumerated in this section.

(5) For the purpose of this section, the age of a motor vehicle shall be determined by subtracting the manufacturer's year designation of such vehicle from the year in which the fee herein provided is paid; provided that if any such vehicle has the same manufacturer's year designation as the year in which the fee herein provided is paid, and if any such vehicle has a manufacturer's year designation later than the year in which the fee herein provided is paid, such vehicles shall be deemed to be one (1) year old for the purposes of this section; provided further that the term "manufacturer's year designation" as herein used, shall mean the model year designated by the motor vehicle.
manufacturer, and not the year in which such vehicle is in fact manufactured.

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 April 1, 1976.

Approved March 31, 1976.
Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Chapter 50, 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 67-5005, Idaho Code, and to read as follows:

67-5005. LEGISLATIVE INTENT. The legislature hereby finds and recognizes the need to provide basic necessities to its older people in their later years and particularly in providing efficient community services, including access transportation, adequate nutrition, and homemaker services, and other services designed to permit its older people to remain independent and to be able to avoid institutionalization and that these services be provided in a coordinated manner and which are readily available when needed.

SECTION 2. That Chapter 50, 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 67-5006, Idaho Code, and to read as follows:

67-5006. DEFINITIONS. For the purposes of this act, the following terms are defined as follows:

"Transportation" -- services designed to transport older persons to and from community facilities and resources for the purpose of applying for and receiving services, reducing isolation, or otherwise promoting independent living, but
not including a direct subsidy for an overall transit system or a general reduced fare program for a public or private transit system.

"Homemaker services" -- provide care for elderly individuals in their own homes and help them maintain, strengthen, and safeguard their personal functioning in their own homes through the services of a trained and supervised homemaker.

"Nutrition" -- services which provide older persons with assistance in maintaining a well-balanced diet, including shopping assistance, diet counseling, nutrition education, and meal service.

"Raw food" -- any food product that will be used in the meal preparation and will be consumed by a program participant during the course of a program meal.

SECTION 3. That Chapter 50, 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 67-5007, Idaho Code, and to read as follows:

67-5007. GRANTS TO LOCAL AGENCIES. The Idaho office on aging shall, based on the recommendations of the local advisory council, enter into grants with designated local public or private nonprofit agencies, as provided by the Older Americans Act of 1965, as amended, for the purpose of the agencies issuing contracts at the local level to provide the services listed in section 67-5008, Idaho Code. Such contracts and grants shall be subject to performance and financial audit by the agency in conformance with state practices and statutes.

SECTION 4. That Chapter 50, 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 67-5008, Idaho Code, and to read as follows:

67-5008. PROGRAMS FOR ELDERLY. The Idaho office on aging shall upon reviewing recommendations from designated local advisory councils, as required by the Older Americans Act of 1965, as amended, allocate on an equitable basis to local designated public or private nonprofit agencies grants for the following purposes:

(a) Transportation -- For operating expenses only using existing private or public equipment. Seventy-five percent (75%) of such funds granted for the purpose shall be expended to provide transportation in areas of the state
which have communities smaller than five thousand (5,000) residents.

(b) Nutrition -- For food expenses only to provide nutritionally balanced meals to the elderly either at congregate meals or delivered to their homes.

(c) Homemaker services -- For direct services to the elderly living in non-institutional circumstances. Fees for such services shall be based upon a variable schedule, according to regulations established by the Idaho office on aging, based upon ability to pay for such services.

NOTE: The Attorney General has ruled that this bill became law without the Governor's signature on March 31, 1976. The Governor signed this bill on April 1, 1976.
CHAPTER 306  
(H.B. No. 470)  

AN ACT  
RELATING TO DEVELOPMENT OF ARID LANDS UNDER THE CAREY ACT; PROVIDING A DECLARATION OF LEGISLATIVE INTENT THAT THE DEVELOPMENT AND SETTLEMENT OF ARID LANDS UNDER THE CAREY ACT AND DEVELOPMENT OF CAREY ACT PROJECTS BY THE WATER RESOURCE BOARD ARE IN THE PUBLIC INTEREST; AUTHORIZING THE WATER RESOURCE BOARD TO SPONSOR AND DEVELOP A WATER RESOURCE DEVELOPMENT PROJECT KNOWN AS THE INDIAN HILLS PROJECT, AUTHORIZING THE ISSUANCE OF REVENUE BONDS AND TO DO ALL THINGS NECESSARY FOR THE CONSTRUCTION AND COMPLETION OF SAID PROJECT, AUTHORIZING THE CHARGING AND COLLECTION OF FEES AND ASSESSMENTS, AND PROVIDING FOR LIENS UPON LANDS AND WATER RIGHTS; AUTHORIZING THE PROJECT TO PROCEED IF LANDS IN THE PROJECT AREA BECOME AVAILABLE BY DIRECT GRANT; PROVIDING AN EXCEPTION TO A CERTAIN PROVISION EXPRESSED IN SECTION 1, CHAPTER 470, LAWS OF 1969; AND DECLARING AN EMERGENCY.

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

SECTION 1. The legislature finds and declares that the development and settlement of arid lands under the Carey Act as provided in chapter 20, title 42, Idaho Code, and development of Carey Act projects by the Idaho water resource board are in the public interest.

SECTION 2. Pursuant to section 42-1756(c)(7), Idaho Code, the Idaho water resource board is authorized to plan, finance, construct, acquire, operate, own, maintain, and be the project sponsor and developer of a water resource development project as provided in the provisions of the Carey Act and to use the water resource board revolving development fund and revenues or other additions thereto from any source, including but not limited to proceeds from loans secured by project revenues, to finance or guarantee the funding of said project. Said project is known as the Indian Hills Project, which is located in Owyhee County approximately two (2) miles southwest of Hammett, Idaho. The Idaho water resource board is authorized by this act to proceed with the project on the basis identified and approved by the Idaho water resource board in the proposal submitted, pur-
suant to section 42-1734(m), Idaho Code, to the governor of Idaho on November 25, 1974; and the Idaho water resource board is further authorized to proceed in accordance with and exercise the authority for issuance of revenue bonds as provided in section 42-1734(s), Idaho Code. The Idaho water resource board is further authorized to own, sell, convey, mortgage, pledge or incumber the lands for said project and do all things necessary for the construction and completion of said project including the acquisition of all necessary real and personal property in connection therewith, together with all necessary pumping and water distribution works and facilities at the site of such water project and all other necessary and related structures and equipment, and, in addition to the powers conferred elsewhere on the Idaho water resource board, to issue and sell revenue bonds under the provisions of sections 42-1739 through 42-1749, Idaho Code, pledging thereto the revenues which the board shall derive from such water project, and such other revenues as may come into the water resource board revolving development fund from any source whatsoever, including but not limited to any tax funds pledged or dedicated to the water resource board revolving development fund, in order to pay the costs of planning, financing, acquiring, construction, operation and maintenance of such water project. The water resource board is further authorized to charge and collect such fees and assessments necessary for payment and reimbursement for all the costs of said project and the water resource board shall have a first and prior lien upon all lands of the project and water rights now appurtenant or to become appurtenant to said lands and water distribution facilities; said lien shall be in all respects prior to any and all other liens no matter how created or attempted to be created by the owner or possessor of the project lands or by law and shall remain in full force and effect until the last deferred payment for water rights and project facilities is fully paid and satisfied according to the terms of the contract under which water is acquired for said project by persons making entry upon said lands.

SECTION 3. If the lands in the project area become available to the state of Idaho by direct grant from the United States, other than through provisions of the Carey Act, the Idaho water resource board is authorized to proceed, as set forth in this act, as though the project were under the provisions of the Carey Act.

SECTION 4. The development of the water project author-
ized in this act is hereby declared to be exempt from the provision expressed in the last sentence of Section 1 of Chapter 470, Idaho Laws of 1969.

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.

NOTE: The Attorney General has ruled that this bill became law without the Governor's signature on March 31, 1976. The Governor signed this bill on April 1, 1976.
AN ACT
CREATING A DISTRICT COURT FUND IN EACH COUNTY; AMENDING SECTION 19-4705, IDAHO CODE, TO PROVIDE FOR PAYMENT OF FINES AND FORFEITURES INTO THE DISTRICT COURT FUND RATHER THAN THE CURRENT EXPENSE FUND; AMENDING CHAPTER 8, TITLE 31, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 31-867, IDAHO CODE, AUTHORIZING THE BOARD OF COUNTY COMMISSIONERS TO LEVY NOT TO EXCEED TWO MILLS FOR COURT PURPOSES, CREATING THE DISTRICT COURT FUND, PROVIDING PURPOSES FOR WHICH MONEYS IN THE DISTRICT COURT FUND MAY BE EXPENDED, AND PROVIDING THAT BALANCES IN THE DISTRICT COURT FUND MAY BE ACCUMULATED WITHIN CERTAIN LIMITS; AMENDING SECTION 31-3201A, IDAHO CODE, TO PROVIDE THAT COURT FEES SHALL BE PAID INTO THE DISTRICT COURT FUND RATHER THAN THE CURRENT EXPENSE FUND; DECLARING AN EMERGENCY AND PROVIDING FOR RETROACTIVE APPLICATION.

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

SECTION 1. That Section 19-4705, Idaho Code, be, and the same is hereby amended to read as follows:

19-4705. PAYMENT OF FINES AND FORFEITURES -- SATISFACTION OF JUDGMENT -- DISPOSITION -- APPORTIONMENT. (a) All fines and forfeitures collected pursuant to the judgment of any court of the state shall be remitted to the court in which such judgment was rendered. Such judgment shall then be satisfied by entry in the docket of the court. The clerk of the court shall daily remit all fines and forfeitures to the county auditor who shall at the end of each month apportion the proceeds according to the provisions of this act. Every other existing law regarding the disposition of fines and forfeitures is hereby repealed to the extent such law is inconsistent with the provisions of this act.

(b) (1) Fines and forfeitures remitted for violations of fish and game laws shall be apportioned ten percent (10%) to the state treasurer for deposit in the state general fund, twenty-two and one-half percent (22 1/2%) to the current expense district court fund and twenty-two and one-half percent (22 1/2%) to the general school fund of the
(2) The remaining forty-five percent (45%) of said fish and game fines and forfeitures shall be remitted to the state treasurer for distribution annually to the general school fund of those counties of the state wherein there are fish and game department lands, with each of said counties to receive a share proportional to the portion of the state-wide total acreage of fish and game department owned lands situated therein. Such annual distribution shall be made by the state treasurer beginning March 15, 1973, for the preceding calendar year. The director of the fish and game department shall provide the state treasurer with county by county listings of all lands owned by said department within each county of the state. Said ownership list for the previous calendar year shall be provided by the director commencing January 20, 1973, and annually thereafter.

The allocation of a percentage of fines and forfeitures remitted for violations of fish and game laws to the various counties is not in lieu of taxes but rather is to provide revenues for the schools.

(c) Fines and forfeitures remitted for violation of state motor vehicle laws shall be apportioned ten per cent (10%) to the state treasurer for deposit in the state general fund, forty-five per cent (45%) to the state treasurer for deposit in the state highway fund, twenty-two and one-half per cent (22 1/2%) to the current-expense district court fund and twenty-two and one-half per cent (22 1/2%) to the general school fund of the county in which the violation occurred; provided, however, that fines and forfeitures remitted for violation of state motor vehicle laws, where an arrest is made or a citation is issued by a city law enforcement official, shall be apportioned ten per cent (10%) to the state treasurer for deposit in the state general fund and ninety per cent (90%) to the city whose officer made the arrest or issued the citation.

(d) Fines and forfeitures remitted for violation of any state law not involving fish and game or motor vehicles laws shall be apportioned ten per cent (10%) to the state treasurer for deposit in the state general fund and ninety per cent (90%) to the current-expense district court fund of the county in which the violation occurred.

(e) Fines and forfeitures remitted for violation of county ordinances shall be apportioned ten per cent (10%) to the state treasurer for deposit in the state general fund and ninety per cent (90%) to the current-expense district court fund of the county whose ordinance was violated.

(f) Fines and forfeitures remitted for violation of
city ordinances shall be apportioned ten per cent (10%) to the state treasurer for deposit in the state general fund and ninety per cent (90%) to the city whose ordinance was violated.

(g) Fines and forfeitures remitted for violations not specified in this act shall be apportioned ten per cent (10%) to the state treasurer for deposit in the state general fund and ninety per cent (90%) to the current expense district court fund of the county in which the violation occurred except in cases where a duly designated officer of any city police department shall have made the arrest for any such violation, in which case ninety per cent (90%) shall be apportioned to the city whose officer made the arrest.

SECTION 2. That Chapter 8, 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 31-867, Idaho Code, and to read as follows:

31-867. SPECIAL LEVY FOR COURTS -- DISTRICT COURT FUND.
(1) The board of county commissioners of each county in this state may levy annually upon all taxable property of its county, a special tax not to exceed two (2) mills for the purpose of providing for the functions of the district court and the magistrate division of the district court within the county. All revenues collected from such special tax shall be paid into the "district court fund," which is hereby created, and the board may appropriate otherwise unappropriated moneys into the district court fund. Moneys in the district court fund shall be expended for all court expenditures other than courthouse construction or remodeling and for salaries of the deputies of the district court clerk, which salaries shall be expended from the current expense fund.

(2) Balances in the district court fund may be accumulated from year to year sufficient to operate the court functions on a cash basis, but such balances shall not exceed sixty per cent (60%) of the total budget for court functions for the current year.

SECTION 3. That Section 31-3201A, Idaho Code, be, and the same is hereby amended to read as follows:

31-3201A. COURT FEES. The clerk of the district court in addition to the fees and charges imposed by chapter 20, title 1, Idaho Code, and in addition to the fee levied by
chapter 2, title 73, Idaho Code, shall charge, demand and receive the following fees for services rendered by him in discharging the duties imposed upon him by law:

(a) A fee of $24.00 for filing a civil case of any type in the district court or in the magistrate's division of the district court including cases involving the administration of decedents' estates, whether testamentary or intestate, and conservatorships of the person or of the estate or both with the following exceptions:

The filing fee shall be $4.00 in each case where the amount of money or damages or the value of personal property claimed does not exceed $300. The filing fee shall be $6.00 in the following types of cases:

1. Where the amount of money or damages or the value of personal property claimed exceeds $300 but does not exceed $1,000;
2. Where a case is brought for forcible or unlawful entry or detainer whether brought for rent or possession or both and regardless of the amount;
3. Where a case is brought under chapter 20, title 16, Idaho Code, for the termination of parent-child relationship;
4. Where a case is brought under chapter 2, title 32, Idaho Code, for permission to marry;
5. Where a case involving the administration of a decedent's estate is brought under the Summary Administration of Small Estates Act;
6. In cases where a court order is issued only for a certain specific reason other than the administering of an estate, including but not limited to proceedings brought under sections 14-114, 15-514, 15-1401, 15-1518 and/or 15-1709, Idaho Code, or for some specific reason;
7. In cases brought to determine heirship without administration;
8. In cases brought to determine inheritance or transfer tax;
9. In proceedings brought for adoption;
10. In proceedings brought for letters of guardianship of the person or of the estate or both.

No filing fee shall be charged in the following types of cases:
1. In cases brought under chapter 3, title 66, Idaho Code, for commitment of mentally ill persons;
2. In cases brought under the Youth Rehabilitation Act;
3. In cases brought under the Child Protective Act.

In all cases in which a filing fee of $24.00 is
paid, $6.00 of such filing fee shall be paid to the county treasurer for deposit in the current-expense district court fund of the county; and $10.00 of such filing fee shall be paid to the county treasurer who shall, within five (5) days after the end of the month pay such fees to the state treasurer for deposit in the state general fund. In all cases in which a filing fee of $6.00 is paid, $3.00 of such filing fee shall be paid to the county treasurer who shall within five (5) days after the end of the month pay such fees to the state treasurer for deposit in the state general fund. In all cases in which a filing fee of $4.00 is paid, $2.00 of such filing fee shall be paid to the county treasurer for deposit in the current-expense district court fund of the county; and $2.00 of such filing fee shall be paid to the county treasurer who shall within five (5) days after the end of the month pay such fees to the state treasurer for deposit in the state general fund.

(b) A fee of $7.50 shall be paid, but not in advance, by each person found guilty of any felony or misdemeanor or any minor traffic, conservation or ordinance violation except when counsel has been appointed by the court; provided, however, that the judge or magistrate may in his discretion consolidate separate nonmoving traffic offenses into one offense for purposes of assessing such fee. If the magistrate court facilities are provided by the county, $3.75 of such fee shall be paid to the county treasurer for deposit in the current-expense district court fund of the county; and $3.75 of such fee shall be paid to the county treasurer who shall, within (5) days after the end of the month, pay such fees to the state treasurer for deposit in the state general fund. If the magistrate court facilities are provided by a city, $3.75 of such fee shall be paid to the city treasurer for deposit in the city general fund, and $3.75 of such fee shall be paid to the county treasurer who shall, within five (5) days after the end of the month, pay such fees to the state treasurer for deposit in the state general fund.

(c) A fee of $5.00 shall be paid by any party, except the plaintiff, making an appearance in any civil action in the district court or in the magistrate's division of the district court. Of such fee, $2.00 shall be paid to the county treasurer for deposit in the current-expense district court fund of the county; and $3.00 of such fee shall be paid to the county treasurer who shall within five (5) days
after the end of the month pay such fees to the state treasurer for deposit in the state general fund.

(d) A fee of $5.00 shall be paid by the person or persons required to make an account pursuant to either chapter 11 or chapter 18, title 15, Idaho Code, at the time such account is filed. All of such fee shall be paid to the county treasurer for deposit in the current-expense district court fund of the county.

(e) A fee of $10.00 shall be paid upon the filing of a petition of the executor or administrator or of any person interested in an estate for the distribution of such estate, $5.00 of such fee shall be paid to the county treasurer for deposit in the current-expense district court fund of the county; and $5.00 of such fee shall be paid to the county treasurer who shall, within five (5) days after the end of the month, pay such fees to the state treasurer for deposit in the state general fund.

(f) A fee of $3.00 shall be paid by an intervenor upon making an appearance in any civil action in the district court or in the magistrate's division of the district court. All of such fee shall be paid to the county treasurer for deposit in the current-expense district court fund of the county.

(g) A fee of $4.00 shall be paid by a party filing a third party claim as defined in the Idaho Rules of Civil Procedure. All of such fee shall be paid to the county treasurer for deposit in the current-expense district court fund of the county.

(h) A fee of $4.00 shall be paid by any party filing a cross-claim. All of such fee shall be paid to the county treasurer for deposit in the current-expense district court fund of the county.

(i) A fee of $5.00 shall be paid by a party initiating a change of venue. Such fee shall be paid to the clerk of the court of the county to which venue is changed. All of such fee shall be paid to the county treasurer for deposit in the current-expense district court fund of the county.

(j) A fee of $5.00 shall be paid by any party appearing after judgment or applying to reopen a case. All of such fee shall be paid to the county treasurer for deposit in the current-expense district court fund of the county.

(k) A fee of $5.00 shall be paid by a party taking an appeal from the magistrate's division of the district court to the district court. No additional fee shall be required if a new trial is granted. All of such fee shall be paid to the county treasurer for deposit in the current-expense district court fund of the county.
(1) A fee of $5.00 shall be paid by the party taking an appeal from the district court to the Supreme Court for comparing and certifying the printed transcript on appeal, if such certificate is required. All of such fee shall be paid to the county treasurer for deposit in the current expense district court fund of the county.

(m) Fees not covered by this section shall be set by rule or administrative order of the Supreme Court.

(n) All fees required to be paid by this section or by rule or administrative order of the Supreme Court shall be collected by the clerk of the district court or by a person appointed by the clerk of the district court for this purpose. If it appears that there is a necessity for such fees to be collected by persons other than the clerk of the district court or a person designated by the clerk for such purpose, the Supreme Court by rule or administrative order may provide for the designation of persons authorized to receive such fees. Persons so designated shall account for such fees in the same manner required of the clerk of the district court and shall pay such fees to the clerk of the district court of the county in which such fees are collected.

(o) That portion of the filing fees required to be remitted to the state treasurer for deposit in the state general fund shall be remitted within five (5) days after the end of the month in which such fees were remitted to the county treasurer. That portion of the filing fees required to be remitted to a city treasurer for deposit in the city's general fund shall be remitted within five (5) days after the end of the month in which such fees were remitted to the county treasurer.

(p) In consideration of the aforesaid fees the clerk of the district court shall be required to perform all lawful service that may be required of him by any party thereto; provided, that he shall not prepare and furnish any certified copy of any file or record in an action except printed transcript on appeal, without additional compensation as provided by law.

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, 1976.

NOTE: The Attorney General has ruled that this bill became law without the Governor's signature on March 31, 1976. The Governor signed this bill on April 1, 1976.
CHAPTER 308

(H.B. No. 549, As Amended)

AN ACT
RELATING TO DEFINITIONS OF TERMS; AMENDING SECTION 61-801, IDAHO CODE, TO PROVIDE THAT LIVESTOCK SHALL BE INCLUDED IN THE EXEMPTION FOR CASUAL OR OCCASIONAL TRANSPORTATION OF FARM PRODUCTS, TO EXEMPT THE TRANSPORTATION OF LIVESTOCK OR FARM PRODUCTS TO A NEIGHBOR'S FARM FROM A REGULAR SALE, AND TO PROVIDE THAT VEHICLES USED FOR SUCH CASUAL TRANSPORTATION OF LIVESTOCK SHALL NOT EXCEED THIRTY THOUSAND POUNDS GROSS VEHICLE WEIGHT; AND DECLARING AN EMERGENCY.

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 semitrailer 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 livestock or 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) any farmer resident of the state of Idaho who transports the products or livestock 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 or livestock of neighboring farmers from the place of production to a warehouse, regular market, place of storage, or place of shipment or neighboring farm for temporary storage, or from the occasional transportation of such items to a neighbor's farm from a regular market; 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 livestock or 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.

1. Motor vehicles used for the hauling of livestock as provided for in provisions 4, 8 and 10 of subsection k of this section shall not exceed thirty thousand (30,000) pounds gross vehicle weight.

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.

NOTE: The Attorney General has ruled that this bill became law without the Governor's signature on March 31, 1976. The Governor signed this bill on April 1, 1976.
CHAPTER 309
(H.B. No. 562)

AN ACT
RELATING TO PUBLIC EMPLOYEES' LIABILITY; PROVIDING A LEGISLATIVE DECLARATION OF PURPOSE; AMENDING SECTION 6-902, IDAHO CODE, TO REVISE THE DEFINITION OF "CLAIM"; REPEALING SECTION 6-903, IDAHO CODE; ADDING A NEW SECTION 6-903, IDAHO CODE, PROVIDING WHEN A GOVERNMENTAL ENTITY IS SUBJECT TO LIABILITY FOR MONEY DAMAGES FOR THE ACTS OR OMISSIONS OF ITS EMPLOYEES, REQUIRING THE GOVERNMENTAL ENTITY TO PROVIDE A CIVIL DEFENSE TO ITS EMPLOYEES EXCEPT UNDER CERTAIN CIRCUMSTANCES, AND ESTABLISHING A REBUTTABLE PRESUMPTION; AMENDING SECTION 6-905, IDAHO CODE, PROVIDING FOR FILING OF CLAIMS AGAINST STATE EMPLOYEES; AMENDING SECTION 6-906, IDAHO CODE, PROVIDING FOR FILING OF CLAIMS AGAINST EMPLOYEES OF POLITICAL SUBDIVISIONS; AMENDING SECTION 6-908, IDAHO CODE, REGARDING THE ALLOWANCE OF CLAIMS AGAINST PUBLIC EMPLOYEES; AMENDING SECTION 6-909, IDAHO CODE, PROVIDING THE TIME FOR ALLOWANCE OR DENIAL OF CLAIMS AGAINST PUBLIC EMPLOYEES; AMENDING SECTION 6-910, IDAHO CODE, PROVIDING FOR SUIT AGAINST PUBLIC EMPLOYEES UPON DENIAL OF CLAIM; AMENDING SECTION 6-911, IDAHO CODE, PROVIDING A TWO-YEAR LIMITATION OF ACTIONS AGAINST PUBLIC EMPLOYEES; AMENDING SECTION 6-915, IDAHO CODE, PROVIDING FOR VENUE OF ACTIONS AGAINST PUBLIC EMPLOYEES; AMENDING SECTION 6-916, IDAHO CODE, PROVIDING FOR SERVICE OF SUMMONS AND COMPLAINT IN ACTIONS AGAINST PUBLIC EMPLOYEES; AMENDING SECTION 6-918, IDAHO CODE, DISALLOWING PUNITIVE DAMAGES AGAINST PUBLIC EMPLOYEES; AMENDING SECTION 6-924, IDAHO CODE, EXTENDING POLICY LIMITS TO PUBLIC EMPLOYEES; AMENDING SECTION 6-926, IDAHO CODE, EXTENDING REDUCTIONS OF EXCESS JUDGMENTS TO PUBLIC EMPLOYEES; AND DECLARING AN EMERGENCY.

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

SECTION 1. The legislature of the state of Idaho hereby finds and declares that exposure of public employees to claims and civil lawsuits for acts or omissions within the course or scope of their employment has a chilling effect upon the performance of their employment duties and is an obstacle to the discharge of public business. It is the
declared intention of the state of Idaho to relieve public employees from all necessary legal fees and expenses and judgments arising from such claims and civil lawsuits unless the act or omission complained of includes malice or criminal intent. The legislature further declares that the expenditure of public moneys to this end is for a public purpose.

SECTION 2. That Section 6-902, Idaho Code, be, and the same is hereby amended to read as follows:

6-902. DEFINITIONS. As used in this act:
1. "State" means the state of Idaho or any office, department, agency, authority, commission, board, institution, hospital, college, university or other instrumentality thereof.
2. "Political subdivision" means any county, city, municipal corporation, school district, special improvement or taxing district, or any other political subdivision or public corporation.
3. "Governmental entity" means and includes the state and political subdivisions as herein defined.
4. "Employee" means an officer, employee, or servant of a governmental entity, including elected or appointed officials, and persons acting on behalf of the governmental entity in any official capacity, temporarily or permanently in the service of the governmental entity, whether with or without compensation, but the term employee shall not mean a person or other legal entity while acting in the capacity of an independent contractor under contract to the governmental entity to which this act applies in the event of a claim.
5. "Bodily injury" means any bodily injury, sickness, disease or death sustained by any person and caused by an occurrence.
6. "Property damage" means injury or destruction to tangible property caused by an occurrence.
7. "Claim" means any claim--against--a--governmental entity--for--money--damages--only--which--any--person--is--legally entitled--to--recover--as--damages--because--of--bodily--injury--or property--damage--caused--by--a--negligent--or--wrongful--act--or omission--committed--by--any--employee--of--the--governmental entity--while--acting--within--the--scope--of--his--employment, under--circumstances--where--the--governmental--entity,--if--a--private--person,--would--be--liable--to--the--claimant--for--such--damages--under--the--laws--of--the--state--of--Idaho written demand to recover money damages from a governmental entity or its employee which any person is legally entitled to recover.
under this act as compensation for the negligent or otherwise wrongful act or omission of a governmental entity or its employee when acting within the course or scope of his employment.

SECTION 3. That Section 6-903, Idaho Code, be, and the same is hereby repealed.

SECTION 4. That Chapter 9, Title 6, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 6-903, Idaho Code, and to read as follows:

6-903. LIABILITY OF GOVERNMENTAL ENTITIES -- DEFENSE OF EMPLOYEES. (a) Except as otherwise provided in this act, every governmental entity is subject to liability for money damages arising out of its negligent or otherwise wrongful acts or omissions and those of its employees acting within the course or scope of their employment or duties, whether arising out of a governmental or proprietary function, where the governmental entity if a private person or entity would be liable for money damages under the laws of the state of Idaho.

(b) A governmental entity shall provide a defense to its employee and be responsible for the payment of any judgment on any claim or civil lawsuit against an employee for money damages arising out of any act or omission within the course or scope of his employment; provided, however, that the governmental entity shall not be required to do so when the claim or lawsuit arises from the operation, maintenance or use by the employee of an automobile which is owned by the employee or leased by the employee for personal or proprietary uses not associated with his employment by the governmental entity.

(c) The defense of its employee by the governmental entity shall be undertaken whether the claim and civil lawsuit is brought in Idaho district court under Idaho law or is brought in a United States court under federal law. The governmental entity may refuse a defense or disavow and refuse to pay any judgment for its employee at any time if it determines that the act or omission of the employee was not within the course or scope of his employment or included malice or criminal intent.

(d) A governmental entity shall not be entitled to contribution or indemnification, or reimbursement for legal fees and expenses from its employee unless a court shall find that the act or omission of the employee was outside
the course or scope of his employment or included malice or criminal intent. Any action by a governmental entity against its employee and any action by an employee against the governmental entity for contribution, indemnification, or necessary legal fees and expenses shall be tried to the court in the same civil lawsuit brought on the claim against the governmental entity or its employee.

(e) For the purposes of this act and not otherwise, it shall be a rebuttable presumption that any act or omission by an employee within the time and place of his employment is within the course or scope of his employment and without malice or criminal intent.

(f) Nothing in this act shall enlarge or otherwise adversely affect the liability of an employee or a governmental entity. Any immunity or other bar to a civil lawsuit under Idaho or federal law shall remain in effect. The fact that a governmental entity may relieve an employee from all necessary legal fees and expenses and any judgment arising from the civil lawsuit shall not under any circumstances be communicated to the trier of fact in the civil lawsuit.

SECTION 5. That Section 6-905, Idaho Code, be, and the same is hereby amended to read as follows:

6-905. FILING CLAIMS AGAINST STATE OR EMPLOYEE -- TIME. All claims against the state arising under the provisions of this act and all claims against an employee of the state for any act or omission of the employee within the course or scope of his employment shall be presented to and filed with the secretary of state within one hundred twenty (120) days from the date the claim arose or reasonably should have been discovered, whichever is later.

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

6-906. FILING CLAIMS AGAINST POLITICAL SUBDIVISION OR EMPLOYEE -- TIME. All claims against a political subdivision arising under the provisions of this act and all claims against an employee of a political subdivision for any act or omission of the employee within the course or scope of his employment shall be presented to and filed with the clerk or secretary of the political subdivision within one hundred twenty (120) days from the date the claim arose or reasonably should have been discovered, whichever is later.

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

6-908. RESTRICTION ON ALLOWANCE OF CLAIMS. No claim or action shall be allowed against a governmental entity or its employee unless the claim has been presented and filed within the time limits prescribed by this act.

SECTION 8. That Section 6-909, Idaho Code, be, and the same is hereby amended to read as follows:

6-909. TIME FOR ALLOWANCE OR DENIAL OF CLAIMS -- EFFECT OF FAILURE TO ACT. Within sixty (60) days after the filing of the claim against the governmental entity or its employee, the governmental entity shall act thereon and notify the claimant in writing of its approval or denial. A claim shall be deemed to have been denied if at the end of the sixty (60) day period the governmental entity has failed to approve or deny the claim.

SECTION 9. That Section 6-910, Idaho Code, be, and the same is hereby amended to read as follows:

6-910. SUIT ON DENIED CLAIMS PERMITTED. If the claim is denied, a claimant may institute an action in the district court against the governmental entity or its employee in those circumstances where an action is permitted by this act.

SECTION 10. That Section 6-911, Idaho Code, be, and the same is hereby amended to read as follows:

6-911. LIMITATION OF ACTIONS. Every claim against a governmental entity permitted under the provisions of this act or against its employee shall be forever barred, unless an action is begun within two (2) years after the claim is filed with the governmental entity.

SECTION 11. That Section 6-915, Idaho Code, be, and the same is hereby amended to read as follows:

6-915. VENUE. Actions against the state or its employee shall be brought in the county in which the cause of action arose or in Ada County. In addition, a resident of the state of Idaho may bring an action in the county of his residence.

Actions against a political subdivision or its employee shall be brought in the county in which the cause of action arose or in any county where the political subdivision is
located.

SECTION 12. That Section 6-916, Idaho Code, be, and the same is hereby amended to read as follows:

6-916. STATE NAMED DEFENDANT -- SERVICE OF SUMMONS. In all actions against the state--the state shall be named the defendant--and or its employee the summons and complaint shall be served on the secretary of state.

SECTION 13. That Section 6-918, Idaho Code, be, and the same is hereby amended to read as follows:

6-918. NO PUNITIVE DAMAGES. Governmental entities and their employees shall not be liable for punitive damages on any claim allowed under the provisions of this act.

SECTION 14. That Section 6-924, Idaho Code, be, and the same is hereby amended to read as follows:

6-924. POLICY LIMITS -- MINIMUM REQUIREMENTS. Every policy or contract of insurance purchased by a political subdivision or the state department of insurance for the state or a political subdivision as permitted under the provisions of this act shall provide:

1. In respect to personal injury or death, exclusive of interest and costs, the insurance carrier shall pay on behalf of the insured governmental entity or its employee to a limit of not less than one hundred thousand dollars ($100,000) per person limited to three hundred thousand dollars ($300,000) in any one (1) accident where two (2) or more persons have claims or judgments.

2. In respect to damage or loss of property, the insurance carrier shall pay on behalf of the insured governmental entity or its employee to a limit of not less than one hundred thousand dollars ($100,000) because of damage or loss of property in any one (1) accident.

SECTION 15. That Section 6-926, Idaho Code, be, and the same is hereby amended to read as follows:

6-926. JUDGMENT OR CLAIM IN EXCESS OF INSURANCE -- REDUCTION BY COURT. If any judgment or claim against a governmental entity or its employee under this act exceeds one hundred thousand dollars ($100,000) for damage to property, the court shall reduce the amount of the judgment or claim to a sum equal to the one hundred thousand dollars
($100,000) minimum requirement unless the governmental entity has secured insurance coverage in excess of the minimum requirement in which event the court shall reduce the amount of the claim or judgment to a sum equal to the applicable limits provided in the insurance policy.

If any judgment or claim against a governmental entity or its employee under this act exceeds the one hundred thousand dollars ($100,000) per person limited to three hundred thousand dollars ($300,000) in any one (1) accident where two (2) or more persons have claims or judgments on account of personal injury or death, the court shall reduce the amount to the minimum requirement unless the governmental entity has secured insurance coverage in excess of the minimum requirement. In this event the court shall reduce the amount of the claim or judgment to a sum equal to the applicable limits provided in the insurance policy.

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

NOTE: The Attorney General has ruled that this bill became law without the Governor's signature on March 31, 1976. The Governor signed this bill on April 1, 1976.
CHAPTER 310
(H.B. No. 564)

AN ACT
RELATING TO A COMPREHENSIVE LIABILITY PLAN FOR GOVERNMENTAL ENTITIES; AMENDING SECTION 6-919, IDAHO CODE, PROVIDING FOR A COMPREHENSIVE LIABILITY PLAN FOR THE STATE AND ITS EMPLOYEES; AMENDING SECTION 6-920, IDAHO CODE, PROVIDING THAT ALL STATE AGENCIES SHALL COMPLY WITH THE STATE COMPREHENSIVE LIABILITY PLAN; AMENDING SECTION 6-921, IDAHO CODE, APPORTIONING THE COST OF THE STATE COMPREHENSIVE LIABILITY PLAN; AMENDING SECTION 6-923, IDAHO CODE, ALLOWING POLITICAL SUBDIVISIONS TO OBTAIN NECESSARY LIABILITY INSURANCE FOR THEIR EMPLOYEES; AMENDING SECTION 6-924, IDAHO CODE, ALLOWING A COMPREHENSIVE LIABILITY PLAN; AMENDING SECTION 6-926, IDAHO CODE, ALLOWING A COMPREHENSIVE LIABILITY PLAN; AMENDING SECTION 6-927, IDAHO CODE, PROVIDING THAT POLITICAL SUBDIVISIONS MAY LEVY AN ANNUAL PROPERTY TAX TO PROVIDE A COMPREHENSIVE LIABILITY PLAN; AND AMENDING SECTION 6-928, IDAHO CODE, TO PROVIDE FOR A TAX LEVY BY A POLITICAL SUBDIVISION TO PAY ANY CLAIM OR JUDGMENT NOT PROVIDED FOR BY A COMPREHENSIVE LIABILITY PLAN.

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

SECTION 1. That Section 6-919, Idaho Code, be, and the same is hereby amended to read as follows:

6-919. LIABILITY INSURANCE FOR STATE -- COMPREHENSIVE PLAN BY RISK MANAGER IN THE DIVISION OF PURCHASING. The risk manager in the division of purchasing shall provide a comprehensive liability plan which will cover and protect the state and its employees from claims and civil lawsuits. He shall be responsible for the acquisition and administration of all liability insurance of the state or for the use of the retained risk fund provided in section 67-5757, Idaho Code, to meet the obligations of the comprehensive liability plan.

The risk manager shall, after consultation with the departments, agencies, commissions, and other instrumentalities of the state, provide a comprehensive insurance liability plan for the state providing insurance liability coverage to the state and its employees in amounts not less
than the minimum specified in section 6-924, Idaho Code, and he shall have the authority to use the retained risk fund provided in section 67-5757, Idaho Code, or to purchase, renew, cancel and modify all policies according to the comprehensive insurance liability plan.

SECTION 2. That Section 6-920, Idaho Code, be, and the same is hereby amended to read as follows:

6-920. LIABILITY INSURANCE FOR STATE PROCURED ONLY BY RISK MANAGER IN DIVISION OF PURCHASING. No state agency or institution other than the risk manager in the division of purchasing may procure liability insurance under this act. All state agencies and institutions shall comply with this act and the insurance comprehensive liability plan developed by the risk manager of the division.

SECTION 3. That Section 6-921, Idaho Code, be, and the same is hereby amended to read as follows:

6-921. APPORTIONMENT OF COST OF STATE INSURANCE PLAN. The risk manager in the division of purchasing shall apportion the cost of all insurance purchased the comprehensive liability plan under this act to the individual agencies and institutions and the costs shall be paid to the department.

SECTION 4. That Section 6-923, Idaho Code, be, and the same is hereby amended to read as follows:

6-923. AUTHORITY OF POLITICAL SUBDIVISIONS TO PURCHASE INSURANCE. All political subdivisions of the state shall have the authority to purchase the necessary liability insurance for themselves and their employees.

SECTION 5. That Section 6-924, Idaho Code, be, and the same is hereby amended to read as follows:

6-924. POLICY LIMITS -- MINIMUM REQUIREMENTS. Every policy or contract of insurance purchased by a political subdivision or the state department of insurance for the state or a political subdivision or comprehensive liability plan of a governmental entity as permitted under the provisions of this act shall provide:

1. In respect to personal injury or death, exclusive of interest and costs, the insurance carrier shall pay on behalf of the insured governmental entity or its employee to a limit of not less than one hundred thousand dollars
($100,000) per person limited to three hundred thousand dollars ($300,000) in any one (1) accident where two (2) or more persons have claims or judgments.

2. In respect to damage or loss of property, the insurance carrier shall pay on behalf of the insured governmental entity or its employee to a limit of not less than one hundred thousand dollars ($100,000) because of damage or loss of property in any one (1) accident.

SECTION 6. That Section 6-926, Idaho Code, be, and the same is hereby amended to read as follows:

6-926. JUDGMENT OR CLAIM IN EXCESS OF INSURANCE COMPREHENSIVE LIABILITY PLAN -- REDUCTION BY COURT. If any judgment or claim against a governmental entity or its employee under this act exceeds one hundred thousand dollars ($100,000) for damage to property, the court shall reduce the amount of the judgment or claim to a sum equal to the one hundred thousand dollars ($100,000) minimum requirement unless the governmental entity has secured-insurance provided liability coverage in excess of the minimum requirement in which event the court shall reduce the amount of the claim or judgment to a sum equal to the applicable limits provided in the insurance policy or provided under the comprehensive liability plan.

If any judgment or claim against a governmental entity or its employee under this act exceeds the one hundred thousand dollars ($100,000) per person limited to three hundred thousand dollars ($300,000) in any one (1) accident where two (2) or more persons have claims or judgments on account of personal injury or death, the court shall reduce the amount to the minimum requirement unless the governmental entity has secured-insurance provided liability coverage in excess of the minimum requirement. In this event the court shall reduce the amount of the claim or judgment to a sum equal to the applicable limits provided in the insurance policy or provided under the comprehensive liability plan.

SECTION 7. That Section 6-927, Idaho Code, be, and the same is hereby amended to read as follows:

6-927. TAX LEVY TO PAY INSURANCE-PREMIUMS COMPREHENSIVE LIABILITY PLAN. Notwithstanding any provisions of law to the contrary, all political subdivisions shall have authority to levy an annual property tax in the amount necessary to pay the-premium--fer--insurance provide for a comprehensive liability plan whether by the purchase of insurance or
otherwise as herein authorized, even though as a result of such levy the maximum levy as otherwise restricted by law is exceeded thereby; provided, that the revenues derived therefrom may not be used for any other purpose.

SECTION 8. That Section 6-928, Idaho Code, be, and the same is hereby amended to read as follows:

6-928. TAX LEVY TO PAY CLAIM OR JUDGMENT. Notwithstanding any provisions of law to the contrary and in the event there are no funds available, the political subdivision shall levy and collect a property tax, at the earliest time possible, in an amount necessary to pay a claim or judgment arising under the provisions of this act where the political subdivision has failed to purchase insurance or otherwise provide a comprehensive liability plan to cover a risk created under the provisions of this act.

NOTE: The Attorney General has ruled that this bill became law without the Governor's signature on March 31, 1976. The Governor signed this bill on April 1, 1976.
CHAPTER 311
(H.B. No. 602, As Amended)

AN ACT

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

SECTION 1. That Section 39-3301, Idaho Code, be, and the same is hereby amended to read as follows:

39-3301. DEFINITIONS. As used in this act chapter:
(1) "Shelter home" means a building or any facility, however named, operated on either a profit or non-profit basis, for the purpose of providing a home with necessary facilities--for-those-who-may-or-may-not-be-wholly-competent
to-care-for-themselves-but-do-not-require--constant--profes-
sionai-nursing-care supervision and facilities for three (3) or more persons not related to the owner who are unable to care for themselves.

(2) "Board" means the board of health and welfare.

(3) "Department" means the state department of health and welfare.

(4) "Director" means the director of the department of health and welfare.

(5) "Governmental unit" means the state, any county, any city, other political subdivision, or any department, division, board, or other agency thereof.

(6) "Person" means any individual, firm, partnership, corporation, company, association or joint stock association, and the legal successor thereof.

(7) "Supervision" means administrative activity which emphasizes protection and assistance with activities of daily living directed towards self care skills. Supervision does not include nursing care or personal health services.

(8) "Resident" means an occupant of a shelter home other than the owner, manager or employees.

SECTION 2. That Sections 39-3302, 39-3302A and 39-3306, Idaho Code, be, and the same are hereby repealed.

SECTION 3. That Chapter 33, 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 39-3302, Idaho Code, and to read as follows:

39-3302. LICENSURE. After July 1, 1976, no person or governmental unit, acting severally or jointly with any other person or governmental unit, shall establish, conduct or maintain a shelter home in this state without a license issued by the director of the department of health and welfare.

SECTION 4. That Section 39-3303, Idaho Code, be, and the same is hereby amended to read as follows:

39-3303. LICENSING APPLICATION ISSUANCE RENEWAL REVOCATION HEARING APPEAL LICENSING PROCEDURE. Any shelter-home as herein defined operating or person or governmental unit proposing to operate a shelter home shall apply for a license upon forms provided therefor by the director of the department of health and welfare, giving thereon such information as the department shall require. For such applicants as appear to the director to have met
the minimum requirements, a license valid for one (1) year
shall be issued. Should any shelter home which was in
operation at the date of such application appear to be on
the effective date of this act or which has previously been
licensed but is subsequently deficient in some minor respect
in meeting said standards, may be issued a temporary
provisional license valid for not more than six (6) months
may be issued pending the satisfaction of all requirements.
The director, when in his judgment such action is required,
may refuse to issue a license. A license shall be renewable
annually upon application in form prescribed by the direc-
tor. If a licensee desires to apply for a renewal of its li-
cense, an application for renewal shall be made in the form
prescribed by the department, not less than sixty (60) days
prior to expiration. When such application for renewal has
been made in the proper manner and form, the existing li-
cense shall, unless officially revoked, remain in force and
effect until the department has acted on the application for
renewal.

The director may deny an application or revoke any li-
cense when persuaded by evidence that such conditions exist
as to endanger the health or safety of any resident. Before
such denial or revocation, the director shall provide oppor-
tunity for a hearing at which the owner or sponsor of the
shelter home under question may appear and show cause why
the license should not be denied or revoked.

Any action of the director in refusing or revoking a
license may be appealed to the district court in the county
in which the facility is situated. The pleadings and other
papers shall be filed not more than sixty (60) days after
notice of the order appealed and service of two (2) copies
thereof shall be made upon the director in the manner pro-
vided for in chapter 52, title 67, Idaho Code.

The board shall provide by rule and regulation a proce-
dure whereby a permanent waiver of a specific standard may
be granted in the event that good cause is shown for such a
waiver and providing that a waiver of a standard does not
endanger the health and safety of any resident. The decision
to grant a waiver shall not be considered as precedent or be
given any force or effect in any other proceeding.

Hearings for licensure, including denial and revocation,
shall be conducted by the director pursuant to chapter 52,
title 67, Idaho Code, and appeal shall be as provided
therein.

SECTION 5. That Section 39-3305, Idaho Code, be, and
the same is hereby amended to read as follows:
39-3305. RULES AND REGULATIONS. The director board shall have the authority to adopt, amend, and enforce rules, and regulations and standards consistent with the provisions of this act, which are designed to protect the health and safety of residents in shelter homes and provide adequate nutrition, supervision, and meaningful life activities. These rules, regulations and standards shall be promulgated in accordance with the provisions of chapter 52, title 67, Idaho Code.

SECTION 6. That Chapter 33, 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 39-3306, Idaho Code, and to read as follows:

39-3306. INSPECTIONS AND CONSULTATION. The department shall make or cause to be made such inspections and investigations as it may deem necessary. Following any inspection or investigation, a written report shall be provided to the operator of the facility which report shall detail the findings of the inspection or investigation. Any licensee or applicant desiring to make specified types of alteration or addition to its facilities or to construct new facilities shall before commencing such alteration, addition or new construction, submit plans and specifications therefor to the department for preliminary inspection and approval or recommendations with respect to compliance with the rules, regulations and standards herein authorized. Necessary conferences and consultations shall be provided by the department.

SECTION 7. That Chapter 33, 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 39-3307, Idaho Code, and to read as follows:

39-3307. PENALTY. Any person or persons who fail to comply with any provision of this chapter or any rule, regulation or standard of the board adopted pursuant to the provisions of this chapter, shall be guilty of a misdemeanor punishable by imprisonment in a county jail not exceeding six (6) months, or by a fine not exceeding three hundred dollars ($300), or by both, and each day of continuing violation shall constitute a separate offense.

In the event that the county attorney in the county where the alleged violation occurred fails or refuses to act within sixty (60) days of notification of the violation, the attorney general is authorized to prosecute violations under
SECTION 8. That Chapter 33, 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 39-3308, Idaho Code, and to read as follows:

39-3308. INJUNCTION. Notwithstanding any other remedy at law, the director may seek an injunction in the name of the state against any person or governmental unit to enjoin the establishment, conduct, management, or operation of a shelter home in violation of the provisions of this chapter.

SECTION 9. That Chapter 33, 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 39-3309, Idaho Code, and to read as follows:

39-3309. LEGISLATIVE REVIEW. On or before the fifteenth legislative day of each regular session, the director shall submit to the chairpersons of the health and welfare committee of the house of representatives and the health, education and welfare committee of the senate, his review and recommendation relating to administration and implementation of the provisions of this chapter.

NOTE: The Attorney General has ruled that this bill became law without the Governor's signature on March 31, 1976. The Governor signed this bill on April 1, 1976.
CHAPTER 312
(H.B. No. 635)

AN ACT
RELATING TO THE CREATION OF A MOTOR VEHICLE FUND AND MAKING APPROPRIATIONS THERETO AND DIVISIONS THEREOF; AMENDING SECTION 49-1301, IDAHO CODE, BY CHANGING THE PERCENTAGE TO BE PAID INTO SAID FUND AND CHANGING THE PERCENTAGE TO BE USED IN ACCORDANCE WITH SECTION 40-2211, IDAHO CODE.

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

SECTION 1. That Section 49-1301, Idaho Code, be, and the same is hereby amended to read as follows:

49-1301. CREATION OF FUND — APPROPRIATION AND USE. There is hereby created a fund to be known and designated as the "Motor Vehicle Fund" of the state of Idaho. There shall be set aside, paid into and credited to said motor vehicle fund three-per-cent-(3%) one-third (1/3) of all moneys collected for licenses issued by the department of law enforcement of the state of Idaho for motor vehicles in conformance with the provisions of chapter 1 of this title. The said three-per-cent-(3%) one-third (1/3) of moneys derived from the licensing of motor vehicles shall be of the total moneys collected, and the division of the remaining ninety-seven per-cent-(97%) two-thirds (2/3) of said moneys shall be made pursuant to the provisions of section 40-2211, Idaho Code, and acts amendatory thereof.

NOTE: The Attorney General has ruled that this bill became law without the Governor's signature on March 31, 1976. The Governor signed this bill on April 1, 1976.
CHAPTER 313
(H.B. No. 669)

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 the prescribed major program for the period July 1, 1976, through June 30, 1977.

FOR:

Providing Research Assistance to Idaho Legislature $208,800
Idaho's Dues to the National Conference of State Legislatures and the Council of State Governments 20,100

TOTAL $228,900

FROM:

General Fund $223,100
Highway Fund 2,800
Interaccount Billings 3,000

TOTAL $228,900

NOTE: The Attorney General has ruled that this bill became law without the Governor's signature on March 31, 1976. The Governor signed this bill on April 1, 1976.
CHAPTER 314
(H.B. No. 670, As Amended in the Senate)

AN ACT
APPROPRIATING MONEYS FROM THE FUNDS ENUMERATED TO THE LEGISLATIVE COUNCIL FOR THE JOINT SENATE FINANCE-HOUSE APPROPRIATIONS COMMITTEE, TO BE EXPENDED ACCORDING TO DESIGNATED EXPENSE CLASSES FROM THE LISTED FUNDS FOR THE PERIOD JULY 1, 1976, THROUGH JUNE 30, 1977; AMENDING SECTION 67-436, IDAHO CODE, TO STRIKE REFERENCES TO CHAIRMAN AND VICE-CHAIRMAN OF THE COMMITTEE, AND TO STRIKE REFERENCES TO FUNDS APPROPRIATED TO THE COMMITTEE; AND AMENDING SECTION 67-440, IDAHO CODE, TO STRIKE REFERENCES TO THE CHAIRMAN AND VICE-CHAIRMAN OF THE COMMITTEE.

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

SECTION 1. It is legislative intent that the expenditures of the Legislative Council for the Joint Senate Finance-House Appropriations Committee not exceed the following amounts for the period July 1, 1976, through June 30, 1977:

FOR:

<table>
<thead>
<tr>
<th>Category</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel Costs</td>
<td>$521,000</td>
</tr>
<tr>
<td>Operating Expenditures</td>
<td>71,100</td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>3,800</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$595,900</strong></td>
</tr>
</tbody>
</table>

FROM:

<table>
<thead>
<tr>
<th>Source</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Fund</td>
<td>$470,900</td>
</tr>
<tr>
<td>Interaccount Billings</td>
<td>105,000</td>
</tr>
<tr>
<td>Receipts to Appropriations</td>
<td>20,000</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$595,900</strong></td>
</tr>
</tbody>
</table>

SECTION 2. There is hereby appropriated to the Legislative Council for the Joint Senate Finance-House Appropriations Committee the following amounts to be expended for designated programs, according to expense classes designated therein from the listed funds for the period July 1, 1976, through June 30, 1977:
FOR PROGRAM PERSONNEL COSTS

A. POST AUDIT:
FROM:
General Fund $243,600
General Interaccount Fund 105,000
Miscellaneous Receipts Fund 5,000
TOTAL $353,600

B. BUDGET ANALYSIS:
FROM:
General Fund $148,900
TOTAL $148,900

C. INTERIM COMMITTEE:
FROM:
General Fund $18,500
TOTAL $18,500

SECTION 3. That Section 67-436, Idaho Code, be, and the same is hereby amended to read as follows:

67-436. VOUCHERS FOR EXPENSES. All expenses incurred by the committee, except those paid by the senate and the house of representatives, including salaries and expenses of employees, shall be paid upon vouchers signed--by-the-chairman-or-vice-chairman-of-the committee-and drawn on funds appropriated generally for legislative-expenses--and--allocated to the joint finance-appropriations committee-or-on-funds-appropriated-to-the-committee.

SECTION 4. That Section 67-440, Idaho Code, be, and the same is hereby amended to read as follows:

67-440. FEES AND MILEAGE OF WITNESSES. Each witness who appears before the committee by its order, other than a state official or employee, shall receive for his attendance the fees and mileage provided for witnesses in civil cases in courts of record, which shall be audited and paid upon the presentation of proper vouchers signed by such witness and approved-by-the-chairman-or-vice-chairman-of-the-committee.

NOTE: The Attorney General has ruled that this bill became law without the Governor's signature on March 31, 1976. The Governor signed this bill on April 1, 1976.
CHAPTER 315
(H.B. No. 679)

AN ACT
RELATING TO RAILROAD CROSSINGS AT GRADE; AMENDING SECTION 49-748, IDAHO CODE, BY ADDING A NEW CLASS OF EXCEPTIONS TO THE MANDATORY PLACEMENT OF STOP SIGNS AND PROVIDING THAT LIABILITY SHALL BE DETERMINED BY LAW.

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

SECTION 1. That Section 49-748, Idaho Code, be, and the same is hereby amended to read as follows:

49-748. ALL VEHICLES MUST STOP AT CERTAIN GRADE CROSSINGS. Wherever a street or highway crosses or shall hereafter cross one or more railroads at grade, the Idaho transportation department as to streets or highways under its jurisdiction and local authorities as to streets and highways under the jurisdiction of such local authorities shall place and maintain stop signs, directing vehicular traffic approaching the crossing to come to a full stop prior to entering the crossing at all railroad crossings where electric or mechanical warning signals do not exist. Placement of such stop signs shall be mandatory except that except when in the determination of the Idaho transportation department or local authorities as to the streets or highways under its or their respective jurisdiction the existence of stop signs at a given crossing would constitute a greater hazard than their absence, or that the existence of stop signs at a given crossing be determined to be unnecessary for other good cause, then mandatory placement shall be deemed waived. When such stop signs are erected, the driver of any vehicle shall stop within fifty (50) feet but not less than fifteen (15) feet from the nearest rail of such railroad and shall proceed only upon exercising due care.

Provided, however, that nothing in this section shall be construed as granting immunity to any railroad company as to liability, if any, for an accident which might occur at a crossing where stop signs are erected and in place, but such liability, if any, shall be determined as by law provided. Provided, further, that no liability shall arise on the part
of local governmental authorities solely on account of the absence of any stop sign at a crossing after such stop sign has been erected, but the Idaho Transportation Department or local authorities shall erect signs under its or their respective jurisdiction within a reasonable period after receiving notice of their absence shall be determined as provided by law.

NOTE: The Attorney General has ruled that this bill became law without the Governor's signature on March 31, 1976. The Governor signed this bill on April 1, 1976.
CHAPTER 316
(H.B. No. 683, As Amended)

AN ACT
RELATING TO REQUIREMENTS FOR PAID FIREMEN; AMENDING SECTION
72-1428, IDAHO CODE, TO PROVIDE THAT MINIMUM MEDICAL AND
HEALTH STANDARDS FOR PAID FIREMEN MAY APPLY TO THE CHIEF
OR SUPERVISOR OF A VOLUNTEER FIRE DEPARTMENT WHEN THAT
DEPARTMENT BECOMES A PAID DEPARTMENT, AND TO PROVIDE
THAT SUCH CHIEF OR SUPERVISOR MAY BE ELIGIBLE TO CON­
TRIBUTE TO OR RECEIVE BENEFITS FROM THE FIREMEN'S
RETIREMENT FUND, AND TO PROVIDE THAT THE EMPLOYING FIRE
DEPARTMENT MAY BE REQUIRED TO CONTRIBUTE TO THE FUND FOR
SUCH CHIEF OR SUPERVISOR.

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

SECTION 1. That Section 72-1428, Idaho Code, be, and
the same is hereby amended to read as follows:

72-1428. MINIMUM MEDICAL AND HEALTH STANDARDS FOR PAID
FIREMEN. (1) The term "minimum medical and health stan­
dards" means minimum medical and health standards adopted by
the director of the state insurance fund pursuant to this
section.
(2) From and after January 1, 1975, no paid fireman as
defined in section 72-1402(A), Idaho Code, may be employed
until he:
(a) has met and has been certified as having met mini­
mum medical and health standards;
(b) has successfully passed a physical agility test
conducted by an examining physician;
(c) is at least nineteen (19) years of age and has not
reached the age of thirty-four (34) at the time of appoint­
ment; and
(d) has met prescribed height and weight standards.
(3) A true copy of the medical history and physical
agility test of the applicant, completed and signed by the
examining physician shall accompany employer certification
to the director of the state insurance fund. Such records
shall be furnished prior to the date of active employment of
the applicant.
(4) Physical examination records shall be a part of the
permanent file of the employer and shall be available upon
(5) By October 1, 1974, the director of the state insurance fund shall adopt minimum medical and health standards for membership coverage into the Idaho firemen's retirement fund, as provided by chapter 14, title 72, Idaho Code, and shall select an examining physician for each city, county and fire district. In adopting such standards the director shall consider existing standards recommended by the Idaho state council of fire fighters, and shall adopt equal or higher standards, together with appropriate standards and procedures to insure uniform compliance with this section. The standards when adopted shall be published and distributed to each employer. The cost of the medical examination contemplated by this section is to be paid by the employer.

(6) Nothing in this section shall apply to paid firemen who are employed as such on or before December 31, 1974, as long as they continue in such employment; nor to promotional appointments after becoming a member of a fire department of any employer nor to the reemployment of a paid fireman by the same or a different employer within six (6) months after the termination of his employment, nor to the reinstatement of a paid fireman who has been on military or disability leave, disability retirement status, or leave of absence status.

(7) Nothing in this section shall apply to the chief or supervisor of a volunteer fire department when that department becomes a paid department if such chief or supervisor fails to meet the standards of this section; however, if such chief or supervisor meets all applicable standards he may, with the approval of the manager of the state insurance fund, make contributions to and receive benefits from the firemen's retirement fund, and, in such event, the employing fire department shall be required to make contributions to the firemen's retirement fund for such chief or supervisor. If such chief or supervisor fails to meet the standards of this section, he shall not be eligible to contribute to or receive benefits from the firemen's retirement fund, and, in that event, the employing fire department shall not be required to make contributions to the firemen's retirement fund for such chief or supervisor.

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.

NOTE: The Attorney General has ruled that this bill became law without the Governor's signature on March 31, 1976. The Governor signed this bill on April 1, 1976.
CHAPTER 317
(H.B. No. 685, As Amended)

AN ACT
RELATING TO THE FUNDING OF THE ALCOHOLISM AND INTOXICATION TREATMENT ACT; AMENDING SECTION 23-217, IDAHO CODE, TO PROVIDE AN ADDITIONAL TWO PER CENT SURCHARGE ON THE PRICE OF LIQUOR DEDICATED TO THE ALCOHOLISM TREATMENT FUND; AMENDING SECTION 23-404, IDAHO CODE, TO DISTRIBUTE $400,000 FROM THE LIQUOR FUND TO THE ALCOHOLISM TREATMENT FUND; AND APPROPRIATING $1,000,000 FROM THE ALCOHOLISM TREATMENT FUND TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE PURPOSES OF THE ALCOHOLISM AND INTOXICATION TREATMENT ACT.

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

SECTION 1. That Section 23-217, Idaho Code, be, and the same is hereby amended to read as follows:

23-217. SURCHARGE ADDED TO PRICE OF GOODS SOLD -- COLLECTION AND REMISSION BY SUPERINTENDENT. (a) The superintendent of the state liquor dispensary is hereby authorized and directed to include in the price of goods hereafter sold in the dispensary, and its branches, a surcharge equal to ten per cent (10%) of the current price per unit computed to the nearest multiple of five cents (5¢). Provided, however, that after any surcharge or surcharges have been included the superintendent of the state liquor dispensary is hereby authorized and directed to allow a discount of five per cent (5%) from the price of each broken or unbroken case lot of goods sold to any licensee, as defined in section 23-902, d., Idaho Code.

(b) The surcharge imposed pursuant to subsection (a) of this section shall be collected and remitted to the state auditor monthly, and shall by the state auditor be credited to the general fund of the state.

(c) In addition to the surcharge imposed by subsection (a) of this section, the superintendent of the state liquor dispensary is hereby authorized and directed to include in the price of goods hereafter sold in the dispensary, and its branches, a surcharge equal to two per cent (2%) of the current price per unit computed to the nearest multiple of five cents (5¢).
(d) The revenues generated by the additional surcharge of two per cent (2%) imposed pursuant to subsection (c) of this section less its pro rata share of the discount shall be collected and remitted to the state auditor monthly, and shall be by the state auditor be credited to the alcohol safety action program fund, which is hereby created.

(e) In addition to the surcharges otherwise imposed by this section, there is hereby imposed an additional surcharge of two per cent (2%) of the current price per unit computed to the nearest multiple of five cents (5¢). The revenues generated by this surcharge shall be remitted monthly by the superintendent to the state auditor for deposit in the alcoholism treatment fund, which fund is hereby created in the state treasury.

SECTION 2. 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 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 alcoholism treatment 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 one-forty-fourth (1/44) to each of the several counties of the state and shall be paid directly to such counties, and this one-forty-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 3. There is hereby appropriated to the department of health and welfare the sum of $1,000,000 from the alcoholism treatment fund for the purposes outlined in chapter 3, title 39, Idaho Code, the alcoholism and intoxication and treatment act.

NOTE: The Attorney General has ruled that this bill became law without the Governor’s signature on March 31, 1976. The Governor signed this bill on April 1, 1976.
AN ACT
RELATING TO CONSENT FOR EMERGENCY MEDICAL TREATMENT; AMENDING CHAPTER 3, TITLE 5, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 5-332, IDAHO CODE, TO PROVIDE THAT CONSENT FOR EMERGENCY MEDICAL TREATMENT SHALL BE GOVERNED BY CHAPTER 43, TITLE 39, IDAHO CODE; AND AMENDING CHAPTER 39, TITLE 31, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 31-3910, IDAHO CODE, TO PROVIDE THAT CONSENT FOR EMERGENCY MEDICAL TREATMENT SHALL BE GOVERNED BY CHAPTER 43, TITLE 39, IDAHO CODE.

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

SECTION 1. That Chapter 3, Title 5, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 5-332, Idaho Code, and to read as follows:

5-332. CONSENT FOR EMERGENCY MEDICAL TREATMENT. The authorization or refusal of consent for emergency medical treatment under sections 5-330 or 5-331, Idaho Code, shall be governed by chapter 43, title 39, Idaho Code.

SECTION 2. 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 31-3910, Idaho Code, and to read as follows:

31-3910. CONSENT FOR EMERGENCY MEDICAL TREATMENT. The authorization or refusal of consent for emergency medical treatment under chapter 39, title 31, Idaho Code, shall be governed by chapter 43, title 39, Idaho Code.

NOTE: The Attorney General has ruled that this bill became law without the Governor’s signature on March 31, 1976. The Governor signed this bill on April 1, 1976.
AN ACT
AMENDING CHAPTER 53, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-5339, IDAHO CODE, TO PROVIDE FOR USE OF ONE-HALF OF UNUSED SICK LEAVE FOR THE PURPOSE OF PAYING GROUP HEALTH, LIFE, AND ACCIDENT INSURANCE PREMIUMS FOR RETIREES; PROVIDING FOR THE REVERSION OF UNUSED FUNDS.

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

SECTION 1. 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 67-5339, Idaho Code, and to read as follows:

67-5339. USE OF UNUSED SICK LEAVE. Upon separation from state employment by retirement in accordance with chapter 13, title 59, Idaho Code, an employee's unused sick leave shall be determined and a sum equal to one-half (1/2) of the monetary value of such unused sick leave, calculated at the rate of pay for such employee at the time of retirement, shall be transferred from the employing agency to the public employee retirement system and shall be credited to such employee's retirement account. Such sums shall be used by the Idaho Public Employees Retirement Board to pay premiums for such group health, accident, and life insurance programs as may be maintained by the state, to the extent of the funds credited to the employee's account pursuant to this section. Upon an employee's death, any unexpended sums remaining in the account shall revert to the general fund or to the fund from which the payment provided for hereby was paid. The determination of unused sick leave shall be based on accumulated sick leave earned subsequent to the effective date of this act.

NOTE: The Attorney General has ruled that this bill became law without the Governor's signature on March 31, 1976. The Governor signed this bill on April 1, 1976.
CHAPTER 320
(H.B. No. 719, As Amended)

AN ACT
RELATING TO COUNTY COMMISSIONERS; AMENDING SECTION 31-3104, IDAHO CODE, TO INCREASE THE SALARIES OF CERTAIN COUNTY COMMISSIONERS; AND PROVIDING AN EFFECTIVE DATE.

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>$20,000</td>
</tr>
<tr>
<td>Adams</td>
<td>$3,050</td>
</tr>
<tr>
<td>Bannock</td>
<td>$12,000</td>
</tr>
<tr>
<td>Bear Lake</td>
<td>$3,600</td>
</tr>
<tr>
<td>Benewah</td>
<td>$5,000</td>
</tr>
<tr>
<td>Bingham</td>
<td>$10,000</td>
</tr>
<tr>
<td>Blaine</td>
<td>$4,200</td>
</tr>
<tr>
<td>Boise</td>
<td>$3,000</td>
</tr>
<tr>
<td>Bonner</td>
<td>$10,500</td>
</tr>
<tr>
<td>Bonneville</td>
<td>$10,000</td>
</tr>
<tr>
<td>Boundary</td>
<td>$6,000</td>
</tr>
<tr>
<td>Butte</td>
<td>$2,400</td>
</tr>
<tr>
<td>Camas</td>
<td>$2,100</td>
</tr>
<tr>
<td>Canyon</td>
<td>$12,000</td>
</tr>
<tr>
<td>Caribou</td>
<td>$3,600</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>$5,000</td>
</tr>
<tr>
<td>Custer</td>
<td>$2,400</td>
</tr>
<tr>
<td>Elmore</td>
<td>$4,800</td>
</tr>
<tr>
<td>Franklin</td>
<td>$3,600</td>
</tr>
<tr>
<td>Fremont</td>
<td>$4,000</td>
</tr>
<tr>
<td>Gem</td>
<td>$3,800</td>
</tr>
<tr>
<td>Gooding</td>
<td>$3,600</td>
</tr>
<tr>
<td>Idaho</td>
<td>$4,800</td>
</tr>
<tr>
<td>Jefferson</td>
<td>$3,600</td>
</tr>
<tr>
<td>County</td>
<td>Amount</td>
</tr>
<tr>
<td>-------------</td>
<td>---------</td>
</tr>
<tr>
<td>Jerome</td>
<td>$4,800</td>
</tr>
<tr>
<td>Kootenai</td>
<td>$13,000</td>
</tr>
<tr>
<td>Latah</td>
<td>$7,000</td>
</tr>
<tr>
<td>Lemhi</td>
<td>$2,600</td>
</tr>
<tr>
<td>Lewis</td>
<td>$3,000</td>
</tr>
<tr>
<td>Lincoln</td>
<td>$2,500</td>
</tr>
<tr>
<td>Madison</td>
<td>$4,000</td>
</tr>
<tr>
<td>Minidoka</td>
<td>$4,800</td>
</tr>
<tr>
<td>Nez Perce</td>
<td>$10,700</td>
</tr>
<tr>
<td>Oneida</td>
<td>$3,500</td>
</tr>
<tr>
<td>Owyhee</td>
<td>$5,000</td>
</tr>
<tr>
<td>Payette</td>
<td>$4,000</td>
</tr>
<tr>
<td>Power</td>
<td>$2,200</td>
</tr>
<tr>
<td>Shoshone</td>
<td>$15,000</td>
</tr>
<tr>
<td>Teton</td>
<td>$2,100</td>
</tr>
<tr>
<td>Twin Falls</td>
<td>$10,750</td>
</tr>
<tr>
<td>Valley</td>
<td>$3,300</td>
</tr>
<tr>
<td>Washington</td>
<td>$5,200</td>
</tr>
</tbody>
</table>

SECTION 2. This act shall be in full force and effect on and after January 1, 1977.

NOTE: The Attorney General has ruled that this bill became law without the Governor's signature on March 31, 1976. The Governor signed this bill on April 1, 1976.
CHAPTER 321
(H.B. No. 722, As Amended)

AN ACT
RELATING TO SALARIES OF PROSECUTING ATTORNEYS; AMENDING SECTION 31-3113, IDAHO CODE, TO INCREASE THE SALARIES OF CERTAIN PROSECUTING ATTORNEYS, AND REQUIRING FULL-TIME SERVICE OF THE PROSECUTOR IN BANNOCK COUNTY; 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>$26,000</td>
</tr>
<tr>
<td>Adams</td>
<td>$7,500</td>
</tr>
<tr>
<td>Bannock</td>
<td>$17,500</td>
</tr>
<tr>
<td>Bear Lake</td>
<td>$6,000</td>
</tr>
<tr>
<td>Benewah</td>
<td>$8,250</td>
</tr>
<tr>
<td>Bingham</td>
<td>$15,000</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>$12,000</td>
</tr>
<tr>
<td>Bonneville</td>
<td>$12,500</td>
</tr>
<tr>
<td>Boundary</td>
<td>$12,000</td>
</tr>
<tr>
<td>Butte</td>
<td>$7,700</td>
</tr>
<tr>
<td>Camas</td>
<td>$10,000</td>
</tr>
<tr>
<td>Canyon</td>
<td>$20,000</td>
</tr>
<tr>
<td>Caribou</td>
<td>$7,800</td>
</tr>
<tr>
<td>Cassia</td>
<td>$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>$15,000</td>
</tr>
<tr>
<td>Franklin</td>
<td>$6,200</td>
</tr>
<tr>
<td>Fremont</td>
<td>$10,000</td>
</tr>
<tr>
<td>Gem</td>
<td>$8,500</td>
</tr>
<tr>
<td>Gooding</td>
<td>$9,500</td>
</tr>
<tr>
<td>Idaho</td>
<td>$12,000</td>
</tr>
<tr>
<td>Jefferson</td>
<td>$8,700</td>
</tr>
</tbody>
</table>
Jerome $12,000  
Kootenai $17,000  
Latah $15,000  
Lemhi $7,000  
Lewis $9,000  
Lincoln $7,000  
Madison $12,000  
Minidoka $20,000  
Nez Perce $16,700 $18,000  
Oneida $5,700  
Owyhee $15,500  
Payette $10,000  
Power $6,300 $10,800  
Shoshone $18,000  
Teton $3,500  
Twin Falls $17,000  
Valley $7,500  
Washington $7,500  

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. The prosecuting attorneys in the following counties are required to devote full time to the discharge of their duties: Bannock, Canyon.

SECTION 2. This act shall be in full force and effect on and after January 1, 1977.

NOTE: The Attorney General has ruled that this bill became law without the Governor’s signature on March 31, 1976. The Governor signed this bill on April 1, 1976.
CHAPTER 322
(H.B. No. 726)

AN ACT
REAPPROPRIATING THE MONEYS APPROPRIATED BY CHAPTER 358, LAWS OF 1971, FOR THE PURPOSES SPECIFIED; AND DECLARING AN EMERGENCY.

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

SECTION 1. The moneys appropriated by Chapter 358, Laws of 1971, to the Permanent Building Fund Advisory Council and the Department of Public Works to construct a cottage at the State Youth Training Center, are hereby reappropriated to the Permanent Building Fund Advisory Council and the Division of Public Works to remodel or expand existing cottages at the State Youth Services Center.

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.

NOTE: The Attorney General has ruled that this bill became law without the Governor's signature on March 31, 1976. The Governor signed this bill on April 1, 1976.
CHAPTER 323
(H.B. No. 727)

AN ACT
REAPPROPRIATING THE MONEYS APPROPRIATED BY CHAPTER 335, LAWS OF 1973, AND CHAPTER 339, LAWS OF 1973, FOR THE PURPOSES SPECIFIED; AND DECLARING AN EMERGENCY.

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

SECTION 1. The moneys appropriated by Chapter 335, Laws of 1973, to the Permanent Building Fund Advisory Council and the Department of Public Works to construct patient residential cottages at Idaho State School and Hospital, and the moneys appropriated by Chapter 339, Laws of 1973, to the Permanent Building Fund Advisory Council and the Department of Public Works to construct residential living facilities at Nampa State School and Hospital, are hereby reappropriated to the Permanent Building Fund Advisory Council and the Division of Public Works for the purpose of constructing living units at Idaho State School and Hospital.

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.

NOTE: The Attorney General has ruled that this bill became law without the Governor's signature on March 31, 1976. The Governor signed this bill on April 1, 1976.
AN ACT

APPROPRIATING MONEYS 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, 1976, THROUGH JUNE 30, 1977; AND PROVIDING THAT THE STATE AUDITOR SHALL MAKE TRANSFERS FROM THE GENERAL FUND TO THE COOPERATIVE WELFARE FUND AS REQUESTED BY THE DIRECTOR OF THE DEPARTMENT OF HEALTH AND WELFARE AND APPROVED BY THE BOARD OF EXAMINERS.

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

SECTION 1. There is hereby appropriated to the Department of Health and Welfare the following amounts to be expended for the designated programs, from the listed funds, according to designated standard expense classes for the period from July 1, 1976, through June 30, 1977:

<table>
<thead>
<tr>
<th>PROGRAM</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>A. ADMINISTRATION:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Fund</td>
<td>$2,268,400</td>
<td>$1,535,900</td>
<td>$4,100</td>
<td></td>
<td>$3,808,400</td>
</tr>
<tr>
<td>Cooperative Welfare Fund</td>
<td>1,005.400</td>
<td>648,600</td>
<td>2,100</td>
<td></td>
<td>1,656,100</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$3,273,800</td>
<td>$2,184,500</td>
<td>$6,200</td>
<td></td>
<td>$5,464,500</td>
</tr>
<tr>
<td>B. VETERANS SERVICES:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Fund</td>
<td>$84,700</td>
<td>$7,500</td>
<td>$75,800</td>
<td></td>
<td>$168,000</td>
</tr>
<tr>
<td>Cooperative Welfare Fund</td>
<td>168,400</td>
<td></td>
<td></td>
<td></td>
<td>168,400</td>
</tr>
<tr>
<td>Miscellaneous Receipts Fund</td>
<td>21,400</td>
<td>52,400</td>
<td>10,000</td>
<td></td>
<td>83,800</td>
</tr>
<tr>
<td>Idaho Veterans Home Income</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fund</td>
<td>80,000</td>
<td></td>
<td></td>
<td></td>
<td>80,000</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$274,500</td>
<td>$139,900</td>
<td>$10,000</td>
<td>$75,800</td>
<td>$500,200</td>
</tr>
<tr>
<td>C. DISTRICT HEALTH DEPARTMENTS:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Fund</td>
<td>$1,042,600</td>
<td>$224,100</td>
<td>$20,200</td>
<td>$19,800</td>
<td>$1,306,700</td>
</tr>
<tr>
<td>Cooperative Welfare Fund</td>
<td>3,842,000</td>
<td>1,278,900</td>
<td>218,700</td>
<td>164,900</td>
<td>5,504,500</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$4,884,600</td>
<td>$1,503,000</td>
<td>$238,700</td>
<td>$184,700</td>
<td>$6,811,700</td>
</tr>
</tbody>
</table>
SECTION 2. The State Auditor shall make transfers of the enumerated state general funds to the Cooperative Welfare Fund periodically as requested by the director of the Department of Health and Welfare and approved by the Board of Examiners, not to exceed the amount provided herein.

NOTE: The Attorney General has ruled that this bill became law without the Governor's signature on March 31, 1976. The Governor signed this bill on April 1, 1976.
<table>
<thead>
<tr>
<th>PROGRAM</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>A. DIVISION OF COMMUNITY REHABILITATION:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. Substance Abuse:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Fund</td>
<td>$162,200</td>
<td>$95,400</td>
<td>$3,700</td>
<td>$2,000</td>
<td>$263,300</td>
</tr>
<tr>
<td>Cooperative Welfare Fund</td>
<td>716,400</td>
<td>180,700</td>
<td>14,000</td>
<td></td>
<td>911,100</td>
</tr>
<tr>
<td>Miscellaneous Receipts Fund</td>
<td>7,500</td>
<td>7,500</td>
<td></td>
<td></td>
<td>7,500</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$878,600</td>
<td>$283,600</td>
<td>$3,700</td>
<td>$16,000</td>
<td>$1,181,900</td>
</tr>
<tr>
<td>2. Community Mental Health:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Fund</td>
<td>$1,294,200</td>
<td>$191,100</td>
<td>$7,500</td>
<td></td>
<td>$1,492,800</td>
</tr>
<tr>
<td>Cooperative Welfare Fund</td>
<td>1,657,700</td>
<td>195,400</td>
<td>1,853,100</td>
<td></td>
<td>546,600</td>
</tr>
<tr>
<td>Miscellaneous Receipts Fund</td>
<td>232,300</td>
<td>303,700</td>
<td>600</td>
<td>10,000</td>
<td>3,892,500</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$3,184,200</td>
<td>$690,200</td>
<td>$8,100</td>
<td>$10,000</td>
<td>$3,892,500</td>
</tr>
<tr>
<td>3. Institutional Mental Health:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Fund</td>
<td>$2,837,200</td>
<td>$605,500</td>
<td>$83,600</td>
<td></td>
<td>$3,526,300</td>
</tr>
<tr>
<td>Cooperative Welfare Fund</td>
<td>1,182,600</td>
<td>2,700</td>
<td>18,000</td>
<td>1,203,300</td>
<td>300,000</td>
</tr>
<tr>
<td>State Hospital North Income Fund</td>
<td>225,000</td>
<td></td>
<td></td>
<td>225,000</td>
<td></td>
</tr>
<tr>
<td>State Hospital South Income fund</td>
<td>300,000</td>
<td></td>
<td></td>
<td>300,000</td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>$4,019,800</td>
<td>$1,133,200</td>
<td>$101,600</td>
<td></td>
<td>$5,254,600</td>
</tr>
<tr>
<td>4. Community Developmental Disabilities:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Fund</td>
<td>$2,279,000</td>
<td>$59,000</td>
<td>$8,000</td>
<td>$164,000</td>
<td>$2,510,000</td>
</tr>
<tr>
<td>Cooperative Welfare Fund</td>
<td>100,000</td>
<td>100,000</td>
<td></td>
<td></td>
<td>200,000</td>
</tr>
<tr>
<td>Miscellaneous Receipts Fund</td>
<td>754,900</td>
<td>154,000</td>
<td>4,700</td>
<td>94,600</td>
<td>1,008,200</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$3,133,900</td>
<td>$213,000</td>
<td>$12,700</td>
<td>$268,600</td>
<td>$3,618,200</td>
</tr>
</tbody>
</table>
SECTION 2. The director of the Department of Health and Welfare is authorized and directed to appoint a committee composed of professionals in the field of mental health who are not employees of the Department of Health and Welfare. The committee shall have the duty to inspect, investigate, study and report on the processes, procedures, methods, facilities, and other resources, including personnel, used to provide mental health services by the state of Idaho. Such committee shall also include three members of the Idaho Legislature. It is the intent of the Legislature that the Department of Health and Welfare authorize such committee to hire such consultants and advisors as are necessary to complete its task. Further, it is legislative intent that the costs of such a committee and any consultants hired be provided by the Department of Health and Welfare from such moneys appropriated in section 1 hereof.

The committee thus appointed shall report its findings and recommendations to the First Regular Session of the Forty-fourth Idaho Legislature.

SECTION 3. The State Auditor shall make transfers of the enumerated state general funds to the Cooperative Welfare Fund periodically as requested by the director of the Department of Health and Welfare and approved by the Board of Examiners, not to exceed the amount provided herein.

NOTE: The Attorney General has ruled that this bill became law without the Governor's signature on March 31, 1976. The Governor signed this bill on April 1, 1976.
CHAPTER 326
(H.B. No. 731)

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, 1976, THROUGH JUNE 30, 1977; EXPRESSING LEGISLATIVE INTENT WITH RESPECT TO CERTAIN EXPENDITURES; AND SPECIFYING PURPOSES FOR A PORTION OF THE GENERAL FUND MONEY APPROPRIATED FOR FEDERAL PROGRAMS IN SECTION 2 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, 1976, through June 30, 1977:

FOR:
Personnel Costs $1,930,300
Operating Expenditures 1,028,900
Capital Outlay 32,900
Trustee & Benefit Payments 14,704,500
TOTAL $17,696,600

FROM:
General Fund $1,298,600
Miscellaneous Receipts 127,800
Dedicated Funds 1,055,700
Commodity Distribution Fund 120,000
Federal Funds 15,094,500
TOTAL $17,696,600

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, 1976, through June 30, 1977:
<table>
<thead>
<tr>
<th>PROGRAM</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>A. MANAGEMENT:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Fund</td>
<td>$80,700</td>
<td>$34,300</td>
<td>$100</td>
<td></td>
<td>$115,100</td>
</tr>
<tr>
<td>Elementary-Secondary Education Fund</td>
<td>208,700</td>
<td>80,000</td>
<td>1,300</td>
<td></td>
<td>290,000</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$289,400</td>
<td>$114,300</td>
<td>$1,400</td>
<td></td>
<td>$405,100</td>
</tr>
<tr>
<td>B. FINANCIAL AND ADMINISTRATIVE SERVICES:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Fund</td>
<td>$276,400</td>
<td>$73,100</td>
<td>$9,200</td>
<td>$256,500</td>
<td>$615,200</td>
</tr>
<tr>
<td>Driver Training Fund</td>
<td>53,100</td>
<td>29,100</td>
<td>3,000</td>
<td>915,000</td>
<td>1,000,200</td>
</tr>
<tr>
<td>Commodity Distribution Fund</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>School Lunch Fund</td>
<td>53,000</td>
<td>17,500</td>
<td>600</td>
<td>4,615,000</td>
<td>4,686,100</td>
</tr>
<tr>
<td>Elementary-Secondary Education Fund</td>
<td>99,700</td>
<td>27,400</td>
<td>1,300</td>
<td>128,400</td>
<td>128,400</td>
</tr>
<tr>
<td>Veterans Approval Fund</td>
<td>55,600</td>
<td>21,900</td>
<td>300</td>
<td>78,200</td>
<td>78,200</td>
</tr>
<tr>
<td>Driver Rehabilitation</td>
<td>33,700</td>
<td>84,100</td>
<td>200</td>
<td>118,000</td>
<td>118,000</td>
</tr>
<tr>
<td>Miscellaneous Receipts</td>
<td>85,700</td>
<td>42,000</td>
<td>100</td>
<td>127,800</td>
<td>127,800</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$657,200</td>
<td>$415,100</td>
<td>$15,100</td>
<td>$5,786,500</td>
<td>$6,873,900</td>
</tr>
<tr>
<td>C. FEDERAL PROGRAMS:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Fund</td>
<td>$75,400</td>
<td>$22,200</td>
<td>$400</td>
<td></td>
<td>$98,000</td>
</tr>
<tr>
<td>Indian Education Fund</td>
<td>34,900</td>
<td>14,700</td>
<td>0</td>
<td>445,000</td>
<td>494,600</td>
</tr>
<tr>
<td>Elementary-Secondary Education Fund</td>
<td>391,000</td>
<td>202,300</td>
<td>3,300</td>
<td>7,984,500</td>
<td>8,581,100</td>
</tr>
<tr>
<td>Adult Basic Education Fund</td>
<td>26,500</td>
<td>8,200</td>
<td>100</td>
<td>362,900</td>
<td>397,700</td>
</tr>
<tr>
<td>Special Education-Teacher Training Fund</td>
<td>15,000</td>
<td>6,000</td>
<td>100</td>
<td>121,000</td>
<td>142,100</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$547,800</td>
<td>$253,400</td>
<td>$3,900</td>
<td>$8,917,400</td>
<td>$9,771,300</td>
</tr>
<tr>
<td>D. INSTRUCTION:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Fund</td>
<td>$296,100</td>
<td>$164,200</td>
<td>$10,000</td>
<td></td>
<td>$470,300</td>
</tr>
<tr>
<td>Professional Standards Commission Fund</td>
<td>11,100</td>
<td>39,700</td>
<td>0</td>
<td>4,600</td>
<td>55,500</td>
</tr>
<tr>
<td>Elementary-Secondary Education Fund</td>
<td>133,700</td>
<td>42,200</td>
<td>2,400</td>
<td>178,300</td>
<td>178,300</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$440,900</td>
<td>$246,100</td>
<td>$12,400</td>
<td>$4,800</td>
<td>$704,400</td>
</tr>
<tr>
<td>GRAND TOTAL</td>
<td>$1,930,700</td>
<td>$1,026,900</td>
<td>$32,900</td>
<td>$14,704,500</td>
<td>$17,696,600</td>
</tr>
</tbody>
</table>
SECTION 3. It is legislative intent that an amount, not to exceed $1,000 of the amounts appropriated in section 2, subsection A of this act, may be used at the discretion of the Superintendent of Public Instruction to assist in defraying expenses relating to or resulting from the discharge of his official duties. Such moneys shall be accounted for solely on the itemized certificate of the Superintendent of Public Instruction and shall be exempted from provisions of chapter 36, title 67, Idaho Code, and section 67-3516, Idaho Code.

SECTION 4. It is legislative intent that an Indian education coordinator position and secretary position, together with related operating expenditure moneys therefor, shall be provided from the General Fund appropriation made for federal programs in section 2 of this act.

NOTE: The Attorney General has ruled that this bill became law without the Governor's signature on March 31, 1976. The Governor signed this bill on April 1, 1976.
CHAPTER 327
(H.B. No. 733)

AN ACT
APPROPRIATING GENERAL FUND SURPLUS MONEYS EXISTING ON JUNE 30, 1976, TO THE STATE BOARD OF EDUCATION AND THE BOARD OF REGENTS OF THE UNIVERSITY OF IDAHO; AND DECLARING AN EMERGENCY.

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

SECTION 1. The balance of any surplus or unexpended and unencumbered balance in the General Fund as of June 30, 1976, not to exceed the amount of $240,000, if available, as determined by the State Auditor, is hereby appropriated to the State Board of Education and the Board of Regents of the University of Idaho for the Agricultural Research Program to be expended for expansion of the potato breeding facility at Aberdeen.

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.

NOTE: The Attorney General has ruled that this bill became law without the Governor's signature on March 31, 1976. The Governor signed this bill on April 1, 1976.
CHAPTER 328
(H.B. No. 736)

AN ACT
AMENDING SECTION 49-127, IDAHO CODE, BY MODIFYING THE MILL LEVY RATES IN SECTION 6 UNDER SCHEDULE "B" TO REFLECT AN INCREASE IN THE SAME PROPORTION AS NINE AND ONE-HALF CENTS IS TO EIGHT AND ONE-HALF CENTS, AND ADJUSTING SCHEDULE "C" ACCORDINGLY; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 49-127, Idaho Code, be, and the same is hereby amended to read as follows:

49-127. OPERATING FEES -- SCHEDULES. The registration fee for operating each motor vehicle, trailer or semi-trailer upon highways of the state of Idaho shall be as follows:

(a) On all motor vehicles, trailers and semi-trailers equipped to carry passengers and operated primarily for hire exclusively within the limits of an incorporated city or village and adjacent thereto, when the service outside is a part of a regular service rendered inside such city or village, the fee shall be ten dollars ($10.00).

(b) On all hearses, ambulances and wreckers the annual fee shall be twenty-four dollars ($24.00), and such vehicles shall bear passenger car plates. No operator of a hearse, ambulance, or wrecker shall be entitled to operate the same by virtue of any dealer's license that may have been issued under the provisions of this chapter.

(c) On all motorcycles the annual fee shall be five dollars ($5.00).

(d) For the purpose of this subsection, the following definitions shall be applicable.

1. A commercial vehicle as herein defined shall mean a vehicle or combination of vehicles of a type used or maintained for the transportation of persons for hire, compensation or profit, or designed, used or maintained primarily for the transportation of property for the owner of said vehicle, or for hire, compensation, or profit, and shall not include those vehicles set forth in subsections (a), (b) and (c) hereof.

2. A farm vehicle as herein defined shall mean a vehi-
cle or combination of vehicles used exclusively to transport unprocessed agricultural, dairy or livestock products raised, owned or grown by the owner of such vehicle; and shall include the transportation of any equipment, supplies or products to or from the operations of such owner, and shall not include vehicles of husbandry, and shall not include those vehicles set forth in subsections (a), (b) and (c) hereof, but shall include vehicles domiciled in Idaho used for the sole purpose of transporting milk from the farm to processing plant.

3. A noncommercial vehicle as herein defined shall not include those vehicles required to be registered under section 49-126, Idaho Code, and shall mean all other vehicles or combinations of vehicles which are not commercial vehicles or farm vehicles as herein defined, and shall not include those vehicles set forth in subsections (a), (b) and (c) hereof.

4. There shall be paid on all commercial vehicles, irrespective of body type, having a maximum gross weight not in excess of sixteen thousand (16,000) pounds, and on all noncommercial vehicles and farm vehicles having a maximum gross weight not in excess of thirty thousand (30,000) pounds, an annual registration fee in accordance with the following schedule, provided, that when a vehicle against which said registration fee is assessed is a combination of vehicles, the term maximum gross weight as used in the following schedule shall mean the combined gross weights of all vehicles in the combination to be registered; provided further that upon payment of said registration fee, the director shall issue an identification plate approved by him, to be attached to individual self-propelled motor vehicles, and to the self-propelled motor vehicle in any combination of vehicles.

<table>
<thead>
<tr>
<th>Maximum Gross Weight (Pounds)</th>
<th>Annual Registration Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>0-6,000 inc.</td>
<td>$17.50</td>
</tr>
<tr>
<td>6,001-8,000 inc.</td>
<td>20.00</td>
</tr>
<tr>
<td>8,001-10,000 inc.</td>
<td>22.50</td>
</tr>
<tr>
<td>10,001-12,000 inc.</td>
<td>25.00</td>
</tr>
<tr>
<td>12,001-14,000 inc.</td>
<td>30.00</td>
</tr>
<tr>
<td>14,001-16,000 inc.</td>
<td>35.00</td>
</tr>
<tr>
<td>16,001-18,000 inc.</td>
<td>40.00</td>
</tr>
<tr>
<td>18,001-20,000 inc.</td>
<td>45.00</td>
</tr>
<tr>
<td>20,001-22,000 inc.</td>
<td>50.00</td>
</tr>
<tr>
<td>22,001-24,000 inc.</td>
<td>55.00</td>
</tr>
<tr>
<td>24,001-26,000 inc.</td>
<td>65.00</td>
</tr>
<tr>
<td>26,001-30,000 inc.</td>
<td>75.00</td>
</tr>
</tbody>
</table>
5. There shall be paid on all commercial vehicles having a maximum gross weight in excess of sixteen thousand (16,000) pounds, an annual registration fee in accordance with the following schedule, provided, that when the vehicle against which said registration fee is assessed is a combination of vehicles, the term maximum gross weight as used in the following schedule shall mean the combined maximum gross weights of all vehicles in the combination to be registered; provided further that upon payment of said registration fee, the director shall issue an identification plate approved by him to be attached to individual self-propelled motor vehicles and to the self-propelled vehicle in any combination of vehicles.

<table>
<thead>
<tr>
<th>Maximum Gross Weight (Pounds)</th>
<th>Annual Registration Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>16,001-26,000 inc.</td>
<td>$55.00</td>
</tr>
<tr>
<td>26,001-38,000 inc.</td>
<td>75.00</td>
</tr>
<tr>
<td>Over 38,000</td>
<td>100.00</td>
</tr>
</tbody>
</table>

In addition, an annual license fee shall be required for each trailer or semi-trailer in a combination of vehicles in the amount of two dollars ($2.00). Upon payment of said license fees, the director shall issue license plates approved by him for the appropriate year.

6. In addition to the registration and license fees hereinbefore provided there shall be paid on all commercial vehicles having a maximum gross weight in excess of sixteen thousand (16,000) pounds, a use fee in accordance with the schedule hereinafter set forth, provided, that if any such commercial vehicle is a combination of vehicles, said use fee shall be paid only on the self-propelled motor vehicle in the combination, but the maximum gross weight thereof shall be deemed to be the maximum gross weight of all vehicles in the combination for the purpose of determining said use fee; provided that the use fee to be paid on every commercial vehicle which is used to haul passengers for hire, and which weighs over sixteen thousand (16,000) pounds shall be computed by subtracting two (2) mills per mile from the mills per mile rate hereinafter designated for the appropriate weight group for said vehicle in the use fee schedule; provided, further, that on any commercial vehicle which is a combination of vehicles, and is exclusively engaged in the transportation of logs, pulp wood, stull, poles, piling, rough lumber, ores, ore concentrates, sand and gravel aggregates thereof in bulk and livestock, there shall be paid a use fee on each vehicle in the combination, based upon the maximum gross weight of each such vehicle in accordance with the following schedule. In addition to the registration and license fees hereinbefore provided, there
shall be paid on all farm vehicles and noncommercial vehicles having a maximum gross weight in excess of thirty thousand (30,000) pounds, a use fee in accordance with the schedule hereinafter set forth; provided, that if any non-commercial vehicle is a combination of vehicles, said use fee shall be paid only on the self-propelled motor vehicle in the combination, but the maximum gross weight of said self-propelled vehicle shall be deemed to be the maximum gross weight of all vehicles in said combination for the purpose of determining said use fee; provided, further, that if any farm vehicle is a combination of vehicles, the use fee to be paid thereon shall be paid on each vehicle in the combination, based upon the maximum gross weight of each such vehicle in accordance with the following schedule. The use fees herein provided for shall be based on mills per mile of operation, subject to the provisions of subsection (e) hereof, in accordance with the schedule hereinafter set forth; provided further, that use fee schedule "B" shall be charged on the maximum gross weight of the vehicle or combination of vehicles.

<table>
<thead>
<tr>
<th>Maximum Gross Weight of Vehicle (Pounds)</th>
<th>&quot;A&quot; Mills per Mile</th>
<th>&quot;B&quot; Mills per Mile Fuel Only</th>
<th>&quot;C&quot; Combined Mills per Mile and Mills per Mile Fuel</th>
</tr>
</thead>
<tbody>
<tr>
<td>6,000-8,000</td>
<td>4.50</td>
<td>5.05</td>
<td>4.50</td>
</tr>
<tr>
<td>8,001-10,000</td>
<td>5.00</td>
<td>5.60</td>
<td>5.00</td>
</tr>
<tr>
<td>10,001-12,000</td>
<td>5.50</td>
<td>6.15</td>
<td>5.50</td>
</tr>
<tr>
<td>12,001-14,000</td>
<td>5.95</td>
<td>6.65</td>
<td>5.95</td>
</tr>
<tr>
<td>14,001-16,000</td>
<td>6.45</td>
<td>7.20</td>
<td>6.45</td>
</tr>
<tr>
<td>16,001-18,000</td>
<td>7.00</td>
<td>7.70</td>
<td>7.00</td>
</tr>
<tr>
<td>18,001-20,000</td>
<td>7.50</td>
<td>8.20</td>
<td>9.50</td>
</tr>
<tr>
<td>20,001-22,000</td>
<td>8.05</td>
<td>8.75</td>
<td>11.05</td>
</tr>
<tr>
<td>22,001-24,000</td>
<td>8.65</td>
<td>9.30</td>
<td>12.50</td>
</tr>
<tr>
<td>24,001-26,000</td>
<td>9.25</td>
<td>9.85</td>
<td>14.00</td>
</tr>
<tr>
<td>26,001-28,000</td>
<td>9.85</td>
<td>10.40</td>
<td>15.50</td>
</tr>
<tr>
<td>28,001-30,000</td>
<td>10.45</td>
<td>11.00</td>
<td>17.00</td>
</tr>
<tr>
<td>30,001-32,000</td>
<td>11.05</td>
<td>11.65</td>
<td>18.50</td>
</tr>
<tr>
<td>32,001-34,000</td>
<td>11.65</td>
<td>12.30</td>
<td>20.00</td>
</tr>
<tr>
<td>34,001-36,000</td>
<td>12.25</td>
<td>12.95</td>
<td>21.50</td>
</tr>
<tr>
<td>36,001-38,000</td>
<td>12.85</td>
<td>13.60</td>
<td>23.00</td>
</tr>
<tr>
<td>38,001-40,000</td>
<td>13.45</td>
<td>14.25</td>
<td>24.50</td>
</tr>
<tr>
<td>40,001-42,000</td>
<td>14.05</td>
<td>15.00</td>
<td>26.00</td>
</tr>
<tr>
<td>42,001-44,000</td>
<td>14.65</td>
<td>15.75</td>
<td>27.50</td>
</tr>
<tr>
<td>44,001-46,000</td>
<td>15.25</td>
<td>16.50</td>
<td>29.00</td>
</tr>
<tr>
<td>46,001-48,000</td>
<td>15.85</td>
<td>17.25</td>
<td>30.50</td>
</tr>
<tr>
<td>48,001-50,000</td>
<td>16.45</td>
<td>17.95</td>
<td>32.00</td>
</tr>
</tbody>
</table>
The owners or operators of motor vehicles or combinations of vehicles, in computing use fees, shall use the above tables as follows:

1. Motor vehicles or a combination of vehicles having a maximum gross weight in excess of sixteen thousand (16,000) pounds and using gasoline for fuel shall use Table "A," except as otherwise provided.

2. Motor vehicles or a combination of vehicles having a maximum gross weight in excess of sixteen thousand (16,000) pounds and using other fuels than gasoline shall pay a combined use and fuel fee as shown in Table "C."

3. Interstate motor vehicles or a combination of vehicles having a maximum gross weight in excess of six thousand (6,000) pounds not purchasing sufficient fuel for miles traveled in Idaho shall be charged in accordance with schedule "B."

4. The director shall require a bond in an amount equal to the estimated quarterly tax payments of the fuel user as computed by schedule "B" above, but such bond shall in no event be less than the sum of five hundred dollars ($500). Such bond duly executed by such fuel user as principal with a corporate surety qualified under the provisions of title 41, chapter 27, Idaho Code, shall be payable to the state of Idaho conditioned upon faithful performance of all requirements of chapter 1, title 49, Idaho Code, including the payment of all taxes, penalties and other obligations of such fuel user, arising out of said chapter.

5. An applicant for registration of a commercial vehicle, a noncommercial vehicle or a farm vehicle, as defined in subsection (d) hereof, shall set forth the maximum gross weight of such vehicle or combination of vehicles and the applicant shall pay any annual registration fees and any
annual license fees on trailers and semi-trailers required herein at the time he makes application for registration; provided, no part of any such registration or license fees shall be subject to refund. Said use fee payment of which is herein required, shall be computed according to the schedule set forth in subsection (d) 6 hereof on the mileage operated over the highways of the state of Idaho and the owner of any vehicle against which a use fee is assessed, shall at the time of making his next quarterly report pay said use fee, if any, for the three (3) calendar months immediately prior thereto. In determining the mileage subject to such use fee, payment of which is required by said subsection (d) 6, there shall be deducted the miles traveled on roadways maintained with private funds by agreement with the public agency or agencies having jurisdiction over the same; provided, that in no event shall the total money credited to the owner for such mileage exceed the actual cost of maintenance expended by him.

(f) The license, registration and use fees as herein-before set forth shall not be applicable to utility trailers hereby defined as trailers or semi-trailers whose "light" or "unladen weight" is three thousand (3,000) pounds or less, designed primarily to be drawn behind passenger cars or pickup trucks for domestic and utility purposes, nor shall said fees be applicable to rental utility trailers hereby defined as utility trailers offered for hire to operators of private motor vehicles. The registration fees for utility trailers and rental utility trailers shall be in accordance with the following schedule:

<table>
<thead>
<tr>
<th>Light or Unladen Weight</th>
<th>Annual Registration Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Utility Trailers</td>
<td>Rental Utility Trailers</td>
</tr>
<tr>
<td>(Pounds)</td>
<td></td>
</tr>
<tr>
<td>0-1,000</td>
<td>$2.50</td>
</tr>
<tr>
<td>1,001-2,000</td>
<td>5.00</td>
</tr>
<tr>
<td>2,001-3,000</td>
<td>8.00</td>
</tr>
</tbody>
</table>

(g) The fee for all duplicate plates shall be two dollars ($2.00) for one (1) plate or two dollars and fifty cents ($2.50) per set of plates.

(h) Whenever a vehicle is completely destroyed by fire or accident and such operator submits satisfactory proof of such destruction to the department, the registration use increment and fees shall be transferred to the replacement vehicle for a service transfer fee of five dollars ($5.00). None of the original fees shall be subject to refund.
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.

NOTE: The Attorney General has ruled that this bill became law without the Governor's signature on March 31, 1976. The Governor signed this bill on April 1, 1976.

CHAPTER 329
(H.B. No. 739)

AN ACT

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

SECTION 1. There is hereby appropriated to the State Board of Education the amount of $5,100 from the General Fund, to be expended for per diem payments to members of the State Board of Education, for the period July 1, 1976 through June 30, 1977.

NOTE: The Attorney General has ruled that this bill became law without the Governor's signature on March 31, 1976. The Governor signed this bill on April 1, 1976.
CHAPTER 330

(H.B. No. 740)

AN ACT
APPROPRIATING GENERAL FUND SURPLUS MONEYS EXISTING ON JUNE 30, 1976, PRESCRIBING THE AMOUNTS TO BE APPROPRIATED, PRESCRIBING THE AGENCY APPROPRIATED TO, AND PRESCRIBING CERTAIN PURPOSES FOR THE USE OF THE MONEYS; AND DECLARING AN EMERGENCY.

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

SECTION 1. The balance of any surplus or unexpended and unencumbered balance in the General Fund as of June 30, 1976, remaining after the appropriation made by House Bill No. 732 and/or House Bill No. 733, Second Regular Session, Forty-third Idaho Legislature, is deducted, as determined by the State Auditor, is hereby appropriated in the following amounts and to the agencies and for the purposes indicated below.

(a) If available, the sum of $770,000, or so much thereof as may be necessary, 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) If available after the appropriation made in subparagraph (a), the sum of $157,000, or so much thereof as may be necessary, is hereby appropriated to the Department of Correction to purchase certain lands, described as the south one-half, Section 28, Township 2 North, Range 2 East, Boise Meridian.

(c) If available after the appropriation made in subparagraph (b), the sum of $1,000,000, is hereby appropriated to the Permanent Building 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.

NOTE: The Attorney General has ruled that this bill became law without the Governor's signature on March 31, 1976. The Governor signed this bill on April 1, 1976.
CHAPTER 331
(H.B. No. 741)

AN ACT
APPROPRIATING $11,700 FROM THE GENERAL FUND TO THE PUBLIC UTILITIES COMMISSION TO BE EXPENDED FOR THE DESIGNATED PROGRAM, ACCORDING TO THE DESIGNATED EXPENSE CLASS FOR THE PERIOD JULY 1, 1976, THROUGH JUNE 30, 1977.

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

SECTION 1. There is hereby appropriated to the Public Utilities Commission the following amount from the General Fund, to be expended for the designated program, according to the designated expense class, for the period July 1, 1976 through June 30, 1977:

A. ADMINISTRATION PROGRAM:

<table>
<thead>
<tr>
<th>FOR:</th>
<th>$11,700</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel Costs</td>
<td></td>
</tr>
<tr>
<td>FROM: General Fund</td>
<td>$11,700</td>
</tr>
</tbody>
</table>

NOTE: The Attorney General has ruled that this bill became law without the Governor's signature on March 31, 1976. The Governor signed this bill on April 1, 1976.
CHAPTER 332
(S.B. No. 1504)

AN ACT
RELATING TO OUTFITTERS AND GUIDES; AMENDING SECTION 36-5402, IDAHO CODE, TO REDEFINE THE TERMS "OUTFITTER" AND "GUIDE" AND THE TYPES OF RECREATIONAL ACTIVITIES ENCOMPASSED BY SUCH TERMS; AMENDING SECTION 36-5406, IDAHO CODE, TO PROVIDE THAT THE OUTFITTERS AND GUIDES BOARD MEMBER REPRESENTING THE FISH AND GAME COMMISSION MAY EITHER BE A MEMBER OF THE COMMISSION OR A PERSON SELECTED BY THE COMMISSION; AMENDING SECTION 36-5409, IDAHO CODE, TO PROVIDE THAT A RENEWAL OUTFITTER OR GUIDE LICENSE MAY BE ISSUED ON APPROVAL BY ONE OUTFITTERS AND GUIDES BOARD MEMBER WHERE THE APPLICANT THEREOF HAS NO ADVERSE INFORMATION AGAINST HIM ON FILE; AMENDING SECTION 36-5413, IDAHO CODE, TO PROVIDE THAT AN OUTFITTER OR GUIDE LICENSE MAY BE REVOKED OR SUSPENDED FOR IMMORAL, UNETHICAL OR DISHONORABLE CONDUCT IN THE FIVE YEAR PERIOD NEXT PRECEDING THE LICENSE APPLICATION DATE AND/OR FOR VIOLATION OF OR NONCOMPLIANCE WITH THE OUTFITTERS AND GUIDES ACT OR LAWFUL RULE, REGULATION OR ORDER OF THE OUTFITTERS AND GUIDES BOARD; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 36-5402, Idaho Code, be, and the same is hereby amended to read as follows:

36-5402. DEFINITIONS. (1) "Person"--includes any individual, firm, partnership, corporation or other organization or any combination thereof.

(2) "Outfitter"--includes any person who, in any manner, advertises or holds himself out to the public for hire providing facilities and services for the conduct of hunting, fishing, or other recreational excursions, for the conduct of outdoor recreational activities limited to the following: hunting animals or birds; float or power boating on Idaho rivers and streams; fishing; and hazardous mountain excursions and maintains, leases or otherwise uses equipment or accommodations for such purposes, including boats or other floating craft when used on any stream and the rivers.
of Idaho, excepting such as may be reasonable or necessary for the purpose of conducting or operating his personal business or occupation other than outfitting. Any firm, partnership, corporation or other organization or combination thereof operating as an outfitter shall designate one (1) or more individuals as agents who shall conduct its operations and who shall meet all of the qualifications of a licensed outfitter.

(3) "Guide"—is any natural person, who, for compensation or other gain, or promise thereof, furnishes personal services in assisting or guiding any person to locate, hunt, trap, capture, photograph or kill any animal or bird, or to catch any fish in the state of Idaho for the conduct of outdoor recreational activities limited to the following: hunting animals or birds; float or power boating on Idaho rivers and streams; fishing; and hazardous mountain excursions, except any employee of the state of Idaho or the United States when acting in his official capacity. Any such person must be employed by an outfitter and anyone offering or providing such services who is not so employed shall be deemed to be an outfitter.

The term "guide" shall also include the furnishing of personal services in power boating or rafting on any streams or rivers in the state of Idaho.

(4) "Board"—means the Idaho outfitter's and guide's board.

(5) "Resident"—means a person who has resided in the state of Idaho for a period of six (6) months next preceding the time of application for license.

(6) "Nonresident"—means any person not included in subsection (5) above.

(7) "License year"—means that period of time beginning on April 1 and ending with March 31 of the following year.

(8) "Big Game Hunting Area"—means department of fish and game management unit or units, or portions thereof.

(9) "Individual"—means any person other than a partnership, corporation or any other organization or combination thereof.

SECTION 2. That Section 36-5406, Idaho Code, be, and the same is hereby amended to read as follows:

36-5406. APPOINTMENT AND QUALIFICATION OF MEMBERS—ORGANIZATION OF BOARD. One (1) member shall be a member of the Idaho fish and game commission, or a person selected by that body, shall be a permanent member of the board. One (1) member shall be selected from the public. Three (3) members of the board shall be qualified and licensed outfitters and
guides who have not had less than five (5) years' experience in the business of outfitting and guiding in the state of Idaho. Each appointment shall be for the term of three (3) years and each board member shall hold office for a term of three (3) years. Upon the death, resignation or removal of any but the permanent member of-the-board representing the fish and game commission the governor shall appoint a member to fill out the unexpired term. Immediately upon the creation of a vacancy in one of the positions held by an outfitter or guide, either through expiration of term, death, resignation or removal, the Idaho outfitter's and guide's association shall submit to the governor the names of two (2) qualified men for each such vacancy created and the appointment to fill such vacancy shall be made by the governor from the names submitted within thirty (30) days after the receipt by the governor of the names submitted. Appointments to fill any vacancy other than that created by the expiration of a term shall be made for the unexpired term. A majority of said board shall constitute a quorum. The board shall meet at least four (4) times a year, and at least two (2) meetings shall be held in Boise, Idaho. Each member of the board shall receive compensation at the rate of twenty-five dollars ($25.00) per day while attending official meetings of the board or on official business authorized by said board and they shall be compensated for their actual and necessary expenses while engaged in the business of the board, such compensation to be paid from the Idaho outfitter's and guide's license fund, except for the permanent member representing the fish and game commission who shall receive the compensation and expenses provided for in chapter 1, title 36, Idaho Code, which shall be paid by the Idaho fish and game commission; provided, that for the purposes of this act, the limitation upon salary in section 36-102(b), Idaho Code, shall not apply.

The present members of the Idaho outfitter's and guide's board heretofore appointed by the governor are hereby confirmed in office for the remainder of their respective terms in which they are now serving.

SECTION 3. That Section 36-5409, Idaho Code, be, and the same is hereby amended to read as follows:

36-5409. FORM AND TERM OF LICENSE -- NOTICE OF DENIAL. (a) Upon concurrence of a majority, the board, in its discretion may issue a license to any applicant who has filed an application in proper form with the board, including but not limited to payment of the license fee and furnishing of bond. Said license shall be in the form prescribed by the board, and shall be valid for the licensing
year in which issued from the date issued until the end of the license year in which it is issued; provided, that no outfitter's or guide's license may be assigned or otherwise transferred either by any holder thereof or by operation of law except as provided in this chapter.

(b) A license granted by the board shall specify the activities licensed and the exact territorial limits of the outfitter's area of operation, and, when the license includes outfitting for big game hunting, it shall specify the species of game to be hunted. In so approving and/or licensing any outfitter's or guide's activity, the board shall consider the following matters, among others:

1. The length of time in which the applicant has operated in that area,
2. The extent to which the applicant is qualified by reason of experience, equipment or resources to operate in that area:
3. The applicant's previous safety record;
4. The accessibility of the area, the particular terrain, and the weather conditions normal to that area during the outfitter's or guide's season.
5. The total amount of outfitter's area requested by any applicant giving due consideration to the effect which such area license grant would have upon the environment, the amount of game which can be harvested, and the number of persons which can be adequately served in the area.

(c) The board shall refuse to issue any license to any applicant for an outfitter's or guide's license whom the board finds is not a competent person of good moral character; not a citizen of the United States; less than eighteen (18) years of age; not a resident of Idaho, unless waived as provided herein, and does not possess a working knowledge of the game and fishing laws of the state of Idaho and the regulations of the United States forest service. The board shall also refuse to issue an outfitter's license to any applicant whom the board finds does not have sufficient financial responsibility to conduct adequately the business of an outfitter. The board shall refuse to issue any license to a firm, partnership, corporation or other organization or any combination thereof which fails to have at least one (1) designated agent conducting its outfitting business who meets all of the qualifications and requirements of a licensed outfitter. The board may also refuse to grant an outfitter's or guide's license to any applicant for violation of any of the provisions hereinafter specified in this chapter as grounds for revocation or suspension of an outfitter's or guide's license. If the application is denied, the board shall notify the applicant, in writing, of
the reasons for such denial within ten (10) days and if the applicant shall correct, to the satisfaction of the board, such reasons within thirty (30) days of receipt of such notice and if, thereafter, a majority of the board concur, the board may issue a license to the applicant.

(d) No license shall be issued by the board until a majority thereof has reported favorably thereon; except, an application for a license identical to a license held during the previous year may be issued on approval by one (1) board member providing there is no adverse information on file regarding the applicant.

SECTION 4. That Section 36-5413, Idaho Code, be, and the same is hereby amended to read as follows:

36-5413. REVOCATION OR SUSPENSION OF LICENSE -- GROUNDS. Every license shall, by virtue of this chapter, be subject to suspension or revocation by the board in the manner hereinafter set forth: for the following acts whether or not such acts were committed by the applicant before an application for license was filed or a license was granted:

1. For supplying false information on the application form or for failure to provide information required to be furnished by the license application form for a license currently valid or for other fraud or deception in procuring a license under the provisions of this chapter.

2. For fraudulent, untruthful or misleading advertising in the five (5) year period next preceding the date of application for an outfitter's or guide's license;

3. For conviction for any felony;

4. For conviction of violation of regulations of the United States forest service in regard to the business of outfitting and guiding in the five (5) year period next preceding the date of application for an outfitter's or guide's license;

5. For immoral, unethical or dishonorable conduct in the licensee's relation to his guest or patron in the five (5) year period next preceding the date of application for an outfitter's or guide's license;

6. For conviction of any violation of the fish and game laws of the state in the five (5) year period next preceding the date of application for an outfitter's or guide's license. For the purposes of this chapter, the term "conviction" shall mean a final conviction and/or a forfeiture of bail or collateral deposited to secure a defendant's appearance shall be equivalent to a conviction;

7. For a substantial breach of any contract with an person utilizing his services in the five (5) year period.
next preceding the date of application for an outfitter's or guide's license;

8. For wilfully operating as an outfitter in any area for which he is not licensed in the two (2) year period next preceding the date of application for an outfitter's or guide's license;

9. For the knowing employment of an unlicensed guide by an outfitter in the three (3) year period next preceding the date of application for an outfitter's or guide's license;

10. For inhumane treatment of any animal used by the licensed outfitter or guide in the conduct of his business which endangers the health or safety of any guest or patron or which interferes with the conduct of his business in the three (3) year period next preceding the date of application for an outfitter's or guide's license;

11. For failure by any firm, partnership, corporation or other organization or any combination thereof licensed as an outfitter to have at least one (1) licensed outfitter as designated agent conducting its outfitting business who meets all of the qualifications and requirements of a licensed outfitter in the three (3) year period next preceding the date of application for an outfitter's or guide's license.

12. For the failure to provide any animal used by the licensed outfitter or guide in the conduct of his business with proper food, drink and shelter, or for the subjection of any such animal to needless abuse or cruel and inhumane treatment.

13. For failure to serve the public. A showing by any interested person to the board that an outfitter has limited his scope of service to any individual, group, corporation or club which limits its services to a membership, or who does not offer services to the general public shall be grounds for revocation of a license.

14. For violation of or noncompliance with any applicable provision of this act, or for violation of any lawful rule, regulation, or order of the outfitters and guides board.

SECTION 5. This act shall be in full force and effect on and after July 1, 1976.

NOTE: The Attorney General has ruled that this bill became law without the Governor's signature on March 31, 1976. The Governor signed this bill on April 1, 1976.
AN ACT
PROVIDING FOR THE ANNUAL SALARY OF THE COUNTY COMMISSIONERS OF CERTAIN COUNTIES FOR THE YEAR 1976; DECLARING AN EMERGENCY AND PROVIDING FOR RETROACTIVE APPLICATION.

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

SECTION 1. The annual salaries of the county commissioners in the following named counties for 1976 shall be set forth as follows, the provisions of section 31-3104, Idaho Code, as amended by House Bill No. 720, Second Regular Session, Forty-third Idaho Legislature, notwithstanding:

Canyon $12,000

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 retroactive to January 1, 1976.

NOTE: The Attorney General has ruled that this bill became law without the Governor's signature on March 31, 1976. The Governor signed this bill on April 1, 1976.
CHAPTER 334
(S.B. No. 1561)

AN ACT
PROVIDING FOR THE ANNUAL SALARY OF THE PROSECUTING ATTORNEY
OF CERTAIN COUNTIES FOR THE YEAR 1976; DECLARING AN
EMERGENCY AND PROVIDING FOR RETROACTIVE APPLICATION.

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

SECTION 1. The annual salaries of the prosecuting attorneys in the following named counties for 1976 shall be set forth as follows, the provisions of section 31-3113, Idaho Code, as amended by House Bill No. 721, Second Regular Session, Forty-third Idaho Legislature, notwithstanding:

Canyon $20,000

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 retroactive to January 1, 1976.

NOTE: The Attorney General has ruled that this bill became law without the Governor's signature on March 31, 1976. The Governor signed this bill on April 1, 1976.
CHAPTER 335

(S.B. No. 1556)

AN ACT


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

SECTION 1. There is hereby appropriated to the Supreme Court from the General Fund, the sum of $100,600 for the period July 1, 1976, through June 30, 1977, for the purpose of providing salary increases and related personnel benefits for supreme court justices and district court judges.

NOTE: The Attorney General has ruled that this bill became law without the Governor's signature on March 31, 1976. The Governor signed this bill on April 1, 1976.
CHAPTER 336
(S.B. No. 1555)

AN ACT

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

SECTION 1. There is hereby appropriated to the Supreme Court from the General Fund, the sum of $42,000 for the period July 1, 1976, through June 30, 1977, for the purpose of providing salary increases and related personnel benefits for court reporters.

NOTE: The Attorney General has ruled that this bill became law without the Governor's signature on March 31, 1976. The Governor signed this bill on April 1, 1976.
CHAPTER 337

(S.B. No. 1553)

AN ACT

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 as appropriated in sections 2 through 5 of this act not exceed the following amounts for the period July 1, 1976 through June 30, 1977.

<table>
<thead>
<tr>
<th>FOR:</th>
<th>FROM:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel Costs</td>
<td>General Fund</td>
</tr>
<tr>
<td>$ 350,300</td>
<td>$ 681,000</td>
</tr>
<tr>
<td>Operating Expenditures</td>
<td>Miscellaneous Receipts Fund</td>
</tr>
<tr>
<td>219,300</td>
<td>22,100</td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>Federal Funds:</td>
</tr>
<tr>
<td>7,000</td>
<td>Idaho Commission on Arts &amp; Humanities Fund</td>
</tr>
<tr>
<td>Trustee &amp; Benefit Payments</td>
<td>311,900</td>
</tr>
<tr>
<td>438,400</td>
<td>TOTAL</td>
</tr>
<tr>
<td>TOTAL  $1,015,000</td>
<td>$1,015,000</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 funds for the period July 1, 1976 through June 30, 1977:
## PROGRAM PERSONNEL OPERATING CAPITAL BENEFIT COSTS EXPENDITURES OUTLAY PAYMENTS TOTAL

<table>
<thead>
<tr>
<th>PROGRAM OF THE SECRETARY OF STATE OFFICE:</th>
<th>FROM:</th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>General Fund</td>
<td>Miscellaneous Receipts</td>
<td></td>
<td>TOTAL</td>
</tr>
<tr>
<td>Operation</td>
<td>$298,000</td>
<td>$172,300</td>
<td>$7,000</td>
<td>$477,300</td>
</tr>
<tr>
<td>Miscellaneous Receipts Fund</td>
<td>$35,300</td>
<td></td>
<td></td>
<td>$35,300</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$333,300</td>
<td>$172,300</td>
<td>$7,000</td>
<td>$512,600</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, 1976 through June 30, 1977:

<table>
<thead>
<tr>
<th>PROGRAM COMMISSION ON UNIFORM STATE LAWS:</th>
<th>FROM:</th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>General Fund</td>
<td></td>
<td></td>
<td>TOTAL</td>
</tr>
<tr>
<td>Personnel</td>
<td>$1,300</td>
<td></td>
<td></td>
<td>$1,300</td>
</tr>
<tr>
<td>Operating</td>
<td>$6,100</td>
<td></td>
<td></td>
<td>$6,100</td>
</tr>
<tr>
<td>Capital Outlay</td>
<td></td>
<td></td>
<td></td>
<td>$7,400</td>
</tr>
<tr>
<td>Trustee and Benefit Payments</td>
<td></td>
<td></td>
<td></td>
<td>$7,400</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$18,800</td>
<td></td>
<td></td>
<td>$18,800</td>
</tr>
</tbody>
</table>

## SECTION 4.

There is hereby appropriated to 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, 1976 through June 30, 1977:

<table>
<thead>
<tr>
<th>PROGRAM ARTS AND HUMANITIES COMMISSION:</th>
<th>FROM:</th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>General Fund</td>
<td>Miscellaneous Receipts</td>
<td>Idaho Commission on Arts &amp; Humanities</td>
<td>TOTAL</td>
</tr>
<tr>
<td>Personnel</td>
<td>$37,200</td>
<td></td>
<td></td>
<td>$37,200</td>
</tr>
<tr>
<td>Operating</td>
<td>$9,100</td>
<td></td>
<td></td>
<td>$9,100</td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>$5,000</td>
<td></td>
<td></td>
<td>$5,000</td>
</tr>
<tr>
<td>Trustee and Benefit Payments</td>
<td></td>
<td></td>
<td></td>
<td>$5,000</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$51,300</td>
<td>$5,000</td>
<td></td>
<td>$56,300</td>
</tr>
</tbody>
</table>

## SECTION 5.

There is hereby appropriated to the Secretary of State for payment of the costs of Presidential Preference Primary the sum of $150,000 from the General Fund, to be expended from the trustee and benefit expense classification for the period July 1, 1976, through June 30, 1977.

---

**NOTE:** The Attorney General has ruled that this bill became law without the Governor's signature on March 31, 1976. The Governor signed this bill on April 1, 1976.
CHAPTER 338
(S. B. No. 1551)

AN ACT

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

SECTION 1. Chapters 21 and 44, Laws of 1974, relating to the Disaster Relief Fund, are hereby repealed.

SECTION 2. There is hereby appropriated out of the fund 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 purpose specified in this section.

FOR:
Construction of Phase II, Science Education Building, Boise State University $1,540,300
Fiscal Year 1976 General Fund moneys $1,540,300

SECTION 3. There is hereby appropriated out of the fund
enumerated the following amount, or so much thereof as may be necessary, to the Permanent Building Fund Advisory Council and the Division of Public Works for the purpose specified in this section.

FOR:
Construction of addition to library and archives, State Library $250,000
FROM:
Fiscal Year 1976 General Fund moneys $250,000

SECTION 4. There is hereby appropriated out of the fund enumerated the following amount, or so much thereof as may be necessary, to the Permanent Building Fund Advisory Council and the Division of Public Works for the purpose specified in this section.

FOR:
Planning and construction of core building and cell block wings, Idaho State Penitentiary $100,000
FROM:
Fiscal Year 1976 General Fund moneys $100,000

SECTION 5. 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, to be expended for the specified purpose for the Northwest College of Veterinary Medicine Program, for the period from the effective date of this act through June 30, 1977.

FOR:
Equipment for Veterinary Science Building, Caldwell $100,000
FROM:
Fiscal Year 1976 General Fund moneys $100,000

SECTION 6. 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 specified purpose for the State Grants and Library Construction Program of the State Library, for the period from the effective date of this act through June 30, 1977.

FOR:
Grants to local public libraries for construction $50,000
FROM:
Fiscal Year 1976 General Fund moneys $50,000
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.

NOTE: The Attorney General has ruled that this bill became law without the Governor's signature on March 31, 1976. The Governor signed this bill on April 1, 1976.

CHAPTER 339
(S.B. No. 1548, As Amended)

AN ACT
APPROPRIATING MONEYS 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, 1976, THROUGH JUNE 30, 1977; AND PROVIDING THAT THE STATE AUDITOR SHALL MAKE TRANSFERS FROM THE GENERAL FUND TO THE COOPERATIVE WELFARE FUND AS REQUESTED BY THE DIRECTOR OF THE DEPARTMENT OF HEALTH AND WELFARE AND APPROVED BY THE BOARD OF EXAMINERS; PROVIDING RESTRICTIONS ON PAYMENTS FOR ABORTIONS; AND PROVIDING SEVERABILITY.

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

SECTION 1. There is hereby appropriated to the Department of Health and Welfare the following amounts to be expended for the designated programs, from the listed funds, according to designated standard expense classes for the period from July 1, 1976, through June 30, 1977:
<table>
<thead>
<tr>
<th>PROGRAM</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>
</table>

A. DIVISION OF WELFARE:

1. Eligibility Services:

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>C. 339,76</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></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>
<td></td>
<td>$2,221,800</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>$3,964,600</td>
<td>$1,406,300</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>$277,800</td>
<td>$3,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>$3,964,600</td>
<td>$1,961,700</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>$17,340,300</td>
<td>$17,340,300</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>$11,420,100</td>
<td>$4,641,700</td>
</tr>
</tbody>
</table>

SECTION 2. The State Auditor shall make transfers of the enumerated state general funds to the Cooperative Welfare Fund periodically as requested by the director of the Department of Health and Welfare and approved by the Board of Examiners, not to exceed the amount provided herein.
SECTION 3. No funds available to the department of health and welfare, by appropriation or otherwise, shall be used to pay for abortions, unless it is the recommendation of two (2) consulting physicians that an abortion is necessary to save the life or health of the mother, or unless the pregnancy is a result of rape or incest as determined by the courts.

SECTION 4. 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.
AN ACT

EXPRESSING LEGISLATIVE INTENT WITH RESPECT TO EXPENDITURES FOR THE OFFICE OF THE GOVERNOR; APPROPRIATING MONEYS FROM THE FUNDS ENUMERATED TO THE OFFICE OF THE GOVERNOR, TO BE EXPENDED FOR DESIGNATED PROGRAMS ACCORDING TO DESIGNATED EXPENSE CLASSES FROM THE LISTED FUNDS FOR THE PERIOD JULY 1, 1976, THROUGH JUNE 30, 1977; APPROPRIATING MONEYS TO THE BUREAU OF STATE PLANNING AND COORDINATION FOR DESIGNATED PURPOSES TO BE EXPENDED IN DESIGNATED EXPENSE CLASSES FROM THE LISTED FUND FOR THE PERIOD FROM THE EFFECTIVE DATE OF THIS ACT THROUGH JUNE 30, 1977; APPROPRIATING MONEYS TO THE DIVISION OF COMMERCE AND DEVELOPMENT FOR THE IDAHO ALMANAC PROJECT TO BE EXPENDED IN THE DESIGNATED EXPENSE CLASSES FROM THE LISTED FUND FOR THE PERIOD JULY 1, 1976 THROUGH JUNE 30, 1977; PROVIDING THAT ALL RECEIPTS FROM SALE OF THE IDAHO ALMANAC SHALL BE DEPOSITED IN THE GENERAL FUND; APPROPRIATING $60,000 FROM THE GENERAL FUND TO THE NATIONAL GUARD EDUCATIONAL ENCOURAGEMENT FUND FOR THE PERIOD JULY 1, 1976 THROUGH JUNE 30, 1977; 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 Office of the Governor as set forth in sections 2 and 4 of this act, not exceed the following amounts for the period July 1, 1976, through June 30, 1977:

<table>
<thead>
<tr>
<th>FOR:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel Costs</td>
<td>$2,790,200</td>
</tr>
<tr>
<td>Operating Expenditures</td>
<td>2,030,600</td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>252,100</td>
</tr>
<tr>
<td>Trustee &amp; Benefit Payments</td>
<td>3,737,000</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$8,809,700</strong></td>
</tr>
</tbody>
</table>

FROM:

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>General Fund</td>
<td>$2,626,400</td>
</tr>
<tr>
<td>General Interaccount Fund</td>
<td>3,400</td>
</tr>
<tr>
<td>Dedicated Funds:</td>
<td></td>
</tr>
<tr>
<td>Idaho Development and Publicity Fund</td>
<td>137,500</td>
</tr>
<tr>
<td>National Guard Educational Encouragement Fund</td>
<td>60,000</td>
</tr>
<tr>
<td><strong>Federal Funds:</strong></td>
<td></td>
</tr>
</tbody>
</table>
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 funds for the period July 1, 1976, through June 30, 1977:

Urban Planning Project Fund........... 169,700
State Planning Fund.................. 652,800
Adjutant General Receipts Fund........ 793,900
Human Development Fund............. 45,300
Civil Defense Fund................... 267,500
Law Enforcement Planning Commission Fund 3,728,200
Criminal Justice Information Systems Fund 325,000

TOTAL........................................... $8,809,700
<table>
<thead>
<tr>
<th>PROGRAM</th>
<th>FOR PERSONNEL COSTS</th>
<th>FOR OPERATING EXPENDITURES</th>
<th>FOR CAPITAL OUTLAY</th>
<th>FOR TRUSTEE AND BENEFIT PAYMENTS</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. GOVERNOR'S OFFICE ADMINISTRATION:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Fund</td>
<td>$ 202,600</td>
<td>$ 80,300</td>
<td>$ 6,000</td>
<td></td>
<td>$ 288,900</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$ 202,600</td>
<td>$ 80,300</td>
<td>$ 6,000</td>
<td></td>
<td>$ 288,900</td>
</tr>
<tr>
<td>B. GOVERNOR'S RESIDENCE &amp; EXPENSE ACCOUNT:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Fund</td>
<td>$ 6,600</td>
<td>$ 12,700</td>
<td>$ 3,500</td>
<td></td>
<td>$ 22,800</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$ 6,600</td>
<td>$ 12,700</td>
<td>$ 3,500</td>
<td></td>
<td>$ 22,800</td>
</tr>
<tr>
<td>C. PACIFIC NORTHWEST REGIONAL COMMISSION:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Fund</td>
<td></td>
<td>$ 33,400</td>
<td></td>
<td></td>
<td>$ 33,400</td>
</tr>
<tr>
<td>TOTAL</td>
<td></td>
<td>$ 33,400</td>
<td></td>
<td></td>
<td>$ 33,400</td>
</tr>
<tr>
<td>D. TOURISM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Fund</td>
<td>$ 103,700</td>
<td>$ 165,300</td>
<td></td>
<td></td>
<td>$ 269,000</td>
</tr>
<tr>
<td>Idaho Development and Publicity Fund</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>$ 120,800</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$ 103,700</td>
<td>$ 286,100</td>
<td></td>
<td></td>
<td>$ 389,800</td>
</tr>
<tr>
<td>E. INDUSTRIAL DEVELOPMENT:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Fund</td>
<td>$ 36,400</td>
<td>$ 36,800</td>
<td></td>
<td></td>
<td>$ 73,200</td>
</tr>
<tr>
<td>Idaho Development and Publicity Fund</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>$ 16,700</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$ 36,400</td>
<td>$ 53,500</td>
<td></td>
<td></td>
<td>$ 89,900</td>
</tr>
<tr>
<td>F. MILITARY DIVISION ADMINISTRATION:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Fund</td>
<td>$ 275,700</td>
<td>$ 31,500</td>
<td>$ 2,800</td>
<td></td>
<td>$ 310,000</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$ 275,700</td>
<td>$ 31,500</td>
<td>$ 2,800</td>
<td></td>
<td>$ 310,000</td>
</tr>
<tr>
<td>G. ADMINISTERING MILITARY FACILITIES:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Fund</td>
<td>$ 73,800</td>
<td>$ 262,600</td>
<td>$ 23,500</td>
<td></td>
<td>$ 359,900</td>
</tr>
<tr>
<td>Adjutant General Receipts Fund</td>
<td>$ 26,900</td>
<td></td>
<td></td>
<td></td>
<td>$ 26,900</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$ 73,800</td>
<td>$ 269,500</td>
<td>$ 23,500</td>
<td></td>
<td>$ 386,800</td>
</tr>
<tr>
<td>PROGRAM</td>
<td>FOR PERSONNEL COSTS</td>
<td>FOR OPERATING EXPENDITURES</td>
<td>FOR CAPITAL OUTLAY</td>
<td>FOR TRUSTEE AND BENEFIT PAYMENTS</td>
<td>TOTAL</td>
</tr>
<tr>
<td>-------------------------------------------------</td>
<td>---------------------</td>
<td>----------------------------</td>
<td>--------------------</td>
<td>-----------------------------------</td>
<td>-----------</td>
</tr>
<tr>
<td>H. ADMINISTERING FEDERAL &amp; STATE CONTRACTS:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Fund</td>
<td>$ 58,600</td>
<td>$ 55,900</td>
<td>$ 1,400</td>
<td></td>
<td>$ 115,900</td>
</tr>
<tr>
<td>Adjutant General</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Receipts Fund</td>
<td>400,700</td>
<td>362,200</td>
<td>4,100</td>
<td></td>
<td>767,000</td>
</tr>
<tr>
<td>TOTAL</td>
<td>459,300</td>
<td>418,100</td>
<td>5,500</td>
<td></td>
<td>882,900</td>
</tr>
<tr>
<td>I. ADMINISTERING DISASTER SERVICES:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Fund</td>
<td>$ 55,400</td>
<td>$ 32,400</td>
<td>$ 400</td>
<td></td>
<td>$ 88,200</td>
</tr>
<tr>
<td>Civil Defense Fund</td>
<td>212,100</td>
<td>51,900</td>
<td>3,500</td>
<td></td>
<td>267,500</td>
</tr>
<tr>
<td>TOTAL</td>
<td>267,500</td>
<td>84,300</td>
<td>3,900</td>
<td></td>
<td>355,700</td>
</tr>
<tr>
<td>J. ADMINISTERING STATE FLAGS:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Fund</td>
<td>$ 2,000</td>
<td></td>
<td></td>
<td></td>
<td>$ 2,000</td>
</tr>
<tr>
<td>TOTAL</td>
<td>2,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>K. NATIONAL GUARD EDUCATIONAL ENCOURAGEMENT:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>National Guard Educational Encouragement Fund</td>
<td>$ 60,000</td>
<td></td>
<td></td>
<td></td>
<td>$ 60,000</td>
</tr>
<tr>
<td>TOTAL</td>
<td>60,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>L. LAW ENFORCEMENT PLANNING OPERATIONS:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Fund</td>
<td>$ 70,300</td>
<td>$ 82,200</td>
<td></td>
<td></td>
<td>$ 152,500</td>
</tr>
<tr>
<td>Law Enforcement Planning Commission Fund</td>
<td>297,600</td>
<td>30,600</td>
<td></td>
<td></td>
<td>328,200</td>
</tr>
<tr>
<td>TOTAL</td>
<td>367,900</td>
<td>112,800</td>
<td></td>
<td></td>
<td>480,700</td>
</tr>
<tr>
<td>M. POLICE OFFICERS STANDARDS &amp; TRAINING:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Fund</td>
<td>$ 79,500</td>
<td>$ 30,500</td>
<td>$ 4,900</td>
<td></td>
<td>$ 114,900</td>
</tr>
<tr>
<td>TOTAL</td>
<td>79,500</td>
<td>30,500</td>
<td>4,900</td>
<td></td>
<td>114,900</td>
</tr>
<tr>
<td>PROGRAM</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>------------------</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>PERSONNEL</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>OPERATING</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>CAPITAL</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>BENEFIT</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>COSTS</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>EXPENDITURES</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>OUTLAY</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>PAYMENTS</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>N. UPGRAADING CRIMINAL JUSTICE:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Law Enforcement Planning Fund</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTAL $3,400,000 $3,400,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>O. BUDGET ANALYSIS:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Fund $209,100 $44,300 $253,400</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTAL $209,100 $44,300 $253,400</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>P. STATE PLANNING &amp; COORDINATION:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Fund $73,000 $16,300 $89,300</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Urban Planning Project Fund 56,000 113,700 $169,700</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>State Planning Fund 76,500 87,900 500 $216,900</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTAL $205,500 $217,900 $500 $247,900</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Q. LOCAL ASSISTANCE:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Fund $30,200 $12,100 $42,300</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>State Planning Fund 94,500 55,900 500 $155,900</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTAL $124,700 $68,000 $500 $193,200</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>R. MANAGEMENT ANALYSIS:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Fund $121,400 $21,000 $143,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTAL $121,400 $21,000 $143,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>S. CRIMINAL JUSTICE INFORMATION SYSTEM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Fund $46,000 $300 $46,300</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Criminal Justice System Fund 7,400 117,600 $200,000 $325,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTAL $53,400 $117,900 $200,000 $371,300</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>T. HUMAN DEVELOPMENT:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Human Development Fund $24,300 $21,000 $45,300</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTAL $24,300 $21,000 $45,300</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>U. BUDGET POLICY PLANNING AND COORDINATION ADMINISTRATION:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Fund $160,200 $15,800 $400 $176,400</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Interaccount Fund 3,400 15,800 400 $179,800</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTAL $163,600 $15,800 $400 $179,800</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
SECTION 3. There is hereby appropriated to the Bureau of State Planning and Coordination the following amounts, to be expended for the designated purposes according to expense classes designated therein from the listed fund for the period from the effective date of this act through June 30, 1977:

**FOR:**
- Bear Lake Regional Planning
- Idaho Housing Authority

**FROM:**
- Fiscal Year 1976 General Fund Moneys

<table>
<thead>
<tr>
<th>PROGRAM</th>
<th>FOR PERSONNEL</th>
<th>FOR OPERATING</th>
<th>FOR CAPITAL</th>
<th>FOR TRUSTEE AND BENEFIT</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bear Lake Regional Planning</td>
<td>$10,000</td>
<td>$10,000</td>
<td></td>
<td></td>
<td>$20,000</td>
</tr>
<tr>
<td>Idaho Housing Authority</td>
<td>$38,100</td>
<td>$38,100</td>
<td></td>
<td></td>
<td>$76,200</td>
</tr>
</tbody>
</table>

SECTION 4. There is hereby appropriated to the Division of Commerce and Development the following amounts, to be expended for the Idaho Almanac Project according to expense classes designated therein from the listed fund for the period July 1, 1976 through June 30, 1977:

**FROM:**
- General Fund

<table>
<thead>
<tr>
<th>FROM</th>
<th>FOR</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Fund</td>
<td>$15,000 $30,000</td>
<td>$45,000</td>
</tr>
</tbody>
</table>

SECTION 5. All receipts accruing from the sale of the Idaho Almanac to be produced as a result of the appropriation in section 4 are hereby directed to be deposited in the General Fund and shall not serve to increase any appropriation.

SECTION 6. There is hereby appropriated to the National Guard Educational Encouragement Fund from the General Fund the amount of $60,000, for the period July 1, 1976, through June 30, 1977.

SECTION 7. This act shall be in full force and effect on and after July 1, 1976 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.
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, 1976, THROUGH JUNE 30, 1977 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, 1976, through June 30, 1977.

<table>
<thead>
<tr>
<th>FOR:</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel Costs</td>
<td>$25,487,700</td>
</tr>
<tr>
<td>Operating Expenditures</td>
<td>12,525,100</td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>60,897,400</td>
</tr>
<tr>
<td>Trustee &amp; Benefit Payments</td>
<td>1,549,100</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$100,459,300</strong></td>
</tr>
</tbody>
</table>

FROM:

Dedicated Funds:
- Alcohol Safety Action Program Fund $26,900
- State Aeronautics Fund 1,501,700
- State Highway Fund 97,151,700

Federal Funds:
- Idaho Traffic Safety Commission Fund 776,500

Other Funds:
- General Interaccount Fund 1,002,500

**TOTAL** $100,459,300

SECTION 2. There is hereby appropriated to the Idaho Transportation Department the following amounts, to be expended for designated programs according to expense classes designated therein from the listed funds for the period July 1, 1976, through June 30, 1977:
<table>
<thead>
<tr>
<th>PROGRAM</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><strong>A. GENERAL SUPPORT:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Highway Fund</td>
<td>$2,375,100</td>
<td>$693,900</td>
<td>$34,800</td>
<td></td>
<td>$3,103,800</td>
</tr>
<tr>
<td>General Interaccount Fund</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>$2,454,400</td>
<td>$1,005,900</td>
<td>$34,800</td>
<td></td>
<td>$3,495,100</td>
</tr>
<tr>
<td><strong>B. HIGHWAY CONSTRUCTION:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Highway Fund</td>
<td>$12,292,600</td>
<td>$2,336,400</td>
<td>$57,728,500</td>
<td></td>
<td>$72,357,500</td>
</tr>
<tr>
<td>General Interaccount Fund</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>$12,292,600</td>
<td>$2,350,300</td>
<td>$57,728,500</td>
<td></td>
<td>$72,371,400</td>
</tr>
<tr>
<td><strong>C. HIGHWAY MAINTENANCE:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Highway Fund</td>
<td>$10,381,700</td>
<td>$8,350,000</td>
<td>$2,952,800</td>
<td></td>
<td>$22,192,000</td>
</tr>
<tr>
<td>General Interaccount Fund</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>$10,381,700</td>
<td>$8,857,500</td>
<td>$2,952,800</td>
<td></td>
<td>$22,192,000</td>
</tr>
<tr>
<td><strong>D. AIR TRANSPORTATION:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>State Aeronautics Fund</td>
<td>$200,000</td>
<td>$157,200</td>
<td>$181,300</td>
<td>$350,000</td>
<td>$888,500</td>
</tr>
<tr>
<td>General Interaccount Fund</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>$217,300</td>
<td>$229,700</td>
<td>$181,300</td>
<td>$350,000</td>
<td>$978,300</td>
</tr>
<tr>
<td><strong>E. PUBLIC TRANSPORTATION:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Highway Fund</td>
<td>$4,100</td>
<td>$1,800</td>
<td></td>
<td></td>
<td>$5,900</td>
</tr>
<tr>
<td>State Aeronautics Fund</td>
<td>$16,100</td>
<td>$7,800</td>
<td></td>
<td>$589,300</td>
<td>613,200</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>$20,200</td>
<td>$9,600</td>
<td></td>
<td>$589,300</td>
<td>619,100</td>
</tr>
<tr>
<td><strong>F. TRAFFIC SAFETY PLANNING AND ADMINISTRATION:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Idaho Traffic Safety Commission Fund</td>
<td>$102,500</td>
<td>$64,200</td>
<td></td>
<td>$609,800</td>
<td>776,500</td>
</tr>
</tbody>
</table>
### G. ALCOHOL SAFETY

**ACTION PROJECT:**

<table>
<thead>
<tr>
<th>Type</th>
<th>Alcohol Safety Action</th>
<th>Program Fund</th>
<th>TOTAL</th>
<th>GRAND TOTALS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Budget</td>
<td>$19,000</td>
<td>$19,000</td>
<td>$60,897,400</td>
<td>$60,897,400</td>
</tr>
</tbody>
</table>

**SECTION 3.** There is hereby appropriated $29,100 from the Motor Vehicle Fund to the Idaho Traffic Safety Commission Fund to provide the required state matching money for operation of the Idaho Traffic Safety Commission for the period July 1, 1976 through June 30, 1977.

**NOTE:** The Attorney General has ruled that this bill became law without the Governor's signature on March 31, 1976. The Governor signed this bill on April 1, 1976.
CHAPTER 342
(S.B. No. 1538, As Amended in the House)

AN ACT
RELATING TO THE HUMAN RIGHTS COMMISSION; AMENDING SECTION 67-5902, IDAHO CODE, TO CHANGE THE DEFINITION OF AN EMPLOYER TO MEAN A PERSON WHO EMPLOYS TEN OR MORE EMPLOYEES; AMENDING SECTION 67-5903, IDAHO CODE, TO PROVIDE THAT MEMBERS OF THE COMMISSION BE APPOINTED WITH THE ADVICE AND CONSENT OF THE SENATE, AND TO PROVIDE THAT ONE MEMBER OF THE COMMISSION BE REPRESENTATIVE OF INDUSTRY AND ONE MEMBER BE REPRESENTATIVE OF LABOR; AMENDING SECTION 67-5906, IDAHO CODE, TO STRIKE REFERENCES TO DUTIES OF PROSECUTING ATTORNEYS, TO PROVIDE THAT THE COMMISSION MAY APPLY TO THE DISTRICT COURTS FOR PROCESS, AND TO PROVIDE THAT THE COMMISSION MAY ISSUE ORDERS; AMENDING SECTION 67-5911, IDAHO CODE, TO STRIKE REFERENCES TO INJUNCTION PROCEEDINGS, TO STRIKE REFERENCES TO CRIMINAL PENALTIES, AND TO PROVIDE THAT AN AGRIVIED PARTY MAY BRING AN ACTION FOR DAMAGES FOR VIOLATION OF LAW OR FAILURE TO OBEY AN ORDER OF THE COMMISSION; AMENDING SECTION 67-5912, IDAHO CODE, TO STRIKE REFERENCES TO PROSECUTING ATTORNEYS AND COUNTY ADVISORY COMMITTEES; AND REPEALING SECTIONS 67-5907 AND 67-5908, IDAHO CODE.

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

SECTION 1. That Section 67-5902, Idaho Code, be, and the same is hereby amended to read as follows:

67-5902. DEFINITIONS. In this act, unless the context otherwise requires:
(1) "Commission" means the commission on human rights created by this act;
(2) "Commissioner" means a member of the commission;
(3) "Discriminatory practice" means a practice designated as discriminatory under the terms of this act;
(4) "National origin" includes the national origin of an ancestor;
(5) "Person" includes an individual, association, corporation, joint apprenticeship committee, joint-stock company, labor union, legal representative, mutual company, partnership, any other legal or commercial entity, the
state, or any governmental entity or agency;

(6) "Employer" means a person who has ten or more employees or a person who as contractor or subcontractor is furnishing material or performing work for the state or a governmental entity or agency of the state and includes an agent of such a person;

(7) "Employment agency" means a person regularly undertaking with or without compensation to procure employees for an employer or to procure for employees opportunities to work for an employer and includes an agent of such a person;

(8) "Labor organization" includes;

(a) an organization of any kind, an agency or employee representation committee, group, association, or plan in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievance, labor disputes, wages, rates of pay, hours, or other terms or conditions of employment;

(b) a conference, general committee, joint or system board, or joint council which is subordinate to a national or international labor organization; or

(c) an agent of a labor organization.

(9) "Place of public accommodation" means a business, accommodation, refreshment, entertainment, recreation, or transportation facility of any kind, whether licensed or not, whose goods, services, facilities, privileges, advantages or accommodations are extended, offered, sold, or otherwise made available to the public;

(10) "Educational institution" means a public or private institution and includes an academy, college, elementary or secondary school, extension course, kindergarten, nursery, school system, or university and a business, nursing, professional, secretarial, technical, or vocational school; and includes an agent of an educational institution;

(11) "Real property" includes buildings, structures, real estate, lands, tenements, leaseholds, interests in real estate cooperatives, condominiums, and hereditaments, corporeal and incorporeal or any interest therein;

(12) "Real estate transaction" includes the sale, exchange, rental or lease of real property;

(13) "Housing accommodation" includes any improved or unimproved real property, or part thereof, which is used or occupied, or as the home or residence of one or more individuals;

(14) "Real estate broker or salesman" means a person, whether licensed or not, who, for or with the expectation of receiving a consideration, lists, sells, purchases, exchanges, rents, or leases real property, or who negotiates
or attempts to negotiate any of these activities, or who holds himself out as engaged in these activities, or who negotiates or attempts to negotiate a loan secured or to be secured by mortgage or other encumbrance upon real property, or who is engaged in the business of listing real property in a publication; or a person employed by or acting on behalf of any of these.

SECTION 2. That Section 67-5903, Idaho Code, be, and the same is hereby amended to read as follows:

67-5903. CREATION OF COMMISSION ON HUMAN RIGHTS -- MEMBERS -- APPOINTMENT. There is hereby created in the office of the governor the Idaho commission on human rights to consist of nine (9) members, all of whom shall be appointed by the governor, with the advice and consent of the senate, each for a term of three (3) years. In making the first appointments, the governor shall specify the term of each member, so that the terms of three (3) members expire each year. The terms of office of members of the commission holding office prior to July 1, 1974, shall terminate on July 1, 1974, and within thirty (30) days thereafter the governor shall appoint the members of the commission who shall serve staggered terms as provided by this section.

On and after July 1, 1976, the governor shall appoint members of the commission as terms of existing members expire so that the commission shall be comprised as follows: one (1) member shall be representative of industry; one (1) member shall be representative of labor; and seven (7) members shall be appointed at large.

SECTION 3. That Section 67-5906, Idaho Code, be, and the same is hereby amended to read as follows:

67-5906. POWERS AND DUTIES OF COMMISSION. The Idaho commission on human rights shall have the following powers and duties:

(1) To investigate complaints of alleged violation of this act and act upon its findings pursuant to the provisions contained in this act and chapter 52, title 67, Idaho Code;

(2) To make by-laws for its own government and procedure not inconsistent with the laws of this state;

(3) To maintain an office in the city of Boise and other offices within the state as it may deem necessary;

(4) To meet and exercise its powers at any place within the state;
(5) The prosecuting attorneys of the several counties shall have the duty of representing and shall appear for the commission in any court and shall enforce the provisions of this act. If the prosecuting attorney neglects or refuses to represent or appear for the commission or enforce the provisions of this act, the attorney general may order him to do so or may undertake the appearance, representation or enforcement himself. To apply to the district courts to enforce, prevent, restrain or enjoin violations of any orders of the commission made pursuant to the jurisdiction of the commission;

(6) To cooperate or contract with individuals and state, local and other agencies, both public and private, including agencies of the federal government and of other states;

(7) To accept public grants or private gifts, bequests, or other payments;

(8) To receive, initiate, investigate, seek to conciliate, hold hearings and refer its, make findings and recommendations to the prosecuting attorney, and issue orders;

(9) To furnish technical assistance requested by persons subject to this act to further compliance with the act or an order issued thereunder;

(10) To make studies appropriate to effectuate the purposes and policies of this act and to make the results thereof available to the public;

(11) To render at least annually a comprehensive written report to the governor and to the legislature. The report may contain recommendations of the commission for legislative or other action to effectuate the purposes and policies of this act.

(12) In accordance with chapter 52, title 67, Idaho Code, to adopt, promulgate, amend and rescind rules and regulations to effectuate the purposes and policies of this act, including regulations requiring the posting or inclusion in advertising material of notices prepared or approved by the commission.

SECTION 4. That Section 67-5911, Idaho Code, be, and the same is hereby amended to read as follows:

67-5911. INJUNCTIONS -- DAMAGES ---- Penalty. {11}--The commission is hereby authorized to institute injunction proceedings in the district court of competent jurisdiction, pursuant to the Idaho Rules of Civil Procedure, for cause shown, to restrain any person or persons from violating any
Any person aggrieved by a violation of this act or of chapter 73, title 10, Idaho Code by a failure to obey a lawful order of the commission, shall be entitled to bring an action for damages in a court of competent jurisdiction against the person or persons who committed such violation or failed to obey a lawful order of the commission. For a wilful violation of this act, damages may include punitive damages not to exceed $1,000 for each violation. The person so aggrieved by a violation of this act shall be entitled to join any injunction proceeding instituted by the commission under this section chapter, to seek the damage relief provided by this section chapter.

Every person shall be guilty of a misdemeanor who violates any provision of section 67-5909.

SECTION 5. That Section 67-5912, Idaho Code, be, and the same is hereby amended to read as follows:

67-5912. PERSONS IMMUNE FROM CIVIL PERSONAL LIABILITY FOR ACTS PERFORMED IN CONNECTION WITH CARRYING OUT PROVISIONS OF THIS ACT. The members of the commission, prosecuting attorneys, the attorney general and any personnel they employ or state employees they utilize and any member of a county advisory committee on human rights shall be immune from civil personal liability for any act performed or omitted in the course of carrying out the provisions of this act.

SECTION 6. That Sections 67-5907 and 67-5908, Idaho Code, be, and the same are hereby repealed.

NOTE: The Attorney General has ruled that this bill became law without the Governor's signature on March 31, 1976. The Governor signed this bill on April 1, 1976.
C.343 '76  IDAHO SESSION LAWS  1145

CHAPTER 343
(S.B. No. 1537, As Amended)

AN ACT
RELATING TO THE COMPENSATION AND RETIREMENT CONTRIBUTIONS OF JUDGES; AMENDING SECTION 59-502, IDAHO CODE, TO PROVIDE AN ANNUAL SALARY OF $31,500 FOR SUPREME COURT JUSTICES AND AN ANNUAL SALARY OF $28,500 FOR DISTRICT JUDGES; AMENDING SECTION 1-2004, IDAHO CODE, TO PROVIDE THAT THE MONTHLY CONTRIBUTION FROM JUSTICES AND JUDGES TO THE JUDGES' RETIREMENT FUND SHALL BE INCREASED, TO PROVIDE THAT THE EMPLOYER SHALL CONTRIBUTE AN AMOUNT EQUAL TO SEVEN PER CENT OF JUDICIAL SALARIES PAID AS A PART OF THE EMPLOYER'S CONTRIBUTION, AND TO STRIKE REFERENCES TO THE EIGHT YEAR SERVICE REQUIREMENT; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 59-502, Idaho Code, be, and the same is hereby amended to read as follows:

59-502. SALARIES OF JUDGES. The salary of the justices of the Supreme Court shall be thirty-one thousand five hundred dollars ($31,500) per annum, and the base salary of the judges of the district courts shall be twenty-seven thousand five hundred dollars ($27,500) per annum. Salaries of magistrates shall be as prescribed by section 1-2205(c), Idaho Code. Salaries shall be paid monthly as due out of the state treasury, but no justice of the Supreme Court or judge of the district court or magistrate shall be paid his salary, or any part thereof, unless he shall first take and subscribe an oath that there is not in his hands any matter in controversy not decided by him, which has been finally submitted for his consideration and determination thirty (30) days prior to his taking and subscribing said oath.

SECTION 2. That Section 1-2004, Idaho Code, be, and the same is hereby amended to read as follows:

1-2004. 'DEDUCTIONS FROM SALARIES OF JUSTICES AND JUDGES - MINIMUM CONTRIBUTIONS TO FUND. The state auditor shall deduct from the monthly compensation of each justice and
judge now holding office, and from the monthly compensation of each person who shall thereafter assume by election or appointment the office of a justice of the Supreme Court or a judge of a district court, an amount equal to 4% six percent (6%) of the current annual his monthly compensation on a-monthly-basis, and shall issue to such justice or judge a salary warrant in such reduced amount, and shall pay the withheld sums into the judges' retirement fund. Between the first and twentieth day of each month, the Supreme Court shall, from appropriations made for that purpose as part of the employer's contribution, remit to the judges' retirement fund an amount equal to seven percent (7%) of salaries paid during the previous month to justices and judges who are making contributions to the judges' retirement fund. The auditor shall each month transfer from the general fund of the state an amount equal to the total of such deductions so made from the monthly compensation of said justices and judges to the judges' retirement fund.

No person shall be entitled to receive the retirement compensation unless he shall have contributed to the judges' retirement fund for the years for which he has served and provided that he shall have served 8 years or more as a justice or judge.

SECTION 3. This act shall be in full force and effect on and after July 1, 1976.

NOTE: The Attorney General has ruled that this bill became law without the Governor's signature on March 31, 1976. The Governor signed this bill on April 1, 1976.
CHAPTER 344
(S.B. No. 1523, As Amended in the House)

AN ACT
RELATING TO ELECTION LAWS; AMENDING SECTION 34-437, IDAHO CODE, BY STRIKING REFERENCES TO THE SECRETARY OF STATE; AMENDING CHAPTER 4, TITLE 34, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 34-437A, IDAHO CODE, PROVIDING THAT THE SECRETARY OF STATE MAY UTILIZE THE COUNTY LISTS OF REGISTERED ELECTORS IN COMPILING A STATEWIDE LIST OF REGISTERED ELECTORS, PROVIDING THAT THE SECRETARY OF STATE SHALL FURNISH COPIES OF SUCH LIST AND BE COMPENSATED FOR THE COST, AND SPECIFYING PROHIBITED USES FOR SUCH LIST; AMENDING SECTION 34-501, RELATING TO PROCEDURES FOR CREATION OF A POLITICAL PARTY, BY ESTABLISHING MAY 30 AS THE DATE A NEW PARTY MUST FILE A QUALIFYING PETITION WITH THE SECRETARY OF STATE, AND BY STRIKING REFERENCE TO THE TIME OF HOLDING AN INITIAL CONVENTION; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 34-437, Idaho Code, be, and the same is hereby amended to read as follows:

34-437. FURNISHING LISTS OF REGISTERED ELECTORS -- RESTRICTIONS. (1) Each of the county clerks, upon receiving a request therefor not later than the sixtieth (60th) day before a general, special or primary election, shall supply to any individual, a list of the registered electors of the county on the sixtieth (60th) day before the election and their addresses, arranged in groups according to election precincts. The county clerks shall prepare an original of the above list at county expense. Any person desiring a copy of the original list shall be furnished the same, and the county clerk shall assess the individual an amount which will compensate the county for the cost of reproducing such copy.

(2) No person to whom a list of registered electors is made available or supplied under subsection (1) of this section and no person who acquires a list of registered
electors prepared from such list shall use any information contained therein for commercial purposes.

SECTION 2. That Chapter 4, 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 34-437A, Idaho Code, and to read as follows:

34-437A. SECRETARY OF STATE REQUIRING LISTS OF REGISTERED ELECTORS. The secretary of state may require each county clerk to submit to him, for use in compiling a statewide list of registered electors, the current list of registered electors as described in section 34-437, Idaho Code. Any person desiring a copy of the statewide list of registered electors shall be furnished the same, and the secretary of state shall assess the individual an amount which will compensate the state for the cost of reproducing such copy.

No person to whom a list of statewide electors is furnished and no person who acquires a list of statewide electors prepared from such list shall use any information contained therein for commercial purposes.

SECTION 3. That Section 34-501, Idaho Code, be, and the same is hereby amended to read as follows:

34-501. "POLITICAL PARTY" DEFINED -- PROCEDURES FOR CREATION OF A POLITICAL PARTY. (1) A "political party" within the meaning of this act, is an organization of electors under a given name. A political party shall be deemed created and qualified to participate in elections in any of the three (3) ways:

(a) By having three (3) or more candidates for state or national office listed under the party name at the last general election, or

(b) If at the last preceding gubernatorial election there was polled for any one (1) of its candidates for any state or national office, at least three per cent (3%) of the aggregate vote cast for the office of governor, or

(c) By an affiliation of not less than fifteen hundred (1,500) electors, who shall, at least thirty-(30)-days-prior to--the--last--day---provided-by-law-for-the-holding-of-state party-conventions on or before May 30th, file with the secretary of state a petition that they desire recognition as a political party, which said petition shall contain:

(A) The name of the proposed party.

(B) That the subscribers thereto have affiliated one
with another, for the purpose of forming such party.

(C) That the subscribers to such notice intend to nominate at least three (3) candidates for state or national offices whereupon such affiliation shall, under the party name chosen, have all the rights of a political party whose ticket shall have been on the ballot at the preceding general election.

(2) The party or group shall after filing a qualified petition proceed to hold a state convention in the manner and at the time provided by law; provided, that at the initial convention of any such newly-organized political party, all members of the party shall be entitled to attend the convention and participate in the election of officers and the nomination of candidates. Thereafter, the conduct of any subsequent conventions shall be as provided by law. The names of the electors so petitioning need not all be on one (1) petition, but may be on one (1) or more petitions but each petition shall be verified by at least one (1) signer thereof to the effect that the signers are qualified electors of the state of Idaho according to his best information and belief.

SECTION 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.

NOTE: The Attorney General has ruled that this bill became law without the Governor's signature on March 31, 1976. The Governor signed this bill on April 1, 1976.
CHAPTER 345
(S.B. No. 1516, As Amended in the House)

AN ACT
PROVIDING FOR THE LICENSING OF FOREIGN CORPORATIONS AS A LIMITED PERMITTEE PURSUANT TO CHAPTER 22, TITLE 26, IDAHO CODE; ESTABLISHING THE CONDITIONS OF ISSUING A PERMIT; REQUIRING COMPLIANCE BY A LIMITED PERMITTEE WITH THE PROVISIONS OF CHAPTER 22, TITLE 26, IDAHO CODE, WITH CERTAIN EXCEPTIONS; AND PROVIDING THAT A LIMITED PERMITTEE MAY CONTRACT WITH PERSONS TO ACT ON ITS BEHALF IN THE STATE OF IDAHO, WHICH PERSONS, UNDER CERTAIN CONDITIONS, SHALL NOT BE REQUIRED TO BE AN EMPLOYEE OF A LIMITED PERMITTEE.

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

SECTION 1. (a) A foreign corporation may, upon application filed with the department of finance of the state of Idaho, be issued a permit to do business as a collection agency in Idaho, pursuant to chapter 22, title 26, Idaho Code, if such corporation:

(i) is qualified to do business in the state of Idaho, and
(ii) is the holder of a valid permit or license to do business as a collection agency in the state where it has its principal place of business and where it is domiciled, and
(iii) directs debtors to pay accounts directly to the debtor's creditor, and
(iv) initiates collection activities with debtors solely through the use of written communication, and
(v) is paid its collection commission directly by its customer pursuant to periodic billings sent to its customers.

(b) An application filed pursuant to this act shall comply with the provisions of section 26-2224, Idaho Code, and section 26-2225, Idaho Code.

(c) The director of the department of finance of the state of Idaho shall examine each application for a permit hereunder in the manner provided in section 26-2229, Idaho Code, and if the applicant is found to be qualified under the provisions of this act, shall cause a permit to be issued authorizing the applicant to conduct a business in
this state in the manner set forth in subsection (a) hereof. An applicant who has been issued a permit pursuant to this act shall be known as a "limited permittee." If the director finds that the applicant does not qualify under the provisions of this act, the application shall be denied.

SECTION 2. (a) A limited permittee must, throughout the term for which a permit is issued:

(i) Designate an office in the state of Idaho through which it may be contacted during normal business hours on each business day. A business day, within the meaning of this section, does not include Saturday, Sunday or legal holidays. Such designation shall be accomplished by the limited permittee filing with the director, the address and telephone number of such office and the name of the individual person in charge of such office. The person in charge of such office shall be an Idaho resident.

(ii) Maintain its books and records in accordance with generally accepted accounting practices. A limited permittee may maintain its books of record at its principal place of business outside the state of Idaho. The director or his duly authorized representatives may make an annual examination of the principal place of business of a limited permittee outside the state of Idaho, and for that purpose the director shall have free access to the offices and places of business, books, creditors' accounts, trust accounts, business accounts, records, papers, files, safes and vaults of all such permittees. The actual cost of examination or investigation shall be paid to the director by each permittee so examined or investigated at a rate per diem to be established by a regulation promulgated by the director at the beginning of each year, and in addition thereto, all travel costs connected therewith, and the director may maintain an action for the recovery of such costs against the permittee or against the surety providing the bond to indemnify the state for such expenditures as required by chapter 22, title 26, Idaho Code.

(iii) Maintain the qualifications and the method of conducting its business as set forth in section 1, of this act.


(b) The failure of a limited permittee to comply with the provisions of subsection (a) hereof shall constitute grounds for denial, revocation, or cancellation of a permit.
pursuant to section 26-2235, Idaho Code.

SECTION 3. A limited permittee may contract for the services of persons to act on its behalf within the state of Idaho, which person shall be licensed pursuant to section 26-2240, Idaho Code. A person who applies for a license herein shall not be required to be an employee of a limited permittee if such person files with the director an irrevocable written consent, executed by the licensee and the limited permittee, providing that for the purposes of chapter 22, title 26, Idaho Code, the limited permittee shall be responsible for acts and conduct of the licensee relating to the collection agency business to the same extent and with the same effect as if such licensee were an employee. Any licensee under this section shall comply with all provisions of section 26-2232, Idaho Code, and shall otherwise comply with the provisions of chapter 22, title 26, Idaho Code.

NOTE: The Attorney General has ruled that this bill became law without the Governor's signature on March 31, 1976. The Governor signed this bill on April 1, 1976.
CHAPTER 346
(S.B. No. 1508, As Amended in the House)

AN ACT

TO REPLACE THE POSITION OF "PRECINCT COMMITTEEEMAN" WITH THE NEW POSITION OF "PRECINCT COMMITTEEEMAN AND VOTERS' DELEGATE TO THE PARTY'S COUNTY AND DISTRICT CONVENTIONS" FOR ANY POLITICAL PARTY WHOSE CHAIRMAN DULY REQUESTS SUCH A CHANGE; AMENDING CHAPTER 6, TITLE 34, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 34-624A, IDAHO CODE, PROVIDING A PROCEDURE WHEREBY THE STATE CHAIRMAN OF ANY IDAHO POLITICAL PARTY MAY INITIATE A CHANGE TO REPLACE THE POSITION OF "PRECINCT COMMITTEEEMAN" OF HIS PARTY, TO THAT OF "PRECINCT COMMITTEEEMAN AND VOTERS' DELEGATE TO THE PARTY'S COUNTY AND DISTRICT CONVENTIONS", PRESCRIBING DUTIES OF IMPLEMENTATION FOR THE SECRETARY OF STATE UPON RECEIPT OF A PROPER REQUEST, CLARIFYING THE CONSTRUCTION WHICH SHOULD BE GIVEN TO THE TERM "PRECINCT COMMITTEEEMAN" OR ITS PLURAL FORM; AND DECLARING AN EMERGENCY.

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 34-624A, Idaho Code, and to read as follows:

34-624A. ALTERNATIVE TO PRECINCT COMMITTEEEMAN -- PRECINCT COMMITTEEEMAN AND VOTERS' DELEGATE TO THE PARTY'S COUNTY AND DISTRICT CONVENTIONS. (1) At least sixty (60) days prior to an election at which precinct committeemen are to be elected, the state chairman of any Idaho political party may request the secretary of state to replace, as to that party chairman's party, the ballot position title of "precinct committeeman" with the ballot position title "precinct committeeman and voters' delegate to the party's county and district conventions." The party chairman making such a request to the secretary of state shall include with his request a sworn and acknowledged affidavit stating that he is the party chairman for his political party and that it is the state policy of his party that precinct committeemen be delegates to the party's county and district conventions.

(2) Upon receipt of such request and affidavit, the secretary of state shall have the duty to implement the
request when prescribing the form and content of ballots and related documents and when preparing ballot instructions for Idaho counties.

(3) After the secretary of state has ordered such use, whenever the title "precinct committeeman" or its plural form shall be used in the Idaho Code, the title shall be construed to include within its meaning the title "precinct committeeman and voters' delegate to the party's county and district conventions" or its plural form.

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.

NOTE: The Attorney General has ruled that this bill became law without the Governor's signature on March 31, 1976. The Governor signed this bill on April 1, 1976.
CHAPTER 347
(S.B. No. 1503, As Amended in the House)

AN ACT
RELATING TO COUNTY FAIR BOARDS; AMENDING SECTION 22-202,
IDAHO CODE, TO PROVIDE, IN COUNTIES IN WHICH THE POPU-
LATION EXCEEDS 75,001, FOR THE APPOINTMENT OF BOARD MEM-
BERS FOR THREE-YEAR STAGGERED TERMS, RATHER THAN ANNUAL
TERMS, AND PROVIDING FOR A FIVE OR SEVEN MEMBER BOARD;
AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 22-202, Idaho Code, be, and the
same is hereby amended to read as follows:

22-202. HEARING OF OBJECTIONS -- ORDER CREATING BOARD
-- APPOINTMENT AND SELECTION OF MEMBERS. The board shall meet
on the day fixed, at which time any voter or taxpayer
residing within the county may appear and object to the form
of the petition, the genuineness of the signatures, or may
make any other objection as to the legality of the proceed­
ings of the board; or, any pertinent objection or objections
to the creation of the county fair board.

After hearing and considering the objections, if any,
made to the proceedings or to the creation of a county fair
board; the board shall, if it deems it for the best inter­
est of the county that a county fair be conducted by the
county, create a county fair board by an order duly spread
upon its minutes.

(A) If the board in a county with a population of
seventy-five thousand (75,000) persons or less orders the
creation of a county fair board, it shall immediately
appoint not less than five (5) nor more than seven (7) per­
sons to membership thereof, and shall fix the place within
the county at which such fair shall be held, and make its
action a matter of record. The members shall as nearly as
possible be selected from the different industries and
localities of the county. Such members so appointed shall
serve until the third Monday in January following, and until
their successors are appointed and qualify. Any vacancy
occurring on such county fair board shall be filled by
appointment by the county commissioners at their first
regular meeting after the occurrence of such vacancy.
(B) In a county with a population of seventy-five thousand one (75,001) or more persons, the board, if it orders the creation of a county fair board, shall immediately appoint either five (5) or seven (7) persons to membership thereon, in the manner provided herein.

If seven (7) persons are appointed on January 17, 1977, appointments shall be made as follows: four (4) members shall be appointed for a term of two (2) years and three (3) members shall be appointed for a term of three (3) years. Thereafter, each appointment shall be made for terms of four (4) years. Appointments shall expire on the third Monday in January.

If five (5) persons are appointed on January 17, 1977, appointments shall be made as follows: three (3) members shall be appointed for a term of two (2) years and two (2) members shall be appointed for a term of three (3) years. Thereafter, each appointment shall be made for terms of three (3) years. Appointments shall expire on the third Monday in January.

County fair boards created after the effective date of this act shall be appointed for staggered terms assuming that the appointments are made on the third Monday in January.

SECTION 2. This act shall be in full force and effect on and after January 1, 1977.

NOTE: The Attorney General has ruled that this bill became law without the Governor's signature on March 31, 1976. The Governor signed this bill on April 1, 1976.
AN ACT
RELATING TO THE SALARIES OF THE MEMBERS OF THE INDUSTRIAL COMMISSION; AMENDING SECTION 72-503, IDAHO CODE, TO FIX THE SALARY OF MEMBERS OF THE INDUSTRIAL COMMISSION.

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

SECTION 1. That Section 72-503, Idaho Code, be, and the same is hereby amended to read as follows:

72-503. SALARY. The annual salary of each member of the commission shall be as--provided--in twenty-three thousand five hundred dollars ($23,500), notwithstanding the provisions of section 59-510, Idaho Code, and shall be paid from sources set by the legislature.

NOTE: The Attorney General has ruled that this bill became law without the Governor's signature on March 31, 1976. The Governor signed this bill on April 1, 1976.
CHAPTER 349
(S.B. No. 1477, As Amended, As Amended in the House)

AN ACT
RELATING TO ATTORNEY'S FEES IN CIVIL ACTIONS; ADDING A NEW SECTION 12-121, IDAHO CODE, TO PROVIDE THAT IN ANY CIVIL ACTION, A JUDGE MAY AWARD REASONABLE ATTORNEY'S FEES TO THE PREVAILING PARTY OR PARTIES.

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

SECTION 1. That Chapter 1, Title 12, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 12-121, Idaho Code, and to read as follows:

12-121. ATTORNEY'S FEES. In any civil action, the judge may award reasonable attorney's fees to the prevailing party or parties, provided that this section shall not alter, repeal or amend any statute which otherwise provides for the award of attorney's fees.

NOTE: The Attorney General has ruled that this bill became law without the Governor's signature on March 31, 1976. The Governor signed this bill on April 1, 1976.
CHAPTER 350

(S.B. No. 1481, As Amended in the House)

AN ACT
RELATING TO THE SALARIES OF THE COMMISSIONERS OF THE PUBLIC UTILITIES COMMISSION; AMENDING SECTION 61-212, IDAHO CODE, TO FIX THE SALARY OF THE COMMISSIONERS OF THE PUBLIC UTILITIES COMMISSION.

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

SECTION 1. That Section 61-212, Idaho Code, be, and the same is hereby amended to read as follows:

61-212. SALARIES OF COMMISSIONERS -- COMPENSATION OF EMPLOYEES. The annual salary of each commissioner shall be twenty-five thousand dollars ($25,000), notwithstanding the provisions of section 59-510, Idaho Code. Such annual salary shall be paid from whatever source or sources as set by the legislature. All officers, experts, engineers, statisticians, accountants, inspectors, clerks and employees of the commission shall receive such compensation as may be fixed by the commission. The salary or compensation of every person holding office or employment under this act shall be paid monthly from the funds appropriated for the use of the commission after being approved by the commission, upon claims therefor to be duly audited by the proper authority.

NOTE: The Attorney General has ruled that this bill became law without the Governor’s signature on March 31, 1976. The Governor signed this bill on April 1, 1976.
CHAPTER 351
(S.B. No. 1463, As Amended in the House)

AN ACT
RELATING TO THE SELECTION OF COUNTY CENTRAL COMMITTEE CHAIR­
MEN AND LEGISLATIVE DISTRICT CENTRAL COMMITTEE CHAIRMEN;
AMENDING SECTION 34-502, IDAHO CODE, TO PROVIDE THAT,
UNLESS STATE PARTY RULES PROVIDE OTHERWISE, VACANCIES IN
THE OFFICE OF COUNTY CENTRAL COMMITTEE CHAIRMAN SHALL BE
 FILLED BY ELECTION OF THE PRECINCT COMMITTEE CHAIRMEN;
AMENDING SECTION 34-503, IDAHO CODE, TO PROVIDE THAT,
UNLESS STATE PARTY RULES PROVIDE OTHERWISE, VACANCIES IN
THE OFFICE OF LEGISLATIVE DISTRICT CENTRAL COMMITTEE
CHAIRMAN SHALL BE FILLED BY ELECTION OF THE PRECINCT
COMMITTEE CHAIRMEN; AND DECLARING AN EMERGENCY.

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

SECTION 1. 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 cen­
tral committee of each political party in each county shall
consist of the precinct committeemen representing the pre­
cincts 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 suc­
cessors are elected.

Unless state party rules, adopted as provided in section
34-505, Idaho Code, provide otherwise, when a vacancy exists
in the office of county central committee chairman, it shall
be the duty of the state central committee chairman to call
a meeting of the precinct committeemen of the county, and
the precinct committeemen shall proceed to elect a chairman
of the county central committee for the balance of the unex­
pired term.

The county central committee shall fill by appointment
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 2. That Section 34-503, Idaho Code, be, and the same is hereby amended to read as follows:

34-503. LEGISLATIVE DISTRICT CENTRAL COMMITTEE -- OFFICERS. The legislative district central committee of each political party in each legislative district shall consist of the precinct committeemen representing the precincts within the legislative district, and the legislative district chairman elected by the precinct committeemen. The precinct committeemen within each legislative district shall meet within the legislative district within eleven (11) days after the primary election, the meeting time and place to be designated by the incumbent legislative district chairman. At this meeting the precinct committeemen shall organize by electing a chairman, vice chairman, a secretary and such other officers as they may desire, who shall hold office at the pleasure of the legislative district central committee or until their successors are elected.

Unless state party rules, adopted as provided in section 34-506, Idaho Code, provide otherwise, when a vacancy exists in the office of legislative district central committee chairman, it shall be the duty of the state central commit-
tee chairman to call a meeting of the precinct committeemen of the legislative district, and the precinct committeemen shall proceed to elect a chairman of the legislative district central committee for the balance of the unexpired term.

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.

NOTE: The Attorney General has ruled that this bill became law without the Governor’s signature on March 31, 1976. The Governor signed this bill on April 1, 1976.
CHAPTER 352
(S.B. No. 1476, As Amended, As Amended in the House)

AN ACT
RELATING TO LIABILITY OF CORPORATE OFFICERS AND DIRECTORS;
ADDING A NEW SECTION 30-166, IDAHO CODE, TO AUTHORIZE
CORPORATIONS TO INDEMNIFY OFFICERS, DIRECTORS AND
EMPLOYEES FOR EXPENSES INCURRED IN CLAIMS AGAINST THEM
RELATED TO THEIR POSITION WITH THE CORPORATION.

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

SECTION 1. That Chapter 1, 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 30-166, Idaho Code, and to read as follows:

30-166. INDEMNIFICATION OF CORPORATE PERSONNEL. (a) A corporation shall have power to indemnify any person who was or is a party or is threatened to be made a party to any threatened, pending or completed action, suit or proceeding, whether civil, criminal, administrative or investigative (other than an action by or in the right of the corporation) by reason of the fact that he is or was a director, officer, employee or agent of the corporation, or is or was serving at the request of the corporation as a director, officer, employee or agent of another corporation, partnership, joint venture, trust or other enterprise, against expenses (including attorneys' fees), judgments, fines and amounts paid in settlement actually and reasonably incurred by him in connection with such action, suit or proceeding if he acted in good faith and in a manner he reasonably believed to be in or not opposed to the best interests of the corporation, and, with respect to any criminal action or proceeding, had no reasonable cause to believe his conduct was unlawful. The termination of any action, suit or proceeding by judgment, order, settlement, conviction, or upon a plea of nolo contendere or its equivalent, shall not, of itself, create a presumption that the person did not act in good faith and in a manner which he reasonably believed to be in or not opposed to the best interests of the corporation, and, with respect to any criminal action or proceeding, had reasonable cause to believe that his conduct was unlawful.

(b) A corporation shall have power to indemnify any
person who was or is a party or is threatened to be made a party to any threatened, pending or completed action or suit by or in the right of the corporation to procure a judgment in its favor by reason of the fact that he is or was a director, officer, employee or agent of the corporation, or is or was serving at the request of the corporation as a director, officer, employee or agent of another corporation, partnership, joint venture, trust or other enterprise against expenses (including attorneys' fees) actually and reasonably incurred by him in connection with the defense or settlement of such action or suit if he acted in good faith and in a manner he reasonably believed to be in or not opposed to the best interests of the corporation and except that no indemnification shall be made in respect of any claim, issue or matter as to which such person shall have been adjudged to be liable for negligence or misconduct in the performance of his duty to the corporation unless and only to the extent that the court in which such action or suit was brought shall determine upon application that, despite the adjudication of liability but in view of all circumstances of the case, such person is fairly and reasonably entitled to indemnity for such expenses which such court shall deem proper.

(c) To the extent that a director, officer, employee or agent of a corporation has been successful on the merits or otherwise in defense of any action, suit or proceeding referred to in subsections (a) and (b), or in defense of any claim, issue or matter therein, he shall be indemnified against expenses (including attorneys' fees) actually and reasonably incurred by him in connection therewith.

(d) Any indemnification under subsections (a) and (b) (unless ordered by a court) shall be made by the corporation only as authorized in the specific case upon a determination that indemnification of the director, officer, employee or agent is proper in the circumstances because he has met the applicable standard of conduct set forth in subsections (a) and (b). Such determination shall be made (1) by the board of directors by a majority vote of a quorum consisting of directors who were not parties to such action, suit or proceeding, or (2) if such a quorum is not obtainable, or, even if obtainable a quorum of disinterested directors so directs, by independent legal counsel in a written opinion, or (3) by the shareholders.

(e) Expenses incurred in defending a civil or criminal action, suit or proceeding may be paid by the corporation in advance of the final disposition of such action, suit or proceeding as authorized in the manner provided in subsec-
tion (d) upon receipt of an undertaking by or on behalf of
the director, officer, employee or agent to repay such
amount unless it shall ultimately be determined that he is
entitled to be indemnified by the corporation as authorized
in this section.

(f) The indemnification provided by this section shall
not be deemed exclusive of any other rights to which those
indemnified may be entitled under any by-law, agreement,
vote of shareholders or disinterested directors or other­
wise, both as to action in his official capacity and as to
action in another capacity while holding such office, and
shall continue as to a person who has ceased to be a direc­
tor, officer, employee or agent and shall inure to the bene­
fit of the heirs, executors and administrator of such a
person.

(g) A corporation shall have power to purchase and
maintain insurance on behalf of any person who is or was a
director, officer, employee or agent of the corporation, or
is or was serving at the request of the corporation as a
director, officer, employee or agent of another corporation,
partnership, joint venture, trust or other enterprise
against any liability asserted against him and incurred by
him in any such capacity or arising out of his status as
such, whether or not the corporation would have the power to
indemnify him against such liability under the provisions of
this section; provided that banks, savings and loan associa­
tions and credit unions chartered under the laws of the
state of Idaho may provide indemnification only by insur­
ance.

(h) For the purposes of this section, the term "corpo­
ration" includes, in addition to the resulting corporation,
all constituent corporations and their predecessors absorbed
in a consolidation or merger, which, if separate existence
had continued, would have had power and authority to indem­
nify its directors, officers, employees or agents.

NOTE: The Attorney General has ruled that this bill became law without the Governor's
signature on March 31, 1976. The Governor signed this bill on April 1, 1976.
AN ACT
RELATING TO ABSENTEE REGISTRATION FOR OVERSEAS CITIZENS;
AMENDING CHAPTER 4, TITLE 34, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 34-410A, IDAHO CODE, TO PROVIDE REGISTRATION PROCEDURE FOR PERSONS WHO ARE WITHIN THE PURVIEW OF THE OVERSEAS CITIZENS VOTING RIGHTS ACT OF 1975; AMENDING SECTION 34-1002, IDAHO CODE, TO PROVIDE ABSENTEE BALLOTS FOR PERSONS WITHIN THE PURVIEW OF THE OVERSEAS CITIZENS VOTING RIGHTS ACT OF 1975; AMENDING SECTION 34-1002A, IDAHO CODE, TO PROVIDE CLASSIFICATION OF PERSONS REGISTERED TO VOTE WHO ARE WITHIN THE PURVIEW OF THE OVERSEAS CITIZENS VOTING RIGHTS ACT OF 1975; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Chapter 4, 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 34-410A, Idaho Code, and to read as follows:

34-410A. ABSENTEE REGISTRATION FOR OVERSEAS CITIZENS. An elector who is within the purview of the Overseas Citizens Voting Rights Act of 1975 (89 stat. 1142) may register by mailing a request for registration to the county clerk of the county in which the elector resided prior to leaving the United States. Such request, if received no later than thirty (30) days preceding an election, shall cause the county clerk to send to the elector a registration card on which the elector shall supply the information needed to qualify the elector as an eligible individual under the provisions of the "Overseas Voting Rights Act of 1975" (89 stat. 1142). The elector shall supply such information under oath or affirmation and return the registration card to the county clerk. An elector registered under the provisions of this section is entitled to vote for candidates for federal office only.

SECTION 2. That Section 34-1002, Idaho Code, be, and the same is hereby amended to read as follows:
C. 353 '76

IDAHO SESSION LAWS

1167

34-1002. APPLICATION FOR ABSENTEE BALLOT. Any registered elector may make written application to the county clerk, or other proper officer charged by law with the duty of issuing official ballots for such election, for an official ballot or ballots of the kind or kinds to be voted at the election. The application shall contain the name of the elector, his home address, county, and address to which such ballot shall be forwarded. The application for absentee ballot of an elector registered according to the provisions of section 34-410A, Idaho Code, shall contain the name of the elector, his former address in the county, and the address to which such ballot shall be forwarded.

The application for an absent elector's ballot shall be signed personally by the applicant. The application shall be filed with the county clerk not later than 5:00 P.M. on the day before the election nor earlier than sixty (60) days before the election. In the event a registered elector is unable to vote in person at his designated polling place on the day of election because of an emergency situation which rendered him physically unable, he may nevertheless apply for an absent elector's ballot on the day of election by notifying the county clerk. No person, may, however, be entitled to vote under an emergency situation unless the situation claimed rendered him physically unable to vote at his designated polling place within forty-eight (48) hours prior to the closing of the polls.

A person in the United States service may make application for an absent elector's ballot by use of a properly executed federal post card application as provided for in the laws of the United States known as "Federal Voting Assistance Act of 1955." The issuing officer shall keep as a part of the records of his office a list of all applications so received and of the manner and time of delivery or mailing to and receipt of returned ballot.

SECTION 3. That Section 34-1002A, Idaho Code, be, and the same is hereby amended to read as follows:

34-1002A. CLASSIFICATIONS FOR ABSENT ELECTOR'S BALLOT. For the purpose of issuing absent elector's ballot, the county clerk shall determine under which of the following subsections the applicant should be classified.

(1) A person out of the county or state at the time of application and who expects not to be physically present in his home precinct on day of election.
(2) A person in the United States service.
(3) A person who expects to be out of the county or
state on day of election who is not physically disabled.

(4) A person who is in the county but who will be physically unable to vote at his designated polling place on day of election.

(5) A person who is in the county who is physically unable to vote at his designated polling place because of an emergency situation which rendered him incapable within forty-eight (48) hours prior to the closing of the polls.

(6) A person registered according to the provisions of section 34-410A, Idaho Code.

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.

NOTE: The Attorney General has ruled that this bill became law without the Governor’s signature on March 31, 1976. The Governor signed this bill on April 1, 1976.
AN ACT
RELATING TO THE STATE BOARD OF EDUCATION; AMENDING SECTION 33-104, IDAHO CODE, TO PROVIDE THAT MEMBERS OF THE STATE BOARD OF EDUCATION SHALL RECEIVE A PER DIEM IN THE AMOUNT OF THIRTY-FIVE DOLLARS.

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

SECTION 1. That Section 33-104, Idaho Code, be, and the same is hereby amended to read as follows:

33-104. MEETINGS OF THE BOARD -- HONORARIUM -- EXPENSES -- ORGANIZATION. The state board shall hold four (4) regular meetings annually at such time and place as may be directed by the board. Special meetings may be called by the president at any time and place designated in such call.

Each member shall be paid a fixed sum of twenty-five thirty-five dollars ($25.00 $35.00) per day spent upon the business of the board, or upon business of the board of regents, or as trustees of the several state institutions, and the actual and necessary expenses connected therewith. Payment made under the authority of this section shall be exempt from the provisions of the Standard Travel Pay and Allowances Act of 1949.

At its first meeting after the first day of April, in each year, the state board shall organize and shall elect from its membership a president, a vice-president and a secretary.

NOTE: The Attorney General has ruled that this bill became law without the Governor's signature on March 31, 1976. The Governor signed this bill on April 1, 1976.
 CHAPTER 355

(S.B. No. 1456, As Amended in the House)

AN ACT

RELATING TO THE RETIREMENT BOARD; AMENDING SECTION 59-1326, IDAHO CODE, AS ENACTED BY SECTION 16, CHAPTER 57, LAWS OF 1974, TO PROVIDE CLARIFICATION, AND TO PROVIDE THAT MEMBERS OF THE RETIREMENT BOARD SHALL RECEIVE AN HONORARIUM OF THIRTY-FIVE DOLLARS PER DAY FOR OFFICIAL BUSINESS OF THE BOARD.

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

SECTION 1. That Section 59-1326, Idaho Code, as enacted by Section 16, Chapter 57, Laws of 1974, be, and the same is hereby amended to read as follows:

59-1326. RETIREMENT BOARD -- APPOINTMENT. (1) There is hereby created in the office of the governor a governing authority of the system to consist of a board of five (5) persons known as the retirement board. Each member of the board shall be appointed by the governor to serve a term of five (5) years. The governor shall designate one (1) member of the board to serve as chairman.

(2) Two (2) board members shall be appointed from among active members having at least ten (10) years of credited service.

(3) Three (3) board members shall be appointed from among Idaho citizens who are not members of the system except by reason of having served on the board.

(4) Members of the board shall receive an honorarium of thirty-five dollars ($35.00) for each day the board is in session, or on official business authorized by the board, notwithstanding any provision of law to the contrary, plus an allowance for expenses they may incur through service on the board. These allowances shall be paid from the administration account of the fund.

(5) A board member shall serve until his successor qualifies. Each board member shall be entitled to one (1) vote, and three (3) board members shall constitute a quorum. Three (3) votes shall be necessary for resolution or action by the board at any meeting except as otherwise provided in this act.
(6) The board shall hold regular meetings and shall hold special meetings at such times and at such places as it deems necessary. All meetings of the board shall be open to the public. The board shall keep a record of all its proceedings.

NOTE: The Attorney General has ruled that this bill became law without the Governor's signature on March 31, 1976. The Governor signed this bill on April 1, 1976.
CHAPTER 356
(S.B. No. 1432, As Amended, As Amended in the House)

AN ACT
AMENDING SECTION 1-1102, IDAHO CODE, RELATING TO COURT REPORTERS' SALARIES, BY PROVIDING FOR A SALARY OF $16,000 PER ANNUM.

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

SECTION 1. That Section 1-1102, Idaho Code, be, and the same is hereby amended to read as follows:

1-1102. OATH, BOND, SALARY AND EXPENSES — COST OF LIVING ADJUSTMENTS. Said reporter shall take the oath required to be taken by the judicial officers; and be bonded to the state of Idaho in the form and manner prescribed by chapter 8, title 59, Idaho Code; hold his office during the pleasure of said judge, and shall receive a salary of not less than twelve thousand six hundred dollars ($12,600) but not-to-exceed fourteen thousand five hundred dollars ($14,500 or $16,000) per annum, to be paid monthly. The administrative judge shall set the salary within the prescribed limits. There shall be paid in addition to said salary, to each of the court reporters of the district courts, out of the state treasury, for each term of district court held by the judge thereof, for the trial and disposition of causes and the transaction of business under the laws of the state, in other counties than that in which said court reporter resides, his actual and necessary expenses for traveling and attending each term: provided, however, that no stenographic reporter shall be paid his salary, or any portion thereof, unless he shall have first taken and subscribed an oath that he has prepared the transcript of the testimony on appeal either in a civil or criminal action, or specified portion thereof, in the order in which the copy of the order directing him to prepare the same has been served upon him: provided, however, that the estimated cost of transcribing such transcript shall have been paid to such reporter at the time of the service of the copy of the order upon him.

NOTE: The Attorney General has ruled that this bill became law without the Governor's signature on March 31, 1976. The Governor signed this bill on April 1, 1976.
AN ACT
RELATING TO THE UNIFORM COMMERCIAL CODE; AMENDING SECTION 28-8-102, IDAHO CODE, TO REDEFINE "CLEARING CORPORATION" WITH RESPECT TO THE MANNER OF TRANSFERRING INVESTMENT SECURITIES.

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

SECTION 1. That Section 28-8-102, Idaho Code, be, and the same is hereby amended to read as follows:

28-8-102. DEFINITIONS AND INDEX OF DEFINITIONS. (1) In this chapter unless the context otherwise requires
(a) A "security" is an instrument which
   (i) is issued in bearer or registered form; and
   (ii) is of a type commonly dealt in upon securities exchanges or markets or commonly recognized in any area in which it is issued or dealt in as a medium for investment; and
   (iii) is either one of a class or series or by its terms is divisible into a class or series of instruments; and
   (iv) evidences a share, participation or other interest in property or in an enterprise or evidences an obligation of the issuer.
(b) A writing which is a security is governed by this chapter and not by Uniform Commercial Code -- Commercial Paper even though it also meets the requirements of that chapter. This chapter does not apply to money.
(c) A security is in "registered form" when it specifies a person entitled to the security or to the rights it evidences and when its transfer may be registered upon books maintained for that purpose by or on behalf of an issuer or the security so states.
(d) A security is in "bearer form" when it runs to bearer according to its terms and not by reason of any indorsement.
(2) A "subsequent purchaser" is a person who takes other than by original issue.
(3) A "clearing corporation" is a corporation all
   (a) at least ninety per cent (90%) of the capital stock
of which is held by or for one (1) or more persons (other than individuals), each of whom

(I) is subject to supervision or regulation pursuant to the provisions of federal or state banking laws or state insurance laws, or

(II) is a broker or dealer or investment company registered under the Securities Exchange Act of 1934 or the Investment Company Act of 1940, or

(iii) is a national securities exchange or association registered under a statute of the United States such as the Securities Exchange Act of 1934, and none of whom, other than a national securities exchange or association, holds in excess of twenty percent (20%) of the capital stock of such corporation; and

(b) any remaining capital stock of which is held by individuals who have purchased such capital stock at or prior to the time of their taking office as directors of such corporation and who have purchased only so much of such capital stock as may be necessary to permit them to qualify as such directors.

(4) A "custodian bank" is any bank or trust company which is supervised and examined by state or federal authority having supervision over banks and which is acting as custodian for a clearing corporation.

(5) Other definitions applying to this chapter or to specified parts thereof and the sections in which they appear are:

"Adverse claim." Section 28-8-301.
"Bona fide purchaser." Section 28-8-302.
"Broker." Section 28-8-303.
"Guarantee of the signature." Section 28-8-402.
"Intermediary bank." Section 28-4-105.
"Issuer." Section 28-8-201.
"Overissue." Section 28-8-104.

(6) In addition chapter 1 contains general definitions and principles of construction and interpretation applicable throughout this chapter.

NOTE: The Attorney General has ruled that this bill became law without the Governor's signature on March 31, 1976. The Governor signed this bill on April 1, 1976.
CHAPTER 358
(S.B. No. 1454, As Amended in the House)

AN ACT
RELATING TO THE IDAHO TRANSPORTATION BOARD; AMENDING SECTION 40-117, IDAHO CODE, TO PROVIDE THAT MEMBERS OF THE IDAHO TRANSPORTATION BOARD SHALL RECEIVE A PER DIEM IN THE AMOUNT OF THIRTY-FIVE DOLLARS.

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

SECTION 1. That Section 40-117, Idaho Code, be, and the same is hereby amended to read as follows:

40-117. COMPENSATION AND REIMBURSEMENT FOR EXPENSES. Each member of the board shall receive compensation of twenty-five thirty-five dollars ($25.00 $35.00) per day, for each day while in attendance at official meetings of the board and while on official business authorized by said board. Each member shall be reimbursed for his traveling, living and other expenses actually and necessarily incurred while in the performance of his official duties hereunder, provided, however, that no member of said board shall receive a per diem in excess of twenty-five hundred dollars ($2500) for the first fiscal year after this act takes effect, nor in excess of like amount for each fiscal year thereafter. Said compensation for such per diem and expenses shall be allowed and paid from the state highway fund, the state aeronautics fund, or from such other funds as are or may be created and/or appropriated for administration of the various functions, vested by law in the Idaho transportation department and/or the Idaho transportation board. This section is expressly exempted from the provisions of sections 67-2007 and 67-2008, Idaho Code, and acts supplementary thereof.

NOTE: The Attorney General has ruled that this bill became law without the Governor's signature on March 31, 1976. The Governor signed this bill on April 1, 1976.
CHAPTER 359
(S.B. No. 1332, As Amended in the House)

AN ACT
RELATING TO STANDARDS FOR MILK HOLDING AND COOLING TANKS;
AMENDING SECTION 37-410, IDAHO CODE, TO PROVIDE FOR NEW
UNIFORM TEMPERATURES IN MILK BULK COOLING TANKS.

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

SECTION 1. That Section 37-410, Idaho Code, be, and the
same is hereby amended to read as follows:

37-410. STANDARDS FOR HOLDING AND COOLING TANKS. The
following standards are hereby adopted relating to farm
holding and/or cooling tanks:
A. Each producer desiring to install a farm holding
and/or cooling tank shall obtain approval from the director
of the department of agriculture of the state of Idaho or
his duly authorized representative, and shall furnish the
following information to said director:
1. Tank make, model, and capacity.
2. A sketch (approximately to scale) of the milk room
floor plan showing location of tank, outlet of tank, wall
opening for milk conductor tubing, other milk house equip­
ment and access area for tank truck approach.
B. The milk house and/or milk room shall have a con­
crete floor of smooth finish easily cleanable.
C. Farm tanks and all equipment used in connection
therewith shall comply with the Sanitary Standards Symbol
Administrative Council, 3A standards in effect at the time
of the passage of this act.
D. The farm tank shall be located in the milk room so
as to provide not less than thirty-six inches (36") clearance
on all working sides of the tank, provided, however,
that in the case of producers using tanks at the time of the
enactment of this act clearances as specified above may be
waived by the director if the producer demonstrates his
ability to keep the interior and exterior surfaces of the
tank and the walls and floors of the milk house in a clean
condition. All tanks shall be located so as to provide at
least six (6) inches of clearance between the floor and
bottom of tanks, except that a four (4) inch minimum clear­
ance is acceptable if the bottom slopes upward at least six
Remote compressors which are located in milk rooms shall be so installed as to be easily cleanable. Floor drains shall be trapped and shall not be located under the farm tank.

E. A fixed, properly encased opening not less than six (6) inches above the floor of the milk house or the outside loading platform, whichever is higher, shall be provided in an exterior wall of the milk house on the side closest to the tank outlet to accommodate the milk conductor tubing used to pump the milk from the farm tank to the truck tank. Such openings shall not be less than six (6) inches or more than eight (8) inches in size and shall be provided with a flat, tight, self-closing device.

F. When electricity is the motive power for the milk transport tank milk pump, a lock type electrical connection with ground and weatherproof type receptacle located on the outside of the building with a switch box located on the inside of the building shall be provided.

G. Water for washing farm tanks shall be from an approved supply and shall be under pressure. Hoses for washing the milk house and the bulk tank shall be used for no other purpose and be stored on a rack convenient to the bulk tank. An automatic hot water storage tank (pressure type) shall be provided and shall be not less than thirty (30) gallons capacity and equipped with a thermostat capable of maintaining water temperature at least 140°F. Extra capacity higher temperature, or both shall be provided for CIF installations, off peak heating, and milk house heating or other hot water usages. Gas heaters, if used, shall be properly vented.

H. Adequate evenly distributed artificial light, not placed directly over the tank, shall be provided and shall be so located that cleaning will be easily accomplished. Adequate lighting may be obtained by providing two (2) one hundred fifty (150) watt flood lamps about one (1) foot from the ends of the tank and a one hundred (100) watt bulb over the wash vats.

I. Farm tanks shall be protected from overhead contamination.

J. The truck approach shall be properly graded and surfaced to prevent pooling of water at the point of loading. Adequate artificial light shall be provided to illuminate this area to facilitate loading during hours when natural light is insufficient. This area shall be provided with a concrete slab or an asphalt surface of sufficient size to effectively protect the milk conducting hose from contamination.
K. Cleaning and bactericidal treatment shall conform to regulations adopted by the department of agriculture. Farm tanks shall be thoroughly cleaned after each use, and then prior to the next milking exposed to two hundred (200) parts per million of residual chlorine. In cases where farm tanks are equipped with removable drop pipes, a vat large enough and low enough for the washing and sanitizing of this equipment shall be provided. Chemical sprayers are recommended for sanitizing farm tanks and if utilized, shall be used for no other purpose.

L. Indicating thermometers on all farm tanks shall be kept in proper operating condition. The driver shall possess an accurate approved type thermometer to enable him to check the indicating thermometers of the farm bulk tanks. The department of agriculture, using an approved type thermometer, shall check, periodically, the indicating thermometer on farm bulk tanks to determine its accuracy.

M. Abnormal milk, adulterated milk and milk containing objectionable odors shall not be added to the farm tank. The sampler and/or tester shall check the milk for abnormalities before pumping the milk to the tank truck. The entire supply of milk in the farm tank shall be rejected if such milk is detected.

N. Milk-in-farm-tanks-must-be-cooled-to-40°-Fahrenheit, or-lower.-The-cooling-process-must-be-such-that-the-milk will-be-cooled-to-50°-Fahrenheit-within-one-(1)-hour--after-milking--and-to-40°-Fahrenheit-within-the-second-hour.-The addition-of-inter-milking--must-not--raise--the--temperature above--50°-Fahrenheit.-Bulk-cooling-tanks-shall-be-designed and-equipped-with-refrigeration-to-permit-the-cooling-of-the milk-to-40°-Fahrenheit-or-lower-within-two-(2)-hours-after each-milking, and maintain it at 45°-Fahrenheit or below until picked up.

O. All steps necessary shall be employed to prevent the contamination of milk handled through bulk farm pick up. This shall pertain to all phases of this type of milk handling. The bulk farm tank and accessories shall be used for no other purpose than the handling of milk and the operations incident thereto.

NOTE: The Attorney General has ruled that this bill became law without the Governor’s signature on March 31, 1976. The Governor signed this bill on April 1, 1976.
CHAPTER 360
(S.B. No. 1409, As Amended, As Amended in the House)

AN ACT
RELATING TO A SECURITY MEDICAL FACILITY; REPEALING SECTIONS 66-361 THROUGH AND INCLUDING 66-364, IDAHO CODE; AMENDING TITLE 66, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 13, TITLE 66, IDAHO CODE, PROVIDING FOR THE ESTABLISHMENT OF AN IDAHO SECURITY MEDICAL FACILITY; PROVIDING FOR AN ADMINISTRATOR OF SUCH FACILITY; PROVIDING FOR THE DUTIES OF THE ADMINISTRATOR; PROVIDING FOR THE SPECIFICATION OF THE SOURCES OF RESIDENTS OF THE FACILITY; PROVIDING FOR A DEFINITION OF DANGEROUS AND MENTALLY ILL PERSONS WHO MAY BE ADMITTED TO THE FACILITY; PROVIDING THAT THE ADMINISTRATOR SHALL HAVE THE FINAL DECISION REGARDING ADMISSIONS AND DISCHARGE OF RESIDENTS; PROVIDING FOR THE RETURN OF RESIDENTS TO THEIR ORIGINAL SOURCES; PROVIDING FOR THE TRANSPORTATION OF RESIDENTS TO AND FROM THE FACILITY; PROVIDING FOR THE ALLOCATION OF COSTS AND CHARGES IN THE EVALUATION, TREATMENT AND CARE OF RESIDENTS; PROVIDING THE RIGHT TO HUMANE CARE AND TREATMENT; PROVIDING FOR THE DEVELOPMENT OF STANDARDS OF TREATMENT; PROVIDING THE CONDITIONS UNDER WHICH MECHANICAL RESTRAINTS MAY BE USED; PROVIDING AUTHORITY FOR INTERSTATE CONTRACTS; PROVIDING SHORT TITLE OF THIS ACT; PROVIDING A ONE YEAR PERIOD DURING WHICH THE BOARD OF CORRECTION MAY RECEIVE PATIENTS FROM THE DEPARTMENT OF HEALTH AND WELFARE.

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

SECTION 1. That Sections 66-361 through and including 66-364, Idaho Code, be, and the same are hereby repealed.

SECTION 2. That Title 66, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 13, Title 66, Idaho Code, and to read as follows:

TITLE 66
CHAPTER 13
IDAHO SECURITY MEDICAL FACILITY

66-1301. INSTITUTION ESTABLISHED. The state board of
correction shall establish, operate and maintain an institution for persons displaying evidence of mental illness or psychosocial disorders and requiring diagnostic services and treatment in a maximum security setting. The institution shall be identifiably separate and apart from those functions, programs and facilities maintained by the board for the ordinary prison population but shall be located adjacent to the Idaho state correctional facility, and shall be known as the Idaho security medical facility.

66-1302. ADMINISTRATOR. An administrator of the Idaho medical facility shall be appointed by the board of correction. The administrator shall be a reputable and qualified person experienced in the administration of programs for the care and treatment of persons afflicted with mental disorders and with such other qualifications as the board deems necessary.

66-1303. ADMINISTRATOR'S DUTIES. The administrator shall:
(a) Perform all duties required by law and by the board of correction not inconsistent with this chapter.
(b) Maintain cognizance of and secure the professional care and treatment of each patient.
(c) Maintain a complete record on the condition of each patient.
(d) Retain custody of all patients in such manner as deemed necessary and in the best interest of the patients subject to the regulations of the board of correction.
(e) Advise and consult with the director of correction regarding the admissions and release of patients to and from the facility.

66-1304. SOURCES OF RESIDENTS. Patients admitted to the facility may originate from the following sources:
(a) Commitments by the courts as mentally incompetent to stand trial pursuant to section 18-212, Idaho Code.
(b) Commitments by the courts of persons acquitted of a crime on the grounds of mental illness pursuant to section 18-214, Idaho Code.
(c) Referrals by the courts for psychosocial diagnosis and recommendations as part of the pretrial or presentence procedure or determination of mental competency to stand trial.
(d) Mentally ill adult prisoners from city, county and state correctional institutions for diagnosis, evaluation or treatment.
Residents coming to the facility in the circumstances of subparagraphs (a) and (b) of this section must first be found to be both dangerous and mentally ill, in judicial proceedings authorized by chapter 3 of this title.

66-1305. DANGEROUS AND MENTALLY ILL PERSONS DEFINED. For purposes of this act persons found to be both dangerous and mentally ill shall mean persons found by a court of competent jurisdiction pursuant to any lawful proceeding:

(a) To be in such mental condition that they are in need of supervision, evaluation, treatment and care; and

(b) To present a substantial risk of physical harm to other persons as manifested by evidence of homicidal or other violent behavior or evidence that others are placed in reasonable fear of violent behavior and serious physical harm to them; and

(c) To be dangerous to such a degree that a maximum security treatment facility is required.

66-1306. FINAL DECISION. The final decision regarding the admission or discharge of patients shall rest with the director of correction, after consultation with the administrator.

66-1307. RETURN OF PATIENT. When a patient transferred to the facility from any other correctional institution or admitted by order of any court no longer requires special treatment in the maximum security setting, the patient shall be returned to the source from which received. The correctional institution or court that referred the patient for hospitalization shall retain constructive jurisdiction over the patient.

66-1308. TRANSPORTATION OF PATIENTS. When a patient is admitted to the facility from a state institution or by order of any court, the expenses and responsibility for transportation of such patients from and to the facility shall be borne by the original institution or the county of the court ordering such admission.

66-1309. COSTS AND CHARGES. The administrator shall seek recovery for expenses incurred in the evaluation, treatment and care of residents as follows:

(a) Referees by the court for psychosocial diagnosis and recommendations as part of the pretrial or presentence procedure or determination of competency to stand trial shall be charged to the court referring such persons.
(b) Mentally ill prisoners from county jails admitted for diagnosis shall be charged to the county so referring.
(c) Commitments by the courts as mentally incompetent to stand trial shall be charged to the court by which committed after twelve (12) months of such commitment.
(d) Commitments by the courts after acquittal of a crime on the grounds of mental illness shall be considered a responsibility of the state.
(e) Transferees from other institutions under the jurisdiction of the department of correction shall be considered a responsibility of the state.

66-1310. CIVIL RIGHTS OF RESIDENTS. All patients received from any institution or facility under the jurisdiction of the department of health and welfare shall be accorded those civil rights provided by section 66-346, Idaho Code, with the exception of those aspects of the right to privacy which are inconsistent with the maintenance of a maximum security setting.

66-1311. RIGHT TO HUMANE CARE AND TREATMENT. Every patient shall be entitled to humane care and treatment.

66-1312. STANDARDS FOR TREATMENT. The department of correction and the department of health and welfare shall jointly develop appropriate standards for treatment of patients committed to this facility. It shall be the responsibility of the administrator of the facility to implement those standards.

66-1313. MECHANICAL RESTRAINTS. Mechanical restraints shall not be applied to a patient unless it is determined that such is necessary for either his safety or the safety of other persons at the facility. Every use of a mechanical restraint and the reasons therefor shall be made a part of the clinical record of the patient under the signature of the administrator of the facility, except that mechanical restraints may be used without such recording during transportation of residents from or to the facility.

66-1314. INTERSTATE CONTRACTS. The administrator is authorized to enter into agreements, through the department of correction, with other states for diagnosis and treatment of persons from such states who are both dangerous and mentally ill, on the basis of patient exchange or per diem interstate billing of all costs and expenses.
66-1315. SHORT TITLE. This chapter may be referred to as and cited as the "Idaho Security Medical Facility Act."

SECTION 3. For a period of one (1) year only from and after the effective date of this act the state board of correction shall be authorized to receive and admit patients of any institution or facility under the jurisdiction of the department of health and welfare, which patients have been determined by a court to be both dangerous and mentally ill as defined in section 66-1305, Idaho Code. The department of health and welfare shall in such cases, retain jurisdiction over the patients.

NOTE: The Attorney General has ruled that this bill became law without the Governor’s signature on March 31, 1976. The Governor signed this bill on April 1, 1976.
CHAPTER 361
(S.B. No. 1419, As Amended in the House)

AN ACT
RELATING TO THE PRACTICE AND BOARD OF PODIATRY; AMENDING SECTION 54-601, IDAHO CODE, TO PROVIDE NAME CHANGES; AMENDING SECTION 54-602, IDAHO CODE, TO PROVIDE NAME CHANGES; AMENDING SECTION 54-603, IDAHO CODE, TO PROVIDE NAME CHANGES; AMENDING SECTION 54-604, IDAHO CODE, TO PROVIDE FOR A LAYMAN ON THE BOARD, TO PROVIDE NAME CHANGES AND TO PROVIDE AN INCREASE IN PER DIEM ALLOWED; AMENDING SECTION 54-606, IDAHO CODE, TO PROVIDE FOR THE BOARD TO ESTABLISH APPLICATION AND RE-EXAMINATION FEES AND TO PROVIDE THAT EXAMINATIONS MAY INCLUDE AN ORAL EXAMINATION; AMENDING SECTION 54-607, IDAHO CODE, TO PROVIDE FOR ORIGINAL LICENSE FEES, TO PROVIDE FOR ESTABLISHING RENEWAL FEES AND TO PROVIDE FOR CONTINUED EDUCATION REQUIREMENTS; AMENDING SECTION 54-608, IDAHO CODE, TO PROVIDE NAME CHANGES, AND TO PROVIDE GROUNDS FOR SUSPENSION OR REVOCATION OF LICENSE; AMENDING SECTION 54-609, IDAHO CODE, TO PROVIDE NAME CHANGES; AMENDING SECTION 54-610, IDAHO CODE, TO STRIKE AN OBSOLETE WORD; AMENDING SECTION 54-612, IDAHO CODE, TO PROVIDE FOR CONTINUED EDUCATION REQUIREMENTS AND TO PROVIDE FEE CHANGES; AMENDING SECTION 54-613, IDAHO CODE, TO PROVIDE FEE CHANGES; AMENDING SECTION 54-614, IDAHO CODE, TO PROVIDE NAME CHANGES; AND AMENDING CHAPTER 6, TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 54-616, IDAHO CODE, TO PROVIDE FOR REGISTRATION OF A PODIATRIST'S ASSISTANT.

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

SECTION 1. That Section 54-601, Idaho Code, be, and the same is hereby amended to read as follows:

54-601. PURPOSES OF THE ACT. The practice of chiropody podiatry in the state of Idaho is hereby declared to affect the public health, safety and welfare and to be subject to regulation and control in the public interest. It is further declared to be a matter of public interest and concern that the profession of chiropody podiatry merit and receive the confidence of the public, and to that end that only qualified persons be permitted to practice chiropody.
podiatry in the state of Idaho. This act shall be liberally construed to carry out these objects and purposes.

SECTION 2. That Section 54-602, Idaho Code, be, and the same is hereby amended to read as follows:

54-602. CHIROPODY PODIATRY DEFINED. Chiropody—sometimes—called—podiatry, shall, for the purpose of this act, mean the diagnosis and mechanical, electrical, medical, physical and surgical treatment of ailments of the human foot and leg, and the casting of feet for the purpose of preparing or prescribing corrective appliances, prosthetics, and/or the making of custom shoes for corrective treatment; provided, however, that the casting of feet for preparing corrective appliances, prosthetics and/or custom shoes may be permitted on the prescription of a duly licensed person in the healing arts in this state. Chiropodists Podiatrists shall be limited in their practice to the human foot and leg. Surgical treatment, as herein used, shall be held to mean the surgical treatment of the foot, but shall not include the amputation of foot or leg, surgery of the leg, or use of any anesthetic other than local anesthetics, except that a chiropodist podiatrist may administer narcotics and medications in the treatment of ailments of the human foot and leg in the same manner as a physician and surgeon. It is not the intent of this law, and nothing herein shall be so construed, to prohibit the sale of non-custom built shoes that are commonly sold by merchants in commercial establishments.

A chiropodist podiatrist is defined as a natural person who practices chiropody podiatry and who within the scope of this act is a physician and surgeon of the foot, and shall be referred to as a chiropodical podiatric physician and surgeon; provided, further, that nothing within this chapter shall prohibit any physician or surgeon, registered and licensed as such and authorized to practice under the laws of the state of Idaho, or any physician or surgeon of the United States army, navy or public health service when in actual performance of his duties, from practicing medicine and surgery.

SECTION 3. That Section 54-603, Idaho Code, be, and the same is hereby amended to read as follows:

54-603. LICENSE A PREREQUISITE TO PRACTICE. It is unlawful for any person to practice chiropody podiatry, as defined by this act, unless he shall first obtain a license
so to do as provided in this act.

SECTION 4. That Section 54-604, Idaho Code, be, and the same is hereby amended to read as follows:

54-604. ESTABLISHMENT OF STATE BOARD OF PODIATRY. There is hereby established in the department of self-governing agencies a state board of podiatry to be composed of five (5) members to be appointed by the governor in the manner hereinafter set forth. Four (4) of said members shall be podiatrists, duly licensed under the laws of the state of Idaho, and who shall have been continuously engaged in the practice of podiatry for a period of not less than five (5) years prior to his appointment. The fifth member of the board shall be a physician-and-surgeon duly licensed by the state board of medicine and who has practiced the profession of medicine and surgery layman, a resident of the state of Idaho for a period of not less than five (5) years prior to his appointment. With reference to the first board, the four (4) podiatrists shall be appointed for terms of one (1), two (2), three (3) and four (4) years, respectively. The physician-and-surgeon lay board member shall be appointed for a term of three (3) years. Thereafter, all appointments to the board shall be made for terms of four (4) years. Vacancies upon the board, occurring for any reason, shall be filled by the governor. The governor in making appointments shall give consideration to but shall not be bound by the recommendations received from the Idaho Association of Podiatrists Podiatry Association.

Within thirty (30) days from the appointment of the board by the governor, the board shall organize itself, select a chairman, a vice-chairman and secretary. The chairman and the secretary shall be podiatrists. The board shall meet regularly on the second Tuesday of July of each year for the purpose of conducting examinations and transacting any other business which may lawfully come before it. The board may meet in special session at the call of the chairman, or at the call of not less than two-thirds (2/3) of the membership of the board. The members of the board shall each be allowed his actual expenses incurred in attending meetings of the board, and per diem of twenty-five thirty-five dollars ($25.00 $35.00) per day for each day of actual service.

Examinations of applicants may be conducted by an examining board, to be comprised of two (2) podiatrist members of the board and the physician-and-surgeon board member a quorum of the board.
A majority of the board shall constitute a quorum.

SECTION 5. That Section 54-606, Idaho Code, be, and the same is hereby amended to read as follows:

54-606. STATE BOARD OF PODIATRY -- EXAMINATION FOR LICENSES. Every person, except as hereinafter provided, desiring to commence the practice of podiatry within this state, shall make written application to the state board of podiatry, upon forms to be prescribed and furnished by the board, for a license so to do. Such applications shall be accompanied by a fee of $25.00 as established by board regulation not to exceed one hundred dollars ($100). Each applicant shall be at least twenty-one (21) years of age, of good moral character, and a graduate of some reputable school of podiatry accredited by the board. A reputable school of podiatry for the purposes herein shall mean a school of podiatry requiring for graduation the graduation from an accredited high school, credits granted for at least two (2) full years of general college study in a college or university of recognized standing, and four (4) full years of study in such school of podiatry or its equivalent.

Except as herein otherwise provided, each applicant shall be examined by the board to determine his knowledge of the subjects taught in reputable schools of podiatry, and which examinations shall include the following subjects: Anatomy, histology, pathology, bacteriology, physiology, surgery, roentgenology, podiatric medicine, chemistry, dermatology, materia medica, diagnosis, therapeutics, clinical and orthopedic podiatry, limited in scope to podiatry. Additional subjects may be prescribed from time to time by the board. Examinations shall may be both written, oral and practical in nature. No applicant shall be granted a license who shall fail to obtain a general average of 75% on all the subjects examined upon. Should any applicant fail on such examination to make the required grade, as herein provided, and by reason thereof be refused a license, he shall be entitled within six (6) months of such refusal to a re-examination upon payment of an additional fee of $25.00 as established by board regulation not to exceed one hundred dollars ($100) to the board; provided, however, that two (2) such re-examinations shall exhaust his privilege under his original application.

SECTION 6. That Section 54-607, Idaho Code, be, and the same is hereby amended to read as follows:
54-607. LICENSES -- ISSUANCE -- RENEWALS -- DISPLAY. If the applicant shall pass a satisfactory examination, and shall show that he is a person of good moral character and he possesses the qualifications required by this chapter to entitle him to a license as a podiatrist, he shall be entitled to a license authorizing him to practice podiatry within the state of Idaho. Said successful applicant shall be issued his license by the board upon payment of the original license fee which shall be the same fee as required for renewal. The original license fee for podiatrists' assistants shall be one-half (1/2) the fee established for a podiatrist.

All licenses to practice podiatry shall expire on the 30th day of June of each year; all licensed podiatrists and podiatrists' assistants, within the meaning of this chapter, are entitled to and shall renew their licenses on or before the 1st day of July of each year; and shall make application to the bureau of occupational licenses therefor, accompanied by an annual renewal license fee of twenty fifty dollars ($250.00 $50.00) for podiatrists and twenty-five dollars ($25.00) for podiatrists' assistants. Payment of fees herein provided, and satisfactory evidence of having complied with continued education requirements as established by board regulations are a condition precedent to the performance of any acts by the bureau.

Every person to whom a license is granted shall have such license displayed continuously in a conspicuous part of his office wherein his practice of podiatry is conducted.

The board shall keep on file a register of all applicants for license, rejected applicants, and licensees.

The fee for reinstatement of a license shall be as provided in section 67-2614, Idaho Code. All fees shall be paid to the bureau of occupational licenses.

SECTION 7. That Section 54-608, Idaho Code, be, and the same is hereby amended to read as follows:

54-608. GROUNDS FOR SUSPENSION OR REVOCATION OF LICENSE. Every license heretofore or hereafter issued to any person to practice chiropody podiatry in this state shall be subject to suspension or revocation by the board in the manner and form herein set forth upon any of the following grounds:

1. Fraud or deception in procuring a license.
2. Publication or use of untruthful or improbable statements with the view of deceiving or defrauding the public or any patient.
3. Conviction of any offense involving moral turpitude.
4. Habitual intemperance in the use of ardent spirits, narcotics or stimulants.
5. Immoral, unethical, unprofessional or dishonorable conduct manifestly disqualifying the licensee from the public practice of healing the sick.
6. Failure to procure a renewal license as provided--in this act. The violation of any of the provisions of this act or rules and regulations promulgated pursuant thereto.

SECTION 8. That Section 54-609, Idaho Code, be, and the same is hereby amended to read as follows:

54-609. UNPROFESSIONAL OR DISHONORABLE CONDUCT JUSTIFYING SUSPENSION OR REVOCA TION OF LICENSE DEFINED. It shall constitute unprofessional or dishonorable conduct justifying suspension or revocation of a license for any person holding a license to practice chiropody podiatry to:

1. Offer, give or promise, either directly or indirectly, any gift in return for the procurement of a patient or patients for chiropody podiatric treatment.
2. Request, list, accept or receive any rebates or commission for prescribing or recommending any footwear, drug, medicine, or any other article, to his patients.
3. Prescribe, dispense or pretend to use, in treating any patient, any secret remedial agent, or manifest or promote its use in any way, or guarantee or imply to guarantee any treatment, therapy or remedy whatsoever.
4. Use any form of advertising in the form of display signs, or advertisements in newspapers or periodicals, or in bold-faced type in printed matter. No price for services shall appear in any announcement or any printed matter or on any sign used or published by any person licensed under the provisions of this act. No chiropodist podiatrist may have any part of his listing printed in any manner that will make such listing distance (distinct) from that of his fellow practitioners and under any other listing than that of chiropodist podiatrist.
5. Practice chiropody podiatry under a trade name, under the name of another chiropodist podiatrist, or under any other name than that which appears on the practitioner's license, or use any title other than that of chiropodist podiatrist; provided the term "foot specialist" or "physician and surgeon of the feet" may be used as explanatory terms of the title chiropodist podiatrist but not alone or as a substitute therefor.
6. Conduct the practice of chiropody podiatry in
connection with any of the following: Beauty parlor, barber shop, turkish bath, shoe store, department store, massage parlor, or other such commercial establishment.

7. Employ a solicitor or solicitors to obtain business.

SECTION 9. That Section 54-610, Idaho Code, be, and the same is hereby amended to read as follows:

54-610. PROCEEDINGS FOR SUSPENSION OR REVOCATION OF LICENSE. Proceedings for the suspension or revocation of a license may be taken upon the information and accusation of any person. All accusations must be made in writing, signed and verified by the person familiar with the facts therein charged, and three (3) copies thereof must be filed with the board. Upon receiving the accusation the board shall, either as a board or through its secretary, make a preliminary examination of all the facts and circumstances connected with such charge. Such preliminary examination and papers in connection therewith shall not constitute public records. If the accusation be deemed insufficient by the board, no further action shall be taken. Should the board deem the complaint set forth in the accusation sufficient to require formal action, the board shall make an order setting the same for hearing at a specified time and place. The board shall cause a copy of such order and a copy of the verified accusation to be served upon the licensed person accused not less than twenty (20) days prior to the day appointed in the order for said hearing. The board, the person accusing and the licensed person accused may be represented by counsel at such hearing. The board shall have the power to administer oaths, take depositions of witnesses within or without the state in the manner provided by law in civil cases, and shall have power throughout the state of Idaho to require the attendance of such witnesses and the production of such books, records and papers as it may desire, relevant to any hearing before it of any matter which it has authority to investigate, and for that purpose the board may issue a subpoena for any witness or a subpoena duces tecum to compel the production of books, records or papers, directed to the sheriff of any county of the state of Idaho where such witness resides or may be found, which shall be served and returned in the same manner as a subpoena in a criminal case. Fees and mileage of the witnesses shall be the same as that allowed in the district courts in criminal cases, and
shall be paid from any funds in the state treasury in the same manner as other expenses of the board are paid. In the event of disobedience to or neglect of any subpoena or subpoena duces tecum served upon any person, or the refusal of any witness to testify to any matter regarding which he may be lawfully interrogated, it shall be the duty of the district court of any county in this state in which such disobedience, neglect or refusal occurs, or any judge thereof, on application by the board, to compel obedience by proceedings for contempt as in the case of disobedience of the requirements of a subpoena issued from such court or for refusal to testify therein. The licensed person accused shall have the same right of subpoena upon making application to the board therefor. Should the licensed person accused fail to appear at the time and place appointed for the hearing in person or by counsel, the board may proceed to determine the facts of the accusation in his absence; or in its discretion, may deem neglect or failure to appear to constitute an admission of the truth of the facts set forth in the accusation. The board shall cause a transcript of all such proceedings to be kept by a reporter, and shall upon request, after completion thereof, furnish a copy of such transcript to the licensed person accused. After full and mature deliberation the board shall make findings of fact and shall enter the same upon the record of proceedings. If the board shall find that the licensed person accused has violated any of the provisions of this act, the board may recommend that the license of such licensed person be revoked or suspended for such a term as may to the board appear just and proper in the circumstances. The board may suspend the license of a licensed person accused for not less than thirty (30) days nor more than two (2) years. Such recommendations shall be entered upon the record of proceedings. When the board has entered its findings and recommendations upon the record, and a majority of the board has signed the same, the board shall forward thereupon and without delay enter an order revoking or suspending the license concerned in accordance with the board's findings and recommendations. A license so revoked may not be reinstated except upon order of a district court reversing the board. A license so suspended may not be reinstated during the term of suspension except upon order of a district court reversing the board, or upon order of the board itself after hearing new or additional evidence not available at the original proceedings.

SECTION 10. That Section 54-612, Idaho Code, be, and
the same is hereby amended to read as follows:

54-612. EXAMINATION NOT REQUIRED OF LICENSED PERSONS. Any person now licensed in the state to practice podiatry or as a podiatrist's assistant shall be entitled to a renewal of his license, without examination, by applying to the board for a renewal of the same, submitting satisfactory evidence of having met the continued education requirements and tendering the renewal license fee of twenty-five dollars ($25.00) for podiatrists and twenty-five dollars ($25.00) for podiatrists' assistants.

SECTION 11. That Section 54-613, Idaho Code, be, and the same is hereby amended to read as follows:

54-613. LICENSE WITHOUT WRITTEN EXAMINATION. The board may issue a license to an applicant by indorsement where the applicant has passed an examination for and has been licensed to practice podiatry in another state, or who has successfully passed the written examination of a recognized national certifying agency in podiatry; provided the written examination of such other state or national certifying agency was, in the opinion of the board, equivalent to its own examination; provided, further, that the applicant satisfies in all other respects the requirements for a license in this act set forth. Such application to the board shall be accompanied by an application fee of $35.00 as established by board regulation not to exceed one hundred dollars ($100).

SECTION 12. That Section 54-614, Idaho Code, be, and the same is hereby amended to read as follows:

54-614. PRACTICE WITHOUT A LICENSE A MISDEMEANOR. Any person who practices or attempts to practice chiropody podiatry, publicly advertises as a chiropodist podiatrist, or who uses the title chiropodist, podiatrist, or any other word, title or abbreviation calculated to induce belief that he is engaged in the practice of chiropody podiatry, or who holds himself out to the public as diagnosing the ailments of or treating in any manner the human foot by medical, physical or surgical methods, without a license as provided in this act, shall be deemed guilty of a misdemeanor.

SECTION 13. That Chapter 6, Title 54, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 54-616,
Idaho Code, and to read as follows:

54-616. PODIATRIST'S ASSISTANT. A podiatrist's assistant shall mean a person registered by the state board of podiatry to perform activities authorized by it under the direct supervision and control of a person licensed to practice podiatry in the state of Idaho. The state board of podiatry shall issue rules and regulations prescribing the qualifications, education and training necessary for registration and the scope of authorized activities of a podiatrist's assistant. The state board shall also issue rules and regulations governing disciplinary action by the board and suspension and revocation of podiatrists' assistants' licenses. Nothing contained in this section shall be construed to authorize a podiatrist's assistant to practice podiatry, medicine and surgery, or osteopathic medicine, as those terms are defined by law.

NOTE: The Attorney General has ruled that this bill became law without the Governor's signature on March 31, 1976. The Governor signed this bill on April 1, 1976.
CHAPTER 362
(S.B. No. 1354, As Amended, As Amended in the House)

AN ACT
RELATING TO EXEMPTIONS FROM REGISTRATION OF LOBBYISTS, AMENDING SECTION 67-6618, IDAHO CODE, TO PROVIDE THAT PERSONS WHO LOBBY ON BEHALF OF THEIR EMPLOYER OR EMPLOYERS AND THE LOBBYING ACTIVITY REPRESENTS LESS THAN THE EQUIVALENT OF ONE HUNDRED DOLLARS OF THE EMPLOYEES TIME PER CALENDAR YEAR QUARTER SHALL BE EXEMPT, AND TO PROVIDE THAT ANY ELECTED PUBLIC OFFICER OF THE STATE OR ANY POLITICAL SUBDIVISION THEREOF SHALL BE EXEMPT.

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

SECTION 1. That Section 67-6618, Idaho Code, be, and the same is hereby amended to read as follows:

67-6618. EXEMPTION FROM REGISTRATION. The following persons and activities shall be exempt from registration and reporting under sections 67-6617 and 67-6619, Idaho Code:
(a) Persons who limit their lobbying activities to appearances before public sessions of committees of the legislature.
(b) Persons who are employees of an entity engaged in the business of publishing, broadcasting or televising, who in-the-ordinary-course-of-business-disseminate-stories-or-comment-to-the-general-public while engaged in the gathering and dissemination of news and comment thereon to the general public in the ordinary course of business.
(c) Persons who do not receive any compensation for lobbying and persons whose compensation for lobbying does not exceed one hundred dollars ($100) in the aggregate during any calendar quarter, including persons who lobby on behalf of their employer or employers, and the lobbying activity represents less than the equivalent of one hundred dollars ($100) of the employee's time per calendar year quarter, based on an hourly proration of said employee's compensation. Any-person-exempt-under-this-subsection-tet-may-at-his-option-register-and-report-under-this-act.
(d) Public-officials-acting-in-their-official-capacity Elected state officers and state executive officers appointed by the governor subject to confirmation by the senate; elected officials of political subdivisions of the
state of Idaho, acting in their official capacity.

(e) A person who represents a bona fide church (of which he is a member) solely for the purpose of protecting the constitutional right to the free exercise of religion.

(f) (1) Employees of a corporation, if such corporation:

(a) Has registered as a lobbyist pursuant to chapter 66, title 67, Idaho Code, and

(b) Has designated one or more of its employees as its official lobbyist, and

(c) The person so designated by the corporation has also registered as a lobbyist.

(2) The corporation and the lobbyist designated pursuant to this subsection shall fully and accurately report all expenditures made by employees who are exempt hereunder, in the manner and at the times required by section 67-6618, Idaho Code, and, in addition thereto, shall report the names of all employees who make or authorize expenditures in the aggregate sum of fifty dollars ($50.00) or more during any calendar year on behalf of the corporate lobbying activities.

NOTE: The Attorney General has ruled that this bill became law without the Governor's signature on March 31, 1976. The Governor signed this bill on April 1, 1976.
AN ACT
RELATING TO REPORTING BY LOBBYISTS; AMENDING SECTION 67-6619, IDAHO CODE, TO STRIKE THE REQUIREMENT THAT PERSONS WHO ARE NOT REGISTERED AS LOBBYISTS, BUT WHO LOBBY, MUST SUBMIT REPORTS, TO REQUIRE REPORTS MONTHLY INSTEAD OF WEEKLY AND PROVIDING THE CONTENT OF MONTHLY REPORTS, TO PROVIDE THAT LOBBYISTS' REPORTS SHALL SHOW SPECIFIED DETAIL FOR EXPENDITURES WHICH TOTAL, BY CATEGORY, MORE THAN FIFTY DOLLARS, AND TO PROVIDE THAT CONTRIBUTIONS TO LEGISLATORS WHICH ARE REQUIRED TO BE REPORTED UNDER OTHER PROVISIONS OF LAW, NEED NOT BE REPORTED UNDER THE PROVISIONS OF THIS SECTION.

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

SECTION 1. That Section 67-6619, Idaho Code, be, and the same is hereby amended to read as follows:

67-6619. REPORTING BY LOBBYISTS. (a) Any lobbyist registered under section 67-6617, Idaho Code, and any person who--lobbies shall file with the Secretary of State periodic reports of his activities signed by both the lobbyist and the lobbyist's employers. The reports shall be made in the form and manner prescribed by the Secretary of State. They shall be due quarterly and shall be filed within thirty (30) days after the end of the calendar quarter covered by the report. In addition to the quarterly reports, while the legislature is in session, any lobbyist who lobbies with respect to any legislation shall file interim weekly monthly periodic reports for each week month or portion thereof that the legislature is in session, which reports need be signed only by the lobbyist and which shall be filed on each Tuesday within five (5) days of the first day of the month for the activities of the week--ending-on-the-preceding Saturday month just past. In addition, each lobbyist shall within five (5) days after delivery of any written or printed statement, argument or brief to the legislature or any committee thereof or the members thereof, file three (3) copies with the Secretary of State.

(b) Each such quarterly and monthly periodic report shall contain:
(1) The totals of all expenditures made or incurred by such lobbyist or on behalf of such lobbyist by the lobbyist's employer (not including payments made directly to the lobbyist), during the period covered by the report, which totals shall be segregated according to financial category, including, for example, entertainment, food and refreshments; advertising; providing, however, that unreimbursed personal living and travel expenses of a lobbyist not incurred directly or indirectly for any lobbying purpose need not be reported. Each individual The totals of each expenditure of more than fifty dollars ($50.00) for entertainment shall be identified by date, place, amount, and the names of all members of the state legislature or holder of public office in the group partaking in or of such entertainment financial category including any portion thereof attributable to the lobbyist's participation therein but without allocating any portion of such expenditure to individual participants.

(2) In the case of a lobbyist employed by more than one employer, the proportionate amount of such expenditures in each category incurred on behalf of each of his employers.

(3) An itemized listing of each such expenditure made by the lobbyist or by the lobbyist's employer in the nature of a contribution of money or of tangible or intangible personal property to any legislator, or for or on behalf of any legislator. All contributions made to, or for the benefit of, any legislator, exempting only those contributions that are required to be reported under other provisions of law, shall be identified by date, amount, and the name of the legislator receiving, or to be benefited by each such contribution.

(c) Each such quarterly and weekly monthly periodic report shall contain the subject matter of proposed legislation and the number of each senate or house bill, resolution, or other legislative activity which the lobbyist has been engaged in supporting or opposing during the reporting period; provided, that in the case of appropriations bills the lobbyists shall enumerate the specific section or sections which he supported or opposed.

NOTE: The Attorney General has ruled that this bill became law without the Governor's signature on March 31, 1976. The Governor signed this bill on April 1, 1976.
CHAPTER 364

(S.B. No. 1550)

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 DESIGN-
NATED EXPENSE CLASSES FROM THE LISTED FUNDS FOR THE
PERIOD JULY 1, 1976 THROUGH JUNE 30, 1977; AND EXPRESS-
ING LEGISLATIVE INTENT WITH RESPECT TO CERTAIN EXPENDI-
TURES.

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

SECTION 1. It is legislative intent that the expendi-
tures for the Attorney General not exceed the following
amounts for the period July 1, 1976 through June 30, 1977:
FOR:
Personnel Costs $1,812,600
Operating Expenditures 247,400
Capital Outlay 15,200
TOTAL $2,075,200
FROM:
General Fund $ 968,000
Interaccount Billings 1,107,200
TOTAL $2,075,200

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, 1976 through
June 30, 1977:
<table>
<thead>
<tr>
<th>PROGRAM</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. ADMINISTRATION AND INVESTIGATION:</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>$ 342,200</td>
<td>$ 166,200</td>
<td>$ 15,200</td>
<td>$ 523,600</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$ 342,200</td>
<td>$ 166,200</td>
<td>$ 15,200</td>
<td>$ 523,600</td>
</tr>
<tr>
<td>B. LEGAL-CIVIL:</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>$ 215,900</td>
<td>$ 8,500</td>
<td></td>
<td>$ 224,400</td>
</tr>
<tr>
<td>General Interaccount Fund</td>
<td>853,600</td>
<td></td>
<td></td>
<td>853,600</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$1,069,500</td>
<td>$ 8,500</td>
<td></td>
<td>$1,078,000</td>
</tr>
<tr>
<td>C. LEGAL-CRIMINAL:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Fund</td>
<td>$ 96,600</td>
<td>$ 44,300</td>
<td></td>
<td>$ 140,900</td>
</tr>
<tr>
<td>General Interaccount Fund</td>
<td>253,600</td>
<td></td>
<td></td>
<td>253,600</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$ 350,200</td>
<td>$ 44,300</td>
<td></td>
<td>$ 394,500</td>
</tr>
<tr>
<td>D. ORGANIZED CRIME:</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>$ 50,700</td>
<td>$ 28,400</td>
<td></td>
<td>$ 79,100</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$ 50,700</td>
<td>$ 28,400</td>
<td></td>
<td>$ 79,100</td>
</tr>
<tr>
<td>GRAND TOTAL</td>
<td>$1,812,600</td>
<td>$ 247,400</td>
<td>$ 15,200</td>
<td>$2,075,200</td>
</tr>
</tbody>
</table>

SECTION 3. It is legislative intent that an amount, not to exceed $1,000 of the amounts appropriated in section 2, may be used at the discretion of the Attorney General to assist in defraying expenses relating to or resulting from the discharge of his official duties. Such moneys shall be accounted for solely on the itemized certificate of the Attorney General and shall be exempted from provisions of chapter 36, title 67, Idaho Code, and section 67-3516, Idaho Code.
AN ACT
RELATING TO THE DETENTION OF A PERSON WITHOUT A HEARING;
AMENDING CHAPTER 3, TITLE 66, IDAHO CODE, BY THE ADDITION THERETO OF A NEW SECTION 66-329A, IDAHO CODE, TO PROVIDE CONDITIONS UNDER WHICH A PERSON MAY BE TAKEN INTO CUSTODY AS AN ALLEGED EMERGENCY PATIENT, PROVIDING THAT IF A PEACE OFFICER HAS REASON TO BELIEVE THAT THE PERSON'S CONTINUED LIBERTY POSES AN IMMINENT DANGER, THE PERSON MAY BE TAKEN INTO CUSTODY, PROVIDING THAT EVIDENCE SUPPORTING THE CLAIM OF IMMINENT DANGER MUST BE PRESENTED TO A DULY AUTHORIZED COURT, PROVIDING FOR THE ISSUANCE OF A TEMPORARY CUSTODY ORDER, REQUIRING AN EXAMINATION OF THE PERSON BY A DESIGNATED EXAMINER, PROVIDING FOR THE DESIGNATED EXAMINER TO FILE A PETITION WITH THE COURT REQUESTING THE PATIENT'S DETENTION, AND PROVIDING PROTECTION AND RIGHTS OF ANY PERSON HELD IN CUSTODY.

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

SECTION 1. That Chapter 3, Title 66, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 66-329A, Idaho Code, and to read as follows:

66-329A. DETENTION WITHOUT HEARING. (a) No person shall be taken into custody as an alleged emergency patient unless and until the court has ordered such apprehension and custody under the provisions outlined in section 66-329, Idaho Code; provided, however, that a person may be taken into custody by a peace officer if the peace officer has reason to believe that the person's continued liberty poses an imminent danger to that person or others, as evidenced by a threat of substantial physical harm. Whenever a person is taken into custody under this section without court order, the evidence supporting the claim of imminent danger must be presented to a duly authorized court within twenty-four (24) hours from the time the individual was placed in custody.

(b) If the court finds the individual to be imminently dangerous under subsection (a) of this section, the court
shall issue a temporary custody order requiring the person to be held in a treatment unit, and requiring an examination of the person by a designated examiner within twenty-four (24) hours of the entry of the order of the court.

(c) Where an examination is required under subsection (b) of this section, the designated examiner shall make his findings and report to the court within twenty-four (24) hours of the examination.

(d) If the designated examiner finds, in his examination under this section, that the person is mentally ill and dangerous to himself and/or others, and is likely to do substantial physical harm if allowed to return to liberty, the designated examiner shall file, within twenty-four (24) hours of his examination of the person, a petition with the court requesting the patient's detention pending commitment proceedings pursuant to the provisions of section 66-329, Idaho Code. Upon the receipt of such a petition, the court shall order his detention to await hearing which shall be within five (5) days (including Saturdays, Sundays and legal holidays) of the detention order.

(e) Any person held in custody under the provisions of this section shall have the same protection and rights which are guaranteed to a person already committed to a treatment unit. Upon taking a person into custody, notice shall be given to the person's immediate relatives of the person's physical whereabouts and the reasons for taking the person into custody.

Law without signature.
CHAPTER 366

(S.B. No. 1428, As Amended in the House)

AN ACT

RELATING TO THE DUTIES OF THE ATTORNEY GENERAL; AMENDING SECTION 67-1401, IDAHO CODE, BY CAUSING THE ATTORNEY GENERAL TO REPRESENT ELECTIVE STATE OFFICERS AND JUDGES AND MAGISTRATES, AND REQUIRING THE ATTORNEY GENERAL TO FORWARD COPIES OF COMPLAINTS IN LAWSUITS TO THE STATE GOVERNMENTAL ENTITY, STATE ELECTED OFFICER, JUDGE OR MAGISTRATE NAMED AS DEFENDANT; AMENDING CHAPTER 14, TITLE 67, IDAHO CODE, BY THE ADDITION THERETO OF A NEW SECTION 67-1403, IDAHO CODE, TO PROVIDE THAT LEGAL SERVICES FOR THE STATE OF IDAHO, EXCEPT FOR THOSE SELF-GOVERNING AGENCIES AND CERTAIN OFFICERS WHICH CHOOSE TO SECURE OTHER LEGAL SERVICES, SHALL COME FROM THE ATTORNEY GENERAL, PROVIDING THE AUTHORITY TO ENTER INTO INTERACCOUNT BILLING ARRANGEMENTS THEREFOR; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 67-1401, Idaho Code, be, and the same is hereby amended to read as follows:

67-1401. DUTIES OF ATTORNEY GENERAL. It is the duty of the attorney general:

1. To attend the Supreme-Court courts of the state of Idaho and prosecute or defend all causes to which the state or any elective officer thereof, or a judge or magistrate, in his official capacity, is a party; and all causes to which any county may be a party, unless the interest of the county is adverse to the state or some officer thereof acting in his official capacity, and except as otherwise provided by law. Also to prosecute and defend all the above-mentioned causes in the United States courts. And in all cases where he shall be required to attend upon the United States courts, other than those sitting within this state, he shall be allowed his necessary and actual expenses, all claims for which shall be audited by the state board of examiners. In all cases wherein a state governmental entity, state elective officer, judge or magistrate is named as defendant the attorney general shall mail a copy of the complaint therein to such defendant.

2. After judgment in any of the causes referred to in the preceding subdivision, to direct the issuing of such process as may be necessary to carry the same into execution.
3. To account for and pay over to the proper officer all moneys which may come into his possession belonging to the state or to any county.

4. To supervise nonprofit corporations, corporations, charitable or benevolent societies, person or persons holding property subject to any public or charitable trust and to enforce whenever necessary any noncompliance or departure from the general purpose of such trust and, in order to accomplish such purpose, said nonprofit corporations, corporations, charitable or benevolent societies, person or persons holding property subject to any public or charitable trust are subject at all times to examination by the attorney general, on behalf of the state, to ascertain the condition of its affairs and to what extent, if at all, said trustee or trustees may have failed to comply with trusts said trustee or trustees have assumed or may have departed from the general purpose for which it was formed. In case of any such failure or departure, the attorney general shall institute, in the name of the state, any proceeding necessary to enforce compliance with the terms of the trust or any departure therefrom.

5. To exercise supervisory powers over prosecuting attorneys in all matters pertaining to the duties of their offices, and from time to time require of them reports as to the condition of public business intrusted to their charge.

6. To give his opinion in writing, without fee, to the legislature or either house thereof, and to the governor, secretary of state, treasurer, auditor, and the trustees or commissioners of state institutions, when required, upon any question of law relating to their respective offices. It shall be his duty to keep a record of all written opinions rendered by his office and such opinions shall be compiled annually and made available for public inspection. All costs incurred in the preparation of said opinions shall be borne by the office of the attorney general. A copy of the opinions shall be furnished to the Supreme Court and to the state librarian.

7. When required by the public service, to repair to any county in the state and assist the prosecuting attorney thereof in the discharge of his duties.

8. To bid upon and purchase, when necessary, in the name of the state, and under the direction of the auditor, any property offered for sale under execution issued upon judgments in favor of or for the use of the state, and to enter satisfaction in whole or in part of such judgments as the consideration for such purchases.

9. Whenever the property of a judgment debtor in any
judgment mentioned in the preceding subdivision has been sold under a prior judgment, or is subject to any judgment, lien, or encumbrance, taking precedence of the judgment in favor of the state, under the direction of the auditor, to redeem such property from such prior judgment, lien, or encumbrance; and all sums of money necessary for such redemption must, upon the order of the board of examiners, be paid out of any money appropriated for such purposes.

10. When in his opinion it may be necessary for the collection or enforcement of any judgment hereinbefore mentioned, to institute and prosecute, in behalf of the state, such suits or other proceedings as he may find necessary to set aside and annul all conveyances fraudulently made by such judgment debtors; the cost necessary to the prosecution must, when allowed by the board of examiners, be paid out of any appropriations for the prosecution of delinquents.

11. To discharge the other duties prescribed by law.

12. To report to the governor, at the time required by this code, the condition of the affairs of his department, and to accompany the same with a copy of his docket, and of the reports received by him from prosecuting attorneys.

SECTION 2. That Chapter 14, 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 67-1403, Idaho Code, and to read as follows:

67-1403. LEGAL SERVICES FOR STATE TO BE FURNISHED BY ATTORNEY GENERAL. Legal services for the state of Idaho (including but not limited to any state office, department, agency, authority, commission, board, institution, hospital, college, university, or other instrumentality thereof) shall exclusively be provided by and sought from the attorney general, but excluding those agencies, boards, and instrumentalities within the department of self-governing agencies, the office of governor, the legislature and the courts, as shall indicate in writing to the attorney general that they desire to secure their legal services from some other source. The attorney general is authorized to enter into interaccount billing arrangements for legal services he renders to such instrumentalities, which instrumentalities are authorized to pay for the same.

SECTION 3. This act shall be in full force and effect on and after July 1, 1976.

NOTE: The Attorney General has ruled that this bill became law without the Governor's signature on March 31, 1976. The Governor vetoed this bill in total on April 1, 1976.
CHAPTER 367
(S.B. No. 1494, As Amended, As Amended in the House)

AN ACT
RELATING TO CLASSIFICATION AND COMPENSATION OF STATE EMPLOYEES; AMENDING SECTION 67-5303, IDAHO CODE, TO PROVIDE THAT "OFFICERS" SHALL BE IN STEP TWENTY-FOUR OR HIGHER OF THE SALARY SCHEDULE TO QUALIFY FOR AN EXEMPTION FROM THIS ACT; AMENDING SECTION 67-5309, IDAHO CODE, TO STRIKE LANGUAGE CONCERNING THE ESTABLISHMENT AND ADMINISTRATION OF THE COMPENSATION SCHEDULE; AMENDING CHAPTER 53, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-5309B, IDAHO CODE, TO PROVIDE A METHOD OF DETERMINING THE VALUE OF JOB CLASSIFICATIONS AND TO PROVIDE FOR THE METHOD OF APPROVAL OF STATE EMPLOYEES' SALARIES; BY THE ADDITION OF A NEW SECTION 67-5309C, IDAHO CODE, TO ESTABLISH A STATE SALARY SCHEDULE, PROVIDING FOR LONGEVITY AND THE METHOD OF DETERMINING MERIT INCREASES FOR STATE EMPLOYEES; AND ESTABLISHING EFFECTIVE DATES FOR IMPLEMENTATION OF THIS ACT; AND APPROPRIATING MONEYS FROM THE GENERAL FUND TO THE STATE BOARD OF EXAMINERS FOR PERSONNEL COSTS OF STATE AGENCIES FOR FISCAL YEAR 1977, 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. That Section 67-5303, Idaho Code, be, and the same is hereby amended to read as follows:

67-5303. APPLICATION TO STATE EMPLOYEES -- EXEMPTIONS. 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-twelve-twenty-four (24) 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 a state institution.

(l) 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) Temporary employees.

(n) 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 prune 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.

(o) All inspectors of the fresh fruit and vegetable inspection service of the Idaho department of agriculture.

SECTION 2. 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, 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 to develop, and adopt 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 statistically historically 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 first. If a comprehensive compensation plan is not approved, the compensation plan then in effect will be continued.

(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 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 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 on the register in order of their augmented rating. Certification of eligibility for appointment to vacancies shall be in accordance with a formula which limits selection by the hiring department from among the 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 provisional appointments.
(l) A rule concerning 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 cooperation 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 3. 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 67-5309B, Idaho Code, and to read as follows:

67-5309B. ESTABLISHING SALARIES. (a) The commission shall determine the relative worth of each job classification established pursuant to section 67-5309, Idaho Code, and, in making such determination, shall utilize a job profile system similar in content and method to the guide chart profile method developed by Hay and Associates.
(b) For positions established by the commission after April 1, 1976, and, commencing July 1, 1977, and annually thereafter for all positions established by the commission, such job classifications shall be, by the commission, allocated to a pay grade in the salary schedule established by act of the legislature of the state of Idaho, which most nearly provides a salary range comparable to rates paid by private industry and other governmental units for jobs of like value, based upon a job profile system described in subsection (a) of this section.
(c) The determination of rate comparability shall, for purposes of subsection (b) hereof, be based upon salary surveys conducted or approved by the commission within relevant labor markets. The results of such surveys shall be factored ahead, based on statistical, historical, or other
economic factors to the anticipated time of allocation of
the particular job classification to an initial or new pay
grade in the salary schedule established by the legislature.
The factors herein referred to shall include, but are not
limited to, anticipated salary adjustments for the positions
surveyed, changes in cost-of-living as measured by the con-
sumer price index, and anticipated adjustments in the aver-
age weekly wage in the state of Idaho, as defined and deter-
mined pursuant to section 72-409, Idaho Code.

(d) After the initial allocation of a job classifi-
cation to a pay grade in the salary schedule, reallocations
of job classifications within the salary schedule by the
commission shall not be effective, except upon the approval
of the administrator, division of budget, policy planning
and coordination, office of the governor, and the legis-
lature. A report of proposed reallocations, together with
estimated costs therefor, as approved by the commission and
the office of the governor, shall be submitted to the legis-
lature by the commission prior to the seventh legislative
day of each legislative session. The legislature may, by
concurrent resolution, modify or reject such report. The
failure of the legislature to modify or reject such report
prior to adjournment sine die shall constitute approval.

SECTION 4. 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 67-5309C,
Idaho Code, and to read as follows:

67-5309C. SALARY SCHEDULE, LONGEVITY AND MERIT
INCREASES. (a) The following schedule is adopted as the
monthly salary schedule for all positions classified pur-
suant to Chapter 53, Title 67, Idaho Code. The commission
shall establish corresponding rates for annual, weekly and
hourly work.

<table>
<thead>
<tr>
<th>Pay</th>
<th>Grade</th>
</tr>
</thead>
<tbody>
<tr>
<td>Step A</td>
<td>Step B</td>
</tr>
<tr>
<td>$347</td>
<td>$364</td>
</tr>
<tr>
<td>364</td>
<td>382</td>
</tr>
<tr>
<td>382</td>
<td>401</td>
</tr>
<tr>
<td>401</td>
<td>421</td>
</tr>
<tr>
<td>421</td>
<td>443</td>
</tr>
<tr>
<td>443</td>
<td>465</td>
</tr>
<tr>
<td>465</td>
<td>488</td>
</tr>
</tbody>
</table>
(b) Each employee in classified service shall, separate and apart from the salary schedule established by subsection (a) hereof, receive two and one-half per cent (2 1/2%) of his base salary for each complete five (5) year period of
service with the state. No additional longevity credit shall be awarded after the twentieth (20th) year of service.

It is hereby declared to be the intent of the legislature that the advancement of an employee to steps providing an increased salary within each pay grade shall be based solely on merit, including factors such as increased productivity, reliability, effectiveness, and the ability to achieve the goals and objectives of the particular position. No employee shall advance to a higher step within a pay grade without an affirmative certification for such purpose by the employee's immediate supervisor, approved by the departmental director or the director's designee, in accordance with the following schedule and criteria:

(i) Step B in the salary schedule shall normally be the rate at which an employee is paid within a grade when originally employed. When necessary to obtain qualified personnel in a particular grade, however, upon petition of the appointing authority to the commission containing acceptable reasons therefor, a higher step or temporary pay grade may be authorized by the commission.

(ii) Each employee's work performance shall be evaluated six (6) months after initial appointment or promotion and annually thereafter by his or her immediate supervisor. Employees shall advance to step B of the salary schedule upon completion of six (6) months of satisfactory performance upon a certification of satisfactory performance by his or her immediate supervisor on an evaluation form approved by the commission for that purpose. Employees shall thereafter advance to steps C through E of the compensation schedule on an annual basis upon a certification of satisfactory performance by his or her immediate supervisor on an evaluation form approved by the commission for that purpose.

(iii) Step F of the compensation schedule represents a very commendable level of performance and achievement. Step G of the compensation schedule is reserved for those employees whose service is exemplary and distinguished. Employees shall be eligible to receive steps F and G upon certification by the department on an evaluation form developed for that purpose that performance meets the required criteria.

SECTION 5. Sections 2, 3 and 6 of this act shall be in full force and effect on and after July 1, 1976. Section 1 of this act shall be in full force and effect on and after July 1, 1977. The provisions of section 4 shall be in full force and effect as follows: section 67-5309C(a) and (c),
Idaho Code, July 1, 1977; section 67-5309(b), Idaho Code, July 1, 1976. For the fiscal year 1976-77, longevity credits shall be made on the basis of the salary schedule then in effect, and shall be computed on an employee's current grade and step.

SECTION 6. (1) There is hereby appropriated the sum of $1,693,700 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 1977 for personnel costs. The appropriation herein made is specifically to be used to implement the provisions of sections 67-5309B and 67-5309C, Idaho Code, for those positions which are funded wholly or in part from the general fund, except for those positions for which a salary is 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 under the provisions of sections 67-5309B and 67-5309C, Idaho Code. 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 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 implement the provisions of sections 67-5309B and 67-5309C, Idaho Code, together with
any associated personnel costs contemplated by the provi-
sions of this section.

(4) The state board of examiners shall order adjust-
ments or distributions made to the various state agencies in
any manner necessary to accomplish the purposes and intent
of this section.

NOTE: The Attorney General has ruled that this bill became law without the Governor's
signature on March 31, 1976. The Governor vetoed portions of lines 11, 14, 23, 24 and all
of lines 12 and 13 in Section 6.
SENATE CONCURRENT RESOLUTIONS

(S.C.R. No. 128)

A CONCURRENT RESOLUTION
REJECTING CERTAIN RULES OF THE IDAHO PERSONNEL COMMISSION
AUTHORIZING OR RECOGNIZING EDUCATIONAL LEAVE WITH PAY.

Be It Resolved by the Legislature of the State of Idaho:
WHEREAS, the Legislature may, by resolution, reject, amend or modify rules and regulations of executive agencies under Section 67-5218, Idaho Code; and
WHEREAS, it is the sense of the Legislature that educational leave with pay should not be authorized for state employees.

NOW, THEREFORE, BE IT RESOLVED by the Second Regular Session of the Forty-third Idaho Legislature, the Senate and the House of Representatives concurring therein, that the following rules and regulations of the Idaho Personnel Commission are hereby rejected and declared null and void: 26-1.8, 27-1.6 and 28-2.1.

Adopted by the Senate February 16, 1976.
Adopted by the House March 11, 1976.
A CONCURRENT RESOLUTION
APPROVING THE EXPENDITURE OF GENERAL FUND AND DEDICATED FUND REVENUES TO IMPLEMENT AN ADJUSTMENT IN THE STATE CONTRIBUTION TO THE STATE EMPLOYEES' GROUP HEALTH INSURANCE PLAN; DIRECTING THE JOINT FINANCE-APPROPRIATIONS COMMITTEE TO PREPARE AND INTRODUCE THE APPROPRIATE LEGISLATION TO ACCOMPLISH THE OBJECTIVE OF THIS RESOLUTION.

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

WHEREAS, it is declared to be legislative intent that rates of state contribution to the state employees' group health insurance program should be restored to rates existing in the past and adjusted to a level consistent with prevailing practices in industry and government within Idaho, and

WHEREAS, it is declared to be legislative intent that the state assume the major responsibility for providing adequate employee health insurance protection so that medical problems, costs, worries, and frustrations are not brought to the work place where they can interrupt productivity and the services provided the taxpayers, and

WHEREAS, a recent Department of Administration survey reveals that seventy per cent of the major Idaho employers pay the full cost of health insurance protection for an employee alone and fifty-six per cent of those surveyed pay the full cost for the employee and his or her dependents, and

WHEREAS, the current state contribution to employee health insurance lags far behind prevailing practices, and

WHEREAS, the Legislature is aware of the burden currently imposed on the taxpayers of the State of Idaho.

NOW, THEREFORE, BE IT RESOLVED by the Second Regular Session of the Forty-third Idaho Legislature, the House of Representatives and Senate concurring therein that effective July 1, 1976, the state contribution to the employee health insurance plan shall be adjusted to a level sufficient to pay the entire cost for each state employee and maintain the employees cost for the family at $30.32 per month on a health insurance plan comparable to the current Plan I and that the sum of $2,161,000 be appropriated in fiscal year 1976-77 from the General Fund, together with such adjustments or appropriations from dedicated or other funds, as
may be necessary, and
BE IT FURTHER RESOLVED, that the Joint
Finance-Appropriations Committee prepare and introduce the
appropriate legislation to accomplish the objective of this
resolution.
Adopted by the Senate February 18, 1976.
Adopted by the House March 2, 1976.
A CONCURRENT RESOLUTION
AUTHORIZING THE LEGISLATIVE COUNCIL TO UNDERTAKE AND COMPLETE A STUDY OF MATTERS RELATING TO ENERGY DEVELOPMENT IN THE STATE OF IDAHO, AND TO REPORT INTERIM RESULTS TO THE FIRST REGULAR SESSION OF THE FORTY-FOURTH IDAHO LEGISLATURE AND TO MAKE A FINAL REPORT TO THE SECOND REGULAR SESSION OF THE FORTY-FOURTH IDAHO LEGISLATURE.

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

WHEREAS, traditional reliance on hydropower sources of energy has fostered a strong economy in the State of Idaho; and

WHEREAS, recent proposals for new energy sources have moved away from hydropower and as a result threaten greatly increased costs with serious impact upon every aspect of Idaho society; and

WHEREAS, before abandoning the hydropower base it would be advisable to thoroughly consider further development of this resource while also giving careful review to any new, economical and environmentally sound sources of power; and

WHEREAS, certain water storage dams exist which have potential for development as power-generating facilities including particularly Lucky Peak dam near Boise; and

WHEREAS, state law must be reviewed to insure that its provisions are consistent with sound energy development as well as fostering energy conservation through various incentives and controls upon energy use; and

WHEREAS, it is in the interests of the people of the State of Idaho to maintain the energy source which provides the greatest benefit to the economy at the least economic and environmental cost.

NOW, THEREFORE, BE IT RESOLVED by the Second Regular Session of the Forty-third Idaho Legislature, the Senate and the House of Representatives concurring therein, that the Legislative Council shall appoint a committee to undertake and complete a study of energy development in the State of Idaho. Particular attention shall be directed toward existing hydropower sources and potential further development, while also studying alternative resources which are economically and environmentally sound. State law should be reviewed to insure that it is compatible with responsible energy development.
BE IT FURTHER RESOLVED that an interim report shall be submitted to the First Regular Session of the Forty-fourth Idaho Legislature, and a final report shall be submitted to the Second Regular Session of the Forty-fourth Idaho Legislature.

Adopted by the Senate March 6, 1976.
Adopted by the House March 18, 1976.

(S.C.R. No. 133)

A CONCURRENT RESOLUTION
AUTHORIZING AND DIRECTING THE LEGISLATIVE COUNCIL TO UNDER­TAKE AND COMPLETE A STUDY OF THE WORKMEN'S COMPENSATION CODE, AND AUTHORIZING THE APPOINTMENT OF AN ADVISORY COMMITTEE.

Be It Resolved by the Legislature of the State of Idaho:
WHEREAS, a complete recodification of the Workmen's Compensation Code was undertaken and completed in the 1971 Idaho Legislature; and

WHEREAS, the Legislature deems it a timely matter to review the implementation, operation and effectiveness of the statutes adopted at that time.

NOW, THEREFORE, BE IT RESOLVED by the Second Regular Session of the Forty-third Idaho Legislature, the Senate and the House of Representatives concurring therein, that the Idaho Legislative Council shall appoint a committee to undertake and complete a study of the Workmen's Compensation Code. A report of the findings and recommendations shall be made to the First Regular Session of the Forty-fourth Idaho Legislature.

BE IT FURTHER RESOLVED that the committee shall appoint an advisory committee to be composed of two persons representing each the insurance industry, management, labor, and the general public, and shall include representation of the Idaho Industrial Accident Commission.

BE IT FURTHER RESOLVED that the members of the advisory committee may be reimbursed by the Legislative Council their actual and necessary expenses as provided for members of the Legislative Council, except that no state employee shall be so reimbursed.

Adopted by the Senate March 6, 1976.
Adopted by the House March 18, 1976.
A CONCURRENT RESOLUTION
DECLARING THAT SERIOUS DIFFERENCES CURRENTLY EXIST REGARDING THE IMPLEMENTATION OF CERTAIN RULES OF THE DEPARTMENT OF FINANCE REGARDING CREDIT UNIONS, AND PROPOSING THAT CERTAIN RULES BE AMENDED, REPEALED, RESCINDED OR DELETED.

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

WHEREAS, serious differences and uncertainties currently exist concerning the taking in of additional small groups by credit unions; and

WHEREAS, the Senate and House of Representatives deem it necessary and desirable to modify certain portions of the rules and regulations adopted by the Department of Finance relating to credit unions.

NOW, THEREFORE, BE IT RESOLVED by the Second Regular Session of the Forty-third Idaho Legislature, the Senate and House of Representatives concurring therein, that the following rules and regulations of the Department of Finance, adopted pursuant to the authorization of Section 26-2166, Idaho Code, be repealed, rescinded, deleted or amended, as follows:

That Rule 203.1 be amended to read as follows:
203.1 - SCOPE OF PART
A - Establish the requirements for a credit union application.
B - Establish guidelines for applications for a credit union charter when the field of membership of the proposed credit union would include persons presently in the field of membership of another credit union.

That Rule 204.1 be amended to read as follows:
204.1 - PURPOSE OF REGULATIONS
These regulations are adopted by the Director of Finance for the purpose of setting guidelines for the approval of credit union charters.

That Rules 203.7 and 204.4, be, and the same are hereby repealed, rescinded and deleted.

Adopted by the Senate March 6, 1976.
Adopted by the House March 18, 1976.
A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE THAT THE DEPARTMENT OF ADMINISTRATION, STATE OF IDAHO, SHOULD CHARGE A REASONABLE RATE OF RENTAL FOR PARKING SPACES IN THE CAPITOL MALL.

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

WHEREAS, the Division of Public Works of the Department of Administration is charged with management and control of the property acquired for the State Capitol Mall; and

WHEREAS, some of the property acquired for the State Capitol Mall is currently devoted to use as parking space, allocated for use by state employees; and

WHEREAS, the Department of Administration is authorized to enter into rental contracts and lease agreements for use of Capitol Mall real estate; and

WHEREAS, reasonable return from the use of State Capitol Mall property for parking would benefit the Permanent Building Fund and would be responsible management of the property.

NOW, THEREFORE, BE IT RESOLVED by the Second Regular Session of the Forty-third Idaho Legislature, the Senate and the House of Representatives concurring therein, that it is the finding of the Legislature that the Department of Administration, in the management of property in the State Capitol Mall, should charge a reasonable rate of rental for the use of any parking spaces in the mall area. The proceeds of such rental should be deposited to the credit of the Permanent Building Fund as provided by law.

Adopted by the Senate March 10, 1976.
Adopted by the House March 12, 1976.
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 Second Regular Session of the Forty-third Idaho Legislature, the Senate and the House of Representatives concurring, that the contract for the printing of the Session Laws of the Second 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 3rd day of March, 1976, 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 Second Regular Session of the Forty-third Legislature and the Session Laws of any Extraordinary Session of the Forty-third Legislature: $11.65 per page, f.o.b. Boise, Idaho, if produced by offset lithography with camera-ready copy being furnished by 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, 1976, shall be included in the Session Laws of the Second 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 offi-
cials, and the party of the first part, by concurrent reso-
lution has caused these presents to be executed by its
proper officials.

HOUSE PRINTING AND LEGISLATIVE
EXPENSE COMMITTEE

By  (George G. Danielson)
George G. Danielson, Chairman

SENATE JUDICIARY AND RULES COMMITTEE

By  (Edith Miller Klein)
Edith Miller Klein, Chairman

Party of the First Part

THE CAXTON PRINTERS, LTD.

By  (Jim Gipson)
Jim Gipson

Party of the Second Part

Adopted by the Senate March 10, 1976.
Adopted by the House March 15, 1976.
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 and the House of Repre­
sentatives of the Second Regular Session of the Forty-third
Idaho Legislature concurring, that the contract for the
printing of the Legislative Journals in accordance with the
provisions of law and in accordance with the written con­
tract 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 3rd day of
March, 1976, by and between the Senate Judiciary and Rules
Committee and the House Printing and Legislative Expense
Committee of the Second Regular Session of the Forty-third
Session of the Legislature of the State of Idaho, 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 legis­
lative printing is hereby awarded to the said SYMS-YORK COM­
PANY, 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
(Edith Miller Klein)
By: EDITH MILLER KLEIN, Chm.

House Printing and Legislative Expense Committee
(George G. Danielson)
By: GEORGE G. DANIELSON, Chm.

Party of the first part
SYMS-YORK COMPANY
(Stuart Davison)
By: Stuart Davison

Party of the second part.
Adopted by the Senate March 10, 1976.
Adopted by the House March 15, 1976.
A CONCURRENT RESOLUTION


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, Idaho Falls, Coeur d'Alene and Twin Falls require an annual expenditure of $1,360,018.20; 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, Idaho Falls, Coeur d'Alene and Twin 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; and

WHEREAS, pursuant to the provisions of Section 67-6410, Idaho Code, the First Regular Session of the Forty-third Idaho Legislature, the House of Representatives and the Senate concurring therein, adopted House Concurrent Resolution No. 28 titled "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": and

WHEREAS, said House Concurrent Resolution No. 28 authorized the Department of Administration, State of Idaho 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; and

WHEREAS, the Legislature has determined, in order to provide sufficient office space to house state agencies within the vicinity of the cities of Lewiston, Boise, Pocatello and Idaho Falls, to remove the limitations regarding square footage and limitations regarding projected costs contained in House Concurrent Resolution No. 28 and extend the authorization to include facilities in Coeur d'Alene and Twin Falls.

NOW, THEREFORE, BE IT RESOLVED by the Second Regular Session of the Forty-third Idaho Legislature, the House of Representatives and the Senate concurring therein, that House Concurrent Resolution No. 28, as adopted by the First Regular Session of the Forty-third Idaho Legislature, the House of Representatives and the Senate concurring therein and titled "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" is hereby repealed and declared null and void.

BE IT FURTHER RESOLVED that the administrator of the Division of Public Works of the Department of Administration of the State of Idaho is authorized to enter into a year-to-year lease agreement or agreements with the Idaho State Building Authority, upon such terms and conditions as he deems reasonable and necessary, for the purpose of providing sufficient office space for offices of the State of Idaho within the cities of Idaho Falls, Lewiston, Pocatello, Coeur d'Alene, Twin Falls and within the Capitol Mall area in Boise, and shop and office space in the vicinity of Boise, Idaho.

BE IT FURTHER RESOLVED that this concurrent resolution shall for all purposes constitute prior legislative approval, in accordance with Section 67-6410, Idaho Code, with respect to the lease agreement or agreements and the facilities referred to in Section 2 hereof.

Adopted by the Senate March 10, 1976.
Adopted by the House March 15, 1976.
A CONCURRENt RESOLUTION
AUTHORIZING AND DIRECTING THE LEGISLATIVE COUNCIL TO UNDER­
TAKE AND COMPLETE, A STUDY OF PRECINCT AND OTHER GEO­
GRAPHIC BOUNDARIES FOR CENSUS OF POPULATION PURPOSES,
AND DIRECTING THAT A REPORT BE SUBMITTED TO THE FIRST
REGULAR SESSION OF THE FORTY-FOURTH IDAHO LEGISLATURE.

Be It Resolved by the Legislature of the State of Idaho:
WHEREAS, the Congress of the United States has enacted
new authorization to allow states to certify a plan to the
census bureau identifying specific geographic areas for
which tabulations of population are desired; and
WHEREAS, population data provided to the State of Idaho
by precinct units would facilitate legislative reapportion­
ment when that task is undertaken following the decennial
census; and
WHEREAS, the geographic areas must meet certain cri­
teria, including stability throughout the census period; and
WHEREAS, a study of precinct and other geographic bound­
aries in cooperation with affected officials of state and
local governments would enable legislative action to comply
with federal criteria and would be advantageous to legis­
lative goals.

NOW, THEREFORE, BE IT RESOLVED by the Second Regular
Session of the Forty-third Idaho Legislature, the Senate and
the House of Representatives concurring, that the Legis­
lative Council is authorized and directed to appoint a
committee to undertake and complete a study of the precinct
and other geographic boundaries provided pursuant to state
law for census of population purposes for the State of
Idaho. The standards certified by the Secretary of Commerce
shall be considered by the committee in determining the
necessary action to achieve compliance and to obtain census
data in the form most usable for state purposes.

BE IT FURTHER RESOLVED that the committee shall report
its findings and recommendations to the First Regular
Session of the Forty-fourth Idaho Legislature.

 Adopted by the Senate March 10, 1976.
 Adopted by the House March 17, 1976.
A CONCURRENT RESOLUTION

PROVIDING LEGISLATIVE AUTHORIZATION FOR THE IDAHO STATE
BUILDING AUTHORITY TO ACQUIRE OR ERECT AN OFFICE BUILDING WITHIN OR CONTIGUOUS TO THE CAPITOL MALL COMPLEX AT
BOISE TO HOUSE THE PUBLIC UTILITIES COMMISSION AND 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 City of Boise require an annual expenditure of $868,000 for non-state owned facilities, and

WHEREAS, these lease costs will continue to increase in the future, and

WHEREAS, continuing increased building and leasing costs make it advantageous to acquire state office buildings at today's market prices to provide a stabilized lease cost and eventual ownership by the State of Idaho, and

WHEREAS, the Public Utilities Commission is charged with insuring that the citizens of Idaho are provided services and utilities at the lowest possible cost and the timely acquisition of a building to house their regulatory functions would provide a means of displaying their prudent approach to negate one aspect of operating increases, and

WHEREAS, the acquisition and construction of such building would provide for the citizens of the State one-stop service for the various agencies housed within or contiguous to the Capitol Mall complex.

NOW, THEREFORE, BE IT RESOLVED by the Second Regular Session of the Forty-third Idaho Legislature, the Senate and the House of Representatives concurring therein, that the Public Utilities Commission of the State of Idaho is authorized to enter into lease agreements with the Idaho State Building Authority for the purpose of acquiring an office building of approximately 20,000 square feet within the city of Boise, Idaho.

Adopted by the Senate March 10, 1976.
Adopted by the House March 19, 1976.
A CONCURRENT RESOLUTION
STATING THE FINDING OF THE LEGISLATURE THAT PROPOSALS SUBMITTED TO THE PERMANENT BUILDING FUND ADVISORY COUNCIL SHOULD BE COMPLETE AND ACCURATE AND SHOULD INCLUDE ALL COSTS TO BE INCURRED IN MAKING THE CONTEMPLATED BUILDING TOTALLY USABLE.

Be It Resolved by the Legislature of the State of Idaho:
WHEREAS, the Permanent Building Fund Advisory Council is charged with administration of the Permanent Building Fund for the purposes of providing for construction needs of the institutions and agencies of the State of Idaho; and
WHEREAS, the Permanent Building Fund Advisory Council prepares and submits annually a report of the projected building requirements for the institutions and agencies of the State of Idaho; and
WHEREAS, decisions and deliberations of the council must necessarily rely upon the availability of funds and the need submitted to them by institutions and agencies in the form of building proposals and requests; and
WHEREAS, it is in the interests of the wisest appropriation and management of the Permanent Building Fund that proposals submitted to the Council be as complete and accurate as is possible; and
WHEREAS, it appears that some proposals submitted to the Council have been lacking in information to the extent that the proposed building costs may not have included furnishing, finishing details, and other equipment and fixtures necessary to make the building totally usable.

NOW, THEREFORE, BE IT RESOLVED by the Second Regular Session of the Forty-third Idaho Legislature, the Senate and the House of Representatives concurring therein, that it is the finding of the Legislature that proposals submitted to the Permanent Building Fund Advisory Council should be complete and accurate insofar as possible, and should include all costs to be incurred in making the contemplated building totally usable, including furnishings and equipment, and should include proposed financing sources therefor. We further urge the Permanent Building Fund Advisory Council to review all proposals for their completeness, and to require such complete detail before giving consideration to any proposal.

Adopted by the Senate March 10, 1976.
Adopted by the House March 12, 1976.
A CONCURRENT RESOLUTION
PROVIDING AUTHORIZATION FOR THE PERSONNEL COMMISSION TO
CREATE JOB CONTENT EVALUATION COMMITTEES TO EVALUATE THE
CONTENT OF EACH JOB CLASSIFICATION FOR STATE EMPLOYEES;
DIRECTING THE PERSONNEL COMMISSION TO REWRITE JOB
CLASSIFICATIONS WHEN NECESSARY; AUTHORIZING THE EXPENDI-
TURE OF $50,000 FROM LEGISLATIVE FUNDS FOR THE PURPOSES
ENUMERATED HEREIN; AND REQUIRING THE PERSONNEL COMMI-
SION TO REPORT THE RESULTS OF THE STUDY TO THE LEGIS-
LATIVE OVERVIEW COMMITTEE PRIOR TO DECEMBER 1, 1976, FOR
THE COMMITTEE'S APPROVAL.

Be It Resolved by the Legislature of the State of Idaho:
WHEREAS, the Legislature in the First Regular Session of
the Forty-third Idaho Legislature approved a study of the
personnel system of the State of Idaho, said study to be
performed by Hay and Associates, and
WHEREAS, the Idaho Personnel Commission and Hay and
Associates did perform a study of the Idaho personnel system
and a partial evaluation of job classifications based upon
existing descriptions, and
WHEREAS, it has been found that the job descriptions, as
written, are not adequate for the purpose of accurately
evaluating such positions in accordance with a job point
profile system similar to the Hay method and that further
study and recommendations are necessary.
NOW, THEREFORE, BE IT RESOLVED by the Second Regular
Session of the Forty-third Idaho Legislature, the Senate and
House of Representatives concurring therein, that the Per-
sonnel Commission is hereby authorized and directed to
create a job content evaluation committee or committees com-
prised of Personnel Commission staff, state employees,
representatives of the Idaho Public Employees Association,
and legislators (ex officio), for the purpose of evaluating
the content of each classified position in state service.
BE IT FURTHER RESOLVED that the Personnel Commission is
authorized and directed to undertake and complete a study of
classifications of all classified positions and to rewrite,
where necessary, those classifications.
BE IT FURTHER RESOLVED that not to exceed the sum of
fifty thousand dollars of moneys appropriated for legis-
lative purposes is hereby allocated to the Personnel Commis-
sion for the purpose of retaining consultants to assist in the directives contained herein, and for other necessary expenses in completing the study and evaluation directed hereby.

BE IT FURTHER RESOLVED that on or before November 1, 1976, the Personnel Commission is directed to report the results of its work to the Legislative Overview Committee prescribed by Section 67-5317, Idaho Code, for the approval of the Legislative Overview Committee prior to the organizational session of the First Regular Session of the Forty-fourth Idaho Legislature.

Adopted by the Senate March 15, 1976.
Adopted by the House March 17, 1976.
A CONCURRENT RESOLUTION
STATING LEGISLATIVE FINDINGS AND AMENDING CERTAIN RULES AND REGULATIONS OF THE DEPARTMENT OF LABOR AND INDUSTRIAL SERVICES OF THE STATE OF IDAHO RELATING TO MOBILE HOMES, RECREATIONAL VEHICLES AND COMMERCIAL COACHES.

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

WHEREAS, it is the finding of the Legislature of the State of Idaho that certain rules of the Department of Labor and Industrial Services relating to mobile homes, recreational vehicles and commercial coaches should be amended to conform with legislative intent; and

WHEREAS, it is within the authority of the Legislature to act upon such rules as provided in Sections 67-5217 and 67-5218, Idaho Code.

NOW, THEREFORE, BE IT RESOLVED by the Second Regular Session of the Forty-third Idaho Legislature, the Senate and the House of Representatives concurring therein, that the following rules and regulations of the Department of Labor and Industrial Services relating to the regulation of mobile homes, recreational vehicles and commercial coaches, be, and the same are hereby amended to read as follows:

07-30-7-201. INSPECTIONS. (1) Required inspection: Any person renting, leasing, selling, or offering for rent, lease, or sale, any mobile home or recreational vehicle shall request an inspection by the department under any of the following conditions:

a. When the mobile home or recreational vehicle has been manufactured after 8 March 1971, unless the unit bears a valid Idaho insignia; and/or
b. When the mobile home or recreational vehicle has been the subject of repair or alterations.

(2) Fees for inspection by the department shall be as prescribed by section 07-30-7-215 of these rules and regulations. The fees for insignia of compliance shall be in addition to the inspection fee.

(3) Inspection request: Requests for inspection shall be made on forms provided by the department at least five (5) working days prior to the desired date of inspection and shall indicate the location, make, model, serial number of the unit, and shall be accompanied by inspection fees pursuant to section 07-30-7-215. Any additional inspection fees
are payable on completion of each inspection. Such written requests shall be submitted to the department.

07-30-7-204. MANUFACTURER CONTROL AND SUPERVISION. (1) The manufacturer shall submit a manual of procedure for surveillance to provide quality control of factory produced mobile homes and recreational vehicles meeting the minimum requirements of the Federal Mobile Home Construction and Safety Standards and adopted national standards for recreational vehicles concurrent with the manufacturer's request for plan approval pursuant to sections 07-30-7-205 and 07-30-7-206.

(2) The procedure must meet the standards of and be approved by the department. Certified supervisors shall be responsible for quality control and shall maintain complete records to substantiate that each unit has been checked and complies with adopted standards and plans as approved by the department.

(3) The department shall make inspections in the place of manufacture and shall require submission of evidence by the manufacturer of adequate supervision of the manufacturing process to assure conformity of the product with the approved plans, and shall condition the issuance of insignia on inspection during the manufacture of each unit. Inspection frequency shall not be less than a ratio of unit output per day divided by the number of stations in the plant.

(4) The failure of a manufacturer to have the certified supervisors on duty in the plant at all times that a mobile home or recreational vehicle plant is manufacturing plumbing, heat-producing or electrical systems, under the provisions of Section 39-4009, Idaho Code, shall be guilty of a misdemeanor under the provisions of Section 39-4126, Idaho Code, and shall fall under the provisions of Section 18-317, Idaho Code.

(5) Paragraphs (2), (3) and (4) above shall apply only to manufacturers of mobile homes and recreational vehicles located in the State of Idaho.

07-30-7-205. APPLICATION FOR PLAN APPROVAL. (1) Each manufacturer of mobile homes or recreational vehicles manufacturing units for sale, lease, or rent within the State of Idaho shall make application to the department for plan approval for every model of such unit prior to the time the model involved is to be produced. The application shall include:

a. An application on forms supplied by the department;
b. Two (2) copies of complete plans and specifications, manual of manufacturing procedure, and when required, substantiating calculations or test results, indicating
details of construction thereof for each model; and

(2) a. Plans for mobile homes shall be drawn to scale and be on unglazed bond paper of 8 1/2 x 11 inches in size or multiples thereof and shall show and specify, but are not limited to:

1. Floor plan;
2. Design and proposed room use;
3. Floor, wall, ceiling and roof construction;
4. Construction details;
5. Design live, dead, wind, snow and roof loads, and the provisions for support and anchoring systems;
6. Location of all appliances, fixtures and warm air registers;
7. Location of drains, water, gas and electrical connectors;
8. Diameter and type of pipe and tubing, size and type of fittings, and method of securing all piping;
9. Temperature and pressure relief valves on water heaters; and
10. Description of all materials, fixtures, fittings, and pipe and the grade of quality of such materials accompanied by a list of all applicable approvals.

b. Plans for recreational vehicles shall be drawn to scale and be on unglazed bond paper of 8 1/2 x 11 inches in size or multiples thereof and shall show and specify, but are not limited to:

1. Floor plan;
2. Location of all appliances and fixtures;
3. Location of warm air register;
4. Location of drains, water, gas and electrical connections;
5. Diameter and type of pipe and tubing;
6. Size and type of fittings;
7. Method of securing all piping;
8. Temperature and pressure relief valves on water heaters.

(3) Notwithstanding the provisions of the Federal Construction and Safety Standards, space for all appliances, including furnaces and water heaters, shall be provided with an opening or door and passageway thereto large enough to permit removal of the largest appliance, including furnace or water heater, within the space.

(4) Whenever necessary to substantiate any structural design or method of construction, calculations and supporting data signed by an Idaho licensed architect or engineer shall be submitted to the department. The load bearing
capacity of elements of assemblies or details of structural members are such that calculations cannot be accurately determined in accordance with approved principles of engineering design, structural properties of such members of assemblies may be established by the results of tests acceptable to the department. All tests shall be performed by a testing agency acceptable to the department and shall be reviewed and evaluated by an Idaho licensed professional engineer. The department may require that a representative of the department witness the test.

(5) Systems for mobile homes shall be in accordance with the latest specifications, standards and codes prescribed by the Federal Mobile Home Construction and Safety Standards and these rules and regulations.

07-30-7-208. EXPIRATION OF APPROVAL -- RENEWAL. Plan approvals shall expire fifteen (15) months from the date of department approval. Plans may be renewed prior to the expiration date by submission of an application for plan renewal form, obtainable from the department. Application for plan approval renewal shall be submitted in duplicate, together with appropriate plan renewal fees pursuant to section 07-30-7-215. Plan approval renewal is permitted only when the plans for the designated model are identical to those on file with the department. A change of model name or designation is permitted on a renewal of approval provided specific information is submitted on the change of model name. After the expiration date, the procedure for renewal of approval of any such expired plan approvals shall be submitted and processed as for a new plan approval. Additions to submittals shall expire on the expiration date of the original submittal.

07-30-7-212. VEHICLE IDENTIFICATION. (1) Each mobile home or recreational vehicle rented, leased, or sold, or offered for rent, lease, or sale in the State of Idaho, shall bear a legible identifying number in accordance with the provisions of this Section which shall include the coded designation of the manufacturer. The manufacturer's designation shall be coded by the department and the manufacturer shall be informed of the method of coding. Recreational vehicles identification numbers shall be consistent with the Society of Automotive Engineers recommended practices.

(2) The unit serial number, identifying the manufacturer and the state shall be stamped into the foremost crossmember of all mobile homes, and shall be so stamped at the start of production. Letters and numbers shall be three-eights (3/8) inch minimum in height. Serial numbers shall be stamped into front crossmembers and shall not be stamped
into a hitch assembly or draw bar. On recreational vehicles, the identification number shall be stamped in a visible location on the A frame assembly of the unit. If the unit has no A frame assembly, or the A frame assembly is designed to be removed, the identification number shall be stamped in a location approved by the department in writing, and such identification number shall be visible at all times. In addition to the serial number being stamped on the foremost crossmember on mobile homes and such other approved location for recreational vehicles, an insignia shall be permanently attached on the exterior wall adjacent to the main door and not less than six (6) inches above the floor line. The insignia shall be made of etched brass, stainless steel, anodized or alclad aluminum, or other approved material, not less than 0.020 inches thick, and three (3) inches by one and three-fourths (1 3/4) inches minimum size, with lettering not less than one-eighth (1/8) inch high.

(3) Serial numbers shall be preceded by the letters "IDA", denoting the State of Idaho, and followed by a dash, the manufacturer's numerical serial number, another dash and the coded manufacturer's designation.

(4) Each unit of a multiple mobile home shall have the same identifying serial number except that the serial number of the primary or left (road) side unit shall be followed by a "U". The serial number of the first connecting unit shall be followed by an "X" and an additional "X" shall be added for each succeeding unit.

(5) The date of manufacture, showing week, month and year will be shown on the insignia. Such data will be provided by the manufacturer on the application for insignia.

07-30-7-213. INSIGNIA. (1) All mobile homes and all recreational vehicles, offered for rent, lease, or sale in the State of Idaho shall bear a department insignia of compliance prior to leaving the manufacturing plant.

(2) Each insignia shall be assigned and affixed to a specific unit. Assigned insignia are not transferable and are void when not affixed as assigned. All assigned insignia not affixed to the specific unit shall be returned to, or may be confiscated by, the department. The insignia shall remain the property of the department, and may be reappropriated by the department in the event of violation of the conditions of approval.

(3) Following receipt of plan approval, the unit manufacturer shall make application for an insignia for each unit to be manufactured. The application shall be submitted to the department in triplicate, accompanied by the appropriate fees pursuant to section 07-30-7-215. The application
shall include the plan approval number, model designation, and the serial number of each unit for which an insignia is requested. Multiple units shall be designated where applicable. An insignia is required for each section of the mobile units, and on connecting units shall be attached in a location approved by the department in writing. Advance inclusion of the unit serial number may be omitted from the application, provided the applicant submits a report of the insignia number and serial number of the specific unit to which the insignia has been assigned. Such report shall be on the insignia application form, and shall be submitted not later than thirty (30) days from the issuance of such insignia. The unit manufacturer shall legibly stamp the unit serial number of the insignia. Failure to provide the unit serial numbers not later than thirty (30) days from the date of issuance shall void such insignia and such insignia shall be returned to or confiscated by the department, and after due notice all plan approvals for that manufacturer shall be voided. Reinstatement of plan approvals shall be treated as new approvals. Insignia not assigned to specific units within the thirty (30) day period shall be returned to, or subject to confiscation by, the department. Confiscated insignia are not subject to a refund, and any reissuance of previously confiscated insignia shall be charged as new insignia.

(4) Should inspection reveal that a manufacturer is not manufacturing units according to plans approved by the department, or is manufacturing units without certified supervisors, and such manufacturer, after having been served with written notice setting forth in concise terms the violation, continues to manufacture units without correcting any such violations, application for new insignia shall be denied and the insignia previously issued shall be subject to confiscation. Upon satisfactory proof of compliance, such manufacturer may resubmit a new application for insignia.

(5) In the event that any unit bearing an insignia is found to be in violation of these rules and regulations, the department shall remove the insignia after furnishing the manufacturer, renter, lessor, owner, or agency thereof, with a written statement of such violations. The department shall not issue a new insignia until corrections have been made and the manufacturer, owner, renter, lessor, or agent thereof has requested an inspection pursuant to section 07-30-7-201.

(6) When an insignia of compliance becomes lost or damaged by the owner of a unit, the department shall be notified immediately in writing by the owner. The owner shall
specify the manufacturer, the unit serial number, and when possible the insignia number. All damaged insignia shall be promptly returned.

07-30-7-215. FEES. (1) Fees shall be paid to and collected by the department.

(2) Mobile home structural and recreational vehicle design review fee: forty-five dollars ($45.00) per model.

(3) Inspection fees (includes inspection and insignia):
   a. Mobile homes: twenty-five dollars ($25.00) per unit (i.e.: double-wide would be $50.00).
   b. Recreational vehicles: twelve dollars ($12.00).

(4) Requested inspection, reinspection, and field technical service: eleven dollars ($11.00) for each system to be inspected (structural, heating, plumbing, electrical), for each unit plus fifteen cents (15¢) per mile based on the distance from the point of inspection and the appropriate inspector's office location. The department will arrange for inspection within the State of Idaho upon request. The costs will be charged to the requester in accordance with the fee structure provided above, and such fees shall accompany the request; provided, should such inspection reveal that the unit is not in compliance with the codes and standards enumerated herein or in Chapter 41, Title 39, Idaho Code, the fees shall be charged to the manufacturer; provided further, that such request is initiated within one (1) year and ten (10) days from date of purchase by the first purchaser.

(5) Out-of-state inspections: eleven dollars ($11.00) for each system to be inspected (structural, heating, plumbing, electrical) for each unit; plus total cost of travel based on published air fare or equal rate, between Boise, Idaho, and the point of inspection; plus supplemental surface transportation at the rate of fifteen cents (15¢) per mile; and the actual amount of lodging required; plus food at the rate of fourteen dollars ($14.00) per day. An out-of-state in-plant requested inspection shall be a total 100% inspection of the unit or units, and not a representative inspection of the assembly line. Applications for requested inspections to separate facilities in close geographical proximity shall be scheduled to avoid duplication of trips, and such costs other than actual inspection fees shall be equally pro-rated.

(6) Change of manufacturer's name or address: twenty dollars ($20.00) per change.

(7) Insignia replacement fee: ten dollars ($10.00) each insignia.

(8) Change of model name or designation only (as per section 07-30-7-209(2)): twenty dollars ($20.00) per change.
INSIGNIA. (1) All commercial coaches manufactured in the State of Idaho and offered for rent, lease or sale in the State of Idaho, shall bear department insignia of compliance prior to leaving the manufacturing plant.

(2) Each insignia shall be assigned and affixed to a specific unit. Assigned insignia are not transferable and are void when not affixed as assigned. All assigned insignia not affixed to the specific unit shall be returned to, or may be confiscated by, the department. The insignia shall remain the property of the department, and may be reappropriated by the department in the event of violation of the conditions of approval.

(3) Following receipt of plan approval, the unit manufacturer shall make application for an insignia for each unit manufactured. The application shall be submitted to the department in triplicate, accompanied by the appropriate insignia fees pursuant to Section 07-30-1212. The application shall include the plan approval number, model designation and the serial number of each unit for which an insignia is requested. Multiple units shall be designated where applicable. An insignia is required for each section of the multiple units.

(4) Should inspection reveal that manufacturer is not manufacturing units according to plans approved by the department or is manufacturing units without certified supervisors, and such manufacturer, after having been served with written notice setting forth in concise terms the violation, continues to manufacture units without correcting any such violations, applications for new insignia shall be denied and the insignia previously issued shall be subject to confiscation. Upon satisfactory proof of compliance, such manufacturer may resubmit an application for insignia.

(5) In the event that any unit bearing an insignia is found to be in violation of these rules and regulations, the department shall remove the insignia after furnishing the manufacturer, renter, lessor, owner, or agent thereof, with a written statement of such violation. The department shall not issue a new insignia until corrections have been made and the manufacturer, owner, renter, lessor, or agent thereof has requested an inspection pursuant to Section 07-30-1208.

(6) When an insignia of compliance becomes lost or damaged by the owner of a unit, the department shall be notified immediately in writing by the owner. The owner shall specify the manufacturer, the unit's serial number, and, when possible, the insignia number. All damaged insignia shall be promptly returned. Damaged and lost insignia shall
be replaced by the department with a replacement insignia, which shall bear the date of the original insignia, and which shall be designated as a replacement insignia upon payment of the replacement insignia fee as provided in Section 07-30-1212.

(7) Each commercial coach rented, leased, or sold, or offered for rent, lease, or sale in Idaho, shall bear a legible identifying serial number in accordance with the provisions of this section, which shall include the manufacturer's designation and state of manufacture. The manufacturer's designation shall be coded by the department and the manufacturer shall be informed of the method of coding.

(8) The unit serial number, identifying the manufacturer and the state shall be stamped into the foremost crossmember of all commercial coaches. Letters and numbers shall be three-eighths (3/8) inch minimum in height. Numbers shall not be stamped into a hitch assembly or draw bar. In addition to the serial number being stamped on the foremost crossmember, an insignia shall be permanently attached on the exterior wall adjacent to the main door and not less than six (6) inches above the floor line. The insignia shall be made of etched brass, stainless steel, anodized or alclad aluminum, or other approved material, not less than 0.020 inches thick, and three (3) inches by one and three-fourths (1 3/4) inches minimum size, with lettering not less than one-eighth (1/8) inch high.

(9) Serial numbers shall be preceded by the letters "IDA" denoting the State of Idaho, and followed by a dash, the manufacturer's numerical serial number, another dash, and the coded manufacturer's designation.

(10) Each unit of a multiple commercial coach shall have the same identifying serial number except that the serial number of the primary or left (road) side unit shall be followed by a "U". The serial number on the first connecting unit shall be followed by an "X" and an additional "X" shall be added for each succeeding unit.

(11) The date of manufacture, showing week, month and year will be shown on the insignia. Such data will be provided by the manufacturer on the application for insignia.

Adopted by the Senate March 16, 1976.
Adopted by the House March 18, 1976.
A CONCURRENT RESOLUTION

Providing for a Joint Session of the Senate and the House of Representatives of the Second Regular Session of the Forty-Third Idaho Legislature for the purpose of hearing a message from the Governor.

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 Second Regular Session of the Forty-third Idaho Legislature in the Chamber of the House of Representatives at 1 p.m. on Monday, January 5, 1976.

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 5, 1976, at 1 p.m. for the purpose of hearing the message from the Governor.

Adopted by the House January 5, 1976.
Adopted by the Senate January 5, 1976.
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 Second Regular Session of the Forty-third Idaho Legislature in the Chamber of the House of Representatives at 11 a.m., on Tuesday, January 6, 1976.

NOW, THEREFORE, BE IT RESOLVED by the Second 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 Tuesday, January 6, 1976 for the purpose of hearing a budget message from the Governor.

Adopted by the House January 6, 1976.
Adopted by the Senate January 6, 1976.

A CONCURRENT RESOLUTION
REPEALING JOINT RULE 19, RELATING TO NEW SECTIONS ADDED TO THE IDAHO CODE.

Be It Resolved by the Legislature of the State of Idaho:
WHEREAS, the House of Representatives and the Senate of the Second Regular Session of the Forty-third Idaho Legislature deem it necessary and desirable to repeal Joint Rule 19.

NOW, THEREFORE, BE IT RESOLVED by the House of Representatives, the Senate concurring therein, that Joint Rule 19, be, and the same is hereby repealed.

Adopted by the House January 13, 1976.
Adopted by the Senate January 16, 1976.
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 total surplus available.

NOW, THEREFORE, BE IT RESOLVED by the Second 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, 1976.

Beginning Balance FY 1976 $ -0-
Add Anticipated Revenue FY 1976 232,620,000
Total Available $232,620,000
Deduct Amount Appropriated 222,627,300
General Fund Surplus, June 30, 1976 $ 9,992,700*

* Does not consider reversion of $1 million balance in the Disaster Relief Fund which will revert to the General Fund as of June 30, 1976. This amount may be available for use in fiscal 1977.

Adopted by the House January 29, 1976.
Adopted by the Senate February 9, 1976.
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 1977 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 Second Regular Session of the Forty-third Idaho Legislature, the House of Representatives and the Senate concurring, that we find the following calculations to provide a factual representation of the revenue available from the general fund for appropriation in the 1976-77 fiscal year.

Revenue Projections for 1976-77 fiscal year:

<table>
<thead>
<tr>
<th>Department</th>
<th>Revenue Projection</th>
</tr>
</thead>
<tbody>
<tr>
<td>Supreme Court/Magistrates</td>
<td>$1,400,000</td>
</tr>
<tr>
<td>Secretary of State</td>
<td>$1,175,000</td>
</tr>
<tr>
<td>State Treasurer</td>
<td>$7,750,000</td>
</tr>
<tr>
<td>Department of Agriculture</td>
<td>$85,000</td>
</tr>
<tr>
<td>Department of Finance</td>
<td>$370,000</td>
</tr>
<tr>
<td>Department of Insurance</td>
<td>$9,000,000</td>
</tr>
<tr>
<td>Department of Lands</td>
<td>$100,000</td>
</tr>
<tr>
<td>Department of Law Enforcement</td>
<td>$600,000</td>
</tr>
<tr>
<td>Department of Revenue:</td>
<td>$122,300,000</td>
</tr>
<tr>
<td>Individual Income Tax</td>
<td>$29,500,000</td>
</tr>
<tr>
<td>Corporate Income Tax</td>
<td>$400,000</td>
</tr>
<tr>
<td>Kilowatt Hour Tax</td>
<td>$2,250,000</td>
</tr>
<tr>
<td>Beer Tax</td>
<td>$400,000</td>
</tr>
<tr>
<td>Mine License Tax</td>
<td>$500,000</td>
</tr>
<tr>
<td>Wine Tax</td>
<td>$6,900,000</td>
</tr>
<tr>
<td>Cigarette Tax</td>
<td>$53,000</td>
</tr>
<tr>
<td>Miscellaneous Agencies</td>
<td>$450,000</td>
</tr>
<tr>
<td>Transfers:</td>
<td>$3,275,000</td>
</tr>
<tr>
<td>Miscellaneous</td>
<td>$65,500,000</td>
</tr>
</tbody>
</table>

Total Fiscal Year 1976-77

Revenue Projection $252,0008,000

Adopted by the House January 29, 1976.
Adopted by the Senate February 9, 1976.
A CONCURRENT RESOLUTION

PROVIDING A STATEMENT OF LEGISLATIVE FINDINGS REGARDING THE "1902" PORTION OF THE ORIGINAL ST. ALPHONSUS BUILDING AND PROVIDING LEGISLATIVE AUTHORIZATION TO RENOVATE AND INCORPORATE THAT PORTION WITHIN OTHER AUTHORIZED PROJECTS.

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

WHEREAS, it is appropriate that we act to preserve irreplaceable examples of past architectural styles for the appreciation of present and future generations of Idaho citizens;

WHEREAS, as previously authorized under the terms of House Concurrent Resolution 28 of the First Regular Session, Forty-third Idaho Legislature, the Idaho State Building Authority, in conjunction with the Department of Administration of the State of Idaho, is now in the planning stages of a project to construct new office structures at the site of the original St. Alphonsus building located in Boise, Idaho; and

WHEREAS, a certain section of the original building known as the "1902" section contains unique architectural features which should be preserved and incorporated into the future office design to create an aesthetically pleasing reflection of the heritage of the people of Idaho; and

WHEREAS, by preserving a variety of architectural features of old buildings we are able to contribute to the aesthetic, architectural, historical and educational values of our environment; and

WHEREAS, the state government can, by its own good example, set a course which will encourage others toward judicious efforts to protect the intrinsic cultural values represented in such properties.

NOW, THEREFORE, BE IT RESOLVED by the Second Regular Session of the Forty-third Idaho Legislature, the House of Representatives and the Senate concurring therein, that, as the Idaho State Building Authority in conjunction with the Department of Administration of the State of Idaho, undertakes construction of the office facilities authorized in the Capitol Mall at the present site of the St. Alphonsus building, we direct them to undertake an authentic restoration of the exterior of the "1902" addition to the original building. We urge them to preserve and incorporate
the exterior of the "1902" section in the new office building scheme. In addition, the Department of Administration should explore possible financial assistance that is available from federal grants for the purposes of historical restorations.

BE IT FURTHER RESOLVED that the authorization to the Department of Administration, State of Idaho, to enter into lease agreements with the Idaho State Building Authority for the provision of approximately 100,000 square feet at a projected cost of $4,000,000 within the Capitol Mall area is hereby extended to include renovation and incorporation of that portion of the original St. Alphonsus building referred to as the "1902" portion at a projected cost of not to exceed $300,000.

Adopted by the House March 2, 1976.
Adopted by the Senate March 10, 1976.
A CONCURRENT RESOLUTION
PROVIDING FOR A JOINT SESSION OF THE HOUSE OF REPRESENTA-
TIVES AND THE SENATE IN THE SECOND REGULAR SESSION OF
THE FORTY-THIRD IDAHO LEGISLATURE, INVITING THE GOVERNOR
AND ELECTED 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, sixteenth president of the
United States of America, is recognized for his accomplish-
ments on behalf of the American Union while serving as
leader of this nation; and

WHEREAS, many of the programs initiated during the term
of office of Abraham Lincoln established policy of special
importance to the residents of the State of Idaho; and

WHEREAS, we count among these special accomplishments,
the signing of the Organic Act of the Territory of Idaho,
granting self-government to the great State of Idaho; the
signing of the Homestead Law authorizing free land in the
western territory to persons willing to settle on the land
and cultivate it; and the signing of the Agricultural Col-
lege Land Grant Act providing to every state in the Union
the opportunity for establishment of an agricultural col-
lege; and

WHEREAS, it is fitting and proper that we honor the
memory of Abraham Lincoln on this, the anniversary of his
birth.

NOW, THEREFORE, BE IT RESOLVED by the Second 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 1:30 p.m.,
February 12, 1976, to memorialize the birth of Abraham Lin-
coln.

BE IT FURTHER RESOLVED that we extend to the Governor of
the State of Idaho and the elected officials an invitation
to join us in this joint session.

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.

Adopted by the House February 10, 1976.
Adopted by the Senate February 11, 1976.
A CONCURRENT RESOLUTION
STATING LEGISLATIVE FINDINGS, PROPOSING TO THE CONGRESS OF
THE UNITED STATES THAT THE CONGRESS PREPARE AND SUBMIT
AN AMENDMENT PROHIBITING DEBT IN THE ABSENCE OF AN EMER-
GENCY, AND DIRECTING THAT COPIES OF THIS RESOLUTION BE
SENT TO PERSONS SPECIFIED.

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

WHEREAS, with each passing year this nation becomes more
deeply in debt as its expenditures grossly and repeatedly
exceed available revenues, so that the public debt now
exceeds hundreds of billions of dollars; and

WHEREAS, the annual federal budget continually demon-
strates an unwillingness or inability of both the legis-
lative and executive branches of the federal government to
curtail spending to conform to available revenues; and

WHEREAS, unified budgets do not reflect actual spending
because of the exclusion of special outlays which are not
included in the budget nor subject to the legal public debt
limit; and

WHEREAS, knowledgeable planning, fiscal prudence and
plain good sense require that the budget reflect all federal
spending and be in balance; and

WHEREAS, believing that fiscal irresponsibility at the
federal level, with the inflation which results from this
policy, is the greatest threat which faces our nation; we
firmly believe that constitutional restraint is necessary to
bring the fiscal discipline needed to restore financial
responsibility.

NOW, THEREFORE, BE IT RESOLVED by the Second Regular
Session of the Forty-third Idaho Legislature, the House of
Representatives and the Senate concurring, that we hereby
propose that the Congress of the United States institute
procedures in the Congress to prepare and submit to the
several states an amendment to the Constitution of the
United States, adding a new Article to the Constitution
requiring in the absence of a national emergency that the
total of all federal appropriations made by the Congress for
any fiscal year may not exceed the total of all estimated
federal revenues for that fiscal year.

BE IT FURTHER RESOLVED that the Legislature of the State
of Idaho proposes that the Legislature of each of the
several states comprising the United States apply to the Congress requesting the enactment of an appropriate amendment to the federal constitution.

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 President of the Senate and the Speaker of the House of Representatives of the Congress of the United States, the presiding officers of both Houses of the Legislature of each of our sister states in the Union, and the members of the delegation representing the State of Idaho in the Congress of the United States.

Adopted by the House March 2, 1976.
Adopted by the Senate March 12, 1976.
A CONCURRENT RESOLUTION
STATING LEGISLATIVE FINDINGS AND AMENDING AND MODIFYING THE RULES AND REGULATIONS OF THE STATE BOARD OF LAND COMMISSIONERS ADOPTED PURSUANT TO THE IDAHO FOREST PRACTICES ACT.

Be It Resolved by the Legislature of the State of Idaho:
WHEREAS, rules and regulations of the State Board of Land Commissioners relating to implementation of the Idaho Forest Practices Act have been submitted to the Legislature for review as required by Section 67-5217, Idaho Code; and
WHEREAS, it is the finding of the Legislature that the rules adopted by the State Board of Land Commissioners should be amended and modified as herein provided.
NOW, THEREFORE, BE IT RESOLVED by the Second Regular Session of the Forty-third Idaho Legislature, the House of Representatives and the Senate concurring therein, that the rules of the State Board of Land Commissioners adopted pursuant to authorization of the Idaho Forest Practices Act, Chapter 13, Title 38, Idaho Code, be amended and modified by the deletion of Rule 811.25.
BE IT FURTHER RESOLVED that Rule 812.02 be amended to read as follows:
Conversion of Forest Lands. When a landowner elects to convert his forest land to another use, he shall accomplish a conversion within the period of five years required to achieve reforestation as specified in 815.02 of these rules. The determination by the Director as to whether or not this has been accomplished shall be governed by:
(a) the presence or absence of improvements necessary for use of land for its intended purpose.
(b) evidence of actual use of the land for the intended purpose.
BE IT FURTHER RESOLVED that Rule 812.06 be amended to read as follows:
Types of Operations for which Notification shall be Required. The notification required shall be valid for two years from date of notice and shall be required for the following types of forest practices:
(1) The harvesting of forest crops including felling, bucking, yarding, decking, loading and hauling; road
construction or improvements, including installation or improvement of bridges, culverts, or structures which convey stream flows within the area described.

(2) Road construction or reconstruction of existing roads including installation or replacement of bridges, culverts, or structures which convey streams not within operation areas associated with harvesting of forest tree species.

BE IT FURTHER RESOLVED that Rule 813.07 be amended to read as follows:

Stream Protection. During and after harvesting operations, stream beds and streamside vegetation shall be maintained in as near natural state as possible in order to maintain water quality and aquatic habitat.

(1) Avoid tractor skidding in or through any stream. When streams must be crossed, provide adequate temporary structures to carry stream flow. Remove all temporary crossings immediately after use and, where applicable, water bar the road ends.

(2) Avoid cable yarding through any stream. When yarding across streams is necessary, yarding shall be done to prevent streambank vegetation and channel disturbance.

(3) Provide the shading, soil stabilizing and water filtering effects of vegetation along streams by one or more of the following:

a. Leave hardwood trees, shrubs, grasses, and rocks wherever they afford shade over a stream or maintain the integrity of the soil near a stream.

b. Where insufficient nonmerchantable tree species exist to provide up to 75 per cent of the original shade over the stream, a harvest plan acceptable to the Department, of scattered cuttings or other means, shall be developed which will not result in a significant increase in stream temperatures or remove a substantial amount of cover necessary for wildlife.

c. Carefully log the mature timber from the buffer strip in such a way that shading and filtering effects are not destroyed.

d. Buffer strip width will be 75 feet unless a lesser width is approved by the Department. It must be realized that the necessary width will vary with the steepness of terrain, other topographic feature, the nature of the undercut, the kind of soil, and the amount of timber that is to be removed.
e. Where it is difficult to leave a buffer strip of timber to shade a stream, as determined by the Department, plan to reestablish cover along the stream within one year after cutting is completed.

BE IT FURTHER RESOLVED that Rule 814.04 be amended to read as follows:

Road Construction. Place debris, overburden, and other materials associated with road construction in such a manner as to prevent entry into streams.

(1) Deposit excess material in stable locations above the highwater mark.

(2) Clear drainage ways of all debris generated during construction and/or maintenance which potentially interferes with drainage or water quality.

(3) Where exposed material is potentially unstable or erodible, stabilize by use of seeding, compacting, rip-rapping, benching, mulching or other suitable means.

(4) In the construction of road fills, compact the material to reduce the entry of water, minimize erosion, and minimize settling of fill material.

(5) Construct stream crossings to provide a minimum disturbance to banks and existing channels. Remove temporary crossing structures promptly after use and water bar the roads where necessary.

(6) Install drainage structures as soon as feasible. Adequately cross-drain uncompleted roads, which are subject to erosion.

(7) During and following operations, retain outslope drainage and remove berms on the outside edge except those intentionally constructed for protection of road grade fills.

(8) Provide for drainage of quarries to adequately protect against sediment entering into streams.

(9) No roads will be constructed in stream channels.

BE IT FURTHER RESOLVED that Rule 815.06 be amended to read as follows:

The following classes of land will be exempted from reforestation requirements except as provided in 815.07.

(1) Noncommercial forest land, i.e., land having a site quality incapable of economically growing a commercial quality stand of trees of acceptable species.

(2) Land on which the owner has stated his intention to convert to another use. This may include land converted to permanent or semipermanent roads used in a forest practice.

(3) Ownerships of 10 acres or less in one contiguous tract.
(4) Forest practice on larger ownerships which will affect 10 acres or less during a continuous period of five years.

BE IT FURTHER RESOLVED that the CERTIFICATE OF SLASH DISPOSAL COMPLIANCE adopted as a part of the rules be amended to read as follows:

STATE OF IDAHO - DEPARTMENT OF LANDS
CERTIFICATE OF SLASH DISPOSAL COMPLIANCE
NOTIFICATION OF FOREST PRACTICE
NO. ________

IN CONSIDERATION OF THE MUTUAL AGREEMENTS HEREINAFTER MADE:

THIS CERTIFIES THAT hereinafter called the Operator, has complied with the provisions of Section 38-122, I.C. by:

A. ( ) Having himself entered into a hazard reduction contract; No. ______ with the Director, Department of Lands, as authorized under Section 38-404, I.C.

B. ( ) Having agreed to operate under Contract No. ______ dated ______________ now in force between (Purchaser) ________ of ______________ and the Director, Department of Lands.

C. ( ) Having posted a BOND. ( ) Cash ( ) Surety

D. ( ) Having elected to have the purchaser(s) of these forest products withhold slash monies at the prescribed rate and forward said monies to the Director, Department of Lands, by the last day of the next calendar month on all the preceding months purchases as required by Section 38-122 of the Idaho Code.

Slash withholding rate: $____ per _____.

PURCHASER(S): ____________, ____________

It is hereby mutually agreed that if the Operator or Landowner fails to reduce the hazard as required by law, within 12 months from the date Bond is posted under option (C), or from date products were delivered to the purchaser under option (D), any cash bond, or monies withheld, shall revert to the Director, Department of Lands, to provide necessary disposal or additional protection in lieu of disposal. It is
also mutually agreed that upon request of the Director, Department of Lands, or his agent, the Operator will furnish a record of all sales made by him for any period or area covered by this Compliance. This holdback, or cash bond, is subject to withholding of a State administrative charge of ________% under Idaho Code 38-404.

THIS CERTIFICATE AND NOTIFICATION SHALL COVER THE FOLLOWING LANDS ONLY:

Subdivision Sec. Twp. Rge.

This land is owned by________of________

This timber is owned by________of________

This compliance expires________

OPERATOR ( ) LANDOWNER ( ) PROTECTION AGENCY ( )

WILL DISPOSE OF SLASH.

NOTIFICATION OF FOREST PRACTICE:

OPERATOR HAS COMPLIED WITH PROVISIONS OF SECTION 38-1306 I.C. BY THE FOLLOWING NOTIFICATION:

1. ( ) Harvesting of forest trees species
2. ( ) Road construction associated with harvesting of forest tree species.
3. ( ) Reforestation
4. ( ) Use of chemicals or fertilizers for the purpose of growing or managing forest tree species.
5. ( ) Management of slashings resulting from harvest, management or improvement of forest tree species.

The Forest Practice(s) indicated above will be completed within two (2) years from this date of notification.

Yes___ No___

IN WITNESS WHEREOF, the parties hereto have affixed their signatures this date _______

__________________________

Operator
This CERTIFICATE OF COMPLIANCE WILL be accepted by the State Board of Land Commissioners or any Executive Committee thereof; by the Director, Department of Lands, or his delegate; and by all Forest Wardens and their Deputies as prima facie evidence of the facts stated; Provided, however, that this Certificate of Compliance may be revoked, cancelled or disregarded by the State Board of Land Commissioners for any reason sufficient to said Board.

OPTIONAL INFORMATION THAT MAY BE GIVEN VOLUNTARILY. ANY PERSON WHO DOES NOT CHOOSE TO GIVE NOTICE OF ANY OF THE THREE FOLLOWING REASONS FOR EXEMPTION WILL COME UNDER NO SANCTIONS WHATSOEVER.

1. ( ) Woodlot management plan approved by the Department of Lands or a similar woodlot or farm or ranch plan approved by the board of supervisors of a soil conservation district.
2. ( ) Cutting or removal of forest tree species by a person for his own personal use.
3. ( ) Land affirmatively converted to uses other than the growing of forest tree species.

Adopted by the House March 8, 1976.
Adopted by the Senate March 13, 1976.
A CONCURRENT RESOLUTION
AUTHORIZING AND DIRECTING THE LEGISLATIVE COUNCIL TO UNDER­TAKE AND COMPLETE A STUDY OF THE PROCESSES AND PROCEDURES NECESSARY TO REPUBLISH THE IDAHO CODE.

Be It Resolved by the Legislature of the State of Idaho:
WHEREAS, it has been many years since a complete publication of the statutory enactments of the State of Idaho was accomplished; and

WHEREAS, there are presently archaic or outdated laws, and redundant and obsolete wording contained in the law; and

WHEREAS, the technology for text processing is readily available; and

WHEREAS, it is the right of the people to have readily available, easy to read, and properly indexed compilations of the laws in effect at any given time.

NOW, THEREFORE, BE IT RESOLVED by the House of Representatives, the Senate concurring therein, that the Legislative Council is hereby authorized and directed to undertake and complete a study of the processes and procedures necessary to republish the laws and statutes of this state, including any required annotations, indexes, tables, charts, references and notes, and applicable federal laws.

BE IT FURTHER RESOLVED that the Legislative Council shall report its findings and recommendations to the First Regular Session of the Forty-fourth Legislature.

BE IT FURTHER RESOLVED that the costs of conducting the study may be covered by the appropriation made by Chapter 236, Laws of 1975.

Adopted by the House March 9, 1976.
Adopted by the Senate March 15, 1976.
A CONCURRENT RESOLUTION
AMENDING THE RULE PROMULGATED BY THE DIVISION OF WEIGHTS AND MEASURES OF THE IDAHO DEPARTMENT OF AGRICULTURE WHICH REQUIRES THAT PETROLEUM METERING SYSTEMS SHALL BE USED TO METER ONLY PRODUCTS WITH THE SAME GENERAL CHARACTERISTICS SUCH AS SPECIFIC GRAVITY WHICH RULE SHALL APPLY AS TO ALL PETROLEUM METERING SYSTEMS BEGINNING JANUARY 1, 1978.

Be It Resolved by the Legislature of the State of Idaho:
WHEREAS, it is provided in Sections 67-5217 and 67-5218, Idaho Code, that the Legislature is charged with the review of the rules and regulations of agencies of the state government, and that the Legislature is invested with the authority to reject, amend or modify the same; and
WHEREAS, the Legislature finds and declares that, in view of the current energy situation, the imposition of this rule on January 1, 1977, would work an undue hardship and it is the legislative intent to reduce such hardship by delaying the effective date until January 1, 1978.

NOW, THEREFORE, BE IT RESOLVED by the Second Regular Session of the Forty-third Idaho Legislature, the House of Representatives and the Senate concurring, that the Division of Weights and Measures of the Idaho Department of Agriculture Rule 5.4, dealing with petroleum products, is hereby amended by the Legislature of the State of Idaho to read as follows:

5.4 Beginning January 1, 1970, all new petroleum metering system installations shall be in conformance with "Weights and Measures Handbook 44, 3rd Edition" and American Petroleum Institute publication "Standard 1101." Petroleum metering systems shall be used to meter only products with the same general physical characteristics, e.g. "specific gravity," one meter one product systems. This regulation shall be nonretroactive for existing installations but shall apply as to all petroleum metering systems beginning January 1, 1978.

Adopted by the House March 10, 1976.
Adopted by the Senate March 13, 1976.
A CONCURRENT RESOLUTION PROVIDING A STATEMENT OF LEGISLATIVE INTENT REGARDING SOLICITATION OF BIDS ON GROUP INSURANCE PLANS TO BE PROVIDED STATE EMPLOYEES.

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

WHEREAS, the Legislature has directed that the state shall increase its contribution to the group health insurance plans provided state employees; and

WHEREAS, the Legislature deems it essential that the state solicit competitive bids for group health and life insurance plans.

NOW, THEREFORE, BE IT RESOLVED by the Second Regular Session of the Forty-third Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Department of Administration shall solicit competitive bids on all group health and life insurance benefits to be provided for state employees.

Adopted by the House March 17, 1976.
Adopted by the Senate March 18, 1976.
A CONCURRENT RESOLUTION
AMENDING A RULE OF THE STATE TAX COMMISSION RELATING TO
SALES TAX ON NEWSPAPER SUBSCRIPTIONS.

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

WHEREAS, the rules and regulations of the State Tax Com­
mission have been submitted to the Legislature for review as
required by Section 67-5217, Idaho Code; and

WHEREAS, it is the finding of the Legislature that regu­
lation 12-11 of the State Tax Commission be amended to read
as follows:

12-11. SALE OF NEWSPAPERS AND MAGAZINES. (a) Subscrip­
tions to newspapers represent a taxable sale of tangible
personal property if the sale of an individual newspaper
would be subject to the sales tax according to the schedule
in section 63-3622, Idaho Code; if the unit price of an
individual newspaper by subscription would be exempt from
the sales tax according to the schedule in section 63-3622,
Idaho Code, then the entire subscription is exempt from the
sales tax.

(b) Individual sales of newspapers or magazines, or
separate sales of newspapers or magazines, when the unit
price of each is less than the schedule provided in section
63-3622, Idaho Code, are exempt from the sales tax; when the
unit price of each is more than the schedule provided in
section 63-3622, Idaho Code, the sale is subject to the
sales tax.

Adopted by the House March 15, 1976.
Adopted by the Senate March 18, 1976.
A CONCURRENT RESOLUTION
PROVIDING FOR THE ESTABLISHMENT OF A COMMITTEE TO STUDY CERTAIN TAXATION MATTERS AND AUTHORIZING PAYMENT OF EXPENSES.

Be It Resolved by the Legislature of the State of Idaho:
WHEREAS, the Second Regular Session of the Forty-third Idaho Legislature has had before it several measures that affect various areas of the tax laws and policies of the State of Idaho; and
WHEREAS, these and other matters require further study and evaluation and the opportunity for comment and discussion from sources throughout the state.
NOW, THEREFORE, BE IT RESOLVED by the House of Representatives, the Senate concurring therein, that a special committee, composed of the members of the Revenue and Taxation Committee of the House and the Local Government and Taxation Committee of the Senate, is hereby created and established. It shall be the charge of the special committee thus established to undertake a study of the problems encountered in the several areas of taxation, including but not limited to the following specific areas:
1. The ad valorem tax laws, with particular attention to the process of reappraisal indexing;
2. The sales tax laws, with particular attention to the taxation of sales made through vending machines; and
3. The kilowatt hour tax.
The chairman of the Revenue and Taxation Committee shall be the chairman of the special committee established by this concurrent resolution.
The special committee shall submit its report and recommendations to the First Regular Session of the Forty-fourth Idaho Legislature.
BE IT FURTHER RESOLVED that members of the special committee shall be paid per diem and expenses from legislative funds at the same rates as are provided for members of the Legislative Council.
Adopted by the House March 16, 1976.
Adopted by the Senate March 19, 1976.
A CONCURRENT RESOLUTION
AUTHORIZING THE SPEAKER OF THE HOUSE OF REPRESENTATIVES TO
COMPLETE NECESSARY WORK AFTER THE ADJOURNMENT OF THE
SECOND REGULAR SESSION OF THE FORTY-THIRD LEGISLATURE,
TO PERFORM ALL NECESSARY FUNCTIONS IN PREPARING FOR THE
FIRST REGULAR SESSION OF THE FORTY-FOURTH LEGISLATURE,
AND TO PERFORM ANY OTHER NECESSARY FUNCTIONS DURING THE
INTERIM BETWEEN SESSIONS.

Be It Resolved by the Legislature of the State of Idaho:
WHEREAS, it is necessary that certain legislative mat­
ters must be completed upon the adjournment and during the
interim time of the legislature; and
WHEREAS, it is the responsibility of the presiding offi­
cer of the House of Representatives to see that these legis­
lative matters are properly and expeditiously carried on.
NOW, THEREFORE, BE IT RESOLVED by the House of Repre­sentatives, the Senate concurring therein, of the Second
Regular Session of the Forty-third Idaho Legislature, that
the Speaker of the House be, and he is hereby empowered and
directed to retain the Chief Clerk of the House and a suffi­cient number of the employees for the period of time after
adjournment of the legislature necessary to complete, cor­rect, index, transcribe, arrange, compare and file the
records and papers of the House of Representatives and to
make final and lawful disposition of such records and
papers, and to do all acts necessary to conclude and com­plete the affairs of the House of Representatives following all adjournments; that the compensation for the Chief Clerk
and the employees retained by the Speaker shall be at the
rate per day now received by said Chief Clerk, or employees,
and the Speaker is hereby authorized to certify the same to
the state auditor for payment.
BE IT FURTHER RESOLVED that during the time necessary to
make final disposition of the records and papers of the
House, the Chief Clerk and other employees as the Speaker
may require shall perform such duties as may be directed by
the Speaker.
BE IT FURTHER RESOLVED that the Speaker be, and he is
hereby instructed to have prepared under his direction an
index to the House Journal to be printed in the Journal.
BE IT FURTHER RESOLVED that the Speaker is authorized to
provide for the meetings and payment of expenses of standing committees found necessary prior to the convening of the First Regular Session of the Forty-fourth Idaho Legislature, and is hereby authorized to certify the same to the state auditor for payment.

BE IT FURTHER RESOLVED that the Speaker is authorized to direct and supervise the post adjournment work and interim activities of the House of Representatives as herein provided and for such shall receive as expenses the same amount of total remuneration as he received as Speaker of the House.

Adopted by the House March 19, 1976.
Adopted by the Senate March 19, 1976.

(H.C.R. No. 72)

A CONCURRENT RESOLUTION
PROVIDING FOR THE ADJOURNMENT OF THE SECOND 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 Second Regular Session of the Forty-third Idaho Legislature, the Senate and the House of Representatives concurring therein, that at the hour of 11:30 p.m. on March 19, 1976, the Senate and House of Representatives of the Second Regular Session of the Forty-third Idaho Legislature adjourn Sine Die.

Adopted by the House March 19, 1976.
Adopted by the Senate March 19, 1976.
SENATE JOINT RESOLUTIONS

A JOINT RESOLUTION PROPOSING AN AMENDMENT TO SECTION 3, ARTICLE VIII, OF THE CONSTITUTION OF THE STATE OF IDAHO, RELATING TO COUNTY AND MUNICIPAL INDEBTEDNESS, BY ADDING THE PROVISION THAT CITIES OR OTHER POLITICAL SUBDIVISIONS MAY CREATE INDEBTEDNESS FOR REHABILITATING EXISTING ELECTRICAL GENERATING FACILITIES WHEN APPROVED BY A MAJORITY OF THE QUALIFIED ELECTORS VOTING AT AN ELECTION FOR THAT PURPOSE, AND ALLOWING THEM TO ISSUE REVENUE BONDS THEREFOR; STATING THE QUESTION TO BE SUBMITTED TO THE ELECTORS; REQUIRING THE ATTORNEY GENERAL TO PREPARE AND FILE THE STATEMENT REQUIRED BY LAW; AND DIRECTING THE SECRETARY OF STATE TO PUBLISH THE AMENDMENT AND ARGUMENTS AS REQUIRED BY LAW.

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

SECTION 1. That Section 3, Article VIII, of the Constitution of the State of Idaho be amended to read as follows:

SECTION 3. LIMITATIONS ON COUNTY AND MUNICIPAL INDEBTEDNESS. No county, city, board of education, or school district, or other subdivision of the state, shall incur any indebtedness, or liability, in any manner, or for any purpose, exceeding in that year, the income and revenue provided for it for such year, without the assent of two-thirds of the qualified electors thereof voting at an election to be held for that purpose, nor unless, before or at the time of incurring such indebtedness, provisions shall be made for the collection of an annual tax sufficient to pay the interest on such indebtedness as it falls due, and also to constitute a sinking fund for the payment of the principal thereof, within thirty years from the time of contracting
The same. Any indebtedness or liability incurred contrary to this provisions shall be void: Provided, that this section shall not be construed to apply to the ordinary and necessary expenses authorized by the general laws of the state and provided further that any city may own, purchase, construct, extend, or equip, within and without the corporate limits of such city, off street parking facilities, public recreation facilities, and air navigation facilities, and for the purpose of paying the cost thereof may, without regard to any limitation herein imposed, with the assent of two-thirds of the qualified electors voting at an election to be held for that purpose, issue revenue bonds therefor, the principal and interest of which to be paid solely from revenue derived from rates and charges for the use of, and the service rendered by, such facilities as may be prescribed by law, and provided further, that any city or other political subdivision of the state may own, purchase, construct, extend, or equip, within and without the corporate limits of such city or political subdivision, water systems, sewage collection systems, water treatment plants, and sewage treatment plants, and may rehabilitate existing electrical generating facilities, and for the purpose of paying the cost thereof, may, without regard to any limitation herein imposed, with the assent of a majority of the qualified electors voting at an election to be held for that purpose, issue revenue bonds therefor, the principal and interest of which to be paid solely from revenue derived from rates and charges for the use of, and the service rendered by such systems, plants and facilities, as may be prescribed by law; and provided further that any port district, for the purpose of carrying into effect all or any of the powers now or hereafter granted to port districts by the laws of this state, may contract indebtedness and issue revenue bonds evidencing such indebtedness, without the necessity of the voters of the port district authorizing the same, such revenue bonds to be payable solely from all or such part of the revenues of the port district derived from any source whatsoever excepting only those revenues derived from ad valorem taxes, as the port commission thereof may determine, and such revenue bonds not to be in any manner or to any extent a general obligation of the port district issuing the same, nor a charge upon the ad valorem tax revenue of such port district.

SECTION 2. The question to be submitted to the electors of the State of Idaho at the next general election shall be as follows:

"Shall Section 3, Article VII, of the Constitution of
the State of Idaho, be amended to allow cities and political subdivisions to issue revenue bonds for the purpose of rehabilitating existing electrical generating facilities, when approved by a majority of the electors voting in favor of the bonds?"

SECTION 3. The Attorney General is directed to prepare the statement required by Section 67-507a, Idaho Code, and file the same.

SECTION 4. The Secretary of State is hereby directed to publish the proposed constitutional amendment and arguments as required by law.

Adopted by the Senate February 28, 1976.
Adopted by the House March 12, 1976.
A JOINT RESOLUTION
PROPOSING AN AMENDMENT TO SECTION 23, ARTICLE III, OF THE
CONSTITUTION OF THE STATE OF IDAHO, RELATING TO COMPEN-
SATION AND MILEAGE OF MEMBERS, BY STRIKING THE PROVISION
OF TEN DOLLARS PER DAY AND TEN CENTS PER MILE TRAVEL
ALLOWANCE AND PROVIDING THAT THE LEGISLATURE SHALL HAVE
NO AUTHORITY TO ESTABLISH ITS SALARY BUT TO AUTHORIZE A
CITIZENS COMMITTEE ON LEGISLATIVE COMPENSATION TO ESTAB-
LISH THE RATE OF COMPENSATION AND EXPENSES, SUBJECT TO
REJECTION OR REDUCTION BY THE LEGISLATURE, PROVIDED THAT
NO CHANGE IN THE RATE OF COMPENSATION SHALL APPLY TO THE
LEGISLATURE THEN IN OFFICE EXCEPT AS PROVIDED IN THIS
SECTION; SUBMITTING THE QUESTION TO THE ELECTORATE;
DIRECTING THE ATTORNEY GENERAL TO PREPARE THE STATEMENT
OF SUCH AMENDMENT AS DIRECTED BY LAW; AND DIRECTING THE
SECRETARY OF STATE TO PUBLISH THE PROPOSED AMENDMENTS
AND ARGUMENTS AS REQUIRED BY LAW.

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

SECTION 1. That Section 23, Article III, of the Con-
stitution of the State of Idaho be amended to read as fol-

lows:

SECTION 23. COMPENSATION AND-MILEAGE OF MEMBERS. Each
member-of-the-legislature-shall-receive-for-his-services-a
sum-of-ten-dollars-per-day-from-the-commencement-of-the
session, but-such-pay-shall-not-exceed-for-each-member,
except-the-presiding-officers, in-the-aggregate, $600-for
per-diem-allowances-for-any-one-session, and-shall-receive
each-the-sum-of-ten-cents-per-mile-each-way-by-the-usual
traveled-router.

When-convened-in-extra-session-by-the-governor, they
shall-each-receive-ten-dollars-per-day, but-no-extra-session

(H.J.R. No. 6)
The legislature shall have no authority to establish the rate of its compensation and expense by law. There is hereby authorized the creation of the citizens committee on legislative compensation, which shall consist of six members, three to be appointed by the governor and three to be appointed by the supreme court, whose terms of office and qualifications shall be as provided by law. Members of the committee shall be citizens of the state of Idaho other than public officials holding an office to which compensation is attached. The committee shall, on or before the last day of November of each even-numbered year, establish the rate of compensation and expenses for services to be rendered by members of the legislature during the two-year period commencing on the first day of December of such year. The compensation and expenses so established shall, on or before such date, be filed with the secretary of state and the state auditor. The rates thus established shall be the rates applicable for the two-year period specified unless prior to the twenty-fifth legislative day of the next regular session, by concurrent resolution, the senate and house of representatives shall reject or reduce such rates of compensation and expenses. In the event of rejection, the rates prevailing at the time of the previous session, shall remain in effect.

The officers of the legislature, including committee chairmen, may, by virtue of the office, receive additional compensation as may be provided by the committee. No change in the rate of compensation shall be made which applies to the legislature then in office except as provided herein.

When convened in extra session by the governor, no such session shall continue for a period longer than twenty days.

SECTION 2. The question to be submitted to the electors of the State of Idaho at the next general election shall be as follows:

"Shall Section 23, Article III, of the Constitution of the State of Idaho be amended by striking the provision of ten dollars per day and ten cents per mile travel allowance
and providing that the legislature shall have no authority
to establish its salary but to authorize a Citizens Committee on legislative compensation to establish the rate of compensation and expenses, subject to rejection or reduction by the legislature; provided that no change in the rate of compensation shall apply to the legislature then in office except as provided in this section?"

SECTION 3. The Attorney General is directed to prepare the statement required by Section 67-507a, Idaho Code, and file the same.

SECTION 4. The Secretary of State is hereby directed to publish this proposed constitutional amendment and arguments as required by law.

Adopted by the House February 19, 1976.
Adopted by the Senate March 16, 1976.
SENATE JOINT MEMORIALS

(S.J.M. No. 115)

A JOINT MEMORIAL

We, your Memorialists, the Senate and House of Representatives of the State of Idaho assembled in the Second Regular Session of the Forty-third Idaho Legislature, do hereby respectfully represent that:

WHEREAS, in the eleven western states, nearly seventy per cent of the land area is grazed, and one-half of this is public land administered by federal agencies; and

WHEREAS, the Bureau of Land Management in the State of Idaho administers approximately twelve million acres of public land of which approximately eleven million acres are grazed; and

WHEREAS, the public land range resources have the potential of being able to furnish enough forage to produce at least fifty per cent more beef than is produced at the present time and proper management and improvement of these resources enhances all uses, protects and improves the quality of the environment and contributes to a healthy economy; and

WHEREAS, actions which delay implementation of proper management or delay development and improvement of the range land resources detract from the potential for improving the quality of life and developing a healthy economy; and

WHEREAS, by final judgment from U. S. District Court for District of Columbia in Civil Action 1983-73 (Natural Resources Defense Council versus Secretary of the Interior) the Bureau of Land Management must prepare individual environmental impact statements (EISs) on thirty-four specific
grazing areas in Idaho to be completed over a thirteen-year period; and
WHEREAS, the Bureau of Land Management has completed land-use plans called Management Framework Plans (MFPs) and as a portion of those plans the BLM (bureau) has developed Allotment Management Plans (AMP) on some of its grazing lands; and
WHEREAS, the present system of developing environmental impact statements results in a duplication of much of the work completed in the MFPs and may result in a costly voluminous document not fully coordinated with other needs and values; and
WHEREAS, as a result of this process:
1. Because of the court order restrictions, many Idaho range lands of all ownerships will deteriorate because of BLM delays in implementing management and in constructing vitally needed range improvements, and
2. Resource management programs on national resource lands intermingled with state and private lands are being curtailed pending the formulation of the grazing environmental impact statements effectively halting management and improvements on large acreages of intermingled state, private, and federal lands.
NOW, THEREFORE, BE IT RESOLVED by the Second Regular Session of the Forty-third Idaho Legislature, the Senate and House of Representatives concurring therein, that environmental impact statements should be developed on a multiresource basis following the management framework plan rather than dealing only with livestock grazing.
BE IT FURTHER RESOLVED that constraints on the Bureau of Land Management's range improvement investments be relaxed in areas where an AMP has not been implemented so as to permit the completion of work which is noncontroversial in nature and which has no apparent adverse impact on the human environment.
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 Secretary of the Interior, the Director of the Bureau of Land Management and the Senate and House Interior and Insular Affairs Committees.
Adopted by the Senate February 6, 1976.
Adopted by the House February 20, 1976.
A JOINT MEMORIAL

We, your Memorialists, the House of Representatives and Senate of the State of Idaho assembled in the Second Regular Session of the Forty-third Idaho Legislature, do hereby respectfully represent that:

WHEREAS, the American farmer through consistent and diligent effort has increased the productivity of American agriculture; and

WHEREAS, the products of the American farm are a significant factor in providing food to the population of the world; and

WHEREAS, farmers are now facing restrictions on their right to engage in free trade in the international marketplace; and

WHEREAS, the situation now developing gives a clear confrontation of the principles of free trade opposed to government regulations; and

WHEREAS, involving agricultural products as tools of diplomacy in international relations can only result in hardships for American farmers with eventual repercussions throughout the entire American economy.

NOW, THEREFORE, BE IT RESOLVED by the Second Regular Session of the Forty-third Idaho Legislature, the House of Representatives and Senate concurring, that we respectfully
urge that the President of the United States and officials of the Administration, and the Congress of the United States in their advisory role in the conduct of foreign relations, to refrain from treaties, agreements or other instruments which impose artificial limitations upon the conduct of free trade of agricultural products. We further urge that such instruments in effect, or proposed in the future, be given the closest scrutiny in light of their potential adverse effects upon American farmers, and that the continuation of the policy of unwarranted intervention in the free market place be abandoned.

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 Honorable Gerald R. Ford, President of the United States, the Honorable Earl Butz, the Secretary of the Department of Agriculture, the President of the Senate and the Speaker of the House of Representatives in the Congress of the United States assembled, and the senators and representatives representing the State of Idaho in the Congress of the United States.

Adopted by the House January 29, 1976.
Adopted by the Senate March 4, 1976.
A JOINT MEMORIAL
TO THE PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES,
THE CHAIRMEN OF THE APPROPRIATE COMMITTEES OF THE SENATE
AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES CON­
GRESS AND TO THE SENATORS AND REPRESENTATIVES REPRE­
SENTING IDAHO IN THE UNITED STATES CONGRESS.

We, your Memorialists, the House of Representatives and
Senate of the State of Idaho assembled in the Second Regular
Session of the Forty-third Idaho Legislature, do hereby
respectfully represent that:

WHEREAS, each decedent's estate is entitled to an exemp­
tion of $60,000 in computing the Federal Estate Tax on said
decedent's estate, and

WHEREAS, that exemption was established in 1942, and
WHEREAS, each person is entitled to a lifetime exemption
of $30,000 and an annual exclusion of $3,000 per person or
entity in the computation of the Federal Gift Tax, and

WHEREAS, those exemptions and exclusions allowed for an
orderly devolution of the family farm, family business and
home and personal effects to the family, either during life­
time or at the time of death, based on the values of said
properties at the time said exemptions and exclusions were
established, without the payment of estate and gift taxes,

WHEREAS, inflation and the rapid devaluation of the
dollar have resulted in those same family farms, family
businesses, homes and personal effects becoming so increased
in value that their devolution to the family, during life­
time or at the time of death, have resulted in onerous and
unreasonable taxes, and

WHEREAS, the large estates, with much expert help, have
employed various schemes and plans in tax avoidance, leaving
many of the family farmers and family businessmen and
laborers with modest homes and small estates paying, dis­
proportionately, estate taxes, and

WHEREAS, the annual exclusions from the gift tax won't
even offset annual inflationary increases in valuations of
property, and

WHEREAS, a great majority of our citizens are now being
forced to employ attorneys, accountants, trust officers,
insurance brokers and estate planners of all kinds to devise
for them one or more of the many types of gift and estate
tax avoidance plans, which in fact does avoid the tax, but
which is expensive to the citizens, and which, for instance,
is resulting in the incorporation of a great majority of the
family farms and businesses, and

WHEREAS, those professionals, because of the business it
engenders, have not been active enough in their support for
legislation increasing said exemptions and exclusions, and

WHEREAS, said gift and estate taxes have become so
burdensome, and, by their very nature, are the most disliked
and complained of taxes by the ordinary farmer, small busi-
nessman and laborer as to shock the national conscience, and

WHEREAS, equity and fairness dictate that those exemp-
tions and exclusions be increased somewhat commensurate with
the inflationary increases in property to allow people to
transfer, during lifetime or at death, that basic family
farm unit or basic family business, or a person's home or
personal effects, to their families, when those farms and
businesses represent basic units for the earning of a
livelihood and not investments for the "rich."

NOW, THEREFORE, BE IT RESOLVED by the Second Regular
Session of the Forty-third Idaho Legislature, the House of
Representatives and the Senate concurring therein, that the
Congress of the United States immediately enact legislation
amending the estate tax laws of the United States to allow
for an exemption of at least $200,000 per estate and to
amend the gift tax laws of the United States to allow for a
lifetime exemption per person of at least $100,000 and an
annual exclusion from the gift tax of $10,000 per person or
entity.

BE IT FURTHER RESOLVED that the Chief Clerk of the House
of Representatives be, and he is hereby authorized and
directed to forward certified copies of this Memorial to the
President and Vice President of the United States, the
chairmen of the appropriate committees of the Senate and
House of Representatives of the United States Congress and
to the Senators and Representatives representing Idaho in
the United States Congress.

Adopted by the House February 10, 1976.
Adopted by the Senate March 6, 1976.
A JOINT MEMORIAL


We, your Memorialists, the House of Representatives and Senate of the State of Idaho assembled in the Second Regular Session of the Forty-third Idaho Legislature, do hereby respectfully represent that:

WHEREAS, the Congress of the United States, in the enactment of the Employee Retirement Income Security Act of 1974, encouraged the means for persons not otherwise covered by retirement savings programs to provide such a program on their own behalf with appropriate deferral of income tax liability by creation of the individual retirement account; and

WHEREAS, this excludes from its provisions persons who are nominal participants in government sponsored plans, thus imposing an inequitable and hardship situation upon this group; and

WHEREAS, the Public Employee Retirement System of Idaho operates as a qualified plan under provisions of section 401(a) of the Internal Revenue Code, and such qualification prohibits discriminatory practices among participants of the system; and

WHEREAS, a variety of special district, city, county and state elected and appointed officials in the State of Idaho receive only minimal compensation and retirement benefits for their public service; and

WHEREAS, several hundred Idaho officials were compensated for public service in amounts ranging from $10 to $1000 in fiscal year 1975, yet such public service requires mandatory membership in the Public Employee Retirement System of Idaho; and
WHEREAS, similar circumstances no doubt prevail in other states; and

WHEREAS, this limitation of the Employee Retirement Income Security Act results in an absolute prohibition against participation in any individual retirement savings program by persons covered by public programs, thus denying them the opportunity afforded other citizens to establish an individual retirement account.

NOW, THEREFORE, BE IT RESOLVED by the Second Regular Session of the Forty-third Idaho Legislature, the House of Representatives and the Senate concurring therein, that we urge consideration and adoption by Congress of the necessary amendments to federal law to implement a provision to allow a determination of the proportion of income from covered employment and permit an individual retirement account in that proportion of the salary not covered by a retirement program.

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 Honorable President of the United States Gerald R. Ford, the Honorable William E. Simon, Secretary of the Treasury, the Honorable Donald R. Alexander, commissioner of the Internal Revenue Service, President of the Senate and Speaker of the House of Representatives of the Congress of the United States, Representative Al Ullman, Chairman of the House Ways and Means Committee, the presiding officers of the legislatures of our sister states and the Senators and Representatives representing the State of Idaho in the Congress of the United States.

Adopted by the House February 18, 1976.
Adopted by the Senate March 5, 1976.
A JOINT MEMORIAL

We, your Memorialists, the House of Representatives and Senate of the State of Idaho assembled in the Second Regular Session of the Forty-third Idaho Legislature, do hereby respectfully represent that:

WHEREAS, taxpayers owning farming businesses face large expenditures in the form of taxes imposed at death; and

WHEREAS, the property owned by these taxpayers has often appreciated in value over long time periods; and

WHEREAS, these same taxpayers often lack the liquid assets to meet such obligations without the sale or encumbrance of property owned and farmed by them and their families over long periods of time; and

WHEREAS, it is in the best interest of these United States to insure the continuance of the family farm and avoid the division of such farms into uneconomic units; and

WHEREAS, the President of the United States, recognizing the acute problems thus faced by the farmers of this nation has, in his State of the Union message, presented to Congress a plan to provide for the deferral of such burden to avoid the disastrous results now occurring;

NOW, THEREFORE, BE IT RESOLVED by the Second Regular Session of the Forty-third Idaho Legislature, the House of Representatives and the Senate concurring therein, that this Legislature of the State of Idaho go on record and express wholehearted support and endorsement of the object and purpose of such proposal and of the deferral of these taxes.

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 and Vice President of the United States, the chairmen of the appropriate committees of the Senate and House of Representatives of the United States Congress and to the Senators and Representatives representing Idaho in the United States Congress.

Adopted by the House February 25, 1976.
Adopted by the Senate March 13, 1976.
A JOINT MEMORIAL
TO THE CONGRESS OF THE UNITED STATES URGING DEFEAT OF ALL
ATTEMPTS TO IMPOSE RESTRICTIONS UPON THE RIGHTS OF THE
PEOPLE TO KEEP AND BEAR ARMS.

We, your Memorialists, the House of Representatives and
Senate of the State of Idaho assembled in the Second Regular
Session of the Forty-third Idaho Legislature, do hereby
respectfully represent that:

WHEREAS, the right of citizens of the United States to
keep and bear arms was among the matters deemed worthy of
constitutional protection in the Bill of Rights of the Con­
stitution of the United States; and

WHEREAS, federal legislation is currently pending before
Congress which would impair the right of citizens to keep
and bear arms; and

WHEREAS, such legislation grows from the false hope that
lawlessness may be curbed through restrictions upon the
ownership of guns, while experience warns us that the outlaw
would violate gun controls leaving law abiding citizens
defenseless; and

WHEREAS, the Idaho Legislature, speaking on behalf of
honest citizens of the State who are sportsmen, gun
enthusiasts, and free people, is unalterably opposed to any
form of federal legislation which would infringe upon the
rights of the people.

NOW, THEREFORE, BE IT RESOLVED by the Second Regular
Session of the Forty-third Idaho Legislature, the House of
Representatives and Senate concurring therein, that we
respectfully urge the Congress of the United States to
defeat all attempts to impose restrictions upon the rights
of the people to keep and bear arms.

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 Represen­
tatives of Congress, and the honorable congressional dele­
gation representing the State of Idaho in the Congress of
the United States.

Adopted by the House February 27, 1976.
Adopted by the Senate March 3, 1976.
A JOINT MEMORIAL

TO DIRECTOR WILSON KELLOGG OF THE DEPARTMENT OF AGRICULTURE,
STATE OF IDAHO, AND DEAN AUTTIS MULLINS OF THE COLLEGE
OF AGRICULTURE, UNIVERSITY OF IDAHO.

We, your Memorialists, the House of Representatives and
Senate of the State of Idaho assembled in the Second Regular
Session of the Forty-third Idaho Legislature, do hereby
respectfully represent that:

WHEREAS, programs within the Department of Agriculture
of the State of Idaho and the College of Agriculture of the
University of Idaho are currently in progress which are
directed toward development of methods of biological control
of insects; and

WHEREAS, programs of biological control of insects are
intended to provide control of insects through identifi-
cation and use of the natural enemy of the insect; and

WHEREAS, successful programs of biological control offer
a valuable alternative to chemical control without harmful
effects upon the environment; and

WHEREAS, research efforts should be encouraged and pro-
moted in order to achieve biological control of insects
which are the cause of economic loss to the agricultural
industry in the State of Idaho.

NOW, THEREFORE, BE IT RESOLVED by the Second Regular
Session of the Forty-third Idaho Legislature, the House of
Representatives and the Senate concurring therein, that it
is the finding of the Legislature that programs of biolog-
ical control of insects are beneficial to the people of the
State of Idaho. The Legislature urges persons in responsible
charge of such programs within the Department of Agriculture
of the State of Idaho and the College of Agriculture of the
University of Idaho, to continue their excellent work in
these programs and urges further that every effort be made
to advance such programs. In particular, steps should be
taken to distribute information on programs of biological
control of insects to county extension agents through edu-
cated programs in order to make use of knowledge as it
becomes available.

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 Director
Wilson Kellogg of the Department of Agriculture, State of Idaho, and Dean Auttis Mullins of the College of Agriculture, University of Idaho.

Adopted by the House February 24, 1976.
Adopted by the Senate March 4, 1976.
A JOINT MEMORIAL
RELATING TO THE WILD HORSE AND BURRO HERDS IN THE STATES; 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 House of Representatives and Senate of the State of Idaho assembled in the Second Regular Session of the Forty-third Idaho Legislature, do hereby respectfully represent that:

WHEREAS, the wild horse and burro herds in the states are of great concern to all citizens and these are not fast disappearing from the American scene as Legislators first thought, but are in fact increasing rapidly; and

WHEREAS, the present federal laws have not provided a practical means of population and management control of such animals to maintain a thriving natural ecological balance and harmonious multiple-use relationship; and

WHEREAS, such over-populations are competing for forage and habitat of the winter ranges of antelope, deer and elk causing damage to the habitat and causing starvation to the horse herds; and

WHEREAS, if the percentage of increase is not immediately controlled, irreparable damage will be done to the natural resource and damage to the river drainage systems resulting in fish kills in the Salmon spawning grounds; and

WHEREAS, the present control by federal agencies has brought confusion and frustration in management. The herd stock, not being truly wild, herd sires should be changed and replaced. The result now is incest breeding causing weakened physical conditions, parasite infestation and physical deformities that are detrimental to the horse herd. We therefore urge Congress to pass management on to the State.

NOW, THEREFORE, BE IT RESOLVED by the Second Regular Session of the Forty-third Idaho Legislature, the House of Representatives and Senate concurring, that we respectfully represent the whole State of Idaho and not any single special interest group. NOW THEREFORE, we respectfully urge that a state of emergency exists and we urge that an immedi-
ate remedy be given this condition. We also urge:

1. That the State be allowed to appoint a separate advisory board formed from appointees within the sphere of influence of each herd.

2. That this board be represented by land managers, businessmen, ranchers and sportsmen who have a qualified knowledge of range and equine biology management.

3. That this board be empowered to set the proper maximum numerical number of each herd to maintain a proper ecological balance.

4. That where management plans for the wild horses are not completed, that the numbers be reduced immediately to the 1971 levels to prevent further damage to our resources.

5. Present means of gathering has proven to be too costly, unproductive and inhumane; therefore, we recommend the use of helicopters and motorized vehicles with proper supervision as the only practical and humane way of gathering and managing such herds.

6. We recommend that in disposing of animals to maintain the proper ecological balance that fee and complete title be given to groups and individuals acquiring ownership either by drawing or lots. Any animals branded and legally claimed may be retrieved and owners should receive waiver of trespass. Animals unwanted should be sold for monetary consideration which could then be used for management of the herd.

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 Congress, and the honorable congressional delegation representing the State of Idaho in the Congress of the United States.

Adopted by the House February 24, 1976.
Adopted by the Senate March 4, 1976.
A JOINT MEMORIAL
RELATING TO GENERAL FEDERAL POLICY PERTAINING TO THE CLOSURE OF CERTAIN AIRPORTS AND LANDING FACILITIES IN IDAHO'S BACK COUNTRY, ADDRESSED TO THE HONORABLE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED, TO THE HONORABLE CONGRESS OF THE UNITED STATES, TO THE HONORABLE SECRETARY OF AGRICULTURE, AND TO THE HONORABLE SECRETARY OF THE INTERIOR.

We, your Memorialists, the House of Representatives and Senate of the State of Idaho assembled in the Second Regular Session of the Forty-third Idaho Legislature, do hereby respectfully represent that:

WHEREAS, Idaho's mountainous and regional stature has long been compared to the remote isolation and wilderness of Alaska and Canada, which is reached and developed primarily by the adaptability of air commerce in a new concept of service and utility; and

WHEREAS, the remote and back country landing areas of Idaho have been existent since the beginning of regional and localized air service and continue to present a natural environmental face after nearly a half-century of use; and

WHEREAS, a place to safely land an airplane in Idaho's mountainous terrain is hard to come by and every recognizable facility should be retained as one of our greatest assets serving the fourth and last of our transportation mediums, namely aviation; and

WHEREAS, the Wilderness Act passed by Congress within the past decade took this into account and states: "Where use of aircraft and airstrips have been well established, they may be permitted to continue."

NOW, THEREFORE, BE IT RESOLVED by the Second Regular Session of the Forty-third Idaho Legislature, the House of Representatives and the Senate concurring therein, that we most respectfully urge the Honorable Secretary of Agriculture and the Honorable Secretary of Interior that all such airstrips shall be continued, regardless of location or area of service, whether desert, agricultural, forest, or wilderness, so long as they serve and protect public safety.

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 Congress, to the honorable congressional delegation representing the State of Idaho in the Congress, to the honorable Secretary of Agriculture, and to the honorable Secretary of the Interior.

Adopted by the House March 17, 1976.
Adopted by the Senate March 18, 1976.
CERTIFICATE OF SECRETARY OF STATE

UNITED STATES OF AMERICA

STATE OF IDAHO

I, PETE T. 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, Second Regular Session thereof, which convened January 5, 1976, and adjourned March 19, 1976, 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 27th day of April, 1976.

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 .......................... 1295

Code index ................................................................................. 1329

Numerical index of laws by bill numbers ........................................... 1345

Executive Orders of the Governor following index
# INDEX

1976 Session Laws — Second Regular Session

<table>
<thead>
<tr>
<th>Topic</th>
<th>Chapter - Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>ABORTION</td>
<td></td>
</tr>
<tr>
<td>Appropriated funds, Health and Welfare, not used for</td>
<td>Ch339 - 1128</td>
</tr>
<tr>
<td>ACCIDENTS</td>
<td></td>
</tr>
<tr>
<td>Motor vehicle, reports</td>
<td>Ch55 - 192</td>
</tr>
<tr>
<td>Vehicle removal, police officer authority</td>
<td>Ch168 - 618</td>
</tr>
<tr>
<td>ACCOUNTANTS</td>
<td></td>
</tr>
<tr>
<td>Accountancy Board, appropriation</td>
<td>Ch172 - 626</td>
</tr>
<tr>
<td>Accountancy Board, appropriation, supplemental</td>
<td>Ch13 - 41</td>
</tr>
<tr>
<td>Certified public, licensure</td>
<td>Ch267 - 895</td>
</tr>
<tr>
<td>Public, licensure</td>
<td>Ch267 - 895</td>
</tr>
<tr>
<td>ACCOUNTING</td>
<td></td>
</tr>
<tr>
<td>Cities, counties, cash basis</td>
<td>Ch45 - 122</td>
</tr>
<tr>
<td>Funds, state, consolidation</td>
<td>Ch51 - 152</td>
</tr>
<tr>
<td>ADA COUNTY</td>
<td></td>
</tr>
<tr>
<td>Appropriation, criminal cases</td>
<td>Ch31 - 68</td>
</tr>
<tr>
<td>ADMINISTRATION</td>
<td></td>
</tr>
<tr>
<td>Dept., appropriation</td>
<td>Ch205 - 748</td>
</tr>
<tr>
<td>Dept., appropriation, supplemental</td>
<td>Ch254 - 866</td>
</tr>
<tr>
<td>Dept., bldg. repair, purchasing authorization</td>
<td>Ch26 - 61</td>
</tr>
<tr>
<td>Dept., chattel property, inventory, reference</td>
<td>Ch27 - 62</td>
</tr>
<tr>
<td>Dept., health insurance, bids</td>
<td>HCR67 - 1264</td>
</tr>
<tr>
<td>Dept., state office space, management</td>
<td>Ch142 - 527</td>
</tr>
<tr>
<td>ADMINISTRATIVE RULES</td>
<td></td>
</tr>
<tr>
<td>Review by Legislature, report</td>
<td>Ch185 - 671</td>
</tr>
<tr>
<td>ADOPTION</td>
<td></td>
</tr>
<tr>
<td>Children, Interstate Compact on Placement</td>
<td>Ch189 - 681</td>
</tr>
<tr>
<td>ADVERTISING</td>
<td></td>
</tr>
<tr>
<td>Beer, wine retailers, accepted</td>
<td>Ch34 - 71</td>
</tr>
<tr>
<td>Promotions, exempt from lotteries’ provisions</td>
<td>Ch174 - 636</td>
</tr>
<tr>
<td>AERONAUTICS</td>
<td></td>
</tr>
<tr>
<td>Air Regions, Boards of Trustees</td>
<td>Ch220 - 793</td>
</tr>
<tr>
<td>Airport authorities, revenue bonds</td>
<td>Ch128 - 487</td>
</tr>
<tr>
<td>Airports, back country, Congress petitioned</td>
<td>HJM22 - 1289</td>
</tr>
<tr>
<td>Airports, regional authority, county participation</td>
<td>Ch130 - 491</td>
</tr>
<tr>
<td>AGING</td>
<td></td>
</tr>
<tr>
<td>See OFFICE ON AGING, SENIOR CITIZENS</td>
<td></td>
</tr>
<tr>
<td>AGRICULTURE</td>
<td></td>
</tr>
<tr>
<td>Agricultural Labor Board, appropriation</td>
<td>Ch68 - 235</td>
</tr>
<tr>
<td>Bees, tax levy, absentee ballot for vote</td>
<td>Ch119 - 459</td>
</tr>
<tr>
<td>Cooperative Marketing, instruments/interest defined</td>
<td>Ch41 - 88</td>
</tr>
<tr>
<td>Dept., appropriation</td>
<td>Ch194 - 711</td>
</tr>
<tr>
<td>Dept., appropriation, Pesticide Law</td>
<td>Ch190 - 688</td>
</tr>
<tr>
<td>Dept., approp., supplemental, animal industry program</td>
<td>Ch6 - 19</td>
</tr>
<tr>
<td>Director, additional duties</td>
<td>Ch90 - 304</td>
</tr>
<tr>
<td>Director, grades publication for apples</td>
<td>Ch70 - 238</td>
</tr>
<tr>
<td>Feed, defined, commercial labeling</td>
<td>Ch61 - 209</td>
</tr>
</tbody>
</table>
AGRICULTURE (Continued)

- Fertilizers, commercial, registration, name changes
- Insects, biological control programs
- Milk cooling tanks, standards
- Pesticides, new law
- Products, free trade urged
- Weighmasters, licensing act, definitions

AIRPORTS
See AERONAUTICS

ALCOHOL, ALCOHOLIC BEVERAGES
See BEER, LIQUOR, WINE

ALCOHOLISM
- Treatment Act, modification
- Treatment, tax on liquor

ALMANAC
- Idaho, appropriation

AMBULANCES
- Attendants, civil immunity
- Attendants, volunteer, civil immunity
- Services, regulations

ANIMALS
- Horses, burros, wild, management
- Industry Program, supplemental appropriation

APPLES
See FRUIT

APPRaisERS
- Property tax, certification program

APPROPRIATIONS
- Accountancy Board
- Accountancy Board, supplemental
- Ada County, criminal cases
- Administration Dept.
- Administration Dept., supplemental
- Agricultural Labor Board
- Agriculture Dept.
- Agriculture Dept., supplemental, Animal Industry
- Alcohol Safety Action Project
- Alcohol Treatment Unit Program
- Almanac, Idaho
- Apple Commission
- Arts and Humanities Commission
- Athletic Director
- Attorney General
- Attorney General, supplemental
- Auditor, State
- Auditor, State, payroll-position control system
- Bean Commission
- Bicentennial Commission
- Blind Commission
- Board of Examiners, Hay Plan, etc.
- Boise State University
- Boise State University, Science Building
- Boise State University, Science Education Bldg.
### APPROPRIATIONS (Continued)

<table>
<thead>
<tr>
<th>Description</th>
<th>Chapter - Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Boise State University, supplemental</td>
<td>Ch30 - 66</td>
</tr>
<tr>
<td>Brand Inspection</td>
<td>Ch245 - 842</td>
</tr>
<tr>
<td>Budget, Policy Planning &amp; Coordination</td>
<td>Ch257 - 874</td>
</tr>
<tr>
<td>Capitol Mall, parking, utility tunnel</td>
<td>Ch340 - 1131</td>
</tr>
<tr>
<td>Certified Shorthand Reporters Board</td>
<td>Ch230 - 816</td>
</tr>
<tr>
<td>Cherry Commission</td>
<td>Ch172 - 626</td>
</tr>
<tr>
<td>Correction Dept.</td>
<td>Ch255 - 869</td>
</tr>
<tr>
<td>Correction Dept., General Fund surplus</td>
<td>Ch330 - 1112</td>
</tr>
<tr>
<td>Court reporters, salaries</td>
<td>Ch336 - 1123</td>
</tr>
<tr>
<td>Dairy Products Commission</td>
<td>Ch172 - 626</td>
</tr>
<tr>
<td>Deaf &amp; Blind School</td>
<td>Ch104 - 427</td>
</tr>
<tr>
<td>Dentistry Board</td>
<td>Ch172 - 626</td>
</tr>
<tr>
<td>District Court</td>
<td>Ch242 - 836</td>
</tr>
<tr>
<td>Eastern Idaho Vocational-Technical School, bldg.</td>
<td>Ch230 - 816</td>
</tr>
<tr>
<td>Education Board, Deaf/Blind School</td>
<td>Ch104 - 427</td>
</tr>
<tr>
<td>Education Board, Family Practice Program</td>
<td>Ch100 - 422</td>
</tr>
<tr>
<td>Education Board, for Education Dept.</td>
<td>Ch326 - 1101</td>
</tr>
<tr>
<td>Education Board, for Office</td>
<td>Ch206 - 752</td>
</tr>
<tr>
<td>Education Board, for Office, 1975 revised</td>
<td>Ch8 - 23</td>
</tr>
<tr>
<td>Education Board, Historical Society, supplemental</td>
<td>Ch16 - 46</td>
</tr>
<tr>
<td>Education Board, Library Board, Historical Society</td>
<td>Ch199 - 720</td>
</tr>
<tr>
<td>Education Board, members, per diem</td>
<td>Ch329 - 1111</td>
</tr>
<tr>
<td>Education Board, potato breeding facility</td>
<td>Ch327 - 1104</td>
</tr>
<tr>
<td>Education Board, Public School Program</td>
<td>Ch25 - 60</td>
</tr>
<tr>
<td>Education Board, universities</td>
<td>Ch241 - 834</td>
</tr>
<tr>
<td>Education Board, universities, supplemental</td>
<td>Ch30 - 66</td>
</tr>
<tr>
<td>Education Board, U of I, special programs</td>
<td>Ch252 - 861</td>
</tr>
<tr>
<td>Education Board, U of Utah medical students</td>
<td>Ch107 - 431</td>
</tr>
<tr>
<td>Education Board, vocational education</td>
<td>Ch253 - 865</td>
</tr>
<tr>
<td>Education Board, vocational rehabilitation</td>
<td>Ch196 - 716</td>
</tr>
<tr>
<td>Education Commission and Council</td>
<td>Ch296 - 1023</td>
</tr>
<tr>
<td>Education, Dept.</td>
<td>Ch326 - 1101</td>
</tr>
<tr>
<td>Endowment Investment Board</td>
<td>Ch203 - 730</td>
</tr>
<tr>
<td>Engineering Examiners Board</td>
<td>Ch172 - 626</td>
</tr>
<tr>
<td>Finance-Appropriations Committee</td>
<td>Ch314 - 1080</td>
</tr>
<tr>
<td>Finance Dept.</td>
<td>Ch171 - 623</td>
</tr>
<tr>
<td>Fish and Game Dept.</td>
<td>Ch249 - 854</td>
</tr>
<tr>
<td>General Fund surplus</td>
<td>Ch330 - 1112</td>
</tr>
<tr>
<td>General Fund surplus, potato breeding facility</td>
<td>Ch327 - 1104</td>
</tr>
<tr>
<td>General Services, Administrative Dept.</td>
<td>Ch205 - 748</td>
</tr>
<tr>
<td>Gooding TB Hospital Maintenance Program</td>
<td>Ch12 - 40</td>
</tr>
<tr>
<td>Governor, Office</td>
<td>Ch340 - 1131</td>
</tr>
<tr>
<td>Governor, Office, Blind Commission</td>
<td>Ch296 - 1023</td>
</tr>
<tr>
<td>Governor, Office, Education Commission/Council</td>
<td>Ch296 - 1023</td>
</tr>
<tr>
<td>Governor, Office, Human Rights Commission</td>
<td>Ch173 - 635</td>
</tr>
<tr>
<td>Governor, Office, Insurance Fund</td>
<td>Ch203 - 730</td>
</tr>
<tr>
<td>Governor, Office, Investment Board</td>
<td>Ch203 - 730</td>
</tr>
<tr>
<td>Governor, Office, Liquor Dispensary</td>
<td>Ch198 - 719</td>
</tr>
<tr>
<td>Governor, Office, Office on Aging</td>
<td>Ch43 - 116</td>
</tr>
<tr>
<td>Governor, Office, Office on Aging</td>
<td>Ch296 - 1023</td>
</tr>
</tbody>
</table>
APPROPRIATIONS (Continued)

Governor, Office, Retirement System ........................................ Ch203 - 730
Governor, Office, supplemental .................................................. Ch43 - 116
Governor, Office, Women's Programs .......................................... Ch296 - 1023
Gowen Field Armory ...................................................................... Ch230 - 816
Group Insurance, Administration Dept. ....................................... Ch205 - 748
Health & Welfare Dept., administration ...................................... Ch324 - 1097
Health & Welfare Dept., Alcohol Treatment Unit ....................... Ch18 - 49
Health & Welfare Dept., community rehabilitation .................... Ch325 - 1098
Health & Welfare Dept., District Health Dept. ......................... Ch324 - 1097
Health & Welfare Dept., Environment, Health Div. ..................... Ch269 - 910
Health & Welfare Dept., supplemental ....................................... Ch39 - 82
Health & Welfare Dept., veterans services ............................... Ch324 - 1097
Health & Welfare Dept., Welfare Division ................................. Ch339 - 1128
Historical Society ........................................................................ Ch199 - 720
Historical Society, supplemental, Historic Sites ....................... Ch16 - 46
Honey Advertising Commission .................................................. Ch194 - 711
Horse Racing Commission ............................................................ Ch245 - 842
Horse Racing Commission ......................................................... Ch257 - 874
Horse Racing Commission Program, supplemental ................. Ch10 - 36
Human Rights Commission ........................................................... Ch173 - 635
Idaho State University .................................................................. Ch241 - 834
Idaho State University library, furnishings/fixtures ................. Ch268 - 909
Idaho State University, supplemental ......................................... Ch30 - 66
Industrial Commission ................................................................. Ch215 - 785
Industrial Commission, supplemental, revised classes ............ Ch11 - 38
Insurance Dept., Insurance Industry Program ......................... Ch106 - 430
Insurance Fund ............................................................................ Ch203 - 730
Judicial Council ............................................................................. Ch242 - 836
Labor & Industrial Services Dept. .............................................. Ch131 - 495
Labor & Industrial Services Dept., supplemental ..................... Ch21 - 53
Lands Dept. .................................................................................. Ch299 - 1035
Lands Dept., Gooding TB Hospital Maintenance ..................... Ch12 - 40
Lands Dept., shop facilities .......................................................... Ch230 - 816
Law Enforcement Dept. ............................................................... Ch245 - 842
Law Enforcement Dept. ............................................................... Ch257 - 874
Law Enforcement Dept., supplemental ....................................... Ch10 - 36
Law Enforcement Planning Operations ................................. Ch340 - 1131
Law Library .................................................................................. Ch242 - 836
Legislative Council, research assistance ................................. Ch313 - 1079
Legislative Council, Western Forestry Task Force ................ Ch37 - 79
Legislative tax analysis computer service ............................... Ch300 - 1038
Lewis-Clark State College ........................................................... Ch241 - 834
Lewis-Clark State College, Science/Nursing Bldg. ................. Ch230 - 816
Lewis-Clark State College, supplemental ............................... Ch30 - 66
Libraries, public, construction .................................................... Ch338 - 1126
Library Board .............................................................................. Ch199 - 720
Library, State, addition, archives .............................................. Ch338 - 1126
Lieutenant Governor .................................................................... Ch67 - 234
Liquor Dispensary ......................................................................... Ch198 - 719
Magistrates Division, Courts ...................................................... Ch242 - 836
Medicine Board ............................................................................ Ch172 - 626
Military Division ........................................................................... Ch340 - 1131
<table>
<thead>
<tr>
<th>Appropriations</th>
<th>Chapter - Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>National Guard Educational Encouragement</td>
<td>Ch340 - 1131</td>
</tr>
<tr>
<td>North Idaho College, Humanities Classroom Bldg.</td>
<td>Ch230 - 816</td>
</tr>
<tr>
<td>Northwest College of Veterinary Medicine</td>
<td>Ch252 - 861</td>
</tr>
<tr>
<td>Nursing Board</td>
<td>Ch172 - 626</td>
</tr>
<tr>
<td>Occupational License Bureau</td>
<td>Ch172 - 626</td>
</tr>
<tr>
<td>Office on Aging</td>
<td>Ch296 - 1023</td>
</tr>
<tr>
<td>Optometry Board</td>
<td>Ch172 - 626</td>
</tr>
<tr>
<td>Outdoor Recreation Fund, repayment</td>
<td>Ch22 - 56</td>
</tr>
<tr>
<td>Outfitters &amp; Guides Board</td>
<td>Ch172 - 626</td>
</tr>
<tr>
<td>Parks &amp; Recreation Dept.</td>
<td>Ch200 - 723</td>
</tr>
<tr>
<td>Parks &amp; Recreation Dept., Outdoor Fund</td>
<td>Ch22 - 56</td>
</tr>
<tr>
<td>Parks &amp; Recreation Fund, General Fund surplus</td>
<td>Ch330 - 1112</td>
</tr>
<tr>
<td>Penitentiary, cell block wings, core building</td>
<td>Ch338 - 1126</td>
</tr>
<tr>
<td>Permanent Building Fund Adv. Council</td>
<td>Ch230 - 816</td>
</tr>
<tr>
<td>Permanent Building Fund Adv. Council, ISU library</td>
<td>Ch268 - 909</td>
</tr>
<tr>
<td>Permanent Building Fund Adv. Council, projects</td>
<td>Ch338 - 1126</td>
</tr>
<tr>
<td>Permanent Building Fund Adv. Council, St. Sch./Hosp.</td>
<td>Ch323 - 1096</td>
</tr>
<tr>
<td>Permanent Building Fund Adv. Council, Youth Center</td>
<td>Ch322 - 1095</td>
</tr>
<tr>
<td>Permanent Building Fund, General Fund surplus</td>
<td>Ch330 - 1112</td>
</tr>
<tr>
<td>Personnel Commission</td>
<td>Ch205 - 748</td>
</tr>
<tr>
<td>Pharmacy Board</td>
<td>Ch172 - 626</td>
</tr>
<tr>
<td>Police Officer Standards</td>
<td>Ch340 - 1131</td>
</tr>
<tr>
<td>Potato Commission</td>
<td>Ch172 - 626</td>
</tr>
<tr>
<td>Presidential Primary</td>
<td>Ch337 - 1124</td>
</tr>
<tr>
<td>Professional Geologists Board</td>
<td>Ch172 - 626</td>
</tr>
<tr>
<td>Professional Geologists Board, supplemental</td>
<td>Ch13 - 41</td>
</tr>
<tr>
<td>Prune Commission</td>
<td>Ch172 - 626</td>
</tr>
<tr>
<td>Public Broadcasting and Television</td>
<td>Ch206 - 752</td>
</tr>
<tr>
<td>Public Employees Retirement System</td>
<td>Ch203 - 730</td>
</tr>
<tr>
<td>Public School Employees Retirement Program</td>
<td>Ch44 - 121</td>
</tr>
<tr>
<td>Public School Foundation Program</td>
<td>Ch25 - 60</td>
</tr>
<tr>
<td>Public School Income Fund, retirement program</td>
<td>Ch44 - 121</td>
</tr>
<tr>
<td>Public Utilities Commission</td>
<td>Ch202 - 728</td>
</tr>
<tr>
<td>Public Utilities Commission</td>
<td>Ch331 - 1113</td>
</tr>
<tr>
<td>Public Works Contractors License Board</td>
<td>Ch172 - 626</td>
</tr>
<tr>
<td>Public Works Division, Administration Dept.</td>
<td>Ch205 - 748</td>
</tr>
<tr>
<td>Public Works Division, ISU library</td>
<td>Ch268 - 909</td>
</tr>
<tr>
<td>Public Works Division, roof repairs</td>
<td>Ch298 - 1033</td>
</tr>
<tr>
<td>Public Works Division, State School/ Hospital</td>
<td>Ch323 - 1096</td>
</tr>
<tr>
<td>Public Works Division, various buildings</td>
<td>Ch230 - 816</td>
</tr>
<tr>
<td>Public Works Division, various projects</td>
<td>Ch338 - 1126</td>
</tr>
<tr>
<td>Public Works Division, Youth Services Center</td>
<td>Ch322 - 1095</td>
</tr>
<tr>
<td>Purchasing Division, Administration Dept.</td>
<td>Ch205 - 748</td>
</tr>
<tr>
<td>Real Estate Commission</td>
<td>Ch172 - 626</td>
</tr>
<tr>
<td>Rev &amp; Tax Dept.</td>
<td>Ch244 - 840</td>
</tr>
<tr>
<td>Rev &amp; Tax Dept., circuit breaker purposes</td>
<td>Ch301 - 1038</td>
</tr>
<tr>
<td>Rev &amp; Tax Dept., supplemental, audit program</td>
<td>Ch7 - 21</td>
</tr>
<tr>
<td>Revenue projections</td>
<td>HCR54 - 1250</td>
</tr>
<tr>
<td>Revenue projections, surplus</td>
<td>HCR53 - 1249</td>
</tr>
<tr>
<td>Roof repairs, state buildings</td>
<td>Ch298 - 1033</td>
</tr>
<tr>
<td>Secretary of State</td>
<td>Ch337 - 1124</td>
</tr>
<tr>
<td>Self-governing Agencies Dept.</td>
<td>Ch172 - 626</td>
</tr>
<tr>
<td>Appropriations</td>
<td>Chapter/Page</td>
</tr>
<tr>
<td>----------------------------------------</td>
<td>--------------</td>
</tr>
<tr>
<td>Sheep Commission</td>
<td>Ch194-711</td>
</tr>
<tr>
<td>Speaker of House, revenue projection assistance</td>
<td>Ch300-1038</td>
</tr>
<tr>
<td>Special Services Dept., 1975, repealed</td>
<td>Ch14-43</td>
</tr>
<tr>
<td>State flags</td>
<td>Ch340-1131</td>
</tr>
<tr>
<td>State Hospital South, renovation</td>
<td>Ch230-816</td>
</tr>
<tr>
<td>State Library, addition</td>
<td>Ch230-816</td>
</tr>
<tr>
<td>State Planning</td>
<td>Ch340-1131</td>
</tr>
<tr>
<td>State School and Hospital, living units</td>
<td>Ch323-1096</td>
</tr>
<tr>
<td>Supreme Court</td>
<td>Ch242-836</td>
</tr>
<tr>
<td>Supreme Court, court reporters, salaries</td>
<td>Ch336-1123</td>
</tr>
<tr>
<td>Supreme Court, justices/judges, salaries</td>
<td>Ch335-1122</td>
</tr>
<tr>
<td>Tourism &amp; Industrial Development</td>
<td>Ch340-1131</td>
</tr>
<tr>
<td>Traffic Safety Commission</td>
<td>Ch341-1137</td>
</tr>
<tr>
<td>Transportation Dept.</td>
<td>Ch341-1137</td>
</tr>
<tr>
<td>Treasurer, State</td>
<td>Ch105-429</td>
</tr>
<tr>
<td>U of I</td>
<td>Ch241-834</td>
</tr>
<tr>
<td>U of I, special programs</td>
<td>Ch252-861</td>
</tr>
<tr>
<td>U of I, supplemental</td>
<td>Ch30-66</td>
</tr>
<tr>
<td>U of I Board of Regents, potato breeding facility</td>
<td>Ch327-1104</td>
</tr>
<tr>
<td>U of I Board of Regents, special programs, U of I</td>
<td>Ch252-861</td>
</tr>
<tr>
<td>U of I Board of Regents, universities</td>
<td>Ch241-834</td>
</tr>
<tr>
<td>U of I Board of Regents, universities, supplemental</td>
<td>Ch30-66</td>
</tr>
<tr>
<td>Veterans State Park</td>
<td>Ch200-723</td>
</tr>
<tr>
<td>Veterinary Science Building, equipment</td>
<td>Ch338-1126</td>
</tr>
<tr>
<td>Vocational Education</td>
<td>Ch253-865</td>
</tr>
<tr>
<td>Vocational Rehabilitation</td>
<td>Ch196-716</td>
</tr>
<tr>
<td>WAMI Medical Education Program</td>
<td>Ch252-861</td>
</tr>
<tr>
<td>Water Resources Dept.</td>
<td>Ch211-771</td>
</tr>
<tr>
<td>Wheat Commission</td>
<td>Ch172-626</td>
</tr>
<tr>
<td>Women's Programs Commission</td>
<td>Ch296-1023</td>
</tr>
<tr>
<td>Youth Services Center, cottages</td>
<td>Ch322-1095</td>
</tr>
<tr>
<td><strong>Architects</strong></td>
<td></td>
</tr>
<tr>
<td>Examiners, per diem</td>
<td>Ch166-596</td>
</tr>
<tr>
<td>Licensure, requirements, fees</td>
<td>Ch166-596</td>
</tr>
<tr>
<td><strong>Armed Forces</strong></td>
<td></td>
</tr>
<tr>
<td>See MILITARY AND MILITIA</td>
<td></td>
</tr>
<tr>
<td><strong>Armories</strong></td>
<td></td>
</tr>
<tr>
<td>Gowen Field, appropriation</td>
<td>Ch230-816</td>
</tr>
<tr>
<td>Roof repairs, appropriation</td>
<td>Ch298-1033</td>
</tr>
<tr>
<td><strong>Arts &amp; Humanities</strong></td>
<td></td>
</tr>
<tr>
<td>Commission, appropriation</td>
<td>Ch337-1124</td>
</tr>
<tr>
<td><strong>Athletics</strong></td>
<td></td>
</tr>
<tr>
<td>Athletic Director, State, appropriation</td>
<td>Ch172-626</td>
</tr>
<tr>
<td><strong>Attorney General</strong></td>
<td></td>
</tr>
<tr>
<td>Appropriation</td>
<td>Ch364-1198</td>
</tr>
<tr>
<td>Appropriation, supplemental</td>
<td>Ch20-51</td>
</tr>
<tr>
<td>Duties, representation state agencies, etc.</td>
<td>Ch366-1202</td>
</tr>
<tr>
<td><strong>Attorneys</strong></td>
<td></td>
</tr>
<tr>
<td>Fees, civil actions, recoverable</td>
<td>Ch349-1158</td>
</tr>
<tr>
<td>Fees, consumer loans</td>
<td>Ch222-795</td>
</tr>
<tr>
<td>Prosecuting, Canyon County, salary</td>
<td>Ch334-1121</td>
</tr>
<tr>
<td>Prosecuting, salaries</td>
<td>Ch321-1093</td>
</tr>
<tr>
<td>Prosecuting, salaries, retroactive</td>
<td>Ch303-1041</td>
</tr>
</tbody>
</table>
AUDITOR
State, accounting funds consolidation ........................................ Ch51 - 152
State, appropriation ................................................................. Ch69 - 236
State, appropriation, payroll-position control .......................... Ch243 - 839
State, duties, functions ........................................................... Ch42 - 90
State, Election Campaign Fund, establishment ......................... Ch260 - 880

AUTOMOBILES
See MOTOR VEHICLES

AWARDS
State Employees Incentive System .......................................... Ch2 - 9

BANKS AND BANKING
Assessment fees, date of payment ........................................... Ch29 - 65
Assets, date of computation .................................................. Ch29 - 65
Customer communication terminals ........................................ Ch248 - 851
Electronic terminals .............................................................. Ch248 - 851
Irrigation districts, contracts, indebtedness ............................. Ch251 - 857
Loans, interest, limitation ..................................................... Ch126 - 475
State depositories designated by treasurer ............................... Ch238 - 831

BARBERS
Employ manicurists .................................................................. Ch127 - 477
Examiners, per diem ................................................................. Ch166 - 596
Licensure, requirements, fees ................................................ Ch166 - 596
Students, registration fee ........................................................ Ch166 - 596

BARTENDERS
Licensure, proof ........................................................................ Ch33 - 70

BEER
Premises where sold, inspection ............................................... Ch236 - 829
Retail sale, license, issuance ..................................................... Ch165 - 595
Retail sale, license, requirements ............................................. Ch156 - 555
Retail sale, premise definition ............................................... Ch123 - 472
Retailers, advertising accepted ............................................... Ch34 - 71
Tax, to treat alcoholism .......................................................... Ch317 - 1086

BEES
Tax levy, absentee ballot for vote ............................................. Ch119 - 459

BICENTENNIAL COMMISSION
Appropriation ............................................................................. Ch193 - 710

BILLS
Legislative, new sections added to Code ................................ HCR50 - 1248

BLIND
Commission, appropriation ......................................................... Ch296 - 1023
Deaf and Blind School, appropriation ............................... Ch104 - 427

BOARD OF EXAMINERS
Appropriation, personnel costs, state agencies ....................... Ch367 - 1205

BOATS
Operation, local ordinances ...................................................... Ch169 - 620
Youth, operation, drug influence ........................................... Ch233 - 823

BOISE STATE UNIVERSITY
See COLLEGES AND UNIVERSITIES

BONDS
Airport authorities, issuance ................................................... Ch128 - 487
City treasurers, records ............................................................ Ch49 - 148
BONDS (Continued) ............................................. Ch163 - 592
   Off-street parking, cities ................................ Ch163 - 592
   Water and Sewer District Revenue Bond Act ........ Ch62 - 211

BRAND INSPECTION ........................................ Ch180 - 652
   Cattle, fees ............................................ Ch180 - 652
   Program, appropriation ................................ Ch257 - 874

BUDGETS ..................................................... Ch340 - 1131
   Governor’s message to Legislature ...................... HCR49 - 1248
   Taxing districts, filing required ....................... Ch159 - 566

BUILDINGS ................................................... Ch129 - 488
   Advisory Act, recreational vehicle defined .......... SCR138 - 1231
   Idaho Building Authority, year-to-year lease .... SCR140 - 1234
   Public Utilities Commission, state agencies ...... SCR141 - 1235
   St. Alphonsus, renovation authorized ............... HCR56 - 1251
   State, construction, repair, purchasing authority .. Ch26 - 61
   State, proposals, include all costs .................. SCR141 - 1235

BURROS ....................................................... HJM21 - 1287
   Herds, management .................................... SCR135 - 1231

BUSINESSES .................................................. Ch125 - 474
   See TRANSPORTATION ................................. SCR139 - 1233

BUSINESS ..................................................... Ch125 - 474
   Small claims, court jurisdiction, $500 ............... Ch125 - 474
   Sole proprietorships, workmen’s comp., exempt ... Ch285 - 985

CAMPAIGNS .................................................... Ch227 - 812
   Contributions, violation of law, penalty .......... Ch227 - 812
   Election Campaign Fund, establishment ............ Ch260 - 880
   Expenditures, reference to person ................. Ch228 - 813
   Political, contributions, tax credit ............... Ch1 - 3

CANDIDATES .................................................. Ch230 - 816
   Primary election ....................................... SCR135 - 1224

CAPITOL MALL .............................................. SCR136 - 1230
   Parking facility, utility tunnel, appropriation ...... SCR136 - 1230
   Parking, rental charged ................................ SCR136 - 1230

CAREY ACT .................................................... Ch306 - 1049
   Arid land development .................................. Ch306 - 1049
   Land development, improvements, replacement .... Ch109 - 433

CATTLE ......................................................... Ch180 - 652
   Brand inspection, fees ................................ Ch180 - 652
   Stray, regulation ...................................... Ch88 - 299
   Transportation, occasional, exempted ............... Ch308 - 1059

CENSUS ........................................................ SCR139 - 1233
   Precinct, geographic boundaries, study .......... SCR139 - 1233

CHILDREN ...................................................... Ch204 - 732
   See also JUVENILES, YOUTH .......................... Ch204 - 732
   Child Protective Act, enacted ....................... Ch204 - 732
   Fishing license, nonresident, under 14 .......... Ch265 - 890
   Placement, Interstate Compact ...................... Ch189 - 681
   Wine, under nineteen, not sell ..................... Ch292 - 1010
<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>CHIROPRACHTORS</td>
<td></td>
</tr>
<tr>
<td>Examiners, per diem</td>
<td>Ch166</td>
</tr>
<tr>
<td>Licensure, fees</td>
<td>Ch166</td>
</tr>
<tr>
<td>CIGARETTES</td>
<td></td>
</tr>
<tr>
<td>Vending machines, contraband, not seized</td>
<td>Ch175</td>
</tr>
<tr>
<td>CITIES</td>
<td></td>
</tr>
<tr>
<td>Beer, retail sale, license</td>
<td>Ch165</td>
</tr>
<tr>
<td>Claims, short term borrowing</td>
<td>Ch48</td>
</tr>
<tr>
<td>Criminal prosecutions/city lies in 2 counties</td>
<td>Ch24</td>
</tr>
<tr>
<td>Electrical generating systems, rehab., indebtedness</td>
<td>SJR109</td>
</tr>
<tr>
<td>Employees, deductions from wages</td>
<td>Ch47</td>
</tr>
<tr>
<td>Fiscal year, cash basis of accounting</td>
<td>Ch45</td>
</tr>
<tr>
<td>Funds, depositaries, investment</td>
<td>Ch74</td>
</tr>
<tr>
<td>Governing council, urban renewal agency</td>
<td>Ch256</td>
</tr>
<tr>
<td>Local Improvement Districts, formation</td>
<td>Ch160</td>
</tr>
<tr>
<td>Off-street parking, issuance of bonds</td>
<td>Ch163</td>
</tr>
<tr>
<td>Off-street parking, use of fines</td>
<td>Ch164</td>
</tr>
<tr>
<td>Ordinances, enactment prohibited/conflict state law</td>
<td>Ch145</td>
</tr>
<tr>
<td>Records, retention, destruction</td>
<td>Ch50</td>
</tr>
<tr>
<td>Self-governing powers, increased</td>
<td>Ch214</td>
</tr>
<tr>
<td>Treasurers, bond records</td>
<td>Ch49</td>
</tr>
<tr>
<td>CIVIL ACTIONS</td>
<td></td>
</tr>
<tr>
<td>Ambulance attendants, civil immunity</td>
<td>Ch289</td>
</tr>
<tr>
<td>Ambulance attendants, volunteer, immunity</td>
<td>Ch186</td>
</tr>
<tr>
<td>Attorney’s fees, recoverable</td>
<td>Ch349</td>
</tr>
<tr>
<td>Disabled, tolling statute of limitations, limit</td>
<td>Ch276</td>
</tr>
<tr>
<td>Possession, trial within 12 days</td>
<td>Ch71</td>
</tr>
<tr>
<td>Suits, damages, amounts not disclosed</td>
<td>Ch275</td>
</tr>
<tr>
<td>Trespass, penalties</td>
<td>Ch155</td>
</tr>
<tr>
<td>CIVIL LIABILITY</td>
<td></td>
</tr>
<tr>
<td>State employees, comprehensive plan</td>
<td>Ch310</td>
</tr>
<tr>
<td>State employees, immunity</td>
<td>Ch309</td>
</tr>
<tr>
<td>COLLEGES AND UNIVERSITIES</td>
<td></td>
</tr>
<tr>
<td>Boise State University, appropriation</td>
<td>Ch241</td>
</tr>
<tr>
<td>Boise State University, appropriation, science bldg.</td>
<td>Ch230</td>
</tr>
<tr>
<td>Boise State University, appropriation, science bldg.</td>
<td>Ch338</td>
</tr>
<tr>
<td>Boise State University, appropriation, supplemental</td>
<td>Ch30</td>
</tr>
<tr>
<td>Contributions, income tax credit</td>
<td>Ch58</td>
</tr>
<tr>
<td>Idaho State University, appropriation</td>
<td>Ch241</td>
</tr>
<tr>
<td>Idaho State University, approp., library, furnishings</td>
<td>Ch268</td>
</tr>
<tr>
<td>Idaho State University, appropriation, supplemental</td>
<td>Ch30</td>
</tr>
<tr>
<td>Junior college support, appropriation</td>
<td>Ch241</td>
</tr>
<tr>
<td>Leave with pay, rule rejection</td>
<td>SCR128</td>
</tr>
<tr>
<td>Lewis-Clark State College, approp.</td>
<td>Ch241</td>
</tr>
<tr>
<td>Lewis-Clark State College, approp., science bldg.</td>
<td>Ch230</td>
</tr>
<tr>
<td>Lewis-Clark State College, approp., supplemental</td>
<td>Ch30</td>
</tr>
<tr>
<td>North Idaho College, approp., Humanities Bldg.</td>
<td>Ch230</td>
</tr>
<tr>
<td>Roof repairs, appropriation</td>
<td>Ch298</td>
</tr>
<tr>
<td>U of I, approp.</td>
<td>Ch241</td>
</tr>
<tr>
<td>U of I, approp., special programs</td>
<td>Ch252</td>
</tr>
<tr>
<td>U of I, approp., supplemental</td>
<td>Ch30</td>
</tr>
<tr>
<td>U of I Board of Regents, approp.</td>
<td>Ch241</td>
</tr>
<tr>
<td>U of I Board of Regents, approp., potato breeding</td>
<td>Ch327</td>
</tr>
</tbody>
</table>
COLLEGES AND UNIVERSITIES (Continued)

U of I Board of Regents, approp., programs U of I ................................ Ch252 - 861
U of I Board of Regents, approp., supplemental ...................................... Ch30 - 66

CONSTITUTIONAL AMENDMENTS

Article III, Section 23, proposed ............................................................... HJR6 - 1272
Article VIII, Section 3, proposed ............................................................... SJR109 - 1269
Publication .................................................................................................. Ch235 - 827

CONSUMERS

Credit sales, unpaid balances, fees ............................................................. Ch40 - 86
Loans, attorney’s fee .................................................................................. Ch222 - 795

CONTRACTORS

Public Works License Board, appropriation ............................................... Ch172 - 626

CONTRACTS

Annuity, exempt, insurance premium tax .................................................... Ch279 - 957

COOPERATIVE MARKETING

Instruments, interests, defined ................................................................. Ch41 - 88

CORPORATIONS

Clearing, securities, defined ................................................................. Ch357 - 1173
Foreign, licensed as limited permittee ....................................................... Ch345 - 1150
Income tax, percentage depletion struck ................................................ Ch271 - 916
Officers, indemnification ......................................................................... Ch352 - 1163
Subchapter S, shareholders, taxation ......................................................... Ch271 - 916

CORRECTION

Dept., appropriation ................................................................................. Ch255 - 869
Dept., appropriation, General Fund surplus ............................................. Ch330 - 1112
Dept., security medical facility established .............................................. Ch360 - 1179
Goodtime reduction forfeiture, hearing authority ...................................... Ch32 - 69
Probation officers, selection ..................................................................... Ch272 - 920

COSMETOLOGY

Law, changes ......................................................................................... Ch127 - 477
Manicurists, employed/barber shops ....................................................... Ch127 - 477

COUNTRIES

Absentee voting precinct in legislative district ........................................ Ch73 - 242
Airports, regional authority, financial participation ................................. Ch130 - 491
Beer, retail sale, license ........................................................................ Ch165 - 595
Board of Equalization, meeting, November ............................................ Ch148 - 535
Canyon, commissioners, salary ............................................................... Ch333 - 1120
Canyon, prosecuting attorney, salary ...................................................... Ch334 - 1121
City spanning two, criminal prosecutions ................................................ Ch24 - 59
Clerk of District Court, fees ..................................................................... Ch281 - 962
Commissioners, Canyon, salary .............................................................. Ch333 - 1120
Commissioners, salaries ......................................................................... Ch320 - 1091
Commissioners, salaries, retroactive ....................................................... Ch302 - 1039
Court cases, transcripts, fees ................................................................. Ch239 - 832
District Court facilities ............................................................................ Ch133 - 501
Electrical generate/systems, rehab., indebtedness .................................... SJR109 - 1269
Fair boards, commissioners, terms ......................................................... Ch347 - 1155
Fiscal year, cash basis of accounting ...................................................... Ch45 - 122
Governing council, urban renewal agency .............................................. Ch256 - 871
Indigents, medical care, expense ............................................................ Ch121 - 462
Inheritance tax payments by tax commission ........................................ Ch218 - 790
Local Improvement Districts, formation ................................................ Ch160 - 567
Mineral royalties, disbursement ............................................................. Ch28 - 63
COUNTIES (Continued)

Motor vehicle records, fees ........................................ Ch40 - 423
Ordinances, enactment prohibited/conflict state law ............... Ch145 - 530
Political parties, chairmen, election ................................ Ch351 - 1160
Property, surplus, to historical societies .......................... Ch79 - 252
Property tax, assessment, appeal process .......................... Ch209 - 768
Property tax, assessment, date ........................................ Ch149 - 537
Property tax assessment rolls, delivery ............................ Ch149 - 537
Property tax, 4 mills relief ........................................ Ch93 - 310
Prosecuting attorney, Canyon, salary ............................... Ch334 - 1121
Prosecuting attorneys, salaries ...................................... Ch321 - 1093
Prosecuting attorneys, salaries, retroactive ....................... Ch303 - 1041
Recorder, fees ......................................................... Ch281 - 962
Soil Conservation Dists., assistance limitation ..................... Ch17 - 48
Tax appeals, board of equalization, any time ....................... Ch210 - 769

COURTS

Bail, forfeiture, when discharged ..................................... Ch137 - 511
Child Protective Act ................................................... Ch204 - 732
Disabled, tolling statute of limitations, limit ..................... Ch276 - 950
District, appropriation ................................................ Ch242 - 836
District, appropriation, judges, salaries ............................ Ch335 - 1122
District, counties provide facilities ................................ Ch133 - 501
District, fund established ............................................. Ch307 - 1052
District, judges, salaries ............................................. Ch343 - 1145
Fourth Judicial District, additional Judge .......................... Ch19 - 50
Human Rights Commission, civil process ............................ Ch342 - 1140
Judges, service while retired, compensation ......................... Ch234 - 825
Magistrates Division, appropriation .................................. Ch242 - 836
Possession actions, trial within 12 days ............................ Ch71 - 239
Reporters, appropriation, salaries ................................... Ch336 - 1123
Reporters, salaries .................................................... Ch356 - 1172
Small claims, monetary jurisdiction, $500 .......................... Ch125 - 474
Suits, damages, amounts not disclosed .............................. Ch275 - 949
Supreme, appropriation ................................................ Ch242 - 836
Supreme, appropriation, court reporters, salaries .................. Ch336 - 1123
Supreme, appropriation, justices, salaries .......................... Ch335 - 1122
Supreme, justices, salaries .......................................... Ch343 - 1145
Transcripts, cases, fees .............................................. Ch239 - 832

CREDIT

Sales, unpaid balances, fees ........................................ Ch40 - 86
Unions, Finance Dept. rules, amended ............................... SCR134 - 1223
Unions, trustee for plans, qualified/tax treatment ................. Ch240 - 833

CRIME

See CRIMINAL OFFENSES AND PROCEDURES

CRIMINAL OFFENSES AND PROCEDURES

Ada County, certain cases, reimbursement ........................ Ch31 - 68
Assault with firearm, conviction .................................... Ch144 - 529
Bail, forfeiture, when discharged .................................... Ch137 - 511
Deadly weapon defined ................................................ Ch144 - 529
Goodtime reduction forfeiture, hearing authority ................. Ch32 - 69
Hearings, longer continuances ....................................... Ch282 - 967
Nuisances, public, penalties ........................................ Ch82 - 270
Obscenity laws, penalties ........................................... Ch81 - 258
CRIMINAL OFFENSES AND PROCEDURES (Continued)

<table>
<thead>
<tr>
<th>Section</th>
<th>Chapter - Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Prosecution in one or more counties</td>
<td>Ch24 - 59</td>
</tr>
<tr>
<td>Trespass, defined, penalties</td>
<td>Ch154 - 550</td>
</tr>
<tr>
<td>DEAF</td>
<td></td>
</tr>
<tr>
<td>Deaf and Blind School, appropriation</td>
<td>Ch104 - 427</td>
</tr>
<tr>
<td>DENTISTRY</td>
<td></td>
</tr>
<tr>
<td>Board, appropriation</td>
<td>Ch172 - 626</td>
</tr>
<tr>
<td>Board members, per diem increased</td>
<td>Ch177 - 641</td>
</tr>
<tr>
<td>Hygienists, licenses, fees</td>
<td>Ch176 - 639</td>
</tr>
<tr>
<td>DENTISTS</td>
<td></td>
</tr>
<tr>
<td>Examination, fees</td>
<td>Ch176 - 639</td>
</tr>
<tr>
<td>Licenses, fees</td>
<td>Ch176 - 639</td>
</tr>
<tr>
<td>DEPOSITIES</td>
<td></td>
</tr>
<tr>
<td>City funds, deposits, investment</td>
<td>Ch74 - 244</td>
</tr>
<tr>
<td>DIESEL FUEL</td>
<td></td>
</tr>
<tr>
<td>Tax increased</td>
<td>Ch328 - 1105</td>
</tr>
<tr>
<td>DISABLED</td>
<td></td>
</tr>
<tr>
<td>Physicians, license revocation, etc.</td>
<td>Ch290 - 1000</td>
</tr>
<tr>
<td>Statute of limitations, tolling limited</td>
<td>Ch276 - 950</td>
</tr>
<tr>
<td>Treatment, guardianship</td>
<td>Ch134 - 502</td>
</tr>
<tr>
<td>DOCTORS</td>
<td></td>
</tr>
<tr>
<td>See PHYSICIANS AND SURGEONS</td>
<td></td>
</tr>
<tr>
<td>DRIVERS</td>
<td></td>
</tr>
<tr>
<td>Inattentive driving; misdemeanor redefined</td>
<td>Ch201 - 726</td>
</tr>
<tr>
<td>Licenses, Armed Forces personnel, renewal</td>
<td>Ch57 - 196</td>
</tr>
<tr>
<td>Licenses, resident defined</td>
<td>Ch52 - 186</td>
</tr>
<tr>
<td>Licensing, driving ability demonstration</td>
<td>Ch54 - 191</td>
</tr>
<tr>
<td>Motor vehicle accident reports</td>
<td>Ch55 - 192</td>
</tr>
<tr>
<td>Motor vehicle, blood drawing by technologists</td>
<td>Ch92 - 309</td>
</tr>
<tr>
<td>Moving traffic violation, license suspension</td>
<td>Ch53 - 187</td>
</tr>
<tr>
<td>Training, reimbursement allowed</td>
<td>Ch117 - 455</td>
</tr>
<tr>
<td>DRUGS</td>
<td></td>
</tr>
<tr>
<td>Legend, defined</td>
<td>Ch140 - 515</td>
</tr>
<tr>
<td>Nursing homes, triplicate forms not needed</td>
<td>Ch108 - 432</td>
</tr>
<tr>
<td>Prescription, exempt from sales tax</td>
<td>Ch274 - 944</td>
</tr>
<tr>
<td>EDUCATION</td>
<td></td>
</tr>
<tr>
<td>Board, appropriation, Deaf and Blind School</td>
<td>Ch104 - 427</td>
</tr>
<tr>
<td>Board, appropriation, Dept. of Education</td>
<td>Ch326 - 1101</td>
</tr>
<tr>
<td>Board, appropriation, Family Practice Program</td>
<td>Ch100 - 422</td>
</tr>
<tr>
<td>Board, appropriation for Office</td>
<td>Ch206 - 752</td>
</tr>
<tr>
<td>Board, appropriation for Office, 1975 revised</td>
<td>Ch8 - 23</td>
</tr>
<tr>
<td>Board, appropriation, Historical Society, Library Board</td>
<td>Ch199 - 720</td>
</tr>
<tr>
<td>Board, appropriation, Historical Society, supplemental</td>
<td>Ch16 - 46</td>
</tr>
<tr>
<td>Board, appropriation, members, per diem</td>
<td>Ch329 - 1111</td>
</tr>
<tr>
<td>Board, appropriation, potato breeding facility</td>
<td>Ch327 - 1104</td>
</tr>
<tr>
<td>Board, appropriation, Public School Program</td>
<td>Ch25 - 60</td>
</tr>
<tr>
<td>Board, appropriation, U of I special programs</td>
<td>Ch252 - 861</td>
</tr>
<tr>
<td>Board, appropriation, U of Utah medical students</td>
<td>Ch107 - 431</td>
</tr>
<tr>
<td>Board, appropriation, universities</td>
<td>Ch241 - 834</td>
</tr>
<tr>
<td>Board, appropriation, universities, supplemental</td>
<td>Ch30 - 66</td>
</tr>
<tr>
<td>Board, appropriation, vocational education</td>
<td>Ch253 - 865</td>
</tr>
<tr>
<td>Topic</td>
<td>Chapter - Page</td>
</tr>
<tr>
<td>----------------------------------------------------------------------</td>
<td>----------------</td>
</tr>
<tr>
<td>EDUCATION (Continued)</td>
<td></td>
</tr>
<tr>
<td>Board, appropriation, vocational rehabilitation</td>
<td>Ch196 - 716</td>
</tr>
<tr>
<td>Board, members, per diem increased</td>
<td>Ch354 - 1169</td>
</tr>
<tr>
<td>Commission and Council, appropriation</td>
<td>Ch296 - 1023</td>
</tr>
<tr>
<td>Dept., appropriation</td>
<td>Ch326 - 1101</td>
</tr>
<tr>
<td>Drivers’ training, reimbursement allowed</td>
<td>Ch117 - 455</td>
</tr>
<tr>
<td>Higher, contribution, income tax credit</td>
<td>Ch58 - 198</td>
</tr>
<tr>
<td>Leave with pay, rule rejection</td>
<td>SCR128 - 1218</td>
</tr>
<tr>
<td>Medical students, U of Utah, appropriation</td>
<td>Ch107 - 431</td>
</tr>
<tr>
<td>School boards, open meetings</td>
<td>Ch66 - 233</td>
</tr>
<tr>
<td>School districts, financial statements, filing date</td>
<td>Ch83 - 283</td>
</tr>
<tr>
<td>Schools, appropriation, Foundation Program</td>
<td>Ch25 - 60</td>
</tr>
<tr>
<td>Schools, average daily attendance, previous year/use</td>
<td>Ch152 - 546</td>
</tr>
<tr>
<td>Schools, students, expulsion, suspension</td>
<td>Ch86 - 293</td>
</tr>
<tr>
<td>Secondary, contribution, income tax credit</td>
<td>Ch58 - 198</td>
</tr>
<tr>
<td>Student discipline, executive sessions</td>
<td>Ch124 - 473</td>
</tr>
<tr>
<td>Student transfers, tuition, billing procedure</td>
<td>Ch85 - 290</td>
</tr>
<tr>
<td>Teachers, contracts, signed receipt</td>
<td>Ch84 - 288</td>
</tr>
<tr>
<td>Vocational, appropriation</td>
<td>Ch253 - 865</td>
</tr>
<tr>
<td>WAMI Medical Program, appropriation</td>
<td>Ch252 - 861</td>
</tr>
<tr>
<td>ELECTIONS</td>
<td></td>
</tr>
<tr>
<td>Absentee voting precinct in legislative district</td>
<td>Ch73 - 242</td>
</tr>
<tr>
<td>Campaign fund, establishment</td>
<td>Ch260 - 880</td>
</tr>
<tr>
<td>Central Committee chairmen, election</td>
<td>Ch351 - 1160</td>
</tr>
<tr>
<td>Electors, registered, lists</td>
<td>Ch344 - 1147</td>
</tr>
<tr>
<td>Irrigation districts, combined polling places</td>
<td>Ch146 - 532</td>
</tr>
<tr>
<td>Political party, new, formation</td>
<td>Ch344 - 1147</td>
</tr>
<tr>
<td>Presidential Primary, appropriation</td>
<td>Ch337 - 1124</td>
</tr>
<tr>
<td>Primary, filling of vacancies</td>
<td>Ch60 - 200</td>
</tr>
<tr>
<td>Primary, independent candidates</td>
<td>Ch60 - 200</td>
</tr>
<tr>
<td>Primary, political party candidates</td>
<td>Ch60 - 200</td>
</tr>
<tr>
<td>School district, mill levy increase, contested</td>
<td>Ch291 - 1008</td>
</tr>
<tr>
<td>Voter registration, citizens overseas</td>
<td>Ch353 - 1166</td>
</tr>
<tr>
<td>ELECTORS</td>
<td></td>
</tr>
<tr>
<td>Registered, lists</td>
<td>Ch344 - 1147</td>
</tr>
<tr>
<td>ELECTRICITY</td>
<td></td>
</tr>
<tr>
<td>Generating systems, rehabilitation, indebtedness</td>
<td>SJR109 - 1269</td>
</tr>
<tr>
<td>ELECTRONICS</td>
<td></td>
</tr>
<tr>
<td>Bank customer communication terminals</td>
<td>Ch248 - 851</td>
</tr>
<tr>
<td>ELK</td>
<td></td>
</tr>
<tr>
<td>See HUNTING</td>
<td></td>
</tr>
<tr>
<td>EMPLOYEES AND EMPLOYMENT</td>
<td></td>
</tr>
<tr>
<td>City, deductions from wages</td>
<td>Ch47 - 146</td>
</tr>
<tr>
<td>Corporate, officers, indemnification</td>
<td>Ch352 - 1163</td>
</tr>
<tr>
<td>Public, retirement, changes in law</td>
<td>Ch97 - 403</td>
</tr>
<tr>
<td>Public, retirement system, appropriation</td>
<td>Ch203 - 730</td>
</tr>
<tr>
<td>Security benefits, defined</td>
<td>Ch207 - 754</td>
</tr>
<tr>
<td>State, civil liability, immunity</td>
<td>Ch309 - 1062</td>
</tr>
<tr>
<td>State, compensation schedule, Hay Plan</td>
<td>Ch367 - 1205</td>
</tr>
<tr>
<td>State, compensatory time, holiday work</td>
<td>Ch195 - 715</td>
</tr>
<tr>
<td>State, health insurance, bids</td>
<td>HCR67 - 1264</td>
</tr>
<tr>
<td>State, Incentive Award System</td>
<td>Ch2 - 9</td>
</tr>
<tr>
<td>State, insurance, state contribution adjustment</td>
<td>SCR129 - 1219</td>
</tr>
</tbody>
</table>
EMPLOYEES AND EMPLOYMENT (Continued)

State, job classifications
State, job content evaluation committee created
State, liability, comprehensive plan
State, pay periods other than monthly
State, retirees, unused sick leave use
Unemployment comp., administration
Unemployment ins., unpaid contributions, interest
Veterans, preference, public employers
Wage rates, minimum, established

EMPLOYMENT SECURITY LAW

Benefits, contributions, defined
Industrial Commission hearing expenses
Unemployment comp., administration
Unemployment ins., unpaid contributions, interest

ENDOWMENT INVESTMENT BOARD

See INVESTMENTS

ENERGY

Alternative devices, tax incentives
Development in state, study

ENGINEERS

Engineering Examiners Board, appropriation

ENVIRONMENT

Division, appropriation
Health Specialist Board, per diem
Health Specialist, licensure, fees
Impact statements, development/multiresource basis

ESTATES

Inheritance tax, exemption increase
Inheritance tax, exemption, increase proposed

FAIRS

Boards, commissioners, terms

FARMING

Estate tax at death, burden

FEED

Defined, commercial labeling

FERTILIZERS

Commercial, registration, name changes

FINANCE

Bank assessment fees, date of payment
Bank assets, date of computation
Consumer credit sales, unpaid balances, fees
Dept., appropriation
Dept., rules, credit unions, amended
Foreign corporations, licensed/limited permittee
Senate Fin-House Approp. Com., appropriation
State depositories designated/treasurer

FIRE

Departments, chiefs, standards, when exempted
Escapes, drills, schools, law repealed
Protection, forest land, assessment
IDAHO SESSION LAWS

FIREARMS
Assault with, conviction ........................................ Ch144 - 529
Deadly weapon defined ........................................... Ch144 - 529

FIREMEN
Chief, volunteer, standards, when exempt ....................... Ch316 - 1084
Paid, retirement benefits ....................................... Ch273 - 921
Retirement benefits, disabled in line of duty .................. Ch170 - 622

FISH AND GAME
Code, new enacted ................................................ Ch95 - 315
Department, appropriation ....................................... Ch249 - 854
Licenses, nonresident, children under 14 ...................... Ch265 - 890

FLAGS
State, appropriation ............................................... Ch340 - 1131

FORESTS AND FORESTRY
Land, fire protection, assessment increased ................. Ch36 - 77
Practice Act, Land Commissioner rules amended .............. HCR64 - 1256
Timber, state owned, scaling, rates .......................... Ch65 - 232
Western States Task Force, appropriation ..................... Ch37 - 79

FRATERNAL BENEFIT SOCIETIES
See ORGANIZATIONS

FRUIT
Apple Commission, appropriation .............................. Ch172 - 626
Apples, grades publication, Dir. of Agriculture ............ Ch70 - 238
Cherry Commission, appropriation ............................ Ch172 - 626
Prune Commission, appropriation ................................ Ch172 - 626

FUNDS
Accounting, state, consolidation .............................. Ch51 - 152
District Court, established ..................................... Ch307 - 1052
General, surplus, appropriated ................................ Ch330 - 1112
General, surplus appropriation, potato breeding ............ Ch327 - 1104
Motor Vehicle, allocations ...................................... Ch312 - 1078
Real Estate/Educ/Res/Recovery, add'l moneys ................... Ch63 - 221
Sales Tax, distribution, references ............................ Ch280 - 959

GAS
Tax, increased one cent per gallon ............................ Ch78 - 251

GENERAL SERVICES
Chattel property, inventory, reference deleted ................ Ch27 - 62
Division, Administration Dept., appropriation ............... Ch205 - 748

GEOLOGISTS
Professional, Board, appropriation ........................... Ch172 - 626
Professional, Board, supplemental appropriation ............. Ch13 - 41

GIFTS
Tax, exemption, increase proposed ............................ HJM15 - 1279

GOVERNMENT
Attorney General, duties ....................................... Ch366 - 1202
Cities, self-governing powers, increased ....................... Ch214 - 784
Federal, expenditures limited to revenue ..................... HCR62 - 1254
Local units, adopted budgets, filing required ............... Ch59 - 566
State, accounting funds consolidation ......................... Ch51 - 152
State, agencies, certain annual reports ...................... Ch9 - 25
State, agencies, PUC, building ................................ SCR140 - 1234
State, agencies, representation, Atty General ............... Ch366 - 1202
**GOVERNMENT (Continued)**

<table>
<thead>
<tr>
<th>Topic</th>
<th>Chapter/Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>State, Agriculture Dept., Dir., add’l duties</td>
<td>SCR138-1231</td>
</tr>
<tr>
<td>State, aid for health districts</td>
<td>SCR129-1219</td>
</tr>
<tr>
<td>State, buildings, year-to-year lease</td>
<td>SCR142-1236</td>
</tr>
<tr>
<td>State, employees, civil liability immunity</td>
<td>SCR129-1219</td>
</tr>
<tr>
<td>State, employees, compensation schedule</td>
<td>SCR129-1219</td>
</tr>
<tr>
<td>State, employees, comprehensive liability plan</td>
<td>SCR129-1219</td>
</tr>
<tr>
<td>State, Employees Incentive Award System</td>
<td>SCR129-1219</td>
</tr>
<tr>
<td>State, employees insurance, state contribution</td>
<td>SCR129-1219</td>
</tr>
<tr>
<td>State, employees, job classifications</td>
<td>SCR129-1219</td>
</tr>
<tr>
<td>State, job content evaluation committee created</td>
<td>SCR129-1219</td>
</tr>
</tbody>
</table>

**GOVERNOR**

<table>
<thead>
<tr>
<th>Topic</th>
<th>Chapter/Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Budget message to Legislature</td>
<td>HCR49-1248</td>
</tr>
<tr>
<td>Emergency Fund, repaid by Lands Dept.</td>
<td>Ch12-40</td>
</tr>
<tr>
<td>Office, appropriation</td>
<td>Ch340-1131</td>
</tr>
<tr>
<td>Office, appropriation, Blind Commission</td>
<td>Ch296-1023</td>
</tr>
<tr>
<td>Office, appropriation, Education Com/Council</td>
<td>Ch296-1023</td>
</tr>
<tr>
<td>Office, appropriation, Human Rights Comm.</td>
<td>Ch173-635</td>
</tr>
<tr>
<td>Office, appropriation, Insurance Fund</td>
<td>Ch203-730</td>
</tr>
<tr>
<td>Office, appropriation, Investment Board</td>
<td>Ch203-730</td>
</tr>
<tr>
<td>Office, appropriation, Liquor Dispensary</td>
<td>Ch198-719</td>
</tr>
<tr>
<td>Office, appropriation, Office on Aging</td>
<td>Ch43-116</td>
</tr>
<tr>
<td>Office, appropriation, Office on Aging</td>
<td>Ch296-1023</td>
</tr>
<tr>
<td>Office, appropriation, Retirement System</td>
<td>Ch203-730</td>
</tr>
<tr>
<td>Office, appropriation, supplemental</td>
<td>Ch43-116</td>
</tr>
<tr>
<td>Office, appropriation, Women’s Programs Comm.</td>
<td>Ch296-1023</td>
</tr>
<tr>
<td>Office, Office on Aging created</td>
<td>Ch188-679</td>
</tr>
<tr>
<td>State of State Message to Legislature</td>
<td>HCR48-1247</td>
</tr>
</tbody>
</table>

**GOWEN FIELD**

<table>
<thead>
<tr>
<th>Topic</th>
<th>Chapter/Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Armory, appropriation</td>
<td>Ch230-816</td>
</tr>
</tbody>
</table>

**GUNS**

See also FIREARMS

<table>
<thead>
<tr>
<th>Topic</th>
<th>Chapter/Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Control, federal legislation defeat urged</td>
<td>HJM19-1284</td>
</tr>
</tbody>
</table>

**HEALTH AND WELFARE**

<table>
<thead>
<tr>
<th>Topic</th>
<th>Chapter/Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alcoholism, Treatment Act, modification</td>
<td>Ch98-416</td>
</tr>
<tr>
<td>Alcohol Treatment Program, appropriation</td>
<td>Ch18-49</td>
</tr>
<tr>
<td>Child Protective Act, enacted</td>
<td>Ch204-732</td>
</tr>
<tr>
<td>Dept., appropriation, administration</td>
<td>Ch324-1097</td>
</tr>
<tr>
<td>Dept., appropriation, Alcohol Treatment Unit</td>
<td>Ch18-49</td>
</tr>
<tr>
<td>Dept., appropriation, community rehabilitation</td>
<td>Ch325-1098</td>
</tr>
<tr>
<td>Dept., appropriation, District Health Departments</td>
<td>Ch324-1097</td>
</tr>
<tr>
<td>Dept., appropriation, Environment, Health Div.</td>
<td>Ch269-910</td>
</tr>
<tr>
<td>Dept., appropriation, supplemental</td>
<td>Ch39-82</td>
</tr>
<tr>
<td>Dept., appropriation, veterans services</td>
<td>Ch324-1097</td>
</tr>
<tr>
<td>Dept., appropriation, Welfare Division</td>
<td>Ch339-1128</td>
</tr>
<tr>
<td>Dept., new sewage facilities, approval</td>
<td>Ch116-453</td>
</tr>
<tr>
<td>Director, Pharmacy Board, reference deleted</td>
<td>Ch111-439</td>
</tr>
<tr>
<td>Disabled, treatment, guardianship</td>
<td>Ch134-502</td>
</tr>
<tr>
<td>Districts, changes in law</td>
<td>Ch179-644</td>
</tr>
<tr>
<td>Districts, state aid, procedures</td>
<td>Ch295-1021</td>
</tr>
<tr>
<td>Drugs, legend, defined</td>
<td>Ch140-515</td>
</tr>
<tr>
<td>Environmental Specialist Board, per diem</td>
<td>Ch166-596</td>
</tr>
</tbody>
</table>
# IDAHO SESSION LAWS

## HEALTH AND WELFARE (Continued)

<table>
<thead>
<tr>
<th>Topic</th>
<th>Chapter - Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Environmental Specialist, licensure fees</td>
<td>Ch166 - 596</td>
</tr>
<tr>
<td>Facilities Authority, powers</td>
<td>Ch183 - 657</td>
</tr>
<tr>
<td>Hospitals, services, consolidation</td>
<td>Ch122 - 470</td>
</tr>
<tr>
<td>Indigents, medical care, county expense</td>
<td>Ch121 - 462</td>
</tr>
<tr>
<td>Insurance, pregnancy, involuntary complications</td>
<td>Ch113 - 443</td>
</tr>
<tr>
<td>Ionizing radiation injuries, malpractice, limitations</td>
<td>Ch184 - 670</td>
</tr>
<tr>
<td>Malpractice, medical, expert testimony/violations</td>
<td>Ch277 - 951</td>
</tr>
<tr>
<td>Medical clinics, hospital districts operate</td>
<td>Ch132 - 497</td>
</tr>
<tr>
<td>Medical services, emergency, regulations</td>
<td>Ch187 - 674</td>
</tr>
<tr>
<td>Medical treatment, emergency, consent</td>
<td>Ch318 - 1089</td>
</tr>
<tr>
<td>Mentally ill, commitment, detention</td>
<td>Ch365 - 1200</td>
</tr>
<tr>
<td>Nursing homes, drugs, triplicate forms not needed</td>
<td>Ch108 - 432</td>
</tr>
<tr>
<td>Office on Aging, created</td>
<td>Ch188 - 679</td>
</tr>
<tr>
<td>Retarded, treatment, guardianship</td>
<td>Ch134 - 502</td>
</tr>
<tr>
<td>Security medical facility, penitentiary</td>
<td>Ch360 - 1179</td>
</tr>
<tr>
<td>Shelter homes, licensure, regulation</td>
<td>Ch311 - 1073</td>
</tr>
<tr>
<td>Standards, firemen, volunteer, when exempt</td>
<td>Ch316 - 1084</td>
</tr>
<tr>
<td>Swimming, boat operation, local ordinances</td>
<td>Ch169 - 620</td>
</tr>
</tbody>
</table>

## HIGHER EDUCATION

See COLLEGES AND UNIVERSITIES, EDUCATION

## HIGHWAYS

<table>
<thead>
<tr>
<th>Topic</th>
<th>Chapter - Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>County-wide districts, install sidewalks</td>
<td>Ch178 - 642</td>
</tr>
<tr>
<td>Drivers, inattentive driving, misdemeanor</td>
<td>Ch201 - 726</td>
</tr>
<tr>
<td>Railroad crossings, closure, abandonment</td>
<td>Ch221 - 794</td>
</tr>
<tr>
<td>Railroad crossings, stop signs, liability</td>
<td>Ch315 - 1082</td>
</tr>
</tbody>
</table>

## HISTORIC SITES

<table>
<thead>
<tr>
<th>Topic</th>
<th>Chapter - Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Program, supplemental appropriation</td>
<td>Ch16 - 46</td>
</tr>
</tbody>
</table>

## HISTORICAL SOCIETIES

<table>
<thead>
<tr>
<th>Topic</th>
<th>Chapter - Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Property, surplus, given by counties</td>
<td>Ch79 - 252</td>
</tr>
<tr>
<td>State, appropriation</td>
<td>Ch199 - 720</td>
</tr>
<tr>
<td>State, prop., supplemental, historic sites</td>
<td>Ch16 - 46</td>
</tr>
</tbody>
</table>

## HOLIDAYS

<table>
<thead>
<tr>
<th>Topic</th>
<th>Chapter - Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Work, state employees, compensatory time</td>
<td>Ch195 - 715</td>
</tr>
</tbody>
</table>

## HONEY

<table>
<thead>
<tr>
<th>Topic</th>
<th>Chapter - Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Advertising Commission, appropriation</td>
<td>Ch194 - 711</td>
</tr>
</tbody>
</table>

## HORSE RACING

<table>
<thead>
<tr>
<th>Topic</th>
<th>Chapter - Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commission, appropriation</td>
<td>Ch245 - 842</td>
</tr>
<tr>
<td>Commission, appropriation, supplemental</td>
<td>Ch257 - 874</td>
</tr>
<tr>
<td>Commission Program, appropriation, supplemental</td>
<td>Ch10 - 36</td>
</tr>
</tbody>
</table>

## HORSES

<table>
<thead>
<tr>
<th>Topic</th>
<th>Chapter - Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wild, management</td>
<td>HJM21 - 1287</td>
</tr>
</tbody>
</table>

## HOSPITALS

<table>
<thead>
<tr>
<th>Topic</th>
<th>Chapter - Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Districts, operate medical clinics</td>
<td>Ch132 - 497</td>
</tr>
<tr>
<td>Gooding TB, maintenance program, appropriation</td>
<td>Ch12 - 40</td>
</tr>
<tr>
<td>Medical treatment, emergency, consent</td>
<td>Ch318 - 1089</td>
</tr>
<tr>
<td>Physicians, disciplinary action, reports</td>
<td>Ch80 - 257</td>
</tr>
<tr>
<td>Services, consolidation</td>
<td>Ch122 - 470</td>
</tr>
<tr>
<td>State Hospital North, roof repairs, appropriation</td>
<td>Ch298 - 1033</td>
</tr>
<tr>
<td>State Hospital South, renovation</td>
<td>Ch230 - 816</td>
</tr>
<tr>
<td>State Hospital South, roof repairs, appropriation</td>
<td>Ch298 - 1033</td>
</tr>
<tr>
<td>State School &amp; Hosp., prop., living units</td>
<td>Ch323 - 1096</td>
</tr>
<tr>
<td>HOTELS</td>
<td>Chapter - Page</td>
</tr>
<tr>
<td>--------</td>
<td>---------------</td>
</tr>
<tr>
<td>Safety requirements</td>
<td>Ch259 - 878</td>
</tr>
<tr>
<td>HOUSING</td>
<td></td>
</tr>
<tr>
<td>Agency, mortgage, management authority</td>
<td>Ch283 - 968</td>
</tr>
<tr>
<td>HUMAN RIGHTS</td>
<td></td>
</tr>
<tr>
<td>Commission, appropriation</td>
<td>Ch173 - 635</td>
</tr>
<tr>
<td>Commission, civil process</td>
<td>Ch342 - 1140</td>
</tr>
<tr>
<td>Commission, membership</td>
<td>Ch342 - 1140</td>
</tr>
<tr>
<td>IDAHO CODE</td>
<td></td>
</tr>
<tr>
<td>Recodification, publication, study</td>
<td>HCR65 - 1262</td>
</tr>
<tr>
<td>IDAHO STATE UNIVERSITY</td>
<td></td>
</tr>
<tr>
<td>See COLLEGES AND UNIVERSITIES</td>
<td></td>
</tr>
<tr>
<td>IDENTIFICATION CARDS</td>
<td></td>
</tr>
<tr>
<td>State, issuance</td>
<td>Ch15 - 44</td>
</tr>
<tr>
<td>INCOME TAX</td>
<td></td>
</tr>
<tr>
<td>See TAX AND TAXATION</td>
<td></td>
</tr>
<tr>
<td>INDIGENTS</td>
<td></td>
</tr>
<tr>
<td>Medical care, county expense</td>
<td>Ch121 - 462</td>
</tr>
<tr>
<td>INDUSTRIAL COMMISSION</td>
<td></td>
</tr>
<tr>
<td>Appropriation</td>
<td>Ch215 - 785</td>
</tr>
<tr>
<td>Appropriation, supplemental, revised classes</td>
<td>Ch11 - 38</td>
</tr>
<tr>
<td>Board members, salaries</td>
<td>Ch348 - 1157</td>
</tr>
<tr>
<td>Expenses, employment cases, reimbursement</td>
<td>Ch261 - 881</td>
</tr>
<tr>
<td>Rules, pursuant/Administrative Procedures Act</td>
<td>Ch264 - 889</td>
</tr>
<tr>
<td>INHERITANCE</td>
<td></td>
</tr>
<tr>
<td>Tax exemptions, increased</td>
<td>Ch288 .994</td>
</tr>
<tr>
<td>Tax payments to counties by tax commission</td>
<td>Ch218 - 790</td>
</tr>
<tr>
<td>INSECTS</td>
<td></td>
</tr>
<tr>
<td>Biological control programs</td>
<td>HJM20 - 1285</td>
</tr>
<tr>
<td>INSULATION</td>
<td></td>
</tr>
<tr>
<td>Installation, tax incentives</td>
<td>Ch212 - 773</td>
</tr>
<tr>
<td>INSURANCE</td>
<td></td>
</tr>
<tr>
<td>Agents, brokers, solicitors, licensing</td>
<td>Ch118 - 456</td>
</tr>
<tr>
<td>Automobile, medical payments, recovery time</td>
<td>Ch102 - 425</td>
</tr>
<tr>
<td>Consultants, qualifications</td>
<td>Ch161 - 589</td>
</tr>
<tr>
<td>Defenses, certain, time limit</td>
<td>Ch135 - 507</td>
</tr>
<tr>
<td>Dept., appropriation, Insurance Industry Program</td>
<td>Ch106 - 430</td>
</tr>
<tr>
<td>Dept., Fraternal Benefit Societies, licenses</td>
<td>Ch72 - 240</td>
</tr>
<tr>
<td>Group, Administration Dept., appropriation</td>
<td>Ch205 - 748</td>
</tr>
<tr>
<td>Group life, spouses, children, limitation</td>
<td>Ch114 - 449</td>
</tr>
<tr>
<td>Health, involuntary complications, pregnancy</td>
<td>Ch113 - 443</td>
</tr>
<tr>
<td>Health, state employees, bids</td>
<td>HCR67 .1264</td>
</tr>
<tr>
<td>Independent agent, defined</td>
<td>Ch294 - 1020</td>
</tr>
<tr>
<td>Industry Program, appropriation</td>
<td>Ch106 - 430</td>
</tr>
<tr>
<td>Liability, motor vehicles, required</td>
<td>Ch247 - 848</td>
</tr>
<tr>
<td>Malpractice, joint underwriting authority</td>
<td>Ch225 .803</td>
</tr>
<tr>
<td>Malpractice, reports of insurers</td>
<td>Ch115 .451</td>
</tr>
<tr>
<td>Policies, defenses, time limit</td>
<td>Ch135 - 507</td>
</tr>
<tr>
<td>Premium tax, annuity contracts exempt</td>
<td>Ch279 .957</td>
</tr>
<tr>
<td>State employees, retirees, premiums</td>
<td>Ch319 .109C</td>
</tr>
<tr>
<td>State employees, state contribution, adjustment</td>
<td>SCR129 - 1215</td>
</tr>
<tr>
<td>State Fund, appropriation</td>
<td>Ch203 - 73C</td>
</tr>
<tr>
<td>Unemployment, unpaid contributions, interest</td>
<td>Ch191 - 70C</td>
</tr>
<tr>
<td>Section</td>
<td>Chapter - Page</td>
</tr>
<tr>
<td>----------------------------------------------</td>
<td>--------------------</td>
</tr>
<tr>
<td>INTEREST</td>
<td></td>
</tr>
<tr>
<td>Loans, certain, limitation</td>
<td>Ch126 - 475</td>
</tr>
<tr>
<td>Unpaid taxes, state income rate</td>
<td>Ch270 - 913</td>
</tr>
<tr>
<td>INTERNAL REVENUE</td>
<td></td>
</tr>
<tr>
<td>See TAX AND TAXATION</td>
<td></td>
</tr>
<tr>
<td>INVESTMENTS</td>
<td></td>
</tr>
<tr>
<td>Endowment Board, appropriation</td>
<td>Ch203 - 730</td>
</tr>
<tr>
<td>IRRIGATION</td>
<td></td>
</tr>
<tr>
<td>Districts, borrowing from banks</td>
<td>Ch251 - 857</td>
</tr>
<tr>
<td>Districts, combined polling place</td>
<td>Ch146 - 532</td>
</tr>
<tr>
<td>Districts, subdivisions, water delivery</td>
<td>Ch153 - 547</td>
</tr>
<tr>
<td>JOURNALS</td>
<td></td>
</tr>
<tr>
<td>Legislative, printing contract</td>
<td>SCR137 - 1228</td>
</tr>
<tr>
<td>JUDGES</td>
<td></td>
</tr>
<tr>
<td>Attorney General, representation</td>
<td>Ch366 - 1202</td>
</tr>
<tr>
<td>Fourth Judicial District, additional Judge</td>
<td>Ch19 - 50</td>
</tr>
<tr>
<td>Judicial Council, appropriation</td>
<td>Ch242 - 836</td>
</tr>
<tr>
<td>Licensing by State Bar, exempt</td>
<td>Ch143 - 528</td>
</tr>
<tr>
<td>Retirement Fund, contributions</td>
<td>Ch343 - 1145</td>
</tr>
<tr>
<td>Salaries, appropriation</td>
<td>Ch335 - 1122</td>
</tr>
<tr>
<td>Salaries, increased</td>
<td>Ch343 - 1145</td>
</tr>
<tr>
<td>Service to courts while retired, compensation</td>
<td>Ch234 - 825</td>
</tr>
<tr>
<td>JUNIOR COLLEGES</td>
<td></td>
</tr>
<tr>
<td>See COLLEGES AND UNIVERSITIES</td>
<td></td>
</tr>
<tr>
<td>JURIES</td>
<td></td>
</tr>
<tr>
<td>Suits, damages, amounts not disclosed</td>
<td>Ch275 - 949</td>
</tr>
<tr>
<td>JUVENILES</td>
<td></td>
</tr>
<tr>
<td>Boat, motor vehicle operation, drug influence</td>
<td>Ch233 - 823</td>
</tr>
<tr>
<td>Rehabilitation Act, counsel, payment</td>
<td>Ch246 - 845</td>
</tr>
<tr>
<td>Rehabilitation Act, court jurisdiction</td>
<td>Ch233 - 823</td>
</tr>
<tr>
<td>Rehabilitation Act, detention facilities</td>
<td>Ch231 - 819</td>
</tr>
<tr>
<td>Rehabilitation Act, waiver of jurisdiction</td>
<td>Ch232 - 821</td>
</tr>
<tr>
<td>LABOR</td>
<td></td>
</tr>
<tr>
<td>Agricultural Labor Board, appropriation</td>
<td>Ch68 - 235</td>
</tr>
<tr>
<td>Worker rehabilitation program, extended</td>
<td>Ch151 - 545</td>
</tr>
<tr>
<td>LABOR AND INDUSTRIAL SERVICES</td>
<td></td>
</tr>
<tr>
<td>Dept., appropriation</td>
<td>Ch131 - 495</td>
</tr>
<tr>
<td>Dept., appropriation, supplemental</td>
<td>Ch21 - 53</td>
</tr>
<tr>
<td>LAND</td>
<td></td>
</tr>
<tr>
<td>Area office, Coolin, roof repair, appropriation</td>
<td>Ch298 - 1033</td>
</tr>
<tr>
<td>Arid, development under Carey Act</td>
<td>Ch306 - 1049</td>
</tr>
<tr>
<td>Carey Act development/improvements/replacement</td>
<td>Ch109 - 433</td>
</tr>
<tr>
<td>Commissioner rules, Forest Practice Act, amended</td>
<td>HCR64 - 1256</td>
</tr>
<tr>
<td>Dept., applications, procedure</td>
<td>Ch150 - 539</td>
</tr>
<tr>
<td>Dept., appropriation</td>
<td>Ch299 - 1035</td>
</tr>
<tr>
<td>Dept., approp., Gooding TB Hospital maintenance</td>
<td>Ch12 - 40</td>
</tr>
<tr>
<td>Dept., appropriation, shop facilities, etc.</td>
<td>Ch230 - 816</td>
</tr>
<tr>
<td>Forest, fire protection, assessment</td>
<td>Ch36 - 77</td>
</tr>
<tr>
<td>LAW ENFORCEMENT</td>
<td></td>
</tr>
<tr>
<td>Beer sales, premises, inspection</td>
<td>Ch236 - 829</td>
</tr>
<tr>
<td>Dept., appropriation</td>
<td>Ch257 - 874</td>
</tr>
</tbody>
</table>
LAW ENFORCEMENT (Continued)

Dept., appropriation ................................ Ch245 - 842
Dept., appropriation, supplemental ................ Ch10 - 36
Identification cards, issuance ........................ Ch15 - 44
Mentally ill, detention ................................ Ch365 - 1200
Motor vehicles, inspections, law repealed ........ Ch59 - 199
Planning, appropriation ................................ Ch340 - 1131
Police, state, vehicles, blue light .................... Ch56 - 195

LEGISLATIVE COUNCIL

Appropriation, research assistance .................. Ch313 - 1079
Appropriation, Western Forestry Task Force .......... Ch37 - 79
Census, precinct, geographic boundaries, study .... SCR139 - 1233
Energy development in state, study ................... SCR132 - 1221
Idaho Code, recodification, publication, study ...... HCR65 - 1262
Workmen's Compensation Code, study ................. SCR133 - 1222

LEGISLATIVE DISTRICTS

Chairmen, election .................................. Ch351 - 1160

LEGISLATORS

See LEGISLATURE

LEGISLATURE

Adjourment Sine Die .................................. HCR72 - 1268
Administrative rules, review, report ................ Ch185 - 671
Bills, new sections added to Code .................. HCR50 - 1248
Clean-up work authorized ............................ HCR71 - 1267
Finance-Appropriation Committee, approp. ........ Ch314 - 1080
Governor's budget message to Legislature .......... HCR49 - 1248
Governor's State of State message ................... HCR48 - 1247
Journals, printing contract .......................... SCR137 - 1228
Legislative compensation, Citizens Committee ..... HJR6 - 1272
Legislative tax analysis computer service, approp. Ch300 - 1038
Legislators, compensation, Citizens Committee ..... Ch286 - 987
Legislators, compensation, Citizens Committee ..... HJR6 - 1272
Legislators, per diem expense allowance ........... Ch110 - 436
Lincoln, Abraham, joint session in honor .......... HCR58 - 1253
Session laws, printing contract ..................... SCR136 - 1225
Sessions, convening date .............................. Ch75 - 246
Speaker of House, revenue proj. assistance ......... Ch300 - 1038
Tax laws, study ....................................... HCR69 - 1266

LEWIS-CLARK STATE COLLEGE

See COLLEGES AND UNIVERSITIES

LIBRARIES

Idaho State University, appropriation, furnishings . Ch268 - 909
Law, appropriation .................................... Ch242 - 836
Library Board, appropriation ........................ Ch199 - 720
Public, appropriation, construction .................. Ch338 - 1126
State, appropriation, addition ........................ Ch230 - 816
State, appropriation, addition, archives ........... Ch338 - 1126

LICENSES

Accountants, public, certified ........................ Ch267 - 895
Bartenders, proof on request ........................ Ch33 - .70
Beer, retail sale, issuance ............................ Ch165 - 595
Beer, retail sale, requirements ........................ Ch156 - 555
Dental hygienists, fees ................................ Ch176 - 639
LICENSES (Continued)

Dentists, fees .......................................................... Ch176 - 639
Drivers, Armed Forces personnel, renewal ...................... Ch57 - 196
Drivers, driving ability demonstration .......................... Ch54 - 191
Drivers, resident defined ............................................. Ch52 - 186
Drivers, suspension, moving traffic violation .................. Ch53 - 187
Fishing, nonresident, children under 14 ........................ Ch265 - 890
Foreign corporations, limited permittee ......................... Ch345 - 1150
Fraternal Benefit Societies, Ins. Dept. power .................... Ch72 - 240
Insurance agents, brokers, solicitors ............................. Ch118 - 456
Insurance consultants, qualifications ............................. Ch161 - 589
Motor vehicles, code reference corrected ....................... Ch87 - 297
Motor vehicles, Nat'l Guard members, special ................. Ch46 - 145
Motor vehicles, operating fees, increased ...................... Ch304 - 1043
Motor vehicles, plates, issuance .................................... Ch5 - 16
Motor vehicles, reflectorized plates, fee ....................... Ch103 - 426
Motor vehicles, time periods ....................................... Ch4 - 13
Occupational License Bureau, appropriation .................... Ch172 - 626
Occupations, fees ..................................................... Ch166 - 596
Outfitters & Guides, renewal, revocation ....................... Ch332 - 1114
Pharmacies, fees ..................................................... Ch138 - 512
Pharmacists, fees ..................................................... Ch138 - 512
Pharmacists, fees ..................................................... Ch139 - 514
Physicians, disabled, revocation, etc. .......................... Ch290 - 1000
Podiatrists ............................................................... Ch361 - 1184
Real estate brokers .................................................... Ch64 - 223
Recreational vehicles ................................................. Ch23 - 57
Shelter homes ........................................................... Ch311 - 1073
Social workers .......................................................... Ch213 - 776

LIENS
Property, old age assistance, law repealed ...................... Ch250 - 856

LIEUTENANT GOVERNOR
Appropriation ............................................................ Ch67 - 234

LINCOLN, ABRAHAM
Legislature, joint session in honor ................................ HCR58 - 1253

LIQUOR
See also BEER, WINE
Alcohol Safety Action Project, appropriation ................... Ch341 - 1137
Alcohol Treatment Unit Program, appropriation ............... Ch18 - 49
Bartenders, proof of licensing ....................................... Ch33 - 70
Dispensary, appropriation ............................................ Ch198 - 719
Tax, to treat alcoholism .............................................. Ch317 - 1086

LIVESTOCK
Diseases, Agriculture Director, duties .......................... Ch90 - 304
Environmental impact statements .................................. SJM115 - 1275
Stray, regulation ..................................................... Ch88 - 299
Transportation, occasional, exempted ............................ Ch308 - 1059

LOANS
Consumer, attorney's fee ............................................. Ch222 - 795
Interest, limitation .................................................... Ch126 - 475

LOBBYISTS
Notice of representation, fee ....................................... Ch229 - 814
LOBBYISTS (Continued)

Registration, exemptions ........................................ Ch362 - 1194
Registration, reports, violations, penalty ............... Ch227 - 812
Reports, submission ................................................ Ch363 - 1196

LOCAL IMPROVEMENT DISTRICTS

Formation ......................................................... Ch160 - 567

LOG SCALING

State owned timber, rates .................................. Ch65 - 232

LOTTERIES

Advertising, promotions, when exempt .................. Ch174 - 636

MALPRACTICE

Insurers, reports ................................................ Ch115 - 451
Ionizing radiation injuries, statute of limitations ...... Ch184 - 670
Medical, claims, prelitigation screening ................ Ch278 - 953
Medical, expert testimony of violations ................ Ch277 - 951
Medical, insurance, joint underwriting authority .... Ch225 - 803

MANICURISTS

Employed by barber shops .................................. Ch127 - 477

MAPS

Taxing units, tax code system provided ................. Ch158 - 564

MEDICAL

See HEALTH AND WELFARE, MEDICINE

MEDICAL TECHNOLOGISTS

Blood drawing, motor vehicle operators ................. Ch92 - 309

MEDICINE

See also PHYSICIANS AND SURGEONS
Board, appropriation ........................................... Ch172 - 626
Board, doctors, disciplinary enforcement ............... Ch293 - 1011
Family Practice Residency Program, appropriation .... Ch100 - 422
Medical clinics, hospital districts operate .......... Ch132 - 497
Students, U of Utah, appropriation ....................... Ch107 - 431

MEMORIALS, HOUSE

Agricultural products, free trade urged ................ HJM11 - 1277
Airports, back country, Congress petitioned .......... HJM22 - 1289
Estate, gift tax, exemption, increase proposed ....... HJM15 - 1279
Farms, tax at death, burden ................................ HJM18 - 1283
Gun control, legislation defeat urged ................... HJM19 - 1284
Horses, burros, wild, management ......................... HJM21 - 1287
Insects, biological control programs ..................... HJM20 - 1285
Retirement savings programs, Congress petitioned .... HJM17 - 1281

MEMORIALS, SENATE

Environmental impact statements ......................... SJM115 - 1275

MENTAL HEALTH

Community rehabilitation, appropriation ............... Ch325 - 1098
Mentally ill, commitment, detention .................... Ch365 - 1206
Retarded, treatment, guardianship ...................... Ch134 - 502

MILITARY AND MILITIA

Armed Forces personnel, driver’s license renewal ..... Ch57 - 19¢
Military Division, appropriation ......................... Ch340 - 1131
Retirement benefits, deductible income tax .......... Ch94 - 312

MILK AND MILK PRODUCTS

Cooling tanks, standards .................................. Ch359 - 117¢
Dairy Products Commission, appropriations .......... Ch172 - 62¢
MINERALS
Royalties, disbursed to counties .......................... Ch28 - 63

MOBILE HOMES
Rules, Labor/Industrial Services Dept., amended .......................... SCR143 - 1238
lessed sales tax exempt ........................................ Ch297 - 1025

MORTGAGES
Housing Agency, authority ..................................... Ch283 - 968

ORTICIANS
Board, per diem .................................................. Ch166 - 596

OTOR VEHICLES
Accident reports .................................................. Ch55 - 192
Accidents, removal, police authority .......................... Ch168 - 618
Diesel fuel tax, use fees, increased .......................... Ch328 - 1105
Drivers, blood drawing by technologists .......................... Ch92 - 309
Drivers, inattentive driving, misdemeanor .......................... Ch201 - 726
Drivers' licenses suspension, moving traffic violation .......................... Ch53 - 187
Drivers, licensing, driving ability demonstration .......................... Ch54 - 191
Drivers, licensing, resident defined .................................. Ch52 - 186
Fund, allocations ................................................. Ch312 - 1078
Gas tax, increased one cent per gallon .......................... Ch78 - 251
Inspections, law repealed ...................................... Ch59 - 199
Insurance, liability, required .................................. Ch247 - 848
Insurance, medical payments, recovery time .......................... Ch102 - 425
License plates, issuance ........................................ Ch5 - 16
License plates, reflectorized, fees .................................. Ch103 - 426
National Guard members, two special .......................... Ch46 - 145
Off-Road Fund, advisory committee .......................... Ch258 - 877
Off-Road Fund, dispersements .......................... Ch258 - 877
Off-street parking, cities, bonds .................................. Ch163 - 592
Police, state, blue light ........................................ Ch56 - 195
Records, fees .................................................. Ch101 - 423
Recreational, defined, Bldg. Code Advisory Act .......................... Ch29 - 488
Recreational, licensing ........................................ Ch23 - 57
Registration, code reference corrected .......................... Ch87 - 297
Registration, fees, increased .................................. Ch304 - 1043
Registration, time periods .................................... Ch4 - 13
Trip permits, nonresident, fees .................................. Ch99 - 420
Youth, operation, drug influence .......................... Ch233 - 823

MUNICIPALITIES
See also CITIES, COUNTIES
Governing council, urban renewal agency .......................... Ch256 - 871

MUSIC
Tape Piracy Act .................................................. Ch112 - 440

ATIONAL GUARD
Educational Encouragement, appropriation .......................... Ch340 - 1131
License plates, two special .................................. Ch46 - 145

URAL RESOURCES
Energy development in state, study .......................... SCR132 - 1221
Fish and Game, new code enacted .................................. Ch95 - 315

SPAPERS
Sales tax, individual sales, rules amended .......................... HCR68 - 1265

UISANCES
Public, regulations ............................................. Ch82 - 270
NURSING
  Board, appropriation .............................................. Ch172 - 626
NURSING HOMES
  Administrator, licensure, fees ................................ Ch166 - 596
  Drugs, triplicate forms not needed .............................. Ch108 - 432

OBSCENITY
  Defined, penalties ................................................ Ch81 - 258
  Entertainment, beer license ..................................... Ch156 - 555
  Nuisances, public, regulations ................................... Ch82 - 270

OCCUPATIONAL LICENSE BUREAU
  See LICENSES

OFFICE ON AGING
  Appropriation ...................................................... Ch43 - 116
  Appropriation ...................................................... Ch296 - 1023
  Created ................................................................ Ch188 - 679
  Senior citizens, local agencies, grants ...................... Ch305 - 1046

OFFICE SPACE
  State, leasing, management ....................................... Ch142 - 527

OFFICERS
  Probation, selection ................................................ Ch272 - 92C
  State, Attorney General, representation/agencies .......... Ch366 - 1202
  State, auditor, treasurer, duties ................................ Ch42 - 9C

OPTOMETRY
  Board, appropriation ................................................ Ch172 - 626
  Board, per diem ...................................................... Ch166 - 596

ORGANIZATIONS
  Fraternal Benefit Societies, licenses ........................ Ch72 - 24C
  Nonprofit, lease of school buses ................................. Ch167 - 61:

OUTFITTERS AND GUIDES
  Board, appropriation ................................................ Ch172 - 626
  Licenses, renewal, revocation .................................... Ch332 - 1116
  Redefined ............................................................... Ch332 - 1116

OXYGEN
  Sales tax, exempt ................................................... Ch274 - 94C

PARKING
  Capitol Mall, rental charged ................................... SCR135 - 122:
  Off-street, cities, use of fines ................................ Ch164 - 59:

PARKS AND RECREATION
  Dept., appropriation ................................................ Ch200 - 72:
  Dept., approp., Outdoor Recreation Fund ...................... Ch22 - 5C
  Fish and Game, new code enacted ............................... Ch95 - 31C
  Fund, appropriation, General Fund surplus .................. Ch330 - 111:
  Off-Road Motor Vehicle Fund, advisory com. ................. Ch258 - 87:
  Off-Road Motor Vehicle Fund, dispersements ................. Ch258 - 87:
  Outdoor Recreation Fund, repayment, approp. ................. Ch22 - 5:
  Outfitters & Guides, redefined ................................ Ch332 - 111:
  Veterans State Park, appropriation ........................... Ch200 - 72:

PAYROLL
  State, position control system, appropriation ............. Ch243 - 83:

PENITENTIARY
  Security medical facility established ......................... Ch360 - 117
PERMANENT BUILDING FUND
Appropriation, General Fund surplus ........................................... Ch330 - 1112
Council, appropriation, ISU library ............................................. Ch268 - 909
Council, appropriation, State School/Hospital ............................... Ch323 - 1096
Council, appropriation, various buildings .................................... Ch230 - 816
Council, appropriation, various projects ....................................... Ch338 - 1126
Council, appropriation, Youth Services Center ............................... SCR141 - 1235
Council, bldg. proposals, include all costs ................................. SCR141 - 1235
Council, bldg. repair, purchasing authority ................................... Ch26 - 61

PERSONNEL COMMISSION
Appropriation .................................................................................. Ch205 - 748
Job content evaluation committee created .................................... SCR142 - 1236
Rule rejection, educational leave with pay .................................. SCR128 - 1218

PESTICIDES
Law, new, enacted ............................................................................ Ch190 - 688
Sprayers, dusters, law changed ....................................................... Ch190 - 688

PETROLEUM
Metering systems, rule, delay ......................................................... HCR66 - 1263

PHARMACIES
Board, appropriation ......................................................................... Ch172 - 626
Board, Health Director, reference deleted ..................................... Ch111 - 439
License fees, increased ..................................................................... Ch138 - 512

PHARMACISTS
Internship ........................................................................................ Ch136 - 510
Licenses, fees .................................................................................. Ch139 - 514
Licenses, fees, increased ................................................................. Ch138 - 512

PHYSICIANS AND SURGEONS
Disabled, revocation, suspension of license .................................. Ch290 - 1000
Disciplinary action, reports ............................................................... Ch80 - 257
Malpractice, claims, prelitigation screening .................................. Ch278 - 953
Malpractice, expert testimony of violations .................................. Ch277 - 951
Malpractice, insurance, joint underwriting .................................... Ch225 - 803
Medical disciplinary enforcement .................................................. Ch293 - 1011
Violations, reports by doctors ........................................................ Ch192 - 709

PLANNING
State, appropriation .......................................................................... Ch340 - 1131

PODIATRISTS
Licensure ......................................................................................... Ch361 - 1184

POLICEMEN
Accidents, vehicle removal, authority ............................................. Ch168 - 618
Police Officer Standards, appropriation .......................................... Ch340 - 1131
Retirement, widow’s benefit, cost-of-living increase ...................... Ch287 - 990
State, vehicles, blue light ................................................................. Ch56 - 195

POLITICAL PARTIES
See also ELECTIONS
Central Committee chairmen, election .......................................... Ch351 - 1160
Conventions, voters’ delegate ......................................................... Ch346 - 1153
New, formation ............................................................................... Ch344 - 1147
Voters’ delegate to conventions ...................................................... Ch346 - 1153

POTTATOES
Breeding facility, appropriation ...................................................... Ch327 - 1104
Potato Commission, appropriation ................................................. Ch172 - 626

PRISONERS
Good time reduction forfeiture, hearing authority .......................... Ch32 - 69
<table>
<thead>
<tr>
<th>Section</th>
<th>Chapter - Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>PROBATION</td>
<td></td>
</tr>
<tr>
<td>Officers, selection</td>
<td>Ch272 - 920</td>
</tr>
<tr>
<td>PROPERTY</td>
<td></td>
</tr>
<tr>
<td>Assessment, appeal process</td>
<td>Ch209 - 768</td>
</tr>
<tr>
<td>Assessment date</td>
<td>Ch149 - 537</td>
</tr>
<tr>
<td>Assessment rolls, delivery</td>
<td>Ch149 - 537</td>
</tr>
<tr>
<td>Chattel, inventory, General Services reference</td>
<td>Ch27 - 62</td>
</tr>
<tr>
<td>County Board of Equalization, meeting</td>
<td>Ch148 - 535</td>
</tr>
<tr>
<td>County, surplus, to historical societies</td>
<td>Ch79 - 252</td>
</tr>
<tr>
<td>Liens, old age assistance, law repealed</td>
<td>Ch250 - 856</td>
</tr>
<tr>
<td>Nuisances, public, regulations</td>
<td>Ch82 - 270</td>
</tr>
<tr>
<td>Personal, tax, dates for payment</td>
<td>Ch147 - 534</td>
</tr>
<tr>
<td>Personal, tax, reporting form</td>
<td>Ch208 - 766</td>
</tr>
<tr>
<td>Real, security interest, registration exempt</td>
<td>Ch266 - 892</td>
</tr>
<tr>
<td>Tax, appraiser certification program</td>
<td>Ch157 - 559</td>
</tr>
<tr>
<td>Tax, circuit breaker, allowable income</td>
<td>Ch96 - 399</td>
</tr>
<tr>
<td>Tax, energy devices, deduction</td>
<td>Ch212 - 773</td>
</tr>
<tr>
<td>Tax, 4 mills county relief</td>
<td>Ch93 - 310</td>
</tr>
<tr>
<td>Tax, insulation, deduction</td>
<td>Ch212 - 773</td>
</tr>
<tr>
<td>Tax, notice, receipt</td>
<td>Ch181 - 654</td>
</tr>
<tr>
<td>PROSECUTING ATTORNEYS</td>
<td></td>
</tr>
<tr>
<td>See ATTORNEYS</td>
<td></td>
</tr>
<tr>
<td>PROSTHETIC DEVICES</td>
<td></td>
</tr>
<tr>
<td>Sales tax, exempt</td>
<td>Ch262 - 882</td>
</tr>
<tr>
<td>PSYCHOLOGISTS</td>
<td></td>
</tr>
<tr>
<td>Licensure, fees</td>
<td>Ch166 - 596</td>
</tr>
<tr>
<td>PUBLIC UTILITIES</td>
<td></td>
</tr>
<tr>
<td>See UTILITIES</td>
<td></td>
</tr>
<tr>
<td>PUBLIC WORKS</td>
<td></td>
</tr>
<tr>
<td>Buildings, state agencies, year-to-year lease</td>
<td>SCR138 - 1231</td>
</tr>
<tr>
<td>Contractors License Board, appropriation</td>
<td>Ch172 - 626</td>
</tr>
<tr>
<td>Division, Administration Dept., appropriation</td>
<td>Ch205 - 748</td>
</tr>
<tr>
<td>Division, appropriation, ISU library</td>
<td>Ch268 - 909</td>
</tr>
<tr>
<td>Division, appropriation, State School/Hospital</td>
<td>Ch323 - 1096</td>
</tr>
<tr>
<td>Division, appropriation, various buildings</td>
<td>Ch230 - 816</td>
</tr>
<tr>
<td>Division, appropriation, various projects</td>
<td>Ch338 - 1126</td>
</tr>
<tr>
<td>Division, appropriation, Youth Services Center</td>
<td>Ch322 - 1095</td>
</tr>
<tr>
<td>Personal property used on contracts, tax reference</td>
<td>Ch297 - 1025</td>
</tr>
<tr>
<td>PURCHASING DIVISION</td>
<td></td>
</tr>
<tr>
<td>Administration Dept., appropriation</td>
<td>Ch205 - 748</td>
</tr>
<tr>
<td>RAILROADS</td>
<td></td>
</tr>
<tr>
<td>Crossings, closure, abandonment</td>
<td>Ch221 - 794</td>
</tr>
<tr>
<td>Crossings, stop signs, liability</td>
<td>Ch315 - 1082</td>
</tr>
<tr>
<td>REAL ESTATE</td>
<td></td>
</tr>
<tr>
<td>Brokers, licensing</td>
<td>Ch64 - 223</td>
</tr>
<tr>
<td>Commission, appropriation</td>
<td>Ch172 - 626</td>
</tr>
<tr>
<td>Educ/Research/Recovery Fund, add'l moneys</td>
<td>Ch63 - 221</td>
</tr>
<tr>
<td>RECLAMATION</td>
<td></td>
</tr>
<tr>
<td>Arid lands, development under Carey Act</td>
<td>Ch306 - 1049</td>
</tr>
<tr>
<td>RECORDINGS</td>
<td></td>
</tr>
<tr>
<td>Tape Piracy Act</td>
<td>Ch112 - 440</td>
</tr>
<tr>
<td>RECORDS</td>
<td></td>
</tr>
<tr>
<td>City, retention, destruction</td>
<td>Ch50 - 150</td>
</tr>
</tbody>
</table>
RECREATION

See PARKS AND RECREATION

RECREATIONAL VEHICLES

Defined, Building Code Advisory Act ........................................ Ch129 - 488
Licensing, calendar year basis ................................................ Ch23 - 57
Rules, Labor/Industrial Services Dept., amended ........................ SCR143 - 1238

REHABILITATION

Vocational, appropriation ......................................................... Ch196 - 716
Worker's program, workmen's comp., extended ............................. Ch151 - 545

REPORTS

State agencies, annually ........................................................... Ch9 - 25

RESOLUTIONS, CONCURRENT, HOUSE

Federal expenditures limited to revenue ................................. HCR62 - 1254
Governor's budget message to Legislature .............................. HCR49 - 1248
Governor's State of State message .......................................... HCR48 - 1247
Health insurance, state employees, bids ................................ HCR67 - 1264
Idaho Code, recodification, publication, study ......................... HCR65 - 1262
Land Commissioner, Forest Practice rules, amended ................. HCR64 - 1256
Legislature, adjournment Sine Die ........................................... HCR72 - 1268
Legislature, clean-up work ...................................................... HCR71 - 1267
Lincoln, Abraham, joint session in honor ................................ HCR58 - 1253
New sections added to Code ..................................................... HCR50 - 1248
Newspapers, individual sales, tax, rule amended ...................... HCR68 - 1265
Petroleum metering systems, rule, delay .................................... HCR66 - 1263
Revenue projections ................................................................. HCR54 - 1250
Revenue projections, surplus ..................................................... HCR53 - 1249
St. Alphonsus Building, renovation authorized ......................... HCR56 - 1251
Tax laws, study ................................................................. HCR69 - 1266

RESOLUTIONS, CONCURRENT, SENATE

Building proposals, include all costs ....................................... SCR141 - 1235
Census, precinct, geographic boundaries, study ......................... SCR139 - 1233
Energy development in state, study ......................................... SCR132 - 1221
Finance Department rules, amended ......................................... SCR134 - 1223
Insurance, state employees, state contribution ......................... SCR129 - 1219
Journals, legislative, printing contract ................................ SCR137 - 1228
Parking, Capitol Mall, rental charged ...................................... SCR135 - 1224
Personnel Commission, rule rejection ...................................... SCR128 - 1218
PUC, state agencies, new office building ................................ SCR140 - 1234
Rules, Labor/Industrial Services Dept., amended ....................... SCR143 - 1238
Session laws, printing contract ............................................... SCR136 - 1225
State buildings, leases .............................................................. SCR138 - 1231
State job content evaluation committee .................................. SCR142 - 1236
Workmen's Compensation Code, study ...................................... SCR133 - 1222

RESOLUTIONS, JOINT, HOUSE

Legislative compensation, Citizens Committee ......................... HJR6 - 1272

RESOLUTIONS, JOINT, SENATE

Electrical generating system, indebtedness ....................... SJR109 - 1269

RETIREMENT

Board, members, per diem increased ........................................ Ch355 - 1170
Firemen, disabled in line of duty ................................................. Ch170 - 622
Firemen, paid ........................................................................ Ch273 - 921
Judges, benefits while serving court ........................................ Ch234 - 825
Judges, Fund, contribution ..................................................... Ch343 - 1145
Military, benefits, deductible from income tax ......................... Ch94 - 312
RETIREMENT (Continued)

Policemen, widow’s benefit, cost-of-living increase ........................................ Ch287 - 990
Programs, tax exempt, Savings & Loan Assn., trustee ....................................... Ch237 - 830
Public employees, changes in law ........................................................................... Ch97 - 403
Public employees, system, appropriation ............................................................... Ch203 - 730
Public employees, use of unused sick leave ......................................................... Ch319 - 1090
Public School Employees Program, appropriation ................................................ Ch44 - 121
Savings programs, Congress petitioned ................................................................... HJM17 - 1281

REVENUE

Bond Act, Water/Sewer Districts ............................................................................. Ch62 - 211
Federal, expenditures limited to ............................................................................ HCR62 - 1254
Projections .............................................................................................................. HCR54 - 1250
Projections assistance, legislature, appropriation ................................................ Ch300 - 1038
Projections, surplus ................................................................................................ HCR53 - 1249
Rev & Tax Dept., appropriation ............................................................................. Ch244 - 840
Rev & Tax Dept., appropriation, circuit breaker ..................................................... Ch301 - 1038
Rev & Tax Dept., approp., supplemental, audit prog. .............................................. Ch7 - 21

RULES

Administrative, review by Legislature, report ....................................................... Ch185 - 671
Finance Dept., credit unions, amended ................................................................ SCR134 - 1223
Industrial Comm., pursuant/Adm. Procedures Act ................................................. Ch264 - 889
Labor/Industrial Services Dept., amended ............................................................. SCR143 - 1238
Land Commissioner, Forest Practice Act, amended ............................................ HCR64 - 1256
Legislative joint, new sections added to Code ....................................................... HCR50 - 1248
Personnel Commission, educational leave with pay ............................................. SCR128 - 1218
Tax Commission, newspapers, individual sale, amended ..................................... HCR68 - 1265

SAFETY

Hotels, requirements .............................................................................................. Ch259 - 878
Traffic, Commission, membership ...................................................................... Ch162 - 590
Transportation Department Director, duties......................................................... Ch162 - 590

ST. ALPHONSUS

Building, renovation authorized .......................................................................... HCR56 - 1251

SALARIES

City employees, deductions authorized ................................................................. Ch47 - 146
County commissioners .......................................................................................... Ch320 - 1091
County, commissioners, Canyon County ............................................................. Ch333 - 1120
County commissioners, retroactive ...................................................................... Ch302 - 1039
Court reporters ..................................................................................................... Ch356 - 1172
Court reporters, appropriation .............................................................................. Ch336 - 1123
Industrial Commission Board members ............................................................... Ch348 - 1157
Judges, justices, appropriation ............................................................................. Ch335 - 1122
Judges, justices, increased .................................................................................... Ch343 - 1145
Legislators, Citizens Committee ........................................................................... Ch286 - 987
Prosecuting attorney, Canyon County ............................................................... Ch334 - 1121
Prosecuting attorneys ............................................................................................ Ch321 - 1093
Prosecuting attorneys, retroactive ....................................................................... Ch303 - 1041
Public Utilities Commission Commissioners ...................................................... Ch350 - 1159
Rates, minimum, established .............................................................................. Ch38 - 80
State employees, compensation schedule, Hay Plan ....................................... Ch367 - 1205
State employees, holiday work, compensatory .................................................. Ch195 - 715
State employees, pay periods .............................................................................. Ch217 - 789

SALES

Yard, sales tax exempt ........................................................................................... Ch297 - 1025
<table>
<thead>
<tr>
<th>Section</th>
<th>Chapter - Page</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>SALES TAX</strong></td>
<td></td>
</tr>
<tr>
<td>See TAX AND TAXATION</td>
<td></td>
</tr>
<tr>
<td><strong>SAVINGS AND LOAN ASSOCIATIONS</strong></td>
<td>Ch237 - 830</td>
</tr>
<tr>
<td>Retirement tax exempt programs, trustee</td>
<td></td>
</tr>
<tr>
<td><strong>SCHOOLS</strong></td>
<td></td>
</tr>
<tr>
<td>Appropriation, Foundation Program</td>
<td>Ch25 - 60</td>
</tr>
<tr>
<td>Average daily attendance, previous year's use</td>
<td>Ch152 - 546</td>
</tr>
<tr>
<td>Board meetings, open</td>
<td>Ch66 - 233</td>
</tr>
<tr>
<td>Buses, lease, nonprofit organizations</td>
<td>Ch167 - 617</td>
</tr>
<tr>
<td>Deaf and Blind, appropriation</td>
<td>Ch104 - 427</td>
</tr>
<tr>
<td>Districts, board meetings, open</td>
<td>Ch66 - 233</td>
</tr>
<tr>
<td>Districts, election/mill levy increase, contested</td>
<td>Ch291 - 1008</td>
</tr>
<tr>
<td>Districts, financial statements, filing date</td>
<td>Ch83 - 283</td>
</tr>
<tr>
<td>Drivers' training, reimbursement allowed</td>
<td>Ch117 - 455</td>
</tr>
<tr>
<td>Eastern Idaho Vocational-Technical School, bldg.</td>
<td>Ch230 - 816</td>
</tr>
<tr>
<td>Employees Retirement Program, appropriation</td>
<td>Ch44 - 121</td>
</tr>
<tr>
<td>Financial statements, filing date</td>
<td>Ch83 - 283</td>
</tr>
<tr>
<td>Fire escapes, fire drills, law repealed</td>
<td>Ch35 - 76</td>
</tr>
<tr>
<td>Foundation Program, appropriation</td>
<td>Ch25 - 60</td>
</tr>
<tr>
<td>Public School Income Fund, appropriation</td>
<td>Ch44 - 121</td>
</tr>
<tr>
<td>Public Schools, appropriation</td>
<td>Ch25 - 60</td>
</tr>
<tr>
<td>Sick leave, personnel</td>
<td>Ch226 - 810</td>
</tr>
<tr>
<td>State School &amp; Hosp., appropriation, living units</td>
<td>Ch323 - 1096</td>
</tr>
<tr>
<td>Student discipline, executive sessions</td>
<td>Ch124 - 473</td>
</tr>
<tr>
<td>Student transfers, tuition, billing procedure</td>
<td>Ch85 - 290</td>
</tr>
<tr>
<td>Students, expulsion, suspension</td>
<td>Ch86 - 293</td>
</tr>
<tr>
<td>Students, work-training, minimum wage exemption</td>
<td>Ch223 - 796</td>
</tr>
<tr>
<td>Students, work-training, unemployment exemption</td>
<td>Ch224 - 797</td>
</tr>
<tr>
<td>Teachers, contracts, signed receipt</td>
<td>Ch84 - 288</td>
</tr>
<tr>
<td>Workmen's compensation payments, personnel</td>
<td>Ch226 - 810</td>
</tr>
<tr>
<td><strong>SECRETARY OF STATE</strong></td>
<td></td>
</tr>
<tr>
<td>Appropriation</td>
<td>Ch337 - 1124</td>
</tr>
<tr>
<td>Constitutional amendments, publication</td>
<td>Ch235 - 827</td>
</tr>
<tr>
<td><strong>SECURITIES</strong></td>
<td></td>
</tr>
<tr>
<td>Clearing Corporation defined</td>
<td>Ch357 - 1173</td>
</tr>
<tr>
<td>Secured interest/real property, registration</td>
<td>Ch266 - 892</td>
</tr>
<tr>
<td><strong>SENIOR CITIZENS</strong></td>
<td></td>
</tr>
<tr>
<td>Office on Aging, created</td>
<td>Ch188 - 679</td>
</tr>
<tr>
<td>Property liens, law repealed</td>
<td>Ch250 - 856</td>
</tr>
<tr>
<td>Retirement savings programs, Congress petitioned</td>
<td>HJM17 - 1281</td>
</tr>
<tr>
<td>Services, provision made</td>
<td>Ch305 - 1046</td>
</tr>
<tr>
<td><strong>SESSION LAWS</strong></td>
<td>SCR136 - 1225</td>
</tr>
<tr>
<td>Printing Contract</td>
<td></td>
</tr>
<tr>
<td><strong>SEWAGE</strong></td>
<td>Ch116 - 453</td>
</tr>
<tr>
<td>Facilities, Health &amp; Welfare approval</td>
<td></td>
</tr>
<tr>
<td><strong>SEWERAGE</strong></td>
<td>Ch62 - 211</td>
</tr>
<tr>
<td>Water/Sewer District Revenue Bond Act</td>
<td></td>
</tr>
<tr>
<td><strong>SHEEP</strong></td>
<td>Ch194 - 711</td>
</tr>
<tr>
<td>Commission, appropriation</td>
<td></td>
</tr>
<tr>
<td><strong>SHELTER HOMES</strong></td>
<td>Ch311 - 1073</td>
</tr>
<tr>
<td>Licensure, regulation</td>
<td></td>
</tr>
<tr>
<td><strong>SHORTHAND REPORTERS</strong></td>
<td>Ch172 - 626</td>
</tr>
<tr>
<td>Certified, Board, appropriation</td>
<td></td>
</tr>
</tbody>
</table>
SIDEWALKS

Installed by county-wide highway districts ............................................. Ch178 - 642

SMALL CLAIMS COURT

See COURTS

SOCIAL WORKERS

Licensure .......................................................... Ch213 - 776

SOIL

Conservation districts, cty assistance limitation ......................... Ch17 - 48

SOLAR ENERGY

See ENERGY

SPRAYERS AND DUSTERS

See PESTICIDES

SPECIAL SERVICES

Department, 1975 appropriation, repealed .................................... Ch14 - 43

STATE AGENCIES

See individual listings or GOVERNMENT

STATE HOSPITAL NORTH

See HOSPITALS

STATE HOSPITAL SOUTH

See HOSPITALS

STATEHOUSE

Fire alarm system, appropriation ............................................ Ch230 - 816

STUDENTS

Expulsion, suspension ................................................. Ch86 - 293
Transfer, tuition, billing procedures ................................ Ch85 - 290
Work-training program, minimum wage exemption ...................... Ch223 - 796
Work-training program, unemployment comp. ........................ Ch224 - 797

SUNSHINE INITIATIVE

Campaign expenditures, reference to person .................................. Ch228 - 813
Lobbyists, notice of representation, fee ................................ Ch229 - 814
Lobbyists, registration, exemptions ..................................... Ch362 - 1194
Lobbyists, registration, reports ........................................ Ch227 - 812
Lobbyists, reports, submission ......................................... Ch363 - 1196
Violations, penalty .......................................................... Ch227 - 812

SWIMMING

Hazardous areas, local ordinances ............................................. Ch169 - 620

TAPES

Music, Piracy Act ............................................................... Ch112 - 440

TAX AND TAXATION

Ad valorem, revenues, Health Districts ...................................... Ch179 - 644
Appeals, board of equalization, any time .................................. Ch210 - 769
Bees, levy, absentee ballot for vote ...................................... Ch119 - 459
Bonus, profit sharing plans, credit unions/trustee ...................... Ch240 - 833
Cigarette vending machines, not seized .................................. Ch175 - 637
Circuit breaker, allowable income ........................................ Ch96 - 399
Code areas, levy sheet ...................................................... Ch181 - 654
Commission, inheritance tax payment to cty ................................ Ch218 - 790
Contribution, educational institutions, credit ......................... Ch58 - 198
Contribution, political, credit ............................................ Ch1 - 3
County Board of Equalization, meeting, Nov. .......................... Ch148 - 535
Districts, adopted budgets, filing required ............................. Ch159 - 566
Districts, maps, tax code system provided ................................ Ch158 - 564
<table>
<thead>
<tr>
<th>Section</th>
<th>Chapter/Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Energy devices, tax incentives</td>
<td>Ch 212-773</td>
</tr>
<tr>
<td>Estate, exemption, increase proposed</td>
<td>HM15-1279</td>
</tr>
<tr>
<td>Estate, farms, burden at death</td>
<td>HM18-1283</td>
</tr>
<tr>
<td>Gas, increased one cent per gallon</td>
<td>Ch 78-251</td>
</tr>
<tr>
<td>Gift, exemption, increase proposed</td>
<td>HM15-1279</td>
</tr>
<tr>
<td>Income, corporations, percentage depletion struck</td>
<td>Ch 271-916</td>
</tr>
<tr>
<td>Income, federal, year updated</td>
<td>Ch 3-12</td>
</tr>
<tr>
<td>Income, state, contribution/educational institutions</td>
<td>Ch 58-198</td>
</tr>
<tr>
<td>Income, state, credits, refunds, defined</td>
<td>Ch 77-3</td>
</tr>
<tr>
<td>Income, state, extension, partial payment</td>
<td>Ch 94-312</td>
</tr>
<tr>
<td>Income, state, military retirement benefits</td>
<td>Ch 89-303</td>
</tr>
<tr>
<td>Income, state, part-year nonresidents, computation</td>
<td>Ch 284-983</td>
</tr>
<tr>
<td>Income, state, payment in advance</td>
<td>Ch 73-678</td>
</tr>
<tr>
<td>Internal Revenue Code, year updated</td>
<td>HCR 69-1266</td>
</tr>
<tr>
<td>Laws, study</td>
<td>Ch 317-1086</td>
</tr>
<tr>
<td>Liquor, beer, to treat alcoholism</td>
<td>Ch 328-1105</td>
</tr>
<tr>
<td>Motor vehicles, diesel fuel, increased</td>
<td>Ch 147-534</td>
</tr>
<tr>
<td>Personal property, dates for payment</td>
<td>Ch 279-957</td>
</tr>
<tr>
<td>Premium, insurance, annuity contracts exempt</td>
<td>Ch 157-559</td>
</tr>
<tr>
<td>Property, appraiser certification program</td>
<td>Ch 209-768</td>
</tr>
<tr>
<td>Property, assessment, appeal process</td>
<td>Ch 149-537</td>
</tr>
<tr>
<td>Property, assessment, date</td>
<td>Ch 96-399</td>
</tr>
<tr>
<td>Property, assessment roll, delivery</td>
<td>Ch 93-310</td>
</tr>
<tr>
<td>Property, circuit breaker, allowable income</td>
<td>Ch 181-654</td>
</tr>
<tr>
<td>Property, 4 mills county relief</td>
<td>Ch 208-766</td>
</tr>
<tr>
<td>Property, notice, receipt</td>
<td>Ch 240-833</td>
</tr>
<tr>
<td>Property, personal, reporting form</td>
<td>Ch 237-830</td>
</tr>
<tr>
<td>Retirement plans, credit unions/trustee</td>
<td>Ch 244-840</td>
</tr>
<tr>
<td>Rev &amp; Tax Dept., appropriation</td>
<td>Ch 301-1038</td>
</tr>
<tr>
<td>Rev &amp; Tax Dept., appropriation, circuit breaker</td>
<td>Ch 7-21</td>
</tr>
<tr>
<td>Sales, Fund, distribution, references</td>
<td>Ch 280-959</td>
</tr>
<tr>
<td>Sales, newspapers, individual sales</td>
<td>HCR 68-1265</td>
</tr>
<tr>
<td>Sales, prescription drugs, oxygen, exempt</td>
<td>Ch 274-944</td>
</tr>
<tr>
<td>Sales, prosthetic devices exempt</td>
<td>Ch 262-882</td>
</tr>
<tr>
<td>Sales, used mobile homes, exempt</td>
<td>Ch 297-1025</td>
</tr>
<tr>
<td>Sales, yard sales, exempt</td>
<td>Ch 297-1025</td>
</tr>
<tr>
<td>School districts, mill levy increase, contested</td>
<td>Ch 291-1008</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>TEACHERS</th>
<th>Chapter/Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contracts, signed receipt</td>
<td>Ch 84-288</td>
</tr>
<tr>
<td>Sick leave, workmen's compensation</td>
<td>Ch 226-810</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>TELEVISION</th>
<th>Chapter/Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Public, appropriation</td>
<td>Ch 206-752</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>TIMBER</th>
<th>Chapter/Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>See FORESTS AND FORESTRY</td>
<td></td>
</tr>
</tbody>
</table>
TORT CLAIMS
State employees ............................................................. Ch309 - 1062
State employees ............................................................. Ch310 - 1069
TOURISM AND INDUSTRIAL DEVELOPMENT
Appropriation ................................................................. Ch340 - 1131
TRAFFIC SAFETY COMMISSION
See SAFETY
TRANSPORTATION
Board, Air Region Bd. of Trustees, appointment ...................... Ch220 - 793
Board, members, per diem increased ..................................... Ch358 - 1175
Buses, school, lease, nonprofit organizations ........................ Ch167 - 617
Dept., appropriation ....................................................... Ch341 - 1137
Dept., director, duties ..................................................... Ch162 - 59C
Traffic Safety Commission, appropriation ............................. Ch341 - 1137
TREASURERS
City, bond records .......................................................... Ch49 - 146
State, accounting funds consolidation .................................. Ch51 - 15:
State, appropriation ....................................................... Ch105 - 42C
State, designate depositories ............................................. Ch238 - 831
State, duties, functions ................................................... Ch42 - 9C
TRESPASS
Civil, penalties ............................................................... Ch155 - 55:
Criminal, defined, penalties ............................................. Ch154 - 55:
TRUCKS
Pick-up, registration, time period ....................................... Ch4 - 1:
TUITION
See SCHOOLS
UNEMPLOYMENT
See EMPLOYEES AND EMPLOYMENT
UNIFORM COMMERCIAL CODE
Securities, Clearing Corporation defined ............................... Ch357 - 117:
UNIONS
Credit, Finance Dept., rules, amended ................................. SCR134 - 122:
Credit, trustee for plans qualified/tax treatment ................... Ch240 - 83:
UNIVERSITY OF IDAHO
See COLLEGES AND UNIVERSITIES
URBAN RENEWAL
Governing council municipalities, agency ............................. Ch256 - 87
UTILITIES
Public, Commission, appropriation ...................................... Ch202 - 72
Public, Commission, appropriation ...................................... Ch331 - 111
Public, Commission, office building .................................. SCR140 - 123
Public, Commissioners, salaries ........................................ Ch350 - 115
Rates, suspension period ................................................. Ch263 - 88
Suppliers, when liability exempt ....................................... Ch219 - 79
Water, subdivisions, delivery ........................................... Ch153 - 54
VETERANS
Affairs Commission members, per diem ............................... Ch182 - 65
Employment, preference ................................................... Ch197 - 71
Services, appropriation ................................................... Ch324 - 109
Vietnam, defined ............................................................ Ch216 - 78
VETERINARIANS
Board, per diem .................................. Ch166 - 596
Licensure, requirements .......................... Ch166 - 596
Northwest College, appropriation .............. Ch252 - 861
Veterinary Science Building, appropriation  .. Ch338 - 1126

VIETNAM
Veteran, defined ................................ Ch216 - 787

VOCATIONAL EDUCATION
See EDUCATION

VOCATIONAL REHABILITATION
Appropriation .................................... Ch196 - 716

VOTERS
Absentee, precinct in legislative district .... Ch73 - 242
Citizens overseas, registration .................. Ch353 - 1166

WAGES
See SALARIES

WAMI
Medical Education Program, appropriation .... Ch252 - 861

WATER
Resource Board, arid lands development ....... Ch306 - 1049
Resources Dept., applications, procedure ...... Ch150 - 539
Resources Dept., appropriation .................... Ch211 - 771
Subdivisions, delivery .................. Ch153 - 547
Water/Sewer District Revenue Bond Act ...... Ch62 - 211

WEIGHTMASTERS
Licensing act, definitions .................... Ch120 - 461

WEIGHTS AND MEASURES
Petroleum metering systems, rule, delay ...... HCR66 - 1263

WHEAT
Commission, appropriation .................... Ch172 - 626

WILDERNESS
Airports, Congress petitioned .................. HJM22 - 1289

WINE
Persons under nineteen, not sell ............... Ch292 - 1010
Retailers, advertising accepted ................. Ch34 - 71

WOMEN
Commission on Women’s Programs, appropriation Ch296 - 1023
Pregnancy, involuntary complications, insurance Ch113 - 443

WORKMEN’S COMPENSATION
Code, study .................................... SCR133 - 1222
School personnel, payments .......... Ch226 - 810
Sole proprietorships, exempt ................. Ch285 - 985
Worker rehabilitation program, extended .... Ch151 - 545

YOUTH
Boat, motor vehicle operation, drug influence Ch233 - 823
Rehabilitation Act, counsel, payment .......... Ch246 - 845
Rehabilitation Act, court jurisdiction ........ Ch233 - 823
Rehabilitation Act, detention facilities, relatives exempt Ch231 - 819
Rehabilitation Act, waiver of jurisdiction, clarification Ch232 - 821
Services Center, appropriation, cottages .... Ch322 - 1095
Services Center, appropriation, roof repair .... Ch298 - 1033

ZONING
Subdivisions, water delivery .................. Ch153 - 547
# Table of Amendments, Repeals, Additions and References

## To the sections of the Idaho Code by the 1976 Session Laws

Code index listing code citation, action and session law chapter number for bills which passed.

<table>
<thead>
<tr>
<th>Title</th>
<th>Section</th>
<th>Action</th>
<th>Chapter</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Title 1</td>
<td>1-805</td>
<td>Amended</td>
<td>Ch.19</td>
<td>50</td>
</tr>
<tr>
<td>Title 1</td>
<td>1-1102</td>
<td>Amended</td>
<td>Ch.356</td>
<td>1172</td>
</tr>
<tr>
<td>Title 1</td>
<td>1-1105</td>
<td>Amended</td>
<td>Ch.239</td>
<td>.832</td>
</tr>
<tr>
<td>Title 1</td>
<td>1-1613</td>
<td>New Section Added</td>
<td>Ch.133</td>
<td>.501</td>
</tr>
<tr>
<td>Title 1</td>
<td>1-1613</td>
<td>Repealed</td>
<td>Ch.133</td>
<td>.501</td>
</tr>
<tr>
<td>Title 1</td>
<td>1-2004</td>
<td>Amended</td>
<td>Ch.343</td>
<td>1145</td>
</tr>
<tr>
<td>Title 1</td>
<td>1-2005</td>
<td>Amended</td>
<td>Ch.234</td>
<td>.825</td>
</tr>
<tr>
<td>Title 1</td>
<td>1-2301</td>
<td>Amended</td>
<td>Ch.125</td>
<td>.474</td>
</tr>
<tr>
<td>Title 3</td>
<td>3-409</td>
<td>Amended</td>
<td>Ch.143</td>
<td>.528</td>
</tr>
<tr>
<td>Title 5</td>
<td>5-230</td>
<td>Amended</td>
<td>Ch.276</td>
<td>.950</td>
</tr>
<tr>
<td>Title 5</td>
<td>5-242</td>
<td>Amended</td>
<td>Ch.184</td>
<td>.670</td>
</tr>
<tr>
<td>Title 5</td>
<td>5-331</td>
<td>New Section Added</td>
<td>Ch.186</td>
<td>.673</td>
</tr>
<tr>
<td>Title 5</td>
<td>5-332</td>
<td>New Section Added</td>
<td>Ch.318</td>
<td>1089</td>
</tr>
<tr>
<td>Title 6</td>
<td>6-202</td>
<td>Amended</td>
<td>Ch.155</td>
<td>.553</td>
</tr>
<tr>
<td>Title 6</td>
<td>6-202A</td>
<td>New Section Added</td>
<td>Ch.155</td>
<td>.554</td>
</tr>
<tr>
<td>Title 6</td>
<td>6-203</td>
<td>Repealed</td>
<td>Ch.155</td>
<td>.554</td>
</tr>
<tr>
<td>Title 6</td>
<td>6-310</td>
<td>Amended</td>
<td>Ch.71</td>
<td>.239</td>
</tr>
<tr>
<td>Title 6</td>
<td>6-902</td>
<td>Amended</td>
<td>Ch.309</td>
<td>1063</td>
</tr>
<tr>
<td>Title 6</td>
<td>6-903</td>
<td>New Section Added</td>
<td>Ch.309</td>
<td>1064</td>
</tr>
<tr>
<td>Title 6</td>
<td>6-903</td>
<td>Repealed</td>
<td>Ch.309</td>
<td>1064</td>
</tr>
<tr>
<td>Title 6</td>
<td>6-905</td>
<td>Amended</td>
<td>Ch.309</td>
<td>1065</td>
</tr>
<tr>
<td>Title 6</td>
<td>6-906</td>
<td>Amended</td>
<td>Ch.309</td>
<td>1065</td>
</tr>
<tr>
<td>Title 6</td>
<td>6-908</td>
<td>Amended</td>
<td>Ch.309</td>
<td>1065</td>
</tr>
<tr>
<td>Title 6</td>
<td>6-909</td>
<td>Amended</td>
<td>Ch.309</td>
<td>1066</td>
</tr>
<tr>
<td>Title 6</td>
<td>6-910</td>
<td>Amended</td>
<td>Ch.309</td>
<td>1066</td>
</tr>
<tr>
<td>Title 6</td>
<td>6-911</td>
<td>Amended</td>
<td>Ch.309</td>
<td>1066</td>
</tr>
<tr>
<td>Title 6</td>
<td>6-915</td>
<td>Amended</td>
<td>Ch.309</td>
<td>1066</td>
</tr>
<tr>
<td>Title 6</td>
<td>6-916</td>
<td>Amended</td>
<td>Ch.309</td>
<td>1067</td>
</tr>
<tr>
<td>Title 6</td>
<td>6-918</td>
<td>Amended</td>
<td>Ch.309</td>
<td>1067</td>
</tr>
<tr>
<td>Title 6</td>
<td>6-919</td>
<td>Amended</td>
<td>Ch.310</td>
<td>1069</td>
</tr>
<tr>
<td>Title</td>
<td>Page</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>-------</td>
<td>------</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TITLE 6 (Continued)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6-920</td>
<td>Amended - Ch.310</td>
<td>1070</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6-921</td>
<td>Amended - Ch.310</td>
<td>1070</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6-923</td>
<td>Amended - Ch.310</td>
<td>1070</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6-924</td>
<td>Amended - Ch.309</td>
<td>1067</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6-924</td>
<td>Amended - Ch.310</td>
<td>1070</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6-926</td>
<td>Amended - Ch.309</td>
<td>1067</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6-926</td>
<td>Amended - Ch.310</td>
<td>1071</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6-927</td>
<td>Amended - Ch.310</td>
<td>1071</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6-928</td>
<td>Amended - Ch.310</td>
<td>1072</td>
<td></td>
<td></td>
</tr>
<tr>
<td>TITLE 9</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>9-328</td>
<td>Amended - Ch.42</td>
<td>92</td>
<td></td>
<td></td>
</tr>
<tr>
<td>9-329</td>
<td>Amended - Ch.42</td>
<td>93</td>
<td></td>
<td></td>
</tr>
<tr>
<td>9-330</td>
<td>Amended - Ch.42</td>
<td>93</td>
<td></td>
<td></td>
</tr>
<tr>
<td>TITLE 12</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>12-121</td>
<td>New Section Added - Ch.349</td>
<td>1158</td>
<td></td>
<td></td>
</tr>
<tr>
<td>TITLE 14</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>14-408</td>
<td>Amended - Ch.288</td>
<td>.994</td>
<td></td>
<td></td>
</tr>
<tr>
<td>14-425</td>
<td>Amended - Ch.218</td>
<td>.790</td>
<td></td>
<td></td>
</tr>
<tr>
<td>TITLE 16</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ch. 16</td>
<td>New Chapter Added - Ch.204</td>
<td>.732</td>
<td></td>
<td></td>
</tr>
<tr>
<td>16-1803</td>
<td>New Section Added - Ch.233</td>
<td>.823</td>
<td></td>
<td></td>
</tr>
<tr>
<td>16-1803</td>
<td>Repealed - Ch.233</td>
<td>.823</td>
<td></td>
<td></td>
</tr>
<tr>
<td>16-1806</td>
<td>Amended - Ch.232</td>
<td>.821</td>
<td></td>
<td></td>
</tr>
<tr>
<td>16-1809</td>
<td>Amended - Ch.246</td>
<td>.845</td>
<td></td>
<td></td>
</tr>
<tr>
<td>16-1809A</td>
<td>New Section Added - Ch.246</td>
<td>.846</td>
<td></td>
<td></td>
</tr>
<tr>
<td>16-1812</td>
<td>Amended - Ch.231</td>
<td>.819</td>
<td></td>
<td></td>
</tr>
<tr>
<td>16-1820</td>
<td>Amended - Ch.272</td>
<td>.920</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ch. 21</td>
<td>New Chapter Added - Ch.189</td>
<td>.681</td>
<td></td>
<td></td>
</tr>
<tr>
<td>TITLE 18</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>18-906</td>
<td>Amended - Ch.144</td>
<td>.529</td>
<td></td>
<td></td>
</tr>
<tr>
<td>18-1514</td>
<td>Amended - Ch.81</td>
<td>.267</td>
<td></td>
<td></td>
</tr>
<tr>
<td>18-4101</td>
<td>Amended - Ch.81</td>
<td>.258</td>
<td></td>
<td></td>
</tr>
<tr>
<td>18-4102</td>
<td>Amended - Ch.81</td>
<td>.261</td>
<td></td>
<td></td>
</tr>
<tr>
<td>18-4103</td>
<td>Amended - Ch.81</td>
<td>.262</td>
<td></td>
<td></td>
</tr>
<tr>
<td>18-4103A</td>
<td>New Section Added - Ch.81</td>
<td>.262</td>
<td></td>
<td></td>
</tr>
<tr>
<td>18-4104</td>
<td>Amended - Ch.81</td>
<td>.263</td>
<td></td>
<td></td>
</tr>
<tr>
<td>18-4105A</td>
<td>New Section Added - Ch.81</td>
<td>.263</td>
<td></td>
<td></td>
</tr>
<tr>
<td>18-4107</td>
<td>Amended - Ch.81</td>
<td>.263</td>
<td></td>
<td></td>
</tr>
<tr>
<td>18-4109</td>
<td>Amended - Ch.81</td>
<td>.264</td>
<td></td>
<td></td>
</tr>
<tr>
<td>18-4110</td>
<td>Amended - Ch.81</td>
<td>.264</td>
<td></td>
<td></td>
</tr>
<tr>
<td>18-4111</td>
<td>New Section Added - Ch.81</td>
<td>.264</td>
<td></td>
<td></td>
</tr>
<tr>
<td>18-4111</td>
<td>Repealed - Ch.81</td>
<td>.264</td>
<td></td>
<td></td>
</tr>
<tr>
<td>18-4112</td>
<td>New Section Added - Ch.81</td>
<td>.266</td>
<td></td>
<td></td>
</tr>
<tr>
<td>18-4112</td>
<td>Repealed - Ch.81</td>
<td>.266</td>
<td></td>
<td></td>
</tr>
<tr>
<td>18-4114</td>
<td>Amended - Ch.81</td>
<td>.266</td>
<td></td>
<td></td>
</tr>
<tr>
<td>18-4909</td>
<td>Amended - Ch.174</td>
<td>.636</td>
<td></td>
<td></td>
</tr>
<tr>
<td>18-7008</td>
<td>Amended - Ch.154</td>
<td>.550</td>
<td></td>
<td></td>
</tr>
<tr>
<td>18-7011</td>
<td>Amended - Ch.154</td>
<td>.551</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ch. 76</td>
<td>New Chapter Added - Ch.112</td>
<td>.440</td>
<td></td>
<td></td>
</tr>
<tr>
<td>TITLE 19</td>
<td>Page</td>
<td>TITLE 20</td>
<td>Amended - Ch.32</td>
<td>69</td>
</tr>
<tr>
<td>------------------</td>
<td>------</td>
<td>------------------</td>
<td>------------------</td>
<td>----</td>
</tr>
<tr>
<td>19-305</td>
<td></td>
<td>Amended - Ch.24</td>
<td></td>
<td></td>
</tr>
<tr>
<td>19-804</td>
<td></td>
<td>Amended - Ch.282</td>
<td></td>
<td>967</td>
</tr>
<tr>
<td>19-2927</td>
<td></td>
<td>Amended - Ch.137</td>
<td></td>
<td>511</td>
</tr>
<tr>
<td>19-4705</td>
<td></td>
<td>Amended - Ch.307</td>
<td></td>
<td>1052</td>
</tr>
<tr>
<td>19-5122</td>
<td></td>
<td>Repealed - Ch.51</td>
<td></td>
<td>170</td>
</tr>
<tr>
<td>TITLE 21</td>
<td></td>
<td>Amended - Ch.220</td>
<td></td>
<td>793</td>
</tr>
<tr>
<td>21-803</td>
<td></td>
<td>Amended - Ch.130</td>
<td></td>
<td>491</td>
</tr>
<tr>
<td>21-807</td>
<td></td>
<td>New Section Added - Ch.128</td>
<td>487</td>
<td></td>
</tr>
<tr>
<td>TITLE 22</td>
<td></td>
<td>Amended - Ch.90</td>
<td></td>
<td>304</td>
</tr>
<tr>
<td>22-103</td>
<td></td>
<td>Amended - Ch.51</td>
<td></td>
<td>170</td>
</tr>
<tr>
<td>22-107</td>
<td></td>
<td>Amended - Ch.347</td>
<td></td>
<td>1155</td>
</tr>
<tr>
<td>22-202</td>
<td></td>
<td>Amended - Ch.45</td>
<td></td>
<td>141</td>
</tr>
<tr>
<td>22-307</td>
<td></td>
<td>Amended - Ch.91</td>
<td></td>
<td>307</td>
</tr>
<tr>
<td>22-605</td>
<td></td>
<td>Amended - Ch.70</td>
<td></td>
<td>238</td>
</tr>
<tr>
<td>22-802</td>
<td></td>
<td>Repealed - Ch.190</td>
<td></td>
<td>688</td>
</tr>
<tr>
<td>Ch. 22</td>
<td></td>
<td>Amended - Ch.51</td>
<td></td>
<td>170</td>
</tr>
<tr>
<td>22-2443</td>
<td></td>
<td>Amended - Ch.51</td>
<td></td>
<td>173</td>
</tr>
<tr>
<td>22-2445</td>
<td></td>
<td>Amended - Ch.119</td>
<td></td>
<td>459</td>
</tr>
<tr>
<td>22-2536</td>
<td></td>
<td>Amended - Ch.41</td>
<td></td>
<td>88</td>
</tr>
<tr>
<td>22-2602</td>
<td></td>
<td>Amended - Ch.17</td>
<td></td>
<td>48</td>
</tr>
<tr>
<td>22-2726</td>
<td></td>
<td>Amended - Ch.51</td>
<td></td>
<td>173</td>
</tr>
<tr>
<td>Ch. 34</td>
<td></td>
<td>New Chapter Added - Ch.190</td>
<td></td>
<td>688</td>
</tr>
<tr>
<td>Ch. 34</td>
<td></td>
<td>Repealed - Ch.190</td>
<td></td>
<td>688</td>
</tr>
<tr>
<td>TITLE 23</td>
<td></td>
<td>Amended - Ch.317</td>
<td></td>
<td>1086</td>
</tr>
<tr>
<td>23-217</td>
<td></td>
<td>Amended - Ch.317</td>
<td></td>
<td>1087</td>
</tr>
<tr>
<td>23-404</td>
<td></td>
<td>New Section Added - Ch.33</td>
<td></td>
<td>70</td>
</tr>
<tr>
<td>23-922A</td>
<td></td>
<td>Amended - Ch.123</td>
<td></td>
<td>472</td>
</tr>
<tr>
<td>23-1001</td>
<td></td>
<td>Amended - Ch.156</td>
<td></td>
<td>555</td>
</tr>
<tr>
<td>23-1010</td>
<td></td>
<td>New Section Added - Ch.165</td>
<td></td>
<td>595</td>
</tr>
<tr>
<td>23-1011</td>
<td></td>
<td>New Section Added - Ch.236</td>
<td></td>
<td>829</td>
</tr>
<tr>
<td>23-1033</td>
<td></td>
<td>Amended - Ch.34</td>
<td></td>
<td>71</td>
</tr>
<tr>
<td>23-1325</td>
<td></td>
<td>Amended - Ch.34</td>
<td></td>
<td>73</td>
</tr>
<tr>
<td>23-1334</td>
<td></td>
<td>Amended - Ch.292</td>
<td></td>
<td>1010</td>
</tr>
<tr>
<td>TITLE 25</td>
<td></td>
<td>New Section Added - Ch.180</td>
<td></td>
<td>652</td>
</tr>
<tr>
<td>25-1106A</td>
<td></td>
<td>Amended - Ch.180</td>
<td></td>
<td>652</td>
</tr>
<tr>
<td>25-1736</td>
<td></td>
<td>New Chapter Added - Ch.88</td>
<td></td>
<td>299</td>
</tr>
<tr>
<td>Ch. 23</td>
<td></td>
<td>Repealed - Ch.88</td>
<td></td>
<td>299</td>
</tr>
<tr>
<td>25-2717</td>
<td></td>
<td>Amended - Ch.61</td>
<td></td>
<td>209</td>
</tr>
<tr>
<td>TITLE 26</td>
<td></td>
<td>Amended - Ch.29</td>
<td></td>
<td>65</td>
</tr>
<tr>
<td>26-803</td>
<td></td>
<td>New Section Added - Ch.248</td>
<td></td>
<td>851</td>
</tr>
<tr>
<td>26-1018</td>
<td></td>
<td>New Section Added - Ch.237</td>
<td></td>
<td>830</td>
</tr>
<tr>
<td>26-1946</td>
<td></td>
<td>New Section Added - Ch.240</td>
<td></td>
<td>833</td>
</tr>
<tr>
<td>26-2167</td>
<td></td>
<td>New Section Added - Ch.240</td>
<td></td>
<td>833</td>
</tr>
<tr>
<td>Title</td>
<td>Section</td>
<td>Amendment Details</td>
<td>Page</td>
<td></td>
</tr>
<tr>
<td>-------</td>
<td>---------</td>
<td>-------------------</td>
<td>------</td>
<td></td>
</tr>
<tr>
<td>TITLE 28</td>
<td>28-22-105</td>
<td>Amended - Ch.126</td>
<td>.475</td>
<td></td>
</tr>
<tr>
<td></td>
<td>28-33-404</td>
<td>Repealed - Ch.222</td>
<td>.795</td>
<td></td>
</tr>
<tr>
<td></td>
<td>28-36-203</td>
<td>Amended - Ch.40</td>
<td>.86</td>
<td></td>
</tr>
<tr>
<td></td>
<td>28-8-102</td>
<td>Amended - Ch.357</td>
<td>1173</td>
<td></td>
</tr>
<tr>
<td>TITLE 30</td>
<td>30-166</td>
<td>New Section Added - Ch.352</td>
<td>1163</td>
<td></td>
</tr>
<tr>
<td></td>
<td>30-1435</td>
<td>Amended - Ch.266</td>
<td>.892</td>
<td></td>
</tr>
<tr>
<td>TITLE 31</td>
<td>31-714</td>
<td>Amended - Ch.145</td>
<td>.530</td>
<td></td>
</tr>
<tr>
<td></td>
<td>31-808</td>
<td>Amended - Ch.79</td>
<td>.252</td>
<td></td>
</tr>
<tr>
<td></td>
<td>31-867</td>
<td>New Section Added - Ch.307</td>
<td>1054</td>
<td></td>
</tr>
<tr>
<td></td>
<td>31-1518</td>
<td>Amended - Ch.45</td>
<td>.136</td>
<td></td>
</tr>
<tr>
<td></td>
<td>31-1601</td>
<td>Amended - Ch.45</td>
<td>.127</td>
<td></td>
</tr>
<tr>
<td></td>
<td>31-1602</td>
<td>Amended - Ch.45</td>
<td>.127</td>
<td></td>
</tr>
<tr>
<td></td>
<td>31-1603</td>
<td>Amended - Ch.45</td>
<td>.129</td>
<td></td>
</tr>
<tr>
<td></td>
<td>31-1604</td>
<td>Amended - Ch.45</td>
<td>.130</td>
<td></td>
</tr>
<tr>
<td></td>
<td>31-1605</td>
<td>Amended - Ch.45</td>
<td>.131</td>
<td></td>
</tr>
<tr>
<td></td>
<td>31-1605A</td>
<td>New Section Added - Ch.45</td>
<td>.133</td>
<td></td>
</tr>
<tr>
<td></td>
<td>31-1606</td>
<td>Amended - Ch.45</td>
<td>.133</td>
<td></td>
</tr>
<tr>
<td></td>
<td>31-1608</td>
<td>Amended - Ch.45</td>
<td>.134</td>
<td></td>
</tr>
<tr>
<td></td>
<td>31-1609</td>
<td>Amended - Ch.45</td>
<td>.135</td>
<td></td>
</tr>
<tr>
<td></td>
<td>31-1610</td>
<td>Amended - Ch.45</td>
<td>.135</td>
<td></td>
</tr>
<tr>
<td></td>
<td>31-1611</td>
<td>Amended - Ch.45</td>
<td>.135</td>
<td></td>
</tr>
<tr>
<td></td>
<td>31-2112</td>
<td>Amended - Ch.45</td>
<td>.136</td>
<td></td>
</tr>
<tr>
<td></td>
<td>31-2305</td>
<td>Amended - Ch.45</td>
<td>.137</td>
<td></td>
</tr>
<tr>
<td></td>
<td>31-2307</td>
<td>Amended - Ch.45</td>
<td>.137</td>
<td></td>
</tr>
<tr>
<td></td>
<td>31-2416</td>
<td>Repealed - Ch.281</td>
<td>.962</td>
<td></td>
</tr>
<tr>
<td></td>
<td>31-2420</td>
<td>Repealed - Ch.281</td>
<td>.962</td>
<td></td>
</tr>
<tr>
<td></td>
<td>31-2604</td>
<td>Amended - Ch.45</td>
<td>.139</td>
<td></td>
</tr>
<tr>
<td></td>
<td>31-2611</td>
<td>Amended - Ch.45</td>
<td>.140</td>
<td></td>
</tr>
<tr>
<td></td>
<td>31-2614</td>
<td>Amended - Ch.45</td>
<td>.140</td>
<td></td>
</tr>
<tr>
<td></td>
<td>31-3104</td>
<td>Amended - Ch.302</td>
<td>1039</td>
<td></td>
</tr>
<tr>
<td></td>
<td>31-3104</td>
<td>Amended - Ch.320</td>
<td>1091</td>
<td></td>
</tr>
<tr>
<td></td>
<td>31-3113</td>
<td>Amended - Ch.303</td>
<td>1042</td>
<td></td>
</tr>
<tr>
<td></td>
<td>31-3113</td>
<td>Amended - Ch.321</td>
<td>1093</td>
<td></td>
</tr>
<tr>
<td></td>
<td>31-3201</td>
<td>Amended - Ch.281</td>
<td>.962</td>
<td></td>
</tr>
<tr>
<td></td>
<td>31-3201A</td>
<td>Amended - Ch.307</td>
<td>1054</td>
<td></td>
</tr>
<tr>
<td></td>
<td>31-3205</td>
<td>Amended - Ch.281</td>
<td>.963</td>
<td></td>
</tr>
<tr>
<td></td>
<td>31-3402</td>
<td>Amended - Ch.121</td>
<td>.462</td>
<td></td>
</tr>
<tr>
<td></td>
<td>31-3404</td>
<td>Amended - Ch.121</td>
<td>.463</td>
<td></td>
</tr>
<tr>
<td></td>
<td>31-3405</td>
<td>Amended - Ch.121</td>
<td>.464</td>
<td></td>
</tr>
<tr>
<td></td>
<td>31-3406</td>
<td>Amended - Ch.121</td>
<td>.465</td>
<td></td>
</tr>
<tr>
<td></td>
<td>31-3407</td>
<td>Amended - Ch.121</td>
<td>.465</td>
<td></td>
</tr>
<tr>
<td></td>
<td>31-3502</td>
<td>Amended - Ch.121</td>
<td>.466</td>
<td></td>
</tr>
<tr>
<td></td>
<td>31-3504</td>
<td>Amended - Ch.121</td>
<td>.467</td>
<td></td>
</tr>
<tr>
<td></td>
<td>31-3505</td>
<td>Amended - Ch.121</td>
<td>.467</td>
<td></td>
</tr>
<tr>
<td></td>
<td>31-3506</td>
<td>Amended - Ch.121</td>
<td>.468</td>
<td></td>
</tr>
<tr>
<td></td>
<td>31-3508</td>
<td>Amended - Ch.121</td>
<td>.468</td>
<td></td>
</tr>
<tr>
<td></td>
<td>31-3509</td>
<td>Amended - Ch.121</td>
<td>.469</td>
<td></td>
</tr>
<tr>
<td></td>
<td>31-3511</td>
<td>Amended - Ch.121</td>
<td>.469</td>
<td></td>
</tr>
<tr>
<td></td>
<td>31-3805</td>
<td>New Section Added - Ch.153</td>
<td>.547</td>
<td></td>
</tr>
<tr>
<td></td>
<td>31-3806</td>
<td>New Section Added - Ch.153</td>
<td>.549</td>
<td></td>
</tr>
<tr>
<td></td>
<td>31-3901</td>
<td>Amended - Ch.289</td>
<td>.996</td>
<td></td>
</tr>
<tr>
<td>TITLE 31 (Continued)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>---------------------</td>
<td>---</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>31-3908</td>
<td>Amended - Ch.289</td>
<td>.996</td>
<td></td>
<td></td>
</tr>
<tr>
<td>31-3909</td>
<td>New Section Added - Ch.289</td>
<td>.998</td>
<td></td>
<td></td>
</tr>
<tr>
<td>31-3910</td>
<td>New Section Added - Ch.318</td>
<td>1089</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>TITLE 33</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>33-104</td>
<td>Amended - Ch.354</td>
</tr>
<tr>
<td>33-109</td>
<td>Amended - Ch.9</td>
</tr>
<tr>
<td>33-205</td>
<td>Amended - Ch.86</td>
</tr>
<tr>
<td>33-510</td>
<td>Amended - Ch.66</td>
</tr>
<tr>
<td>33-513</td>
<td>Amended - Ch.86</td>
</tr>
<tr>
<td>33-513</td>
<td>Amended - Ch.84</td>
</tr>
<tr>
<td>33-701</td>
<td>Amended - Ch.83</td>
</tr>
<tr>
<td>33-903</td>
<td>Amended - Ch.28</td>
</tr>
<tr>
<td>33-1009A</td>
<td>Amended - Ch.152</td>
</tr>
<tr>
<td>33-1216</td>
<td>Amended - Ch.226</td>
</tr>
<tr>
<td>33-1402</td>
<td>Repealed - Ch.85</td>
</tr>
<tr>
<td>33-1403</td>
<td>Amended - Ch.85</td>
</tr>
<tr>
<td>33-1406</td>
<td>Amended - Ch.85</td>
</tr>
<tr>
<td>33-1512</td>
<td>Amended - Ch.167</td>
</tr>
<tr>
<td>33-1707</td>
<td>Amended - Ch.117</td>
</tr>
<tr>
<td>33-2206</td>
<td>Amended - Ch.9</td>
</tr>
<tr>
<td>33-2306</td>
<td>Amended - Ch.9</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>TITLE 34</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>34-301</td>
<td>Amended - Ch.73</td>
</tr>
<tr>
<td>34-410A</td>
<td>New Section Added - Ch.353</td>
</tr>
<tr>
<td>34-437</td>
<td>Amended - Ch.344</td>
</tr>
<tr>
<td>34-437A</td>
<td>New Section Added - Ch.344</td>
</tr>
<tr>
<td>34-501</td>
<td>Amended - Ch.344</td>
</tr>
<tr>
<td>34-502</td>
<td>Amended - Ch.351</td>
</tr>
<tr>
<td>34-503</td>
<td>Amended - Ch.351</td>
</tr>
<tr>
<td>34-624A</td>
<td>New Section Added - Ch.346</td>
</tr>
<tr>
<td>34-702</td>
<td>Amended - Ch.60</td>
</tr>
<tr>
<td>34-703</td>
<td>Amended - Ch.60</td>
</tr>
<tr>
<td>34-704</td>
<td>Amended - Ch.60</td>
</tr>
<tr>
<td>34-705</td>
<td>Amended - Ch.60</td>
</tr>
<tr>
<td>34-706</td>
<td>Amended - Ch.60</td>
</tr>
<tr>
<td>34-708</td>
<td>New Section Added - Ch.60</td>
</tr>
<tr>
<td>34-711</td>
<td>Amended - Ch.60</td>
</tr>
<tr>
<td>34-712</td>
<td>Amended - Ch.60</td>
</tr>
<tr>
<td>34-713</td>
<td>Amended - Ch.60</td>
</tr>
<tr>
<td>34-714</td>
<td>Amended - Ch.60</td>
</tr>
<tr>
<td>34-715</td>
<td>Amended - Ch.60</td>
</tr>
<tr>
<td>34-909</td>
<td>Amended - Ch.60</td>
</tr>
<tr>
<td>34-1002</td>
<td>Amended - Ch.353</td>
</tr>
<tr>
<td>34-1002A</td>
<td>Amended - Ch.353</td>
</tr>
<tr>
<td>34-2001A</td>
<td>Amended - Ch.291</td>
</tr>
<tr>
<td>34-2423</td>
<td>Amended - Ch.73</td>
</tr>
<tr>
<td>34-2502</td>
<td>Amended - Ch.260</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>TITLE 36</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>New Title Added - Ch.95</td>
<td>.315</td>
</tr>
<tr>
<td>Ti136</td>
<td>Repealed - Ch.95</td>
</tr>
<tr>
<td>36-407</td>
<td>Amended - Ch.265</td>
</tr>
<tr>
<td>36-5402</td>
<td>Amended - Ch.332</td>
</tr>
<tr>
<td>36-5406</td>
<td>Amended - Ch.332</td>
</tr>
<tr>
<td>Title 36 (Continued)</td>
<td>Amended - Ch.332</td>
</tr>
<tr>
<td>----------------------</td>
<td>------------------</td>
</tr>
<tr>
<td>36-5409</td>
<td></td>
</tr>
<tr>
<td>36-5413</td>
<td></td>
</tr>
<tr>
<td>Title 37</td>
<td></td>
</tr>
<tr>
<td>37-410</td>
<td>Amended - Ch.359</td>
</tr>
<tr>
<td>37-2202</td>
<td>Amended - Ch.140</td>
</tr>
<tr>
<td>37-2207</td>
<td>Amended - Ch.138</td>
</tr>
<tr>
<td>37-2724</td>
<td>Amended - Ch.108</td>
</tr>
<tr>
<td>Title 38</td>
<td></td>
</tr>
<tr>
<td>38-111</td>
<td>Amended - Ch.36</td>
</tr>
<tr>
<td>38-131</td>
<td>Amended - Ch.42</td>
</tr>
<tr>
<td>Title 39</td>
<td></td>
</tr>
<tr>
<td>39-118</td>
<td>Amended - Ch.116</td>
</tr>
<tr>
<td>39-140</td>
<td>New Section Added - Ch.187</td>
</tr>
<tr>
<td>39-141</td>
<td>New Section Added - Ch.187</td>
</tr>
<tr>
<td>39-142</td>
<td>New Section Added - Ch.187</td>
</tr>
<tr>
<td>39-143</td>
<td>New Section Added - Ch.187</td>
</tr>
<tr>
<td>39-144</td>
<td>New Section Added - Ch.187</td>
</tr>
<tr>
<td>39-145</td>
<td>New Section Added - Ch.187</td>
</tr>
<tr>
<td>39-254</td>
<td>Amended - Ch.51</td>
</tr>
<tr>
<td>39-301</td>
<td>Amended - Ch.98</td>
</tr>
<tr>
<td>39-303</td>
<td>Amended - Ch.98</td>
</tr>
<tr>
<td>39-307A</td>
<td>New Section Added - Ch.98</td>
</tr>
<tr>
<td>39-309</td>
<td>Amended - Ch.98</td>
</tr>
<tr>
<td>39-401</td>
<td>New Section Added - Ch.179</td>
</tr>
<tr>
<td>39-413</td>
<td>Amended - Ch.179</td>
</tr>
<tr>
<td>39-414</td>
<td>Amended - Ch.51</td>
</tr>
<tr>
<td>39-414</td>
<td>Amended - Ch.179</td>
</tr>
<tr>
<td>39-416</td>
<td>Amended - Ch.179</td>
</tr>
<tr>
<td>39-421</td>
<td>Amended - Ch.179</td>
</tr>
<tr>
<td>39-422</td>
<td>Amended - Ch.179</td>
</tr>
<tr>
<td>39-422</td>
<td>Amended - Ch.51</td>
</tr>
<tr>
<td>39-424</td>
<td>New Section Added - Ch.179</td>
</tr>
<tr>
<td>39-424</td>
<td>Repealed - Ch.179</td>
</tr>
<tr>
<td>39-425</td>
<td>Amended - Ch.51</td>
</tr>
<tr>
<td>39-425</td>
<td>Amended - Ch.179</td>
</tr>
<tr>
<td>39-425</td>
<td>New Section Added - Ch.295</td>
</tr>
<tr>
<td>39-425</td>
<td>Repealed - Ch.295</td>
</tr>
<tr>
<td>39-517</td>
<td>Amended - Ch.51</td>
</tr>
<tr>
<td>39-1303c</td>
<td>New Section Added - Ch.122</td>
</tr>
<tr>
<td>39-1303d</td>
<td>New Section Added - Ch.122</td>
</tr>
<tr>
<td>39-1318</td>
<td>Amended - Ch.132</td>
</tr>
<tr>
<td>39-1319</td>
<td>Amended - Ch.132</td>
</tr>
<tr>
<td>39-1331</td>
<td>Amended - Ch.132</td>
</tr>
<tr>
<td>39-1339</td>
<td>Amended - Ch.132</td>
</tr>
<tr>
<td>39-1415</td>
<td>Amended - Ch.51</td>
</tr>
<tr>
<td>39-1443</td>
<td>Amended - Ch.183</td>
</tr>
<tr>
<td>39-1447</td>
<td>Amended - Ch.183</td>
</tr>
<tr>
<td>39-1450</td>
<td>Amended - Ch.183</td>
</tr>
<tr>
<td>39-1450B</td>
<td>Amended - Ch.183</td>
</tr>
<tr>
<td>39-1450D</td>
<td>Amended - Ch.183</td>
</tr>
<tr>
<td>39-1451</td>
<td>Amended - Ch.183</td>
</tr>
<tr>
<td>39-1453A</td>
<td>New Section Added - Ch.183</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>Title</td>
<td>Section</td>
</tr>
<tr>
<td>-------</td>
<td>---------</td>
</tr>
<tr>
<td>39</td>
<td>1454</td>
</tr>
<tr>
<td>39</td>
<td>1457</td>
</tr>
<tr>
<td>39</td>
<td>1457A</td>
</tr>
<tr>
<td>39</td>
<td>1459B</td>
</tr>
<tr>
<td>39</td>
<td>1805</td>
</tr>
<tr>
<td>39</td>
<td>1815</td>
</tr>
<tr>
<td>39</td>
<td>1816</td>
</tr>
<tr>
<td>39</td>
<td>1817</td>
</tr>
<tr>
<td>39</td>
<td>1818</td>
</tr>
<tr>
<td>39</td>
<td>1834</td>
</tr>
<tr>
<td>39</td>
<td>1903</td>
</tr>
<tr>
<td>39</td>
<td>2528</td>
</tr>
<tr>
<td>39</td>
<td>3005</td>
</tr>
<tr>
<td>39</td>
<td>3301</td>
</tr>
<tr>
<td>39</td>
<td>3302</td>
</tr>
<tr>
<td>39</td>
<td>3302A</td>
</tr>
<tr>
<td>39</td>
<td>3303</td>
</tr>
<tr>
<td>39</td>
<td>3305</td>
</tr>
<tr>
<td>39</td>
<td>3306</td>
</tr>
<tr>
<td>39</td>
<td>3306A</td>
</tr>
<tr>
<td>39</td>
<td>3307</td>
</tr>
<tr>
<td>39</td>
<td>3308</td>
</tr>
<tr>
<td>39</td>
<td>3309</td>
</tr>
<tr>
<td>39</td>
<td>3518</td>
</tr>
<tr>
<td>39</td>
<td>4105</td>
</tr>
<tr>
<td>40</td>
<td>117</td>
</tr>
<tr>
<td>40</td>
<td>142</td>
</tr>
<tr>
<td>40</td>
<td>143</td>
</tr>
<tr>
<td>40</td>
<td>3013</td>
</tr>
<tr>
<td>41</td>
<td>336A</td>
</tr>
<tr>
<td>41</td>
<td>402</td>
</tr>
<tr>
<td>41</td>
<td>1023</td>
</tr>
<tr>
<td>41</td>
<td>1034</td>
</tr>
<tr>
<td>41</td>
<td>1035</td>
</tr>
<tr>
<td>41</td>
<td>1043</td>
</tr>
<tr>
<td>41</td>
<td>1072</td>
</tr>
<tr>
<td>41</td>
<td>1223</td>
</tr>
<tr>
<td>41</td>
<td>2009</td>
</tr>
<tr>
<td>41</td>
<td>2106</td>
</tr>
<tr>
<td>41</td>
<td>2140</td>
</tr>
<tr>
<td>41</td>
<td>2210</td>
</tr>
<tr>
<td>41</td>
<td>2514</td>
</tr>
<tr>
<td>41</td>
<td>3201</td>
</tr>
<tr>
<td>41</td>
<td>3244</td>
</tr>
<tr>
<td>41</td>
<td>3434</td>
</tr>
<tr>
<td>41</td>
<td>3438</td>
</tr>
<tr>
<td>41</td>
<td>3932</td>
</tr>
<tr>
<td>41</td>
<td>4023</td>
</tr>
<tr>
<td>41</td>
<td>4101</td>
</tr>
<tr>
<td>41</td>
<td>4102</td>
</tr>
<tr>
<td>Title</td>
<td>Section</td>
</tr>
<tr>
<td>---------</td>
<td>---------------</td>
</tr>
<tr>
<td>TITLE 41 (Continued)</td>
<td>41-4103 Amended - Ch.225</td>
</tr>
<tr>
<td></td>
<td>41-4105 Amended - Ch.225</td>
</tr>
<tr>
<td></td>
<td>41-4109 Amended - Ch.225</td>
</tr>
<tr>
<td></td>
<td>41-4115 New Section Added - Ch.225</td>
</tr>
<tr>
<td></td>
<td>41-4116 New Section Added - Ch.225</td>
</tr>
<tr>
<td>TITLE 42</td>
<td>42-2014 Amended - Ch.109</td>
</tr>
<tr>
<td></td>
<td>42-2039 Amended - Ch.109</td>
</tr>
<tr>
<td></td>
<td>42-3803 Amended - Ch.150</td>
</tr>
<tr>
<td></td>
<td>42-3804 Amended - Ch.150</td>
</tr>
<tr>
<td></td>
<td>42-3805 Amended - Ch.150</td>
</tr>
<tr>
<td></td>
<td>Ch. 41 New Chapter Added - Ch.62</td>
</tr>
<tr>
<td>TITLE 43</td>
<td>43-206 Amended - Ch.146</td>
</tr>
<tr>
<td></td>
<td>43-322 Amended - Ch.251</td>
</tr>
<tr>
<td></td>
<td>43-401 Amended - Ch.251</td>
</tr>
<tr>
<td>TITLE 44</td>
<td>44-1502 Amended - Ch.38</td>
</tr>
<tr>
<td></td>
<td>44-1506 Amended - Ch.223</td>
</tr>
<tr>
<td></td>
<td>44-1508 New Section Added - Ch.38</td>
</tr>
<tr>
<td></td>
<td>44-1508 Repealed - Ch.38</td>
</tr>
<tr>
<td></td>
<td>44-1509 New Section Added - Ch.38</td>
</tr>
<tr>
<td></td>
<td>44-1509 Repealed - Ch.38</td>
</tr>
<tr>
<td></td>
<td>44-1510 Repealed - Ch.38</td>
</tr>
<tr>
<td>TITLE 46</td>
<td>46-709 Amended - Ch.9</td>
</tr>
<tr>
<td>TITLE 47</td>
<td>47-606 Amended - Ch.281</td>
</tr>
<tr>
<td></td>
<td>47-612 Amended - Ch.281</td>
</tr>
<tr>
<td></td>
<td>47-1317 Amended - Ch.150</td>
</tr>
<tr>
<td>TITLE 49</td>
<td>49-104 Amended - Ch.101</td>
</tr>
<tr>
<td></td>
<td>49-106 Repealed - Ch.55</td>
</tr>
<tr>
<td></td>
<td>49-113 Amended - Ch.5</td>
</tr>
<tr>
<td></td>
<td>49-117 Amended - Ch.87</td>
</tr>
<tr>
<td></td>
<td>49-120 Amended - Ch.99</td>
</tr>
<tr>
<td></td>
<td>49-126 Amended - Ch.304</td>
</tr>
<tr>
<td></td>
<td>49-126 Amended - Ch.4</td>
</tr>
<tr>
<td></td>
<td>49-127 Amended - Ch.328</td>
</tr>
<tr>
<td></td>
<td>49-157 Amended - Ch.103</td>
</tr>
<tr>
<td></td>
<td>49-228 Amended - Ch.46</td>
</tr>
<tr>
<td></td>
<td>49-232 New Section Added - Ch.247</td>
</tr>
<tr>
<td></td>
<td>49-232 thru Amended - Ch.52</td>
</tr>
<tr>
<td></td>
<td>49-237 Repealed - Ch.247</td>
</tr>
<tr>
<td></td>
<td>49-233 New Section Added - Ch.247</td>
</tr>
<tr>
<td></td>
<td>49-234 New Section Added - Ch.247</td>
</tr>
<tr>
<td></td>
<td>49-235 New Section Added - Ch.247</td>
</tr>
<tr>
<td></td>
<td>49-304 Amended - Ch.54</td>
</tr>
<tr>
<td>Title 49 (Continued)</td>
<td>Page</td>
</tr>
<tr>
<td>----------------------</td>
<td>------</td>
</tr>
<tr>
<td>49-322</td>
<td>196</td>
</tr>
<tr>
<td>49-330</td>
<td>187</td>
</tr>
<tr>
<td>49-354</td>
<td>309</td>
</tr>
<tr>
<td>49-522</td>
<td>726</td>
</tr>
<tr>
<td>49-748</td>
<td>1082</td>
</tr>
<tr>
<td>49-756</td>
<td>618</td>
</tr>
<tr>
<td>49-1005</td>
<td>192</td>
</tr>
<tr>
<td>49-1006</td>
<td>192</td>
</tr>
<tr>
<td>49-1007</td>
<td>193</td>
</tr>
<tr>
<td>49-1008</td>
<td>192</td>
</tr>
<tr>
<td>49-1009</td>
<td>193</td>
</tr>
<tr>
<td>49-1010</td>
<td>192</td>
</tr>
<tr>
<td>49-1013</td>
<td>194</td>
</tr>
<tr>
<td>49-1103</td>
<td>726</td>
</tr>
<tr>
<td>49-1301</td>
<td>1078</td>
</tr>
<tr>
<td>49-1701A</td>
<td>195</td>
</tr>
<tr>
<td>Ch. 25</td>
<td>199</td>
</tr>
<tr>
<td>49-2802</td>
<td>57</td>
</tr>
<tr>
<td>Ch. 30</td>
<td>44</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Title 50</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>50-203</td>
<td>127</td>
</tr>
<tr>
<td>50-207</td>
<td>148</td>
</tr>
<tr>
<td>50-208</td>
<td>148</td>
</tr>
<tr>
<td>50-301</td>
<td>784</td>
</tr>
<tr>
<td>50-302</td>
<td>530</td>
</tr>
<tr>
<td>50-907</td>
<td>150</td>
</tr>
<tr>
<td>50-1001</td>
<td>123</td>
</tr>
<tr>
<td>50-1002</td>
<td>123</td>
</tr>
<tr>
<td>50-1003</td>
<td>124</td>
</tr>
<tr>
<td>50-1004</td>
<td>125</td>
</tr>
<tr>
<td>50-1005</td>
<td>126</td>
</tr>
<tr>
<td>50-1005A</td>
<td>126</td>
</tr>
<tr>
<td>50-1007</td>
<td>126</td>
</tr>
<tr>
<td>50-1013</td>
<td>244</td>
</tr>
<tr>
<td>50-1015</td>
<td>594</td>
</tr>
<tr>
<td>50-1016</td>
<td>146</td>
</tr>
<tr>
<td>50-1018</td>
<td>147</td>
</tr>
<tr>
<td>50-1019</td>
<td>592</td>
</tr>
<tr>
<td>50-1516</td>
<td>990</td>
</tr>
<tr>
<td>50-1701 thru</td>
<td></td>
</tr>
<tr>
<td>50-1727</td>
<td></td>
</tr>
<tr>
<td>50-1701 thru</td>
<td></td>
</tr>
<tr>
<td>50-1737</td>
<td></td>
</tr>
<tr>
<td>50-1756 thru</td>
<td></td>
</tr>
<tr>
<td>50-1761</td>
<td></td>
</tr>
<tr>
<td>50-2006</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Title 52</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Ch. 1</td>
<td>271</td>
</tr>
<tr>
<td>Repealed - Ch.82</td>
<td></td>
</tr>
<tr>
<td>Ch. 4</td>
<td>271</td>
</tr>
<tr>
<td>New Chapter Added - Ch.82</td>
<td></td>
</tr>
<tr>
<td>Ch. 4</td>
<td>274</td>
</tr>
<tr>
<td>Repealed - Ch.82</td>
<td></td>
</tr>
<tr>
<td>Title 54</td>
<td>Page</td>
</tr>
<tr>
<td>---------</td>
<td>------</td>
</tr>
<tr>
<td>54-201</td>
<td>Amended - Ch.267</td>
</tr>
<tr>
<td>54-202</td>
<td>Amended - Ch.267</td>
</tr>
<tr>
<td>54-203</td>
<td>Amended - Ch.267</td>
</tr>
<tr>
<td>54-204</td>
<td>Amended - Ch.267</td>
</tr>
<tr>
<td>54-205</td>
<td>Amended - Ch.267</td>
</tr>
<tr>
<td>54-206</td>
<td>Amended - Ch.267</td>
</tr>
<tr>
<td>54-208</td>
<td>Amended - Ch.267</td>
</tr>
<tr>
<td>54-210</td>
<td>Amended - Ch.267</td>
</tr>
<tr>
<td>54-211</td>
<td>Amended - Ch.267</td>
</tr>
<tr>
<td>54-213</td>
<td>Amended - Ch.267</td>
</tr>
<tr>
<td>54-214</td>
<td>New Section Added - Ch.267</td>
</tr>
<tr>
<td>54-215</td>
<td>Amended - Ch.267</td>
</tr>
<tr>
<td>54-216</td>
<td>Amended - Ch.267</td>
</tr>
<tr>
<td>54-217</td>
<td>Amended - Ch.267</td>
</tr>
<tr>
<td>54-218</td>
<td>Amended - Ch.267</td>
</tr>
<tr>
<td>54-302</td>
<td>Amended - Ch.166</td>
</tr>
<tr>
<td>54-304</td>
<td>Amended - Ch.166</td>
</tr>
<tr>
<td>54-312</td>
<td>Amended - Ch.166</td>
</tr>
<tr>
<td>54-506</td>
<td>Amended - Ch.166</td>
</tr>
<tr>
<td>54-518</td>
<td>Amended - Ch.166</td>
</tr>
<tr>
<td>54-521</td>
<td>Amended - Ch.166</td>
</tr>
<tr>
<td>54-529</td>
<td>Amended - Ch.166</td>
</tr>
<tr>
<td>54-601</td>
<td>Amended - Ch.361</td>
</tr>
<tr>
<td>54-602</td>
<td>Amended - Ch.361</td>
</tr>
<tr>
<td>54-603</td>
<td>Amended - Ch.361</td>
</tr>
<tr>
<td>54-604</td>
<td>Amended - Ch.361</td>
</tr>
<tr>
<td>54-606</td>
<td>Amended - Ch.361</td>
</tr>
<tr>
<td>54-607</td>
<td>Amended - Ch.361</td>
</tr>
<tr>
<td>54-608</td>
<td>Amended - Ch.361</td>
</tr>
<tr>
<td>54-609</td>
<td>Amended - Ch.361</td>
</tr>
<tr>
<td>54-610</td>
<td>Amended - Ch.361</td>
</tr>
<tr>
<td>54-612</td>
<td>Amended - Ch.361</td>
</tr>
<tr>
<td>54-613</td>
<td>Amended - Ch.361</td>
</tr>
<tr>
<td>54-614</td>
<td>Amended - Ch.361</td>
</tr>
<tr>
<td>54-616</td>
<td>New Section Added - Ch.361</td>
</tr>
<tr>
<td>54-703</td>
<td>Amended - Ch.166</td>
</tr>
<tr>
<td>54-705</td>
<td>Amended - Ch.166</td>
</tr>
<tr>
<td>54-709</td>
<td>Amended - Ch.166</td>
</tr>
<tr>
<td>54-711</td>
<td>Amended - Ch.166</td>
</tr>
<tr>
<td>54-802</td>
<td>Amended - Ch.127</td>
</tr>
<tr>
<td>54-803</td>
<td>Amended - Ch.127</td>
</tr>
<tr>
<td>54-805</td>
<td>Amended - Ch.127</td>
</tr>
<tr>
<td>54-806</td>
<td>Amended - Ch.127</td>
</tr>
<tr>
<td>54-807</td>
<td>Amended - Ch.127</td>
</tr>
<tr>
<td>54-808</td>
<td>Amended - Ch.127</td>
</tr>
<tr>
<td>54-812</td>
<td>Amended - Ch.127</td>
</tr>
<tr>
<td>54-815</td>
<td>Amended - Ch.127</td>
</tr>
<tr>
<td>54-816</td>
<td>Amended - Ch.127</td>
</tr>
<tr>
<td>54-818</td>
<td>Amended - Ch.127</td>
</tr>
<tr>
<td>54-828</td>
<td>Amended - Ch.127</td>
</tr>
<tr>
<td>54-829</td>
<td>Amended - Ch.127</td>
</tr>
<tr>
<td>54-832</td>
<td>Amended - Ch.127</td>
</tr>
<tr>
<td>54-911</td>
<td>Amended - Ch.176</td>
</tr>
<tr>
<td>54-916</td>
<td>Amended - Ch.176</td>
</tr>
<tr>
<td>54-920</td>
<td>Amended - Ch.176</td>
</tr>
<tr>
<td>TITLE 54 (Continued)</td>
<td>Page</td>
</tr>
<tr>
<td>----------------------</td>
<td>------</td>
</tr>
<tr>
<td>54-1105 Amended - Ch.166</td>
<td>.605</td>
</tr>
<tr>
<td>54-1508 Amended - Ch.166</td>
<td>.606</td>
</tr>
<tr>
<td>54-1604 Amended - Ch.166</td>
<td>.607</td>
</tr>
<tr>
<td>54-1605 Amended - Ch.166</td>
<td>.608</td>
</tr>
<tr>
<td>54-1615 Amended - Ch.166</td>
<td>.610</td>
</tr>
<tr>
<td>54-1707 Amended - Ch.111</td>
<td>.439</td>
</tr>
<tr>
<td>54-1709 Amended - Ch.139</td>
<td>.514</td>
</tr>
<tr>
<td>54-1713 Amended - Ch.136</td>
<td>.510</td>
</tr>
<tr>
<td>54-1716 Amended - Ch.138</td>
<td>.512</td>
</tr>
<tr>
<td>54-1806A New Section Added - Ch.293</td>
<td>1011</td>
</tr>
<tr>
<td>54-2022 Amended - Ch.64</td>
<td>.224</td>
</tr>
<tr>
<td>54-2025 Amended - Ch.64</td>
<td>.225</td>
</tr>
<tr>
<td>54-2026 Amended - Ch.64</td>
<td>.225</td>
</tr>
<tr>
<td>54-2029 Amended - Ch.64</td>
<td>.226</td>
</tr>
<tr>
<td>54-2033A Amended - Ch.64</td>
<td>.230</td>
</tr>
<tr>
<td>54-2035A Amended - Ch.63</td>
<td>.221</td>
</tr>
<tr>
<td>54-2035K Amended - Ch.63</td>
<td>.221</td>
</tr>
<tr>
<td>54-2036 Amended - Ch.64</td>
<td>.230</td>
</tr>
<tr>
<td>54-2039 Amended - Ch.64</td>
<td>.231</td>
</tr>
<tr>
<td>54-2105 Amended - Ch.166</td>
<td>.610</td>
</tr>
<tr>
<td>54-2107 Amended - Ch.166</td>
<td>.612</td>
</tr>
<tr>
<td>54-2312 Amended - Ch.166</td>
<td>.613</td>
</tr>
<tr>
<td>54-2315 Amended - Ch.166</td>
<td>.613</td>
</tr>
<tr>
<td>54-2402 Amended - Ch.166</td>
<td>.613</td>
</tr>
<tr>
<td>54-2405 Amended - Ch.166</td>
<td>.614</td>
</tr>
<tr>
<td>54-2415 Amended - Ch.166</td>
<td>.615</td>
</tr>
<tr>
<td>Ch. 32 New Chapter Added - Ch.213</td>
<td>.776</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>TITLE 56</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>56-202 Amended - Ch.9</td>
<td>.28</td>
</tr>
<tr>
<td>56-224a Repealed - Ch.250</td>
<td>.856</td>
</tr>
<tr>
<td>56-224b Repealed - Ch.250</td>
<td>.856</td>
</tr>
<tr>
<td>56-239 New Section Added - Ch.134</td>
<td>.502</td>
</tr>
<tr>
<td>56-239 Repealed - Ch.134</td>
<td>.502</td>
</tr>
<tr>
<td>56-240 New Section Added - Ch.134</td>
<td>.503</td>
</tr>
<tr>
<td>56-241 New Section Added - Ch.134</td>
<td>.504</td>
</tr>
<tr>
<td>56-242 New Section Added - Ch.134</td>
<td>.504</td>
</tr>
<tr>
<td>56-243 New Section Added - Ch.134</td>
<td>.505</td>
</tr>
<tr>
<td>56-244 New Section Added - Ch.134</td>
<td>.506</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>TITLE 57</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>57-131 Amended - Ch.42</td>
<td>.93</td>
</tr>
<tr>
<td>Ch. 8 New Chapter Added - Ch.51</td>
<td>.153</td>
</tr>
<tr>
<td>Ch. 8 Repealed - Ch.51</td>
<td>.153</td>
</tr>
<tr>
<td>Ch. 10 Repealed - Ch.51</td>
<td>.153</td>
</tr>
<tr>
<td>57-1306 New Section Added - Ch.28</td>
<td>.63</td>
</tr>
<tr>
<td>57-1901 Amended - Ch.258</td>
<td>.877</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>TITLE 58</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>58-416 Amended - Ch.65</td>
<td>.232</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>TITLE 59</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>59-502 Amended - Ch.343</td>
<td>1145</td>
</tr>
<tr>
<td>59-503 Amended - Ch.217</td>
<td>789</td>
</tr>
<tr>
<td>59-1014 Amended - Ch.42</td>
<td>94</td>
</tr>
<tr>
<td>Title</td>
<td>Page</td>
</tr>
<tr>
<td>-------</td>
<td>------</td>
</tr>
<tr>
<td>TITLE 59 (Continued)</td>
<td>180</td>
</tr>
<tr>
<td>59-1302</td>
<td>Amended - Ch.97</td>
</tr>
<tr>
<td>59-1307</td>
<td>Amended - Ch.97</td>
</tr>
<tr>
<td>59-1309</td>
<td>Amended - Ch.97</td>
</tr>
<tr>
<td>59-1310B</td>
<td>New Section Added - Ch.97</td>
</tr>
<tr>
<td>59-1313</td>
<td>Amended - Ch.97</td>
</tr>
<tr>
<td>59-1316</td>
<td>Amended - Ch.97</td>
</tr>
<tr>
<td>59-1317</td>
<td>Amended - Ch.97</td>
</tr>
<tr>
<td>59-1319A</td>
<td>Amended - Ch.97</td>
</tr>
<tr>
<td>59-1324</td>
<td>Amended - Ch.97</td>
</tr>
<tr>
<td>59-1332</td>
<td>Amended - Ch.97</td>
</tr>
<tr>
<td>59-1339</td>
<td>Amended - Ch.97</td>
</tr>
<tr>
<td>TITLE 61</td>
<td>180</td>
</tr>
<tr>
<td>61-212</td>
<td>Amended - Ch.350</td>
</tr>
<tr>
<td>61-536</td>
<td>Amended - Ch.219</td>
</tr>
<tr>
<td>61-622</td>
<td>Amended - Ch.263</td>
</tr>
<tr>
<td>61-801</td>
<td>Amended - Ch.308</td>
</tr>
<tr>
<td>TITLE 62</td>
<td>180</td>
</tr>
<tr>
<td>62-305</td>
<td>Amended - Ch.221</td>
</tr>
<tr>
<td>TITLE 63</td>
<td>180</td>
</tr>
<tr>
<td>63-120</td>
<td>Amended - Ch.96</td>
</tr>
<tr>
<td>63-121</td>
<td>Amended - Ch.96</td>
</tr>
<tr>
<td>63-122A</td>
<td>New Section Added - Ch.96</td>
</tr>
<tr>
<td>63-203</td>
<td>Amended - Ch.208</td>
</tr>
<tr>
<td>63-306</td>
<td>Amended - Ch.148</td>
</tr>
<tr>
<td>63-513</td>
<td>Amended - Ch.9</td>
</tr>
<tr>
<td>63-513</td>
<td>Amended - Ch.157</td>
</tr>
<tr>
<td>63-624</td>
<td>Amended - Ch.130</td>
</tr>
<tr>
<td>63-624A</td>
<td>New Section Added - Ch.159</td>
</tr>
<tr>
<td>63-911</td>
<td>Amended - Ch.45</td>
</tr>
<tr>
<td>63-913</td>
<td>Amended - Ch.45</td>
</tr>
<tr>
<td>63-919</td>
<td>Amended - Ch.45</td>
</tr>
<tr>
<td>63-1103</td>
<td>Amended - Ch.181</td>
</tr>
<tr>
<td>63-1105</td>
<td>Amended - Ch.181</td>
</tr>
<tr>
<td>63-1203</td>
<td>Amended - Ch.149</td>
</tr>
<tr>
<td>63-1302</td>
<td>Amended - Ch.147</td>
</tr>
<tr>
<td>63-1904</td>
<td>Amended - Ch.209</td>
</tr>
<tr>
<td>63-2210</td>
<td>Amended - Ch.210</td>
</tr>
<tr>
<td>63-2215</td>
<td>Amended - Ch.158</td>
</tr>
<tr>
<td>63-2406</td>
<td>Amended - Ch.78</td>
</tr>
<tr>
<td>63-2512</td>
<td>Amended - Ch.175</td>
</tr>
<tr>
<td>63-2513</td>
<td>Amended - Ch.175</td>
</tr>
<tr>
<td>63-2520</td>
<td>Amended - Ch.51</td>
</tr>
<tr>
<td>63-2564</td>
<td>Amended - Ch.51</td>
</tr>
<tr>
<td>63-3004</td>
<td>Amended - Ch.3</td>
</tr>
<tr>
<td>63-3022</td>
<td>Amended - Ch.271</td>
</tr>
<tr>
<td>63-3022A</td>
<td>Amended - Ch.94</td>
</tr>
<tr>
<td>63-3022B</td>
<td>New Section Added - Ch.212</td>
</tr>
<tr>
<td>63-3022C</td>
<td>New Section Added - Ch.212</td>
</tr>
<tr>
<td>63-3024</td>
<td>Amended - Ch.1</td>
</tr>
<tr>
<td>63-3024</td>
<td>Amended - Ch.76</td>
</tr>
<tr>
<td>63-3024A</td>
<td>New Section Added - Ch.1</td>
</tr>
<tr>
<td>63-3024B</td>
<td>New Section Added - Ch.1</td>
</tr>
<tr>
<td>TITLE 63 (Continued)</td>
<td>Page</td>
</tr>
<tr>
<td>---------------------</td>
<td>------</td>
</tr>
<tr>
<td>63-3027A</td>
<td>Amended - Ch.89</td>
</tr>
<tr>
<td>63-3029A</td>
<td>New Section Added - Ch.58</td>
</tr>
<tr>
<td>63-3033</td>
<td>Amended - Ch.77</td>
</tr>
<tr>
<td>63-3033</td>
<td>Amended - Ch.270</td>
</tr>
<tr>
<td>63-3034</td>
<td>Amended - Ch.284</td>
</tr>
<tr>
<td>63-3045</td>
<td>Amended - Ch.270</td>
</tr>
<tr>
<td>63-3073</td>
<td>Amended - Ch.270</td>
</tr>
<tr>
<td>63-3606</td>
<td>Amended - Ch.297</td>
</tr>
<tr>
<td>63-3613</td>
<td>Amended - Ch.297</td>
</tr>
<tr>
<td>63-3622</td>
<td>Amended - Ch.262</td>
</tr>
<tr>
<td>63-3622</td>
<td>Amended - Ch.274</td>
</tr>
<tr>
<td>63-3622</td>
<td>Amended - Ch.297</td>
</tr>
<tr>
<td>63-3638</td>
<td>Amended - Ch.280</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>TITLE 65</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>65-203</td>
<td>Amended - Ch.216</td>
</tr>
<tr>
<td>65-206</td>
<td>Amended - Ch.182</td>
</tr>
<tr>
<td>65-502</td>
<td>Amended - Ch.197</td>
</tr>
<tr>
<td>65-507</td>
<td>Amended - Ch.216</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>TITLE 66</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>66-118</td>
<td>Amended - Ch.9</td>
</tr>
<tr>
<td>66-329A</td>
<td>New Section Added - Ch.365</td>
</tr>
<tr>
<td>Ch.13</td>
<td>New Chapter Added - Ch.360</td>
</tr>
<tr>
<td>66-361 thru 66-364</td>
<td>Repealed - Ch.360</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>TITLE 67</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>67-404</td>
<td>Amended - Ch.75</td>
</tr>
<tr>
<td>67-406a</td>
<td>Amended - Ch.286</td>
</tr>
<tr>
<td>67-406b</td>
<td>Amended - Ch.286</td>
</tr>
<tr>
<td>67-406c</td>
<td>Amended - Ch.286</td>
</tr>
<tr>
<td>67-412</td>
<td>Amended - Ch.110</td>
</tr>
<tr>
<td>67-436</td>
<td>Amended - Ch.314</td>
</tr>
<tr>
<td>67-440</td>
<td>Amended - Ch.314</td>
</tr>
<tr>
<td>67-452</td>
<td>Repealed - Ch.286</td>
</tr>
<tr>
<td>67-453</td>
<td>New Section Added - Ch.235</td>
</tr>
<tr>
<td>67-507a</td>
<td>Repealed - Ch.235</td>
</tr>
<tr>
<td>67-913</td>
<td>New Section Added - Ch.235</td>
</tr>
<tr>
<td>67-1001</td>
<td>Amended - Ch.42</td>
</tr>
<tr>
<td>67-1004</td>
<td>Amended - Ch.42</td>
</tr>
<tr>
<td>67-1005</td>
<td>Amended - Ch.42</td>
</tr>
<tr>
<td>67-1006</td>
<td>Amended - Ch.42</td>
</tr>
<tr>
<td>67-1010</td>
<td>Amended - Ch.42</td>
</tr>
<tr>
<td>67-1011</td>
<td>Amended - Ch.42</td>
</tr>
<tr>
<td>67-1016</td>
<td>Amended - Ch.42</td>
</tr>
<tr>
<td>67-1018</td>
<td>Amended - Ch.42</td>
</tr>
<tr>
<td>67-1019</td>
<td>Repealed - Ch.42</td>
</tr>
<tr>
<td>67-1020</td>
<td>Repealed - Ch.42</td>
</tr>
<tr>
<td>67-1033</td>
<td>Amended - Ch.42</td>
</tr>
<tr>
<td>67-1036</td>
<td>New Section Added - Ch.42</td>
</tr>
<tr>
<td>67-1104</td>
<td>Amended - Ch.42</td>
</tr>
<tr>
<td>67-1105</td>
<td>Repealed - Ch.42</td>
</tr>
<tr>
<td>67-1106</td>
<td>Repealed - Ch.42</td>
</tr>
<tr>
<td>67-1201</td>
<td>Amended - Ch.42</td>
</tr>
<tr>
<td>Title</td>
<td>Action</td>
</tr>
<tr>
<td>-------------</td>
<td>-------------------------------</td>
</tr>
<tr>
<td>67-1209</td>
<td>Amended - Ch.42</td>
</tr>
<tr>
<td>67-1210</td>
<td>Amended - Ch.42</td>
</tr>
<tr>
<td>67-1211</td>
<td>Amended - Ch.42</td>
</tr>
<tr>
<td>67-1212</td>
<td>Amended - Ch.42</td>
</tr>
<tr>
<td>67-1213</td>
<td>Amended - Ch.42</td>
</tr>
<tr>
<td>67-1219</td>
<td>Amended - Ch.42</td>
</tr>
<tr>
<td>67-1221</td>
<td>Amended - Ch.42</td>
</tr>
<tr>
<td>67-1401</td>
<td>Amended - Ch.366</td>
</tr>
<tr>
<td>67-1403</td>
<td>New Section Added - Ch.366</td>
</tr>
<tr>
<td>67-2002</td>
<td>Amended - Ch.42</td>
</tr>
<tr>
<td>67-2005</td>
<td>Amended - Ch.42</td>
</tr>
<tr>
<td>67-2007</td>
<td>Amended - Ch.42</td>
</tr>
<tr>
<td>67-2008</td>
<td>Amended - Ch.42</td>
</tr>
<tr>
<td>67-2009</td>
<td>Repealed - Ch.42</td>
</tr>
<tr>
<td>67-2013</td>
<td>Amended - Ch.42</td>
</tr>
<tr>
<td>67-2014</td>
<td>Amended - Ch.42</td>
</tr>
<tr>
<td>67-2017</td>
<td>Amended - Ch.42</td>
</tr>
<tr>
<td>67-2018</td>
<td>Amended - Ch.42</td>
</tr>
<tr>
<td>67-2019</td>
<td>Amended - Ch.42</td>
</tr>
<tr>
<td>67-2020</td>
<td>Amended - Ch.42</td>
</tr>
<tr>
<td>67-2021</td>
<td>Amended - Ch.42</td>
</tr>
<tr>
<td>67-2022</td>
<td>Amended - Ch.42</td>
</tr>
<tr>
<td>67-2025</td>
<td>Amended - Ch.42</td>
</tr>
<tr>
<td>67-2345</td>
<td>Amended - Ch.124</td>
</tr>
<tr>
<td>67-2601</td>
<td>Amended - Ch.213</td>
</tr>
<tr>
<td>67-2613</td>
<td>Amended - Ch.166</td>
</tr>
<tr>
<td>67-2617</td>
<td>Amended - Ch.166</td>
</tr>
<tr>
<td>67-2725</td>
<td>Amended - Ch.238</td>
</tr>
<tr>
<td>67-2739</td>
<td>Amended - Ch.42</td>
</tr>
<tr>
<td>67-2742</td>
<td>Amended - Ch.42</td>
</tr>
<tr>
<td>67-4409</td>
<td>Repealed - Ch.51</td>
</tr>
<tr>
<td>Ch. 50</td>
<td>New Chapter Added - Ch.188</td>
</tr>
<tr>
<td>67-5005</td>
<td>New Section Added - Ch.305</td>
</tr>
<tr>
<td>67-5006</td>
<td>New Section Added - Ch.305</td>
</tr>
<tr>
<td>67-5007</td>
<td>New Section Added - Ch.305</td>
</tr>
<tr>
<td>67-5008</td>
<td>New Section Added - Ch.305</td>
</tr>
<tr>
<td>67-5217</td>
<td>Amended - Ch.185</td>
</tr>
<tr>
<td>67-5218</td>
<td>Amended - Ch.185</td>
</tr>
<tr>
<td>67-5303</td>
<td>Amended - Ch.367</td>
</tr>
<tr>
<td>67-5309</td>
<td>Amended - Ch.367</td>
</tr>
<tr>
<td>67-5309B</td>
<td>New Section Added - Ch.367</td>
</tr>
<tr>
<td>67-5309C</td>
<td>New Section Added - Ch.367</td>
</tr>
<tr>
<td>67-5336</td>
<td>Amended - Ch.195</td>
</tr>
<tr>
<td>67-5339</td>
<td>New Section Added - Ch.319</td>
</tr>
<tr>
<td>67-5708</td>
<td>Amended - Ch.142</td>
</tr>
<tr>
<td>67-5711</td>
<td>Amended - Ch.26</td>
</tr>
<tr>
<td>67-5727</td>
<td>Amended - Ch.51</td>
</tr>
<tr>
<td>67-5728</td>
<td>Amended - Ch.51</td>
</tr>
<tr>
<td>67-5746</td>
<td>Amended - Ch.27</td>
</tr>
<tr>
<td>67-5804</td>
<td>Amended - Ch.51</td>
</tr>
<tr>
<td>67-5902</td>
<td>Amended - Ch.342</td>
</tr>
<tr>
<td>67-5903</td>
<td>Amended - Ch.342</td>
</tr>
<tr>
<td>67-5906</td>
<td>Amended - Ch.342</td>
</tr>
<tr>
<td>67-5907</td>
<td>Repealed - Ch.342</td>
</tr>
<tr>
<td>67-5908</td>
<td>Repealed - Ch.342</td>
</tr>
<tr>
<td>TITLE 67 (Continued)</td>
<td>Page</td>
</tr>
<tr>
<td>----------------------</td>
<td>------</td>
</tr>
<tr>
<td>67-5911 Amended - Ch.342</td>
<td>1143</td>
</tr>
<tr>
<td>67-5912 Amended - Ch.342</td>
<td>1144</td>
</tr>
<tr>
<td>Ch. 61 New Chapter Added - Ch.2</td>
<td>9</td>
</tr>
<tr>
<td>67-6201 Amended - Ch.283</td>
<td>.968</td>
</tr>
<tr>
<td>67-6205 Amended - Ch.283</td>
<td>.969</td>
</tr>
<tr>
<td>67-6206 Amended - Ch.283</td>
<td>.972</td>
</tr>
<tr>
<td>67-6207B Amended - Ch.283</td>
<td>.976</td>
</tr>
<tr>
<td>67-6207D Amended - Ch.283</td>
<td>.979</td>
</tr>
<tr>
<td>67-6211 Amended - Ch.283</td>
<td>.980</td>
</tr>
<tr>
<td>67-6611 Amended - Ch.228</td>
<td>.813</td>
</tr>
<tr>
<td>67-6617 Amended - Ch.229</td>
<td>.814</td>
</tr>
<tr>
<td>67-6618 Amended - Ch.362</td>
<td>1194</td>
</tr>
<tr>
<td>67-6619 Amended - Ch.363</td>
<td>1196</td>
</tr>
<tr>
<td>67-6625 Amended - Ch.227</td>
<td>.812</td>
</tr>
</tbody>
</table>

| TITLE 71 |
|----------------------|------|
| 71-401 Amended - Ch.120 | .461 |

<p>| TITLE 72 |
|----------------------|------|
| 72-212 Amended - Ch.285 | .985 |
| 72-501A Amended - Ch.151 | .545 |
| 72-503 Amended - Ch.348 | 1157 |
| 72-508 Amended - Ch.264 | .889 |
| 72-1307 Amended - Ch.207 | .754 |
| 72-1314 Amended - Ch.207 | .754 |
| 72-1316 Amended - Ch.224 | .797 |
| 72-1318 Amended - Ch.141 | .517 |
| 72-1331 Amended - Ch.141 | .517 |
| 72-1332 Amended - Ch.261 | .881 |
| 72-1346 Amended - Ch.207 | .754 |
| 72-1346 Amended - Ch.51 | .181 |
| 72-1347 Amended - Ch.141 | .517 |
| 72-1349 Amended - Ch.207 | .758 |
| 72-1349 Amended - Ch.141 | .519 |
| 72-1352 Amended - Ch.207 | .762 |
| 72-1354 Amended - Ch.191 | .706 |
| 72-1357 Amended - Ch.207 | .764 |
| 72-1360 Amended - Ch.191 | .706 |
| 72-1366 Amended - Ch.141 | .523 |
| 72-1402 Amended - Ch.273 | .922 |
| 72-1403 Amended - Ch.273 | .924 |
| 72-1411 Amended - Ch.273 | .924 |
| 72-1412 Amended - Ch.273 | .925 |
| 72-1413 Amended - Ch.273 | .925 |
| 72-1414 Amended - Ch.273 | .926 |
| 72-1425 Repealed - Ch.273 | .943 |
| 72-1428 Amended - Ch.316 | 1084 |
| 72-1429A Repealed - Ch.273 | .943 |
| 72-1429B Repealed - Ch.273 | .943 |
| 72-1429C Repealed - Ch.273 | .943 |
| 72-1429D Repealed - Ch.273 | .943 |
| 72-1429F Amended - Ch.273 | .929 |
| 72-1429I Amended - Ch.273 | .931 |
| 72-1429L Amended - Ch.273 | .932 |
| 72-1429M Amended - Ch.273 | .933 |</p>
<table>
<thead>
<tr>
<th>Title 72 (Continued)</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>72-1429N Repealed - Ch.273</td>
<td>.943</td>
</tr>
<tr>
<td>72-1429O Repealed - Ch.273</td>
<td>.943</td>
</tr>
<tr>
<td>72-1429R Amended - Ch.273</td>
<td>.934</td>
</tr>
<tr>
<td>72-1430A Amended - Ch.273</td>
<td>.935</td>
</tr>
<tr>
<td>72-1430B Amended - Ch.273</td>
<td>.935</td>
</tr>
<tr>
<td>72-1430C Amended - Ch.273</td>
<td>.936</td>
</tr>
<tr>
<td>72-1430D Amended - Ch.273</td>
<td>.937</td>
</tr>
<tr>
<td>72-1430E Amended - Ch.273</td>
<td>.937</td>
</tr>
<tr>
<td>72-1430F Amended - Ch.273</td>
<td>.938</td>
</tr>
<tr>
<td>72-1430G Amended - Ch.273</td>
<td>.939</td>
</tr>
<tr>
<td>72-1430H Amended - Ch.273</td>
<td>.930</td>
</tr>
<tr>
<td>72-1430H New Section Added - Ch.170</td>
<td>.622</td>
</tr>
<tr>
<td>72-1431 Amended - Ch.273</td>
<td>.940</td>
</tr>
<tr>
<td>72-1432 New Section Added - Ch.273</td>
<td>.940</td>
</tr>
<tr>
<td>72-1432A New Section Added - Ch.273</td>
<td>.941</td>
</tr>
<tr>
<td>72-1432B New Section Added - Ch.273</td>
<td>.941</td>
</tr>
<tr>
<td>72-1432C New Section Added - Ch.273</td>
<td>.942</td>
</tr>
</tbody>
</table>

**IDAHO CONSTITUTION**

<table>
<thead>
<tr>
<th>Art. III, Sec. 23</th>
<th>Amended</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Art. VIII, Sec. 3</td>
<td>Amended</td>
<td>1272</td>
</tr>
<tr>
<td>Art. VIII, Sec. 3</td>
<td>Amended</td>
<td>1269</td>
</tr>
</tbody>
</table>

**1974 SESSION LAWS**

| Ch.21 | Repealed - Ch.338 | .1126 |
| Ch.44 | Repealed - Ch.338 | .1126 |
| 59-1326 | Amended - Ch.355 | .1170 |

**1975 SESSION LAWS**

| Ch.68, Sec. 2 | Amended - Ch.8 | .23 |
| Ch.69, Sec. 2 | Amended - Ch.11 | .38 |
| Ch.70, Sec. 11 | Amended - Ch.13 | .41 |
| Ch.70, Sec. 19 | Amended - Ch.13 | .41 |
| Ch.73, Sec. 3 | Amended - Ch.30 | .66 |
| Ch.74, Sec. 2 | Amended - Ch.21 | .53 |
| Ch.77, Sec. 2 | Amended - Ch.20 | .51 |
| Ch.102, Sec. 2 | Amended - Ch.6 | .19 |
| Ch.103 | Amended - Ch.16 | .46 |
| Ch.115, Sec. 3 | Amended - Ch.7 | .21 |
| Ch.123, Sec. 2 | Amended - Ch.10 | .36 |
| Ch.149, Sec. 2 | Amended - Ch.39 | .82 |
| Ch.186, Sec. 2 | Amended - Ch.254 | .866 |
| Ch.198, Sec. 2 | Amended - Ch.43 | .116 |
# IDAHO SESSION LAWS

## NUMERICAL LIST OF SENATE BILLS

That passed both the Senate and House, became law and the chapter number of such Bill appearing in the 1976 Session Laws.

<table>
<thead>
<tr>
<th>Senate Bill</th>
<th>Chapter - Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>1241</td>
<td>Ch167 - 617</td>
</tr>
<tr>
<td>1242</td>
<td>Ch60 - 200</td>
</tr>
<tr>
<td>1245</td>
<td>Ch59 - 199</td>
</tr>
<tr>
<td>1258</td>
<td>Ch32 - 69</td>
</tr>
<tr>
<td>1264</td>
<td>Ch179 - 644</td>
</tr>
<tr>
<td>1265</td>
<td>Ch2 - 9</td>
</tr>
<tr>
<td>1266</td>
<td>Ch123 - 472</td>
</tr>
<tr>
<td>1268</td>
<td>Ch33 - 70</td>
</tr>
<tr>
<td>1269</td>
<td>Ch236 - 829</td>
</tr>
<tr>
<td>1270</td>
<td>Ch34 - 71</td>
</tr>
<tr>
<td>1271</td>
<td>Ch70 - 238</td>
</tr>
<tr>
<td>1273</td>
<td>Ch158 - 564</td>
</tr>
<tr>
<td>1274</td>
<td>Ch181 - 654</td>
</tr>
<tr>
<td>1278</td>
<td>Ch175 - 637</td>
</tr>
<tr>
<td>1280</td>
<td>Ch65 - 232</td>
</tr>
<tr>
<td>1282</td>
<td>Ch258 - 877</td>
</tr>
<tr>
<td>1283</td>
<td>Ch259 - 878</td>
</tr>
<tr>
<td>1284</td>
<td>Ch132 - 497</td>
</tr>
<tr>
<td>1286</td>
<td>Ch156 - 555</td>
</tr>
<tr>
<td>1287</td>
<td>Ch161 - 589</td>
</tr>
<tr>
<td>1288</td>
<td>Ch260 - 880</td>
</tr>
<tr>
<td>1291</td>
<td>Ch4 - 13</td>
</tr>
<tr>
<td>1292</td>
<td>Ch5 - 16</td>
</tr>
<tr>
<td>1299</td>
<td>Ch118 - 456</td>
</tr>
<tr>
<td>1300</td>
<td>Ch261 - 881</td>
</tr>
<tr>
<td>1302</td>
<td>Ch40 - 86</td>
</tr>
<tr>
<td>1304</td>
<td>Ch42 - 90</td>
</tr>
<tr>
<td>1305</td>
<td>Ch51 - 152</td>
</tr>
<tr>
<td>1312</td>
<td>Ch97 - 403</td>
</tr>
<tr>
<td>1316</td>
<td>Ch19 - 50</td>
</tr>
<tr>
<td>1317</td>
<td>Ch24 - 59</td>
</tr>
<tr>
<td>1318</td>
<td>Ch237 - 830</td>
</tr>
<tr>
<td>1321</td>
<td>Ch159 - 566</td>
</tr>
<tr>
<td>1323</td>
<td>Ch63 - 221</td>
</tr>
<tr>
<td>1324</td>
<td>Ch64 - 223</td>
</tr>
<tr>
<td>1327</td>
<td>Ch124 - 473</td>
</tr>
<tr>
<td>1328</td>
<td>Ch35 - 76</td>
</tr>
<tr>
<td>1329</td>
<td>Ch66 - 233</td>
</tr>
<tr>
<td>1332</td>
<td>Ch359 - 1176</td>
</tr>
<tr>
<td>1333</td>
<td>Ch41 - 88</td>
</tr>
<tr>
<td>1334</td>
<td>Ch120 - 461</td>
</tr>
<tr>
<td>1338</td>
<td>Ch262 - 882</td>
</tr>
<tr>
<td>1339</td>
<td>Ch13 - 41</td>
</tr>
<tr>
<td>Senate Bill</td>
<td>Chapter - Page</td>
</tr>
<tr>
<td>-------------</td>
<td>----------------</td>
</tr>
<tr>
<td>1340</td>
<td>Ch263 - 887</td>
</tr>
<tr>
<td>1341</td>
<td>Ch122 - 470</td>
</tr>
<tr>
<td>1344</td>
<td>Ch10 - 36</td>
</tr>
<tr>
<td>1346</td>
<td>Ch14 - 43</td>
</tr>
<tr>
<td>1348</td>
<td>Ch235 - 827</td>
</tr>
<tr>
<td>1350</td>
<td>Ch228 - 813</td>
</tr>
<tr>
<td>1351</td>
<td>Ch227 - 812</td>
</tr>
<tr>
<td>1353</td>
<td>Ch363 - 1196</td>
</tr>
<tr>
<td>1354</td>
<td>Ch362 - 1194</td>
</tr>
<tr>
<td>1355</td>
<td>Ch229 - 814</td>
</tr>
<tr>
<td>1356</td>
<td>Ch220 - 793</td>
</tr>
<tr>
<td>1357</td>
<td>Ch169 - 620</td>
</tr>
<tr>
<td>1358</td>
<td>Ch182 - 656</td>
</tr>
<tr>
<td>1359</td>
<td>Ch223 - 796</td>
</tr>
<tr>
<td>1360</td>
<td>Ch226 - 810</td>
</tr>
<tr>
<td>1361</td>
<td>Ch12 - 40</td>
</tr>
<tr>
<td>1364</td>
<td>Ch238 - 831</td>
</tr>
<tr>
<td>1365</td>
<td>Ch218 - 790</td>
</tr>
<tr>
<td>1366</td>
<td>Ch36 - 77</td>
</tr>
<tr>
<td>1367</td>
<td>Ch20 - 51</td>
</tr>
<tr>
<td>1368</td>
<td>Ch234 - 825</td>
</tr>
<tr>
<td>1373</td>
<td>Ch119 - 459</td>
</tr>
<tr>
<td>1374</td>
<td>Ch162 - 590</td>
</tr>
<tr>
<td>1377</td>
<td>Ch221 - 794</td>
</tr>
<tr>
<td>1378</td>
<td>Ch168 - 618</td>
</tr>
<tr>
<td>1383</td>
<td>Ch125 - 474</td>
</tr>
<tr>
<td>1386</td>
<td>Ch18 - 49</td>
</tr>
<tr>
<td>1387</td>
<td>Ch180 - 652</td>
</tr>
<tr>
<td>1389</td>
<td>Ch224 - 797</td>
</tr>
<tr>
<td>1392</td>
<td>Ch121 - 462</td>
</tr>
<tr>
<td>1395</td>
<td>Ch177 - 641</td>
</tr>
<tr>
<td>1396</td>
<td>Ch160 - 567</td>
</tr>
<tr>
<td>1397</td>
<td>Ch128 - 487</td>
</tr>
<tr>
<td>1407</td>
<td>Ch176 - 639</td>
</tr>
<tr>
<td>1409</td>
<td>Ch360 - 1179</td>
</tr>
<tr>
<td>1411</td>
<td>Ch222 - 795</td>
</tr>
<tr>
<td>1416</td>
<td>Ch58 - 198</td>
</tr>
<tr>
<td>1418</td>
<td>Ch62 - 211</td>
</tr>
<tr>
<td>1419</td>
<td>Ch361 - 1184</td>
</tr>
<tr>
<td>1420</td>
<td>Ch25 - 60</td>
</tr>
<tr>
<td>1421</td>
<td>Ch232 - 821</td>
</tr>
<tr>
<td>1422</td>
<td>Ch246 - 845</td>
</tr>
<tr>
<td>1423</td>
<td>Ch233 - 823</td>
</tr>
<tr>
<td>1424</td>
<td>Ch231 - 819</td>
</tr>
<tr>
<td>1426</td>
<td>Ch127 - 477</td>
</tr>
<tr>
<td>1427</td>
<td>Ch166 - 596</td>
</tr>
<tr>
<td>1428</td>
<td>Ch366 - 1202</td>
</tr>
<tr>
<td>1429</td>
<td>Ch170 - 622</td>
</tr>
<tr>
<td>1432</td>
<td>Ch356 - 1172</td>
</tr>
<tr>
<td>1433</td>
<td>Ch239 - 832</td>
</tr>
<tr>
<td>1434</td>
<td>Ch357 - 1173</td>
</tr>
<tr>
<td>1439</td>
<td>Ch178 - 642</td>
</tr>
<tr>
<td>Senate Bill</td>
<td>Chapter</td>
</tr>
<tr>
<td>-------------</td>
<td>----------</td>
</tr>
<tr>
<td>1442</td>
<td>Ch126</td>
</tr>
<tr>
<td>1444</td>
<td>Ch240</td>
</tr>
<tr>
<td>1445</td>
<td>Ch264</td>
</tr>
<tr>
<td>1446</td>
<td>Ch225</td>
</tr>
<tr>
<td>1448</td>
<td>Ch129</td>
</tr>
<tr>
<td>1453</td>
<td>Ch21</td>
</tr>
<tr>
<td>1454</td>
<td>Ch358</td>
</tr>
<tr>
<td>1455</td>
<td>Ch354</td>
</tr>
<tr>
<td>1456</td>
<td>Ch355</td>
</tr>
<tr>
<td>1457</td>
<td>Ch265</td>
</tr>
<tr>
<td>1458</td>
<td>Ch43</td>
</tr>
<tr>
<td>1463</td>
<td>Ch351</td>
</tr>
<tr>
<td>1468</td>
<td>Ch130</td>
</tr>
<tr>
<td>1469</td>
<td>Ch37</td>
</tr>
<tr>
<td>1470</td>
<td>Ch353</td>
</tr>
<tr>
<td>1472</td>
<td>Ch61</td>
</tr>
<tr>
<td>1476</td>
<td>Ch352</td>
</tr>
<tr>
<td>1477</td>
<td>Ch349</td>
</tr>
<tr>
<td>1480</td>
<td>Ch44</td>
</tr>
<tr>
<td>1481</td>
<td>Ch350</td>
</tr>
<tr>
<td>1482</td>
<td>Ch348</td>
</tr>
<tr>
<td>1484</td>
<td>Ch174</td>
</tr>
<tr>
<td>1487</td>
<td>Ch219</td>
</tr>
<tr>
<td>1488</td>
<td>Ch266</td>
</tr>
<tr>
<td>1492</td>
<td>Ch165</td>
</tr>
<tr>
<td>1494</td>
<td>Ch367</td>
</tr>
<tr>
<td>1495</td>
<td>Ch164</td>
</tr>
<tr>
<td>1496</td>
<td>Ch248</td>
</tr>
<tr>
<td>1503</td>
<td>Ch347</td>
</tr>
<tr>
<td>1504</td>
<td>Ch332</td>
</tr>
<tr>
<td>1507</td>
<td>Ch163</td>
</tr>
<tr>
<td>1508</td>
<td>Ch346</td>
</tr>
<tr>
<td>1512</td>
<td>Ch68</td>
</tr>
<tr>
<td>1513</td>
<td>Ch69</td>
</tr>
<tr>
<td>1514</td>
<td>Ch67</td>
</tr>
<tr>
<td>1515</td>
<td>Ch100</td>
</tr>
<tr>
<td>1516</td>
<td>Ch345</td>
</tr>
<tr>
<td>1519</td>
<td>Ch216</td>
</tr>
<tr>
<td>1520</td>
<td>Ch131</td>
</tr>
<tr>
<td>1521</td>
<td>Ch171</td>
</tr>
<tr>
<td>1522</td>
<td>Ch247</td>
</tr>
<tr>
<td>1523</td>
<td>Ch344</td>
</tr>
<tr>
<td>1525</td>
<td>Ch173</td>
</tr>
<tr>
<td>1526</td>
<td>Ch172</td>
</tr>
<tr>
<td>1527</td>
<td>Ch243</td>
</tr>
<tr>
<td>1528</td>
<td>Ch267</td>
</tr>
<tr>
<td>1531</td>
<td>Ch230</td>
</tr>
<tr>
<td>1533</td>
<td>Ch217</td>
</tr>
<tr>
<td>1534</td>
<td>Ch244</td>
</tr>
<tr>
<td>1536</td>
<td>Ch241</td>
</tr>
<tr>
<td>1537</td>
<td>Ch343</td>
</tr>
<tr>
<td>1538</td>
<td>Ch342</td>
</tr>
<tr>
<td>1539</td>
<td>Ch242</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 1976 Session Laws.

<table>
<thead>
<tr>
<th>House Bill</th>
<th>Chapter - Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>326</td>
<td>Ch1 - 3</td>
</tr>
<tr>
<td>329</td>
<td>Ch27 - 62</td>
</tr>
<tr>
<td>330</td>
<td>Ch38 - 80</td>
</tr>
<tr>
<td>332</td>
<td>Ch141 - 517</td>
</tr>
<tr>
<td>337</td>
<td>Ch142 - 527</td>
</tr>
<tr>
<td>338</td>
<td>Ch26 - 61</td>
</tr>
<tr>
<td>340</td>
<td>Ch191 - 706</td>
</tr>
<tr>
<td>343</td>
<td>Ch207 - 754</td>
</tr>
<tr>
<td>344</td>
<td>Ch9 - 25</td>
</tr>
<tr>
<td>346</td>
<td>Ch189 - 681</td>
</tr>
<tr>
<td>348</td>
<td>Ch115 - 451</td>
</tr>
<tr>
<td>350</td>
<td>Ch154 - 550</td>
</tr>
<tr>
<td>356</td>
<td>Ch87 - 297</td>
</tr>
<tr>
<td>357</td>
<td>Ch52 - 186</td>
</tr>
<tr>
<td>361</td>
<td>Ch155 - 553</td>
</tr>
<tr>
<td>362</td>
<td>Ch17 - 48</td>
</tr>
<tr>
<td>363</td>
<td>Ch91 - 307</td>
</tr>
<tr>
<td>369</td>
<td>Ch3 - 12</td>
</tr>
<tr>
<td>375</td>
<td>Ch114 - 449</td>
</tr>
<tr>
<td>376</td>
<td>Ch72 - 240</td>
</tr>
<tr>
<td>377</td>
<td>Ch270 - 913</td>
</tr>
<tr>
<td>378</td>
<td>Ch77 - 249</td>
</tr>
<tr>
<td>380</td>
<td>Ch23 - 57</td>
</tr>
<tr>
<td>381</td>
<td>Ch148 - 535</td>
</tr>
<tr>
<td>387</td>
<td>Ch55 - 192</td>
</tr>
<tr>
<td>House Bill</td>
<td>Chapter - Page</td>
</tr>
<tr>
<td>------------</td>
<td>----------------</td>
</tr>
<tr>
<td>388</td>
<td>Ch15 - 44</td>
</tr>
<tr>
<td>390</td>
<td>Ch89 - 303</td>
</tr>
<tr>
<td>391</td>
<td>Ch271 - 916</td>
</tr>
<tr>
<td>392</td>
<td>Ch76 - 247</td>
</tr>
<tr>
<td>393</td>
<td>Ch135 - 507</td>
</tr>
<tr>
<td>401</td>
<td>Ch102 - 425</td>
</tr>
<tr>
<td>402</td>
<td>Ch110 - 436</td>
</tr>
<tr>
<td>403</td>
<td>Ch112 - 440</td>
</tr>
<tr>
<td>405</td>
<td>Ch188 - 679</td>
</tr>
<tr>
<td>406</td>
<td>Ch305 - 1046</td>
</tr>
<tr>
<td>408</td>
<td>Ch28 - 63</td>
</tr>
<tr>
<td>411</td>
<td>Ch98 - 416</td>
</tr>
<tr>
<td>412</td>
<td>Ch54 - 191</td>
</tr>
<tr>
<td>413</td>
<td>Ch99 - 420</td>
</tr>
<tr>
<td>414</td>
<td>Ch53 - 187</td>
</tr>
<tr>
<td>415</td>
<td>Ch57 - 196</td>
</tr>
<tr>
<td>420</td>
<td>Ch45 - 122</td>
</tr>
<tr>
<td>421</td>
<td>Ch272 - 920</td>
</tr>
<tr>
<td>422</td>
<td>Ch214 - 784</td>
</tr>
<tr>
<td>427</td>
<td>Ch147 - 534</td>
</tr>
<tr>
<td>429</td>
<td>Ch94 - 312</td>
</tr>
<tr>
<td>430</td>
<td>Ch7 - 21</td>
</tr>
<tr>
<td>431</td>
<td>Ch6 - 19</td>
</tr>
<tr>
<td>432</td>
<td>Ch8 - 23</td>
</tr>
<tr>
<td>433</td>
<td>Ch83 - 283</td>
</tr>
<tr>
<td>437</td>
<td>Ch117 - 455</td>
</tr>
<tr>
<td>439</td>
<td>Ch273 - 921</td>
</tr>
<tr>
<td>445</td>
<td>Ch73 - 242</td>
</tr>
<tr>
<td>447</td>
<td>Ch250 - 856</td>
</tr>
<tr>
<td>450</td>
<td>Ch90 - 304</td>
</tr>
<tr>
<td>452</td>
<td>Ch274 - 944</td>
</tr>
<tr>
<td>467</td>
<td>Ch85 - 290</td>
</tr>
<tr>
<td>468</td>
<td>Ch212 - 773</td>
</tr>
<tr>
<td>469</td>
<td>Ch190 - 688</td>
</tr>
<tr>
<td>470</td>
<td>Ch306 - 1049</td>
</tr>
<tr>
<td>472</td>
<td>Ch92 - 309</td>
</tr>
<tr>
<td>473</td>
<td>Ch187 - 674</td>
</tr>
<tr>
<td>474</td>
<td>Ch275 - 949</td>
</tr>
<tr>
<td>475</td>
<td>Ch184 - 670</td>
</tr>
<tr>
<td>476</td>
<td>Ch276 - 950</td>
</tr>
<tr>
<td>478</td>
<td>Ch277 - 951</td>
</tr>
<tr>
<td>479</td>
<td>Ch213 - 776</td>
</tr>
<tr>
<td>480</td>
<td>Ch16 - 46</td>
</tr>
<tr>
<td>481</td>
<td>Ch46 - 145</td>
</tr>
<tr>
<td>486</td>
<td>Ch93 - 310</td>
</tr>
<tr>
<td>488</td>
<td>Ch88 - 299</td>
</tr>
<tr>
<td>489</td>
<td>Ch278 - 953</td>
</tr>
<tr>
<td>490</td>
<td>Ch116 - 453</td>
</tr>
<tr>
<td>491</td>
<td>Ch111 - 439</td>
</tr>
<tr>
<td>492</td>
<td>Ch108 - 432</td>
</tr>
<tr>
<td>497</td>
<td>Ch149 - 537</td>
</tr>
<tr>
<td>499</td>
<td>Ch279 - 957</td>
</tr>
<tr>
<td>500</td>
<td>Ch29 - 65</td>
</tr>
<tr>
<td>House Bill</td>
<td>Chapter - Page</td>
</tr>
<tr>
<td>------------</td>
<td>----------------</td>
</tr>
<tr>
<td>501</td>
<td>Ch31 - 68</td>
</tr>
<tr>
<td>506</td>
<td>Ch71 - 239</td>
</tr>
<tr>
<td>507</td>
<td>Ch143 - 528</td>
</tr>
<tr>
<td>510</td>
<td>Ch22 - 56</td>
</tr>
<tr>
<td>514</td>
<td>Ch47 - 146</td>
</tr>
<tr>
<td>515</td>
<td>Ch136 - 510</td>
</tr>
<tr>
<td>516</td>
<td>Ch140 - 515</td>
</tr>
<tr>
<td>517</td>
<td>Ch86 - 293</td>
</tr>
<tr>
<td>518</td>
<td>Ch95 - 315</td>
</tr>
<tr>
<td>520</td>
<td>Ch185 - 671</td>
</tr>
<tr>
<td>522</td>
<td>Ch280 - 959</td>
</tr>
<tr>
<td>523</td>
<td>Ch281 - 962</td>
</tr>
<tr>
<td>525</td>
<td>Ch78 - 251</td>
</tr>
<tr>
<td>526</td>
<td>Ch152 - 546</td>
</tr>
<tr>
<td>527</td>
<td>Ch84 - 288</td>
</tr>
<tr>
<td>529</td>
<td>Ch30 - 66</td>
</tr>
<tr>
<td>532</td>
<td>Ch75 - 246</td>
</tr>
<tr>
<td>534</td>
<td>Ch208 - 766</td>
</tr>
<tr>
<td>535</td>
<td>Ch307 - 1052</td>
</tr>
<tr>
<td>538</td>
<td>Ch144 - 529</td>
</tr>
<tr>
<td>541</td>
<td>Ch282 - 967</td>
</tr>
<tr>
<td>542</td>
<td>Ch145 - 530</td>
</tr>
<tr>
<td>543</td>
<td>Ch283 - 968</td>
</tr>
<tr>
<td>549</td>
<td>Ch308 - 1059</td>
</tr>
<tr>
<td>550</td>
<td>Ch49 - 148</td>
</tr>
<tr>
<td>553</td>
<td>Ch153 - 547</td>
</tr>
<tr>
<td>554</td>
<td>Ch138 - 512</td>
</tr>
<tr>
<td>558</td>
<td>Ch210 - 769</td>
</tr>
<tr>
<td>560</td>
<td>Ch109 - 433</td>
</tr>
<tr>
<td>561</td>
<td>Ch150 - 539</td>
</tr>
<tr>
<td>562</td>
<td>Ch309 - 1062</td>
</tr>
<tr>
<td>564</td>
<td>Ch310 - 1069</td>
</tr>
<tr>
<td>567</td>
<td>Ch48 - 147</td>
</tr>
<tr>
<td>568</td>
<td>Ch74 - 244</td>
</tr>
<tr>
<td>569</td>
<td>Ch50 - 150</td>
</tr>
<tr>
<td>571</td>
<td>Ch201 - 726</td>
</tr>
<tr>
<td>572</td>
<td>Ch56 - 195</td>
</tr>
<tr>
<td>576</td>
<td>Ch183 - 657</td>
</tr>
<tr>
<td>578</td>
<td>Ch146 - 532</td>
</tr>
<tr>
<td>580</td>
<td>Ch284 - 983</td>
</tr>
<tr>
<td>589</td>
<td>Ch113 - 443</td>
</tr>
<tr>
<td>598</td>
<td>Ch256 - 871</td>
</tr>
<tr>
<td>599</td>
<td>Ch134 - 502</td>
</tr>
<tr>
<td>602</td>
<td>Ch311 - 1073</td>
</tr>
<tr>
<td>603</td>
<td>Ch96 - 399</td>
</tr>
<tr>
<td>605</td>
<td>Ch209 - 768</td>
</tr>
<tr>
<td>606</td>
<td>Ch157 - 559</td>
</tr>
<tr>
<td>609</td>
<td>Ch251 - 857</td>
</tr>
<tr>
<td>613</td>
<td>Ch285 - 985</td>
</tr>
<tr>
<td>615</td>
<td>Ch39 - 82</td>
</tr>
<tr>
<td>616</td>
<td>Ch137 - 511</td>
</tr>
<tr>
<td>617</td>
<td>Ch133 - 501</td>
</tr>
<tr>
<td>618</td>
<td>Ch81 - 258</td>
</tr>
<tr>
<td>House Bill</td>
<td>Chapter - Page</td>
</tr>
<tr>
<td>------------</td>
<td>----------------</td>
</tr>
<tr>
<td>620</td>
<td>Ch82 - 270</td>
</tr>
<tr>
<td>635</td>
<td>Ch312 - 1078</td>
</tr>
<tr>
<td>640</td>
<td>Ch204 - 732</td>
</tr>
<tr>
<td>642</td>
<td>Ch139 - 514</td>
</tr>
<tr>
<td>644</td>
<td>Ch79 - 252</td>
</tr>
<tr>
<td>646</td>
<td>Ch101 - 423</td>
</tr>
<tr>
<td>647</td>
<td>Ch103 - 426</td>
</tr>
<tr>
<td>648</td>
<td>Ch197 - 717</td>
</tr>
<tr>
<td>650</td>
<td>Ch286 - 987</td>
</tr>
<tr>
<td>651</td>
<td>Ch80 - 257</td>
</tr>
<tr>
<td>652</td>
<td>Ch192 - 709</td>
</tr>
<tr>
<td>654</td>
<td>Ch186 - 673</td>
</tr>
<tr>
<td>656</td>
<td>Ch151 - 545</td>
</tr>
<tr>
<td>657</td>
<td>Ch287 - 990</td>
</tr>
<tr>
<td>659</td>
<td>Ch288 - 994</td>
</tr>
<tr>
<td>662</td>
<td>Ch289 - 996</td>
</tr>
<tr>
<td>667</td>
<td>Ch290 - 1000</td>
</tr>
<tr>
<td>668</td>
<td>Ch291 - 1008</td>
</tr>
<tr>
<td>669</td>
<td>Ch313 - 1079</td>
</tr>
<tr>
<td>670</td>
<td>Ch314 - 1080</td>
</tr>
<tr>
<td>671</td>
<td>Ch106 - 430</td>
</tr>
<tr>
<td>672</td>
<td>Ch105 - 429</td>
</tr>
<tr>
<td>674</td>
<td>Ch292 - 1010</td>
</tr>
<tr>
<td>675</td>
<td>Ch293 - 1011</td>
</tr>
<tr>
<td>676</td>
<td>Ch107 - 431</td>
</tr>
<tr>
<td>677</td>
<td>Ch104 - 427</td>
</tr>
<tr>
<td>679</td>
<td>Ch315 - 1082</td>
</tr>
<tr>
<td>682</td>
<td>Ch195 - 715</td>
</tr>
<tr>
<td>683</td>
<td>Ch316 - 1084</td>
</tr>
<tr>
<td>685</td>
<td>Ch317 - 1086</td>
</tr>
<tr>
<td>686</td>
<td>Ch294 - 1020</td>
</tr>
<tr>
<td>687</td>
<td>Ch199 - 720</td>
</tr>
<tr>
<td>689</td>
<td>Ch295 - 1021</td>
</tr>
<tr>
<td>690</td>
<td>Ch196 - 716</td>
</tr>
<tr>
<td>691</td>
<td>Ch194 - 711</td>
</tr>
<tr>
<td>692</td>
<td>Ch193 - 710</td>
</tr>
<tr>
<td>693</td>
<td>Ch211 - 771</td>
</tr>
<tr>
<td>694</td>
<td>Ch200 - 723</td>
</tr>
<tr>
<td>695</td>
<td>Ch198 - 719</td>
</tr>
<tr>
<td>696</td>
<td>Ch205 - 748</td>
</tr>
<tr>
<td>697</td>
<td>Ch203 - 730</td>
</tr>
<tr>
<td>698</td>
<td>Ch206 - 752</td>
</tr>
<tr>
<td>699</td>
<td>Ch202 - 728</td>
</tr>
<tr>
<td>700</td>
<td>Ch215 - 785</td>
</tr>
<tr>
<td>702</td>
<td>Ch318 - 1089</td>
</tr>
<tr>
<td>703</td>
<td>Ch249 - 854</td>
</tr>
<tr>
<td>704</td>
<td>Ch255 - 869</td>
</tr>
<tr>
<td>705</td>
<td>Ch254 - 866</td>
</tr>
<tr>
<td>706</td>
<td>Ch296 - 1023</td>
</tr>
<tr>
<td>707</td>
<td>Ch253 - 865</td>
</tr>
<tr>
<td>708</td>
<td>Ch252 - 861</td>
</tr>
<tr>
<td>709</td>
<td>Ch297 - 1025</td>
</tr>
<tr>
<td>710</td>
<td>Ch298 - 1033</td>
</tr>
<tr>
<td>House Bill</td>
<td>Chapter - Page</td>
</tr>
<tr>
<td>------------</td>
<td>----------------</td>
</tr>
<tr>
<td>711</td>
<td>Ch299 - 1035</td>
</tr>
<tr>
<td>712</td>
<td>Ch300 - 1038</td>
</tr>
<tr>
<td>714</td>
<td>Ch301 - 1038</td>
</tr>
<tr>
<td>717</td>
<td>Ch319 - 1090</td>
</tr>
<tr>
<td>719</td>
<td>Ch320 - 1091</td>
</tr>
<tr>
<td>720</td>
<td>Ch302 - 1039</td>
</tr>
<tr>
<td>721</td>
<td>Ch303 - 1041</td>
</tr>
<tr>
<td>722</td>
<td>Ch321 - 1093</td>
</tr>
<tr>
<td>726</td>
<td>Ch322 - 1095</td>
</tr>
<tr>
<td>727</td>
<td>Ch323 - 1096</td>
</tr>
<tr>
<td>728</td>
<td>Ch304 - 1043</td>
</tr>
<tr>
<td>729</td>
<td>Ch324 - 1097</td>
</tr>
<tr>
<td>730</td>
<td>Ch325 - 1098</td>
</tr>
<tr>
<td>731</td>
<td>Ch326 - 1101</td>
</tr>
<tr>
<td>733</td>
<td>Ch327 - 1104</td>
</tr>
<tr>
<td>736</td>
<td>Ch328 - 1105</td>
</tr>
<tr>
<td>738</td>
<td>Ch365 - 1200</td>
</tr>
<tr>
<td>739</td>
<td>Ch329 - 1111</td>
</tr>
<tr>
<td>740</td>
<td>Ch330 - 1112</td>
</tr>
<tr>
<td>741</td>
<td>Ch331 - 1113</td>
</tr>
</tbody>
</table>

**SENATE CONCURRENT RESOLUTIONS**

That were adopted by both the Senate and House and appear in the 1976 Session Laws.

<table>
<thead>
<tr>
<th>S.C.R.</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>128</td>
<td>1218</td>
</tr>
<tr>
<td>129</td>
<td>1219</td>
</tr>
<tr>
<td>132</td>
<td>1221</td>
</tr>
<tr>
<td>133</td>
<td>1222</td>
</tr>
<tr>
<td>134</td>
<td>1223</td>
</tr>
<tr>
<td>135</td>
<td>1224</td>
</tr>
<tr>
<td>136</td>
<td>1225</td>
</tr>
<tr>
<td>137</td>
<td>1228</td>
</tr>
<tr>
<td>138</td>
<td>1231</td>
</tr>
<tr>
<td>139</td>
<td>1233</td>
</tr>
<tr>
<td>140</td>
<td>1234</td>
</tr>
<tr>
<td>141</td>
<td>1235</td>
</tr>
<tr>
<td>142</td>
<td>1236</td>
</tr>
<tr>
<td>143</td>
<td>1238</td>
</tr>
</tbody>
</table>
HOUSE CONCURRENT RESOLUTIONS

That were adopted by both the Senate and House and appear in the 1976 Session Laws.

<table>
<thead>
<tr>
<th>H.C.R.</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>48</td>
<td>1247</td>
</tr>
<tr>
<td>49</td>
<td>1248</td>
</tr>
<tr>
<td>50</td>
<td>1248</td>
</tr>
<tr>
<td>53</td>
<td>1249</td>
</tr>
<tr>
<td>54</td>
<td>1250</td>
</tr>
<tr>
<td>56</td>
<td>1251</td>
</tr>
<tr>
<td>58</td>
<td>1253</td>
</tr>
<tr>
<td>62</td>
<td>1254</td>
</tr>
<tr>
<td>64</td>
<td>1256</td>
</tr>
<tr>
<td>65</td>
<td>1256</td>
</tr>
<tr>
<td>66</td>
<td>1262</td>
</tr>
<tr>
<td>67</td>
<td>1263</td>
</tr>
<tr>
<td>68</td>
<td>1264</td>
</tr>
<tr>
<td>69</td>
<td>1265</td>
</tr>
<tr>
<td>71</td>
<td>1267</td>
</tr>
<tr>
<td>72</td>
<td>1268</td>
</tr>
</tbody>
</table>

SENATE JOINT RESOLUTIONS

That were adopted by both the Senate and House and appear in the 1976 Session Laws.

<table>
<thead>
<tr>
<th>S.J.R.</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>109</td>
<td>1269</td>
</tr>
</tbody>
</table>

HOUSE JOINT RESOLUTIONS

That were adopted by both the Senate and House and appear in the 1976 Session Laws.

<table>
<thead>
<tr>
<th>H.J.R.</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>6</td>
<td>1272</td>
</tr>
</tbody>
</table>
SENATE JOINT MEMORIALS

That were adopted by both the Senate and House and appear in the 1976 Session Laws.

<table>
<thead>
<tr>
<th>S.J.M.</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>115</td>
<td>1275</td>
</tr>
</tbody>
</table>

HOUSE JOINT MEMORIALS

That were adopted by both the Senate and House and appear in the 1976 Session Laws.

<table>
<thead>
<tr>
<th>H.J.M.</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>11</td>
<td>1277</td>
</tr>
<tr>
<td>15</td>
<td>1279</td>
</tr>
<tr>
<td>17</td>
<td>1281</td>
</tr>
<tr>
<td>18</td>
<td>1283</td>
</tr>
<tr>
<td>19</td>
<td>1284</td>
</tr>
<tr>
<td>20</td>
<td>1285</td>
</tr>
<tr>
<td>21</td>
<td>1287</td>
</tr>
<tr>
<td>22</td>
<td>1289</td>
</tr>
</tbody>
</table>
EXECUTIVE
ORDERS
WHEREAS, the continued uncertainty facing all Idaho citizens in the area of energy calls for renewed efforts by state government to prevent disruption of normal energy-related services; and

WHEREAS, the citizens of Idaho can best be served by consolidating those governmental entities which deal with energy problems, thus providing increased efficiency and accountability;

NOW, THEREFORE, I, CECIL D. ANDRUS, Governor of the State of Idaho, by the authority vested in me by law, do hereby amend Executive Order No. 74-2 in the following manner:

1. The Idaho Energy Council, created by Executive Order No. 74-2 is hereby dissolved. The policy-making functions of the Idaho Energy Council are transferred to the Idaho Public Utilities Commission.

2. The Idaho Office on Energy shall maintain the duties delineated within Executive Order No. 74-2.


4. The Idaho Office on Energy shall report to the Idaho Public Utilities Commission. The staff shall undertake such additional projects and duties as may be directed by the Commission.

5. The existence of the Idaho Office on Energy created, by Executive Order No. 74-2 is hereby extended by authority of this Executive Order until April 1, 1977, or until such earlier date when determined that the need for the Idaho Office on Energy no longer exists.

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 first day of May, 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.

/s/ CECIL D. ANDRUS
GOVERNOR OF THE STATE OF IDAHO

BY THE GOVERNOR:

/s/ PETE T. CENARRUSA
SECRETARY OF STATE
EXECUTIVE ORDER NO. 75-4

ESTABLISHMENT OF HEALTH SERVICE AREAS FOR THE STATE OF IDAHO

WHEREAS, the Second Session of the 93rd Congress of the United States of America did enact the National Health Planning and Resources Development Act of 1974; and

WHEREAS, the President of the United States of America did concur with the Second Session of the 93rd Congress by signing into law the National Health Planning and Resources Development Act of 1974; and

WHEREAS, it is the stated purpose of the Act to “facilitate the development of recommendations for a national health planning policy, to augment areawide and state planning for health services, manpower, and facilities, and to authorize financial assistance for the development of resources to further that policy”; and

WHEREAS, the President and Congress of the United States of America did, through the enactment of the National Health Planning and Resources Development Act of 1974, direct the Governors of the several States to designate the boundaries of health service areas within the several States, and did further direct the Governors of the several States to submit their designations to the Secretary of Health, Education, and Welfare within one hundred and twenty days of the date of enactment of the Act; and

WHEREAS, in pursuance of his obligation to designate the boundaries of health service areas in the State of Idaho, the Governor of the State of Idaho did cause an Ad Hoc Task Force to be formed to define the alternatives available to the Governor in the designation of health service areas in the State of Idaho; and

WHEREAS, in the discharge of its responsibilities, the Governor of the State of Idaho did direct the Ad Hoc Task Force to conduct public hearings throughout the State to solicit and receive statements and opinions of the public at large; and

WHEREAS, the Ad Hoc Task Force, having completed its work, has reported its findings to the Governor of the State of Idaho; and

WHEREAS, members of the Ad Hoc Task Force and the public at large have expressed the need for efficiency, effectiveness, productivity, and a lack of duplication in health planning in the State of Idaho; and

WHEREAS, a significant majority of the public at large have clearly stated the desire to preserve, strengthen, and guarantee effective and decisive local input in health planning in the State of Idaho;

NOW, THEREFORE, I, CECIL D. ANDRUS, Governor of the State of Idaho, by authority vested in me by law, do hereby establish six (6) health service subareas within the State of Idaho, the boundaries of which shall conform with the official and uniform state planning regions created by Executive Order No. 72-3.

Further, for the purposes of the National Health Planning and Resources Development Act of 1974, the six (6) health service subareas established by this Executive Order shall collectively constitute the health service area for the State of Idaho.

It is the explicit intent of this Executive Order to promote efficiency and to prevent duplication in health planning in the State of Idaho, but only in such a manner as to guarantee and actively promote decisive local input in the health planning process.

For that reason, I do further direct the establishment of six (6) subarea health councils, one in each of the six (6) health service subareas within the State. The membership of these councils shall conform with the requirements of Section 1512 of the National Health Planning and Resources Development Act of 1974, and shall be appointed only after written consultation with the chief elected official of each local political subdivision within the boundaries of the respective health service subareas.

In order to protect and promote effective local input in health service planning within the State of Idaho, I do further direct that the Health Systems Agency established within the State of Idaho for the purposes of the National Health Planning and Resources
Development Act of 1974, irrespective of any designation or recognition of such Agency by the United States Department of Health, Education, and Welfare, shall be composed of eighteen (18) members comprised of three members each from the six (6) subarea councils, plus any appropriate State and Federal officials. Further, notwithstanding any future guidelines, regulations, or decisions of the United States Department of Health, Education, and Welfare, the Health Systems Agency established in the State of Idaho pursuant to the National Health Planning and Resources Development Act of 1974 shall provide for and effectuate an equitable distribution among the six (6) subarea health councils of any planning funds received pursuant to the National Health Planning and Resources Development Act of 1974.

To further assure local input in health planning within the State of Idaho, the members of the Health Systems Agency shall all sit on the Statewide Health Coordinating Council to be established pursuant to Section 1524 of the National Health Planning and Resources Development Act of 1974.

In order to assist in the prompt and orderly implementation of the provisions of this Executive Order, I do hereby designate the State Department of Health and Welfare as the State Health Planning and Development Agency pursuant to Section 1521 of the National Health Planning and Resources Development Act of 1974.

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 second day of May, 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.

/s/ CECIL D. ANDRUS
GOVERNOR OF THE STATE OF IDAHO

BY THE GOVERNOR:

/s/ PETE T. CENARRUSA
SECRETARY OF STATE
WHEREAS, widespread disaster resulting from fire, flood, storm, earthquake, epidemic, riot, or other destructive forces is an ever present possibility in this State; and

WHEREAS, potential enemies of the United States have the capability to attack this State and the United States with nuclear weapons; and

WHEREAS, Chapter 10, Title 46 of the Idaho Code requires the protection of lives and property of the residents of the State in any type of emergency, natural disaster or nuclear attack, that might conceivably confront the State; and

WHEREAS, it is the duty of all State officials to assume active leadership in disaster preparedness; and

WHEREAS, the legislature has directed the development of such State emergency preparedness plans; and

WHEREAS, effective State preparedness planning requires the identification of functions that would have to be performed during such emergencies, the assignment of responsibility for performance of these functions, and the assignment of responsibility for developing the capability to implement these plans;

NOW, THEREFORE, I, CECIL D. ANDRUS, Governor of the State of Idaho by virtue of the powers and authority vested in me by the Constitution and laws of this State, and in accordance with the provisions of Section 46-601 of the Idaho Code, do hereby assign emergency preparedness functions to the various agencies. Assignments conform to changes in organization which occurred subsequent to the issuance of Executive Order Number 72-2, dated April 3, 1972, which is hereby repealed.

Each department and agency with essential functions, whether expressly identified in this order or not, shall:

1. GENERAL ASSIGNMENTS
   a. Develop and maintain emergency operations plans to effectively carry out the agency's emergency functions, including assignment of emergency duties to all subdivisions and personnel. Plans shall be kept current and a copy placed on file in the State Emergency Operations Center (EOC), Bureau of Disaster Services.
   b. Appoint a Disaster Coordinator and furnish that name to the Bureau of Disaster Services.
   c. Direct the agency head or his/her representative to report to the State Emergency Operations Center during emergencies (which require the activation of that facility) to serve as a member of the Governor's staff; to provide continuous liaison with the Governor and other appropriate authorities, and to establish immediate contact with the Bureau of Disaster Services.
   d. Direct key officials of agencies who serve in field offices within the six highway districts (upon notice of a proclaimed wartime emergency) to report to the appropriate State Highway District Emergency Operations Center and assist the district engineer in his emergency capacity as District Disaster Services Coordinator.
   e. Make resources and facilities available for use as public shelters or other essential emergency use.
   f. Provide coordination and support during emergency operations as required by the State of Idaho Emergency Plan.

2. SPECIFIC ASSIGNMENTS
   a. OFFICE OF THE ATTORNEY GENERAL:
      (1) Provides legal advice and assistance to all executive officers of State government and to all offices or agencies of the State upon any question of law relating to their respective offices.
   b. MILITARY DIVISION, (Office of the Adjutant General):

...
(1) The Adjutant General serves as Chief of the Bureau of Disaster Services providing executive supervision and policy guidance to that agency.

(2) In all matters of disaster services, the Adjutant General coordinates the activities of all State agencies handling such matters on behalf of the Governor. (Section 46-1006, Idaho Code).

(3) Provides military support; advises and makes recommendations to civil authorities on the employment of military forces during a disaster/emergency in accordance with Federal laws and regulations.

(4) Provides specific guidance as required for emergency preparedness planning and programming for State military forces.

(5) Orders into the active service of the State, the National Guard or any part thereof as directed by the Governor in the event a state of extreme emergency has been declared. (Section 46-601, Idaho Code).

(6) During nuclear war emergencies, provides a fixed radiological monitoring and reporting capability at each armory throughout the State. Develops aerial radiological monitoring capabilities.

(7) Collects and processes emergency information to include damage assessments. Disseminates this information to higher and subordinate military headquarters, and to civil authorities when appropriate.

(8) Establishes a statewide military emergency communications system. During emergencies, maintains radio and telephone communications between the State Emergency Operations Center and State military headquarters (Idaho Area Command). Develops a capability for utilization of radio communications between the State military forces, State highway districts, and civil law enforcement agencies. Provides a mobile communications center for joint military/civil use as required at the scene of operations during emergencies.

(9) Through the Coordinator, Disaster Services:

   (a) Coordinates operations of all State agencies in both peacetime and enemy attack-caused emergencies.

   (b) Establishes and maintains an Emergency Operations Center for controlling and directing emergency operations.

   (c) Coordinates plans with local officials and provides assistance in the search, rescue, care and treatment of injured persons who are lost, entrapped, victimized or threatened by a disaster.

   (d) Develops and coordinates the preparation and implementation of plans and programs for emergency preparedness and management of resources in the State, consistent with national plans and programs.

   (e) Insures the effective coordination and control of State resources in support of radiological emergency response activities concerning fixed nuclear facilities.

   (f) Provides for mutual support between the State’s civil government and Federal agencies.

   (g) Assists local governments in the development of their emergency disaster preparedness planning.

   (h) Coordinates all requests for disaster assistance and insures compliance with Federal and State law.

   (i) Administers Federal programs of disaster planning and assistance pertinent to State and local government.

   (j) Coordinates use of communications and warning systems in the State Emergency Communications Center.

---

c. DIVISION OF TOURISM AND INDUSTRIAL DEVELOPMENT

(1) Prepares and maintains a complete inventory of Idaho industries.

(2) Encourages production of products essential to survival.

(3) Cooperates with industry in promoting industrial survival planning and restoration of essential industrial and commercial facilities.
(4) Assists the Emergency Public Information Officer.
(5) Assists resource control groups in implementing resource management plans.

d. DEPARTMENT OF ADMINISTRATION
(1) Through the Administrator, Bureau of Communications:
(a) Maintains liaison with the communications media, i.e., radio and television, and State agencies for improving and maintaining warning and emergency communications systems.
(b) Develops plans for use of all nonmilitary communications and warning systems within the State during an emergency.
(c) Assists other State and local agencies in procuring communications and warning equipment required to fulfill emergency responsibilities.
(d) Prepares communications and warning studies to improve emergency communications.
(2) Through the Administrator, Division of Public Works:
(a) Provides personnel for damage assessment, and disaster analysis.
(b) Provides assistance to State and local health authorities with emergency sanitation problems.
(c) Assists in planning for emergency use of public lands, hospitals, institutions and other buildings.
(d) Assists in the determination of immediate reconstruction requirements.
(e) Supervises the mobilization of construction personnel and equipment, as pertains to housing and essential facilities.
(3) Provides administrative and logistical support services to Emergency Operations Center elements (when operational) to include clerical and printing.

e. DEPARTMENT OF AGRICULTURE
(1) Plans and directs such emergency control and distribution of food products as is consistent with national plans and the needs of the State. Such responsibility shall include directing and coordinating local government activities affecting emergency food distributions.
(2) Plans and directs a statewide program for defense against chemical, biological and radiological warfare as it relates to animals, crops, and other foodstuffs. Such responsibility shall include giving advice and technical assistance to agencies in developing and coordinating plans for defense against such warfare.
(3) Insures the necessary coordination with the U.S. Department of Agriculture State Emergency Board for the estimates of available and required food supplies in relation to emergency needs and in their determination of the uses of wholesale stocks made available by the department during emergencies.

f. DEPARTMENT OF EDUCATION
(1) Provides guidance and coordination of plans for insuring the safety of the school population in time of emergency.
(2) Develops and coordinates plans with school bus companies for use of buses for emergency transport.
(3) Develops plans for the utilization of school facilities for reception, shelter and mass feeding centers during natural or nuclear disasters.

g. DEPARTMENT OF EMPLOYMENT
(1) Provides emergency civilian manpower services consistent with State plans and programs.
(2) Provides for emergency management and operation of the resource control group pertaining to manpower.

h. DEPARTMENT OF FINANCE
(1) Establishes, coordinates and supervises, in cooperation with appropriate State and Federal agencies, economic stabilization controls, including money, credit and banking controls, price and rent controls and consumer rationing.
(2) Establishes procedures to insure earliest practicable and most equitable
reimbursement of individuals, organizations and local governments for facilities provided,
services rendered and resources consumed.

(3) Insures equitable apportionment between State and local governments of the
costs of such emergency facilities, resources and services that are not chargeable to the
Federal government.

i. DEPARTMENT OF FISH AND GAME
   (1) Provides personnel to be used as auxiliary police during emergencies.
   (2) Provides personnel and equipment for search and rescue missions.
   (3) Provides personnel and equipment for radiological detection and survey

assignments.
   (4) Assists in determining environmental impact of proposed emergency operations
and suggest alternative methods or actions to keep resulting environmental damage to a
minimum.

j. DEPARTMENT OF HEALTH AND WELFARE
   (1) Coordinates emergency medical and health services throughout the State. Such
responsibility includes developing general plans for care of the sick and injured, casualty
 collection, evacuation and hospitalization, use of hospitals and other medical facilities,
training of and use of medical and paramedical personnel, protection against radiological,
chemical and biological hazards, controlling diseases, assuring proper environmental
sanitation, and providing emergency mortuary services.
   (2) Responsible for general emergency planning, implementation, and direction of
radiological emergency response operational activities in support of fixed nuclear facilities.
   (3) Provides welfare functions of registration, lodging, feeding, and clothing of
disaster victims.
   (4) Cooperates with the Department of Water Resources in assuring adequate
supplies of potable water.
   (5) Provides emergency management and operation of the health resource control
group.
   (6) Maintains and controls the use of packaged disaster hospitals.

k. DEPARTMENT OF LANDS
   (1) Cooperates with Federal and local governments in developing plans for and
directing activities relating to the prevention and control of fires in the rural areas of the
State.
   (2) Develops plans and directs activities for the emergency protection, management
and utilization of land resources, and facilities under the State's jurisdiction. Also, for the
emergency protection and processing of forest products in cooperation with other Federal,
State and private agencies.
   (3) Provides a mobile and fixed radiological monitoring capability.

l. DEPARTMENT OF LAW ENFORCEMENT
   (1) Coordinates all requests for additional law enforcement personnel.
   (2) Operates a statewide emergency communications service.
   (3) Operates the National Warning System (NAWAS)insofar as it relates to the
State, until relieved by activation of the State Emergency Operations Center.
   (4) Supports the Bureau of Disaster Services by developing, operating, and
maintaining a warning system for alerting State and local governments.
   (5) Develops and implements plans for statewide emergency traffic control
measures.
   (6) Provides damage assessment and information on disaster incidents to the State
Emergency Operations Center.
   (7) Provides a mobile and a fixed radiological monitoring capability.

m. DEPARTMENT OF PARKS AND RECREATION
   (1) Assists the Department of Lands in preventing and combating fires in rural
areas.
   (2) Cooperates with the Director, Department of Health and Welfare, in providing
for use of appropriate departmental lands and facilities as mass care centers during emergencies.

(3) Provides a fixed radiological monitoring capability.

n. DEPARTMENT OF TRANSPORTATION

(1) Develops an emergency organization for the coordination of disaster operations at the district level under the supervision of the District Engineer.

(2) Provides engineering services, repair and maintenance of public roads, bridges, airfields, and debris clearance.

(3) Provides for emergency highway traffic regulations.

(4) Provides emergency management of resources pertaining to construction and transportation.

(5) Coordinates aviation activities within the State and provides aviation resources for search and rescue of downed and missing aircraft.

o. DEPARTMENT OF WATER RESOURCES

(1) Supervises dam safety during times of flooding or imminent failure to protect life and property, by coordinating regulation of releases or emergency maintenance and repair. Advises Emergency Operations Center of impending emergency conditions, either as a result of imminent failure or of other conditions.

(2) Coordinates activities of local flood control districts during impending emergency situations.

(3) Establishes procedures to grant stream channel protection waivers to entities involved in emergency flood fight situations or when channel work is necessary on an emergency basis to protect life and property.

(4) Provides trained personnel to assist in disaster analysis and to recommend emergency actions during and after flood emergencies.

(5) Assists in determining environmental impact of proposed emergency operations and suggests alternative methods or actions to keep resulting environmental damage to a minimum.

(6) Acts as responsible agency to coordinate State efforts in drought disaster through public information programs.

(7) Provides assistance in finding and obtaining alternative water supplies during drought emergencies.

(8) Provides emergency management of the Water Resource Control Group.

3. EMERGENCY ACTIONS

Any emergency preparedness functions under this Order, or parts thereof may be transferred from one governmental agency to another with the consent of the heads of the agencies involved and with the concurrence of the Chief, Bureau of Disaster Services. Any new emergency preparedness functions may be assigned to the head of a governmental agency by the Chief, Bureau of Disaster Services by mutual consent.

The head of each governmental agency is hereby authorized to delegate the functions assigned to him by this Order.

This Order does not confer authority to put into effect any emergency plan, procedure or policy until my proclamation of a state of extreme emergency as defined in Section 46-601, subparagraph (a) of the Idaho Code is issued.

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 16th day of May in the year of our Lord nineteen hundred seventy-five and of the State, the eighty-fifth, and of the Independence of the United States of America, the one hundred ninety-ninth.
EXECUTIVE ORDER NO. 75-6

TRANSFERRING THE ROUTINE ADMINISTRATION OF THE IDAHO TRAFFIC SAFETY COMMISSION TO THE IDAHO TRANSPORTATION DEPARTMENT

WHEREAS, Chapter 49, Title 23, Section 401-405, U.S. Code authorizes each state to have a highway safety program designed to reduce traffic accidents; and

WHEREAS, the Governor of each state shall be responsible for the administration of the program through a state agency; and

WHEREAS, Chapter 1, Title 40, Idaho Code, establishes the Idaho Traffic Safety Commission within the Idaho Transportation Department;

NOW, THEREFORE, I, CECIL D. ANDRUS, Governor of the State of Idaho by the authority vested in me by law, do hereby order that:

1. The Administrator of the Division of Highways shall act as representative of the Governor and serve as Chairman of the Commission.

2. The Administrator of the Traffic Safety Commission shall have general supervision and control of all activities, functions and employees of the Commission subject to the rules, regulations and policies of the Idaho Transportation Department.

3. The Director of the Idaho Transportation Department shall recommend names for appointment to the Idaho Traffic Safety Commission.

4. The Director of the Idaho Transportation Department shall approve all travel and recommend the salary for the Administrator of the Traffic Safety Commission for the consideration of the Governor.

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 first day of June 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.

/s/ CECIL D. ANDRUS
GOVERNOR OF THE STATE OF IDAHO

BY THE GOVERNOR:

/s/ PETE T. CENARRUSA
SECRETARY OF STATE
EXECUTIVE ORDER NO. 75-7

IDAHO DEPARTMENT OF SPECIAL SERVICES ABOLISHED, STATE ECONOMIC OPPORTUNITY OFFICE AND STATE OFFICE OF AGING TRANSFERRED

WHEREAS, the people of the State of Idaho approved an amendment to the Constitution of the State of Idaho adding Section 20 to Article 4, thereby limiting the number of executive departments to no more than twenty; and
WHEREAS, pursuant to Section 20, Article 4, of the Idaho State Constitution, Section 67-2402, Idaho Code, enumerates the executive departments of the State of Idaho; and
WHEREAS, the functions and responsibilities of the State Economic Opportunity Office and the State Office of Aging have become a permanent function and responsibility of Idaho State government;
NOW, THEREFORE, I, CECIL D. ANDRUS, Governor of the State of Idaho, by authority vested in me by law, do hereby abolish the Idaho Department of Special Services, effective July 1, 1975;
The State Economic Opportunity Office, with all its functions and responsibilities, is hereby transferred to the Department of Health and Welfare effective July 1, 1975;
The State Office of Aging, with all its functions and responsibilities, is hereby transferred to the Office of the Governor effective July 1, 1975.

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 twenty-eighth day of May, 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.

/s/ CECIL D. ANDRUS
GOVERNOR OF THE STATE OF IDAHO

BY THE GOVERNOR:

/s/ PETE T. CENARRUSA
SECRETARY OF STATE

EXECUTIVE ORDER NO. 75-8

IDAHO HUMAN RESOURCES DEVELOPMENT COUNCIL ABOLISHED

WHEREAS, the people of the State of Idaho approved an amendment to the Constitution of the State of Idaho adding Section 20 to Article 4, thereby limiting the number of executive departments to no more than twenty; and
WHEREAS, pursuant to Section 20, Article 4, of the Idaho State Constitution, Section 67-2402, Idaho Code, enumerates the executive departments of the State of Idaho; and
WHEREAS, the Idaho Human Resources Development Council has achieved its primary objective in designing and implementing sound manpower programs for the State of Idaho under the Comprehensive Employment and Training Act of 1973; and
WHEREAS, the primary responsibility in Idaho State government for meeting the needs of Idaho's unemployed and underemployed citizens rests clearly with the State Department of Employment;
NOW, THEREFORE, I, CECIL D. ANDRUS, Governor of the State of Idaho, by authority vested in me by law, do hereby abolish the Idaho Human Resources Development Council, effective June 1, 1975.

In order to assure the continuation of resources available to the State of Idaho to meet the needs of unemployed and underemployed taxpayers, I do further designate the State Department of Employment as the primary agency of State government responsible for the implementation of all applicable sections of the federal Comprehensive Employment and Training Act of 1973. In addition, all responsibilities assigned to the Governor under the Comprehensive Employment and Training Act of 1973 are hereby delegated to the Director of the State Department of Employment.

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 twenty-eighth day of May, 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.

/s/ CECIL D. ANDRUS
GOVERNOR OF THE STATE OF IDAHO

BY THE GOVERNOR:

/s/ PETE T. CENARRUSA
SECRETARY OF STATE

EXECUTIVE ORDER NO. 75-9

REPEALING EXECUTIVE ORDER NO. 71-10

WHEREAS, in the past state agency plans have been submitted to the federal programs coordinator for review; and

WHEREAS, the statutory provisions creating the position of federal programs coordinator were repealed by the Second Regular Session of the Forty-Second Idaho Legislature;

NOW, THEREFORE, I, CECIL D. ANDRUS, Governor of the State of Idaho, by the authority vested in me by law, do hereby repeal Executive Order 71-10, dated May 24, 1971.

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 twenty-eighth day of July, in the year of our Lord nineteen hundred seventy-five, and of the Independence of the United States of America the two hundredth, and of the State the eighty-sixth.

/s/ CECIL D. ANDRUS
GOVERNOR OF THE STATE OF IDAHO

BY THE GOVERNOR:

/s/ PETE T. CENARRUSA
SECRETARY OF STATE
EXECUTIVE ORDER NO. 75-10

DECLARING DECEMBER 26, 1975 A STATE HOLIDAY

Pursuant to the authority vested in me as Governor of the State of Idaho, I hereby declare and order as follows:

1. That Friday, December 26, 1975, the day following Christmas Day, be a state holiday and that except as hereinafter provided, all employees of the State of Idaho are exempt from work in state service on that day.

2. That appointing authorities may require that essential state employees remain in state service on December 26, 1975, and that those state employees shall receive compensatory time credit for their service.

3. That the employees of the State of Idaho and their families enjoy a very Merry Christmas and a Happy New Year with our thanks for their service to the State of Idaho throughout 1975.

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 twenty-fourth day of December, in the year of our Lord nineteen hundred seventy-five, and of the Independence of the United States of America the two hundredth, and of the State the eighty-sixth.

/s/ CECIL D. ANDRUS
GOVERNOR OF THE STATE OF IDAHO

BY THE GOVERNOR:

/s/ PETE T. CENARRUSA
SECRETARY OF STATE

EXECUTIVE ORDER NO. 76-1

IDAHO CODE OF MILITARY JUSTICE REGULATIONS

By virtue of the authority vested in me by Article 4, Section 4, of the Constitution of the State of Idaho, together with Idaho Code Section 46-107, as Governor of Idaho and Commander in Chief of the military forces of the State, I hereby prescribe the following regulations to be designated "Idaho Code of Military Justice Regulations."

These regulations shall be in force and effect in the military forces of Idaho on and after this date as to all courts-martial and nonjudicial punishment proceedings conducted on and after this date, provided that nothing in these regulations shall be construed to invalidate any investigation, trial in which arraignment has been had, or other action commenced or which may be completed in accordance with the provisions of applicable laws and regulations theretofore existing.
IDAHO SESSION LAWS

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 16th day of March, in the year of our Lord nineteen hundred seventy-six, and of the Independence of the United States of America the two hundredth, and of the State the eighty-sixth.

/s/ CECIL D. ANDRUS
GOVERNOR OF THE STATE OF IDAHO

BY THE GOVERNOR:

/s/ PETE T. CENARRUSA
SECRETARY OF STATE

Boise, Idaho
March 1976

MILITARY DIVISION
REGULATION NUMBER 27-1 ARNG - Legal Services
111-1 ANG - Legal Services

JUDICIAL AND NONJUDICIAL PUNISHMENT

This regulation prescribes the procedures for military justice in the Idaho National Guard. It contains the regulations prescribed by the Governor of Idaho and the Adjutant General, Idaho, where required by provisions of the “Idaho Code of Military Justice” in Chapter 11, Section 46, Idaho Code.

EXECUTIVE ORDER OF THE GOVERNOR

<table>
<thead>
<tr>
<th>CHAPTER</th>
<th>DESCRIPTION</th>
<th>PAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>GENERAL</td>
<td>1-1</td>
</tr>
<tr>
<td></td>
<td>Application</td>
<td>1-1</td>
</tr>
<tr>
<td></td>
<td>Preparation of Charges</td>
<td>1-1</td>
</tr>
<tr>
<td>2</td>
<td>TYPES OF PUNISHMENT</td>
<td>2-1</td>
</tr>
<tr>
<td></td>
<td>Nonjudicial Punishment</td>
<td>2-1</td>
</tr>
<tr>
<td></td>
<td>Court-Martial</td>
<td>2-1</td>
</tr>
<tr>
<td>3</td>
<td>RECORDING OF PROCEEDINGS</td>
<td>3-1</td>
</tr>
<tr>
<td></td>
<td>Records Used</td>
<td>3-1</td>
</tr>
<tr>
<td>4</td>
<td>COMPLAINTS OF WRONGS</td>
<td>4-1</td>
</tr>
<tr>
<td></td>
<td>Procedure</td>
<td>4-1</td>
</tr>
</tbody>
</table>
CHAPTER I

GENERAL

1-1. Application. The administration of military justice in the Idaho National Guard shall be governed by the Idaho Code of Military Justice, by this regulation and by the Manual for Court-Martial, United States, 1969 (Revised Edition) or as it may be hereafter amended (hereinafter referred to as MCM) except where the manual is inconsistent with the Idaho Code of Military Justice or with this regulation.

1-2. Preparation of charges. Court-martial charges shall be prepared and court-martial trials, including nonjudicial punishment proceedings, shall be conducted in accordance with the laws and regulations referred to in paragraph 1-1. See paragraphs 2-1 and 2-2, chapter 2, this regulation for instructions concerning the method of charging offenses under the Idaho Code of Military Justice.

CHAPTER 2

TYPES OF PUNISHMENT

2-1. Nonjudicial punishment. The kind and amount of punishment is prescribed in Idaho Code, Section 46-1108. Chapter XXVI of the MCM is herein incorporated by reference and is applicable as a guide in administering the Idaho Code of Military Justice.

2-2. Court-martial.

a. Jurisdiction — The Idaho National Guard is comprised of the Idaho Air National Guard and the Idaho Army National Guard. Members of any court-martial shall be of the same force as the accused. In any court-martial the trial counsel, defense counsel, and the military judge may be members of either force provided they are certified as competent and qualified by the state judge advocate.

b. Composition — Composition of court-martial shall be in accordance with Idaho Code, Section 46-1114. Members must possess the following qualifications:

(1) Must have served in the Idaho National Guard for one year or more.

(2) Must have been selected on a random basis from among those persons eligible who permanently reside within the geographical limits of the State of Idaho.

c. Member Selection — Selecting at random of members of a court-martial shall be construed to mean the placement of names of all eligible individuals residing within a reasonable radius of the trial site in a container and the withdrawal of the names shall be made by a person wholly disinterested in the proceedings. “Eligible individuals” shall be construed to mean persons senior in rank to the accused. If the accused is an enlisted member, he may request, in writing, that one-third of the court-martial shall be enlisted members senior in rank. The request for appointment of enlisted personnel must be made at least fourteen days prior to convening of the court-martial.

d. Procedures:

(1) In all cases before military courts, and other military tribunals, the rules of evidence applicable in the trial of criminal cases in the courts of Idaho, and the rules of evidence (so long as they are not inconsistent with the state rules of evidence) prescribed in the MCM shall apply.

(2) The military judge, or president of a special court-martial, sitting without a military judge, may call the court into session without the presence of the members to receive pleas of the accused provided the requirements of Idaho Code, Section 46-1128, are followed.

(3) Pleas of guilty made by an accused may be accepted by a military judge or by a president of a court-martial without a military judge, and a finding of guilty of the charge or specification may be entered immediately without vote of the members of the court-martial.
A finding so entered shall constitute a finding of the court unless the plea of guilty is withdrawn prior to pronouncement of sentence, in which event the proceeding shall continue as though the accused had pleaded not guilty. Pleas of guilty accepted pursuant to this regulation shall be in conformity with the procedure prescribed in paragraph 70(b), MCM.

(4) Search warrants shall be issued by military judges only upon probable cause supported by affidavit naming or describing the person, place and particular property to be searched. Procedurally, the military judge shall follow, to the extent applicable, the Idaho law relating to search warrants, including the issuance and execution thereof.

(5) Processes, mandates, subpoenas and attachments will be issued in the form generally utilized by the courts of the State of Idaho.

(6) Procedures set forth in Chapter XVI, MCM, shall be applicable to records of trial of court-martial.

(7) All county jails are hereby designated as places of confinement. The Adjutant General, Idaho, or state judge advocate shall sign all orders of commitment and release from confinement. Paragraph 93, MCM, shall be applicable, except where it is otherwise inappropriate.

(8) The Adjutant General, Idaho, shall be charged with the responsibility of restoring all the rights, privileges and property which are affected, where the provisions of Idaho Code, Section 46-1160, have been executed, including pay and longevity.

CHAPTER 3

RECORDS OF PROCEEDINGS

3-1. Records used:

a. Records of proceedings pursuant to Idaho Code, Section 46-1108, shall be as prescribed on AGO Idaho Form 17, Figure 3-1; AGO Idaho Form 17-1, Figure 3-2; and AGO Idaho Form 17-2, Figure 3-3, as appropriate.

b. Records of court-martial proceedings shall be in form and content as required by the MCM.

c. Records of proceedings, pursuant to Idaho Code, Section 46-1108, shall be destroyed upon termination of the individual's current period of enlistment.

CHAPTER 4

COMPLAINTS OF WRONGS

4-1. Procedure.


(1) Any complaint relating to military discipline shall not be cognizable under this section, including actions pursuant to Idaho Code, Section 46-1108.

(2) A complaint made pursuant to this section must be in writing and should include all supporting evidence reasonably available to the complainant at the time of submission of his or her application.

(3) Upon review, the state judge advocate will, as soon as practicable, make disposition as follows:

(a) Recommend that the Adjutant General grant the redress applied for.

(b) Deny redress when in his opinion it is not warranted, whereupon he shall return the application, including all supporting evidence, to the complainant.

(c) Deny redress because of lack of authority in that the subject matter is then pending before another authority, whereupon the state judge advocate shall hold the application for further consideration at the conclusion of the pending authority's action.

(d) Deny redress if he lacks authority for a reason other than noted in (c) above,
whereupon the application, including all supporting evidence, shall be returned to the complainant informing him of his right to appeal directly to the Governor of the State of Idaho.

b. Any action to be taken by the state judge advocate under a(3)(b), (c) or (d) above must first be approved by the Adjutant General, Idaho.

Users of this regulation are invited to send comments and suggested improvements to DPA OTAG Idaho. Use DA Form 2028, Recommended Changes to Publications, where possible.

FOR THE ADJUTANT GENERAL, IDAHO:

/s/ KERMIT A. ZAHM
KERMIT A. ZAHM
CW4, Ida-ARNG
Dir of Pers & Admin

DISTRIBUTION:
Special
(Distribution A plus
6 ea ARNG Hq
3 ea ARNG Unit
not included in Distribution A)
RECORD OF PROCEEDINGS UNDER SECTION 46-1108, ICMJ

THIS FORM WILL BE USED IN ALL CASES INVOLVING NONJUDICIAL PUNISHMENT UNDER SECTION 46-1108, ICMJ

NAME

ORGANIZATION

SSN

DATE OF BIRTH

BASIC PAY PER DAY

GRADE

SECTION I - NOTIFICATION

ORGANIZATION AND STATION OF NOTIFYING OFFICIAL

THRU: ____________________________

TO: ____________________________

THRU: ____________________________

DATE: ____________________________

1. IT HAS BEEN REPORTED THAT, ON OR ABOUT _______ AT _______ YOU

2. IT IS MY INTENTION AS ____________________________ (COMMANDING OFFICER OR OTHER OFFICER AUTHORIZED TO IMPOSE PUNISHMENT) (AUTHORIZATION TO IMPOSE NONJUDICIAL PUNISHMENT IS VESTED IN COMMISSIONED OFFICERS IN COMMAND OF ANY UNIT LARGER THAN A PLATOON, PROVIDED THAT WARRANT OFFICERS IN COMMAND OF ANY UNIT ARE AUTHORIZED TO IMPOSE NONJUDICIAL PUNISHMENT UPON ENLISTED MEMBERS OF THEIR RESPECTIVE COMMANDS.) OF THIS ORGANIZATION TO IMPOSE NONJUDICIAL PUNISHMENT UPON YOU AS TO SUCH OFFENSE(S) 4 UNDER THE PROVISIONS OF SECTION 46-1108, ICMJ UNLESS YOU EXPRESSLY DEMAND TRIAL BY COURT-MARTIAL.

3. YOU ARE DIRECTED TO ACKNOWLEDGE RECEIPT OF THIS COMMUNICATION IN SECTION II OF THIS FORM WITHIN _______ HOURS/DAYS AFTER YOUR RECEIPT THEREOF. YOU MAY SUBMIT ANY MATTER IN MITIGATION, EXTENUATION, OR DEFENSE. THAT IS TO SAY YOU MAY PRESENT ANY EXCUSES, EXPLANATION, OR REASONS FOR YOUR ACTIONS WHATEVER.

4. YOU ARE HEREBY INFORMED THAT UNDER THE PROVISIONS OF SECTION 46-1120, ICMJ, YOUR RIGHTS ARE AS FOLLOWS: "SECTION 46-1130. COMPULSORY SELF-INCrimINATION PROHIBITED. (1) No person subject to this code shall compel any person to incriminate himself or to answer any question, the answer to which may tend to incriminate him.

"(2) 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, 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, he may retain counsel of his own expense.

"(3) 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.

"(4) 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.

"(5) This requirement of this section is binding on all persons administering this code but failure to follow them does not direct a military court of jurisdiction."

FOR THE COMMANDER: ____________________________

(TYPED OR PRINTED NAME, GRADE & BRANCH)

AGD IDAHD FORM 17

(FIGURE 3-1)

MAR 76

1
## SECTION II - ACKNOWLEDGEMENT OF NOTIFICATION

<table>
<thead>
<tr>
<th>THRU:</th>
<th>1</th>
</tr>
</thead>
<tbody>
<tr>
<td>THRU:</td>
<td>1</td>
</tr>
<tr>
<td>TO:</td>
<td>8</td>
</tr>
</tbody>
</table>

I ACKNOWLEDGE RECEIPT OF THE FOREGOING COMMUNICATION. TRIAL BY COURT-MARTIAL DEMANDED.

3 IN EXTENUATION, MITIGATION, OR DEFENSE 3 SUB-

THE FOLLOWING MATTERS ARE

MITTED HEREWITH

AND ARE ATTACHED HERETO AND ARE CONTAINED IN SECTION V

PRINTED NAME, GRADE AND SSN

SECTION III - IMPOSITION OF PUNISHMENT

(IF, AT THIS TIME, IT IS DETERMINED THAT NO PUNISHMENT IS WARRANTED, THE INDIVIDUAL CONCERNED SHALL BE NOTIFIED OF THIS FACT AND THE RECORD DESTROYED)

<table>
<thead>
<tr>
<th>THRU:</th>
<th>1</th>
</tr>
</thead>
<tbody>
<tr>
<td>THRU:</td>
<td>1</td>
</tr>
<tr>
<td>TO:</td>
<td></td>
</tr>
</tbody>
</table>

GRADE, FIRST NAME, MIDDLE INITIAL, LAST NAME, SSN

[ORGANIZATION]

1. THE FOLLOWING PUNISHMENT(S) HEREBY IMPOSED:

2. YOU ARE ADVISED OF YOUR RIGHT TO APPEAL IN ACCORDANCE WITH PARA (D), SECTION 48-110B, ICMJ. YOU ARE DIRECTED TO INDICATE ON SECTION IV OF THIS FORM THE DATE OF RECEIPT OF THIS COMMUNICATION WITHIN 8 HOURS)

AFTER YOUR RECEIPT THEREOF AND TO MAKE ANY APPEAL YOU DESIRE TO MAKE. IF YOU EXERCISE YOUR RIGHT TO APPEAL, YOUR APPEAL SHOULD BE ADDRESSED TO:

INCL

(TYPED OR PRINTED NAME, GRADE AND BRANCH)

(TITLE)

AGGRESSO FORM 17
(Figure 3-1 continued)
(MAR 76)
SECTION IV · ACKNOWLEDGEMENT OF IMPOSITION OF PUNISHMENT

THRU: 1
THRU: 2
THRU: 3
TO:  4

I RECEIVED THE FOREGOING COMMUNICATION (SECTION III) ON 5

(DATE)

APPEAL FROM THIS PUNISHMENT, 6

(IGNORE)

(DO NOT)


INCL.

/IS/

(TYPED OR PRINTED NAME, GRADE AND SSN)

SECTION V

THIS SPACE MAY BE USED FOR ADDITIONAL REMARKS AND CONTINUATION OF SECTIONS. THE CORRESPONDING SECTION BEING CONTINUED SHOULD BE INDICATED. IF ADDITIONAL SPACE IS REQUIRED, USE REVERSE SIDE OF THIS PAGE OR ATTACH ADDITIONAL SHEETS NUMBERING EACH SHEET CONSECUTIVELY.
USE THE FOLLOWING INSTRUCTIONS WHERE THE CORRESPONDING NUMBER APPEARS ON THE FORM

1. Complete only if applicable. If record is transmitted through channels, intermediate commanders need only line out and initial.

2. Insert language describing the nature of the alleged misconduct in the form of a concise statement of the offense charged in such terms that a specific violation or violations of the ICMJ is clearly stated. If more than one offense is involved, add language substantially as follows: "It has also been reported that on or about at you..." If additional space is required, use Section V.

3. Insert applicable word(s).

4. Strike out inapplicable word or letter.

5. Insert a time reasonable under the circumstances.

6. The time within which acknowledgment of receipt is to be made should be determined in light of the circumstances of the case. The address may request an extension of time.

7. If signed personally, strike out command line.

8. Insert title of officer who is to impose the punishment and his organization.

9. If a punishment is suspended, the action should state and should specify the duration of the suspension. If punishment includes a written admonition or reprimand, this should be attached to this form and listed as an enclosure. If punishment includes a reduction, the reduction order should be attached to this form and listed as an enclosure.

10. Designate by title the next superior authority to whom the appeal be directed.

11. When no appeal is made, address to the officer who imposed the punishment(s). If an appeal is made, address to the officer specified in para 2, Section III.

12. If desired, state the reason for the appeal. If additional space is required, use Section V. Attach any documents desired to be considered to the back of this form and list the number of enclosures. If none, leave blank.

13. In the event the person punished exercises his right to appeal, the superior authority shall utilize AGO Idaho Form 17-1 which, when completed, will be attached to this form.
RECORD OF APPELLENT OR OTHER SUPPLEMENTARY ACTIONS UNDER SECTION 48-1108, ICM

<table>
<thead>
<tr>
<th>NAME</th>
<th>SSN</th>
<th>GRADE</th>
</tr>
</thead>
<tbody>
<tr>
<td>ORGANIZATION</td>
<td>DATE OF BIRTH</td>
<td>BASIC PAY PER DAY</td>
</tr>
<tr>
<td>DATE PUNISHMENT IMPOSED</td>
<td>PUNISHMENT(S) IMPOSED</td>
<td></td>
</tr>
</tbody>
</table>

PART I - RECORD OF ACTION ON APPEAL

SECTION I - TRANSMITTAL TO SUPERIOR AUTHORITY (TO BE COMPLETED ONLY IF THE APPEAL IS TO BE FORWARD TO A SUPERIOR AUTHORITY)

TO: ____________________________  [DATE]

(ORGANIZATION)

FORWARDED HEREWITH FOR CONSIDERATION AND ADVICE PURSUANT TO THE PROVISIONS OF PARA (d), SECTION 48-1108, ICM

FOR THE COMMANDER 1

(TYPED OR PRINTED NAME, GRADE AND BRANCH)  /s/ ____________________________

(TITLE)

SECTION II - ACTION BY SUPERIOR AUTHORITY

(TO BE COMPLETED ONLY IF THE APPEAL IS FORWARD TO A SUPERIOR AUTHORITY)

THRU: ____________________________ [DATE]

TO: ____________________________  10

1. I HAVE CONSIDERED THE APPEAL IN THIS CASE AND IT IS MY OPINION THAT THE PUNISHMENT IS NOT UNJUST OR DISPROPORTIONATE TO THE OFFENSE(S),

2. APPEAL ____________________________ 3

(DENIED) (GRANTED) (GRANTED IN PART)  /s/ ____________________________

INCL 8

(TYPED OR PRINTED NAME, GRADE AND BRANCH)  /s/ ____________________________

(TITLE)

SECTION III - ACKNOWLEDGEMENT OF ACTION ON APPEAL

TO: ____________________________  [DATE]

(ORGANIZATION)

RECEIVED ON ____________________________ CONTENTS NOTED.

(TYPED OR PRINTED NAME, GRADE AND SSN)  /s/ ____________________________

AGO IDAHO FORM 17-1  (FIGURE 32)
(MAR 76)
**PART II - RECORD OF SUPPLEMENTARY ACTIONS OTHER THAN ON APPEAL**

### SECTION I - SUSPENSION, REMISSION OR SETTING ASIDE OTHER THAN BY SUPERIOR ACTING ON AN APPEAL.

<table>
<thead>
<tr>
<th>Date</th>
<th>Punishment(s)</th>
<th>Officer</th>
<th>Property Restored</th>
<th>Commanding Officer</th>
</tr>
</thead>
</table>

### SECTION II - VACATION OF SUSPENSION

<table>
<thead>
<tr>
<th>Date</th>
<th>Punishment(s)</th>
<th>Commanding Officer</th>
</tr>
</thead>
</table>

### SECTION III - VACATION OF SUSPENSION

This space may be used for additional remarks and continuation of sections. If additional space is required, attach additional sheets, numbering each sheet consecutively.

**USE THE FOLLOWING INSTRUCTIONS WHERE THE CORRESPONDING NUMBER APPEARS ON THE FORM**

1. If signed personally, strike out command line.
2. Complete only if applicable. If record is transmitted through channels, intermediate commanders need only line out and initial.
3. Insert applicable word(s).
4. State nature of action, if any, such as remission, suspension, or setting aside and restoration.
5. Any other documents reflecting the action taken, such as reduction of restoration orders should be attached herein and listed as an enclosure.
6. Insert title of immediate commanding officer of the appellant.
7. To be signed by appellant and dispatched to immediate commanding officer.
8. Strike out inapplicable word(s) or letter(s).
9. Insert the name, grade, and branch of the officer who vacated the suspended punishment.
10. Insert name and grade of appellant.
11. Insert name of the officer who imposed the punishment, if still in command or superior authority, whichever is applicable.
**SUMMARY OF NONJUDICIAL PUNISHMENTS ADMINISTERED**

FOR USE OF THIS FORM, SEE CHAPTER 3, MILITARY DIVISION REGULATION NO. 27-1 ARNG; 111-1 ANG AND INSTRUCTIONS ON REVERSE SIDE. THE PROPOSED AGENCY IS OFFICE OF THE AOJUTANT GENERAL, IDAHO.

TO MEMBERS OF [UNIT]

<table>
<thead>
<tr>
<th>NAME</th>
<th>GRADE</th>
<th>DATE PUNISHMENT IMPOSED</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**BRIEF SUMMARY OF OFFENSES FOR WHICH PUNISHED**

<table>
<thead>
<tr>
<th>BY WHOM PUNISHED</th>
<th>ANY PRIOR NONJUDICIAL PUNISHMENT OR TRIAL BY COURT-MARTIAL?</th>
<th>( ) YES ( ) NO</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**PUNISHMENT IMPOSED**

<table>
<thead>
<tr>
<th>WAS MITIGATION, EXTENUATION, OR DEFENSE SUBMITTED?</th>
<th>WAS APPEAL MADE?</th>
</tr>
</thead>
<tbody>
<tr>
<td>( ) YES ( ) NO</td>
<td>( ) YES ( ) NO</td>
</tr>
</tbody>
</table>

**ACTION ON APPEAL**

<table>
<thead>
<tr>
<th>NAME</th>
<th>GRADE</th>
<th>DATE PUNISHMENT IMPOSED</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**BRIEF SUMMARY OF OFFENSES FOR WHICH PUNISHED**

<table>
<thead>
<tr>
<th>BY WHOM PUNISHED</th>
<th>ANY PRIOR NONJUDICIAL PUNISHMENT OR TRIAL BY COURT-MARTIAL?</th>
<th>( ) YES ( ) NO</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**PUNISHMENT IMPOSED**

<table>
<thead>
<tr>
<th>WAS MITIGATION, EXTENUATION, OR DEFENSE SUBMITTED?</th>
<th>WAS APPEAL MADE?</th>
</tr>
</thead>
<tbody>
<tr>
<td>( ) YES ( ) NO</td>
<td>( ) YES ( ) NO</td>
</tr>
</tbody>
</table>

**ACTION ON APPEAL**

<table>
<thead>
<tr>
<th>NAME</th>
<th>GRADE</th>
<th>DATE PUNISHMENT IMPOSED</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**BRIEF SUMMARY OF OFFENSES FOR WHICH PUNISHED**

<table>
<thead>
<tr>
<th>BY WHOM PUNISHED</th>
<th>ANY PRIOR NONJUDICIAL PUNISHMENT OR TRIAL BY COURT-MARTIAL?</th>
<th>( ) YES ( ) NO</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**PUNISHMENT IMPOSED**

<table>
<thead>
<tr>
<th>WAS MITIGATION, EXTENUATION, OR DEFENSE SUBMITTED?</th>
<th>WAS APPEAL MADE?</th>
</tr>
</thead>
<tbody>
<tr>
<td>( ) YES ( ) NO</td>
<td>( ) YES ( ) NO</td>
</tr>
</tbody>
</table>

**ACTION ON APPEAL**

<table>
<thead>
<tr>
<th>NAME</th>
<th>GRADE</th>
<th>DATE PUNISHMENT IMPOSED</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
INSTRUCTIONS FOR USE OF AGO IDAHO FORM 17-2

1. IN ALL CASES INVOLVING NONJUDICIAL PUNISHMENT OF PERSONNEL IN THE GRADE OF E-4 AND BELOW, INCLUDING VACATION OF SUSPENDED PUNISHMENT AND OTHER SUPPLEMENTARY ACTION, THE COMMANDER WILL ANNOUNCE DISPOSITION OF THE CASE. A COPY OF AGO IDAHO FORM 17-2 (SUMMARY OF NONJUDICIAL PUNISHMENTS ADMINISTERED) WILL BE DISPLAYED CONSPICUOUSLY ON UNIT BULLETIN BOARDS OR OTHER PLACES WHERE ROUTINE NOTICES DIRECTED TO MEMBERS OF A UNIT ARE POSTED FOR A PERIOD OF 2 MUTA'S OR 7 DAYS IF IMPOSED DURING ANNUAL TRAINING, FOLLOWING IMPOSITION IF THE PUNISHMENT OR OTHER ACTION AND THEN DESTROYED.

2. IN CASES INVOLVING NONJUDICIAL PUNISHMENT OF ENLISTED PERSONNEL IN GRADES OF E-5 AND ABOVE, INCLUDING VACATION OF SUSPENDED PUNISHMENT AND OTHER SUPPLEMENTARY ACTION, THE COMMANDER HAS DISCRETION TO ANNOUNCE DISPOSITION OF THE CASE, UNLESS WITHHELD BY A HIGHER COMMANDER. ANNOUNCEMENT OF DISPOSITION WILL BE MADE AS IN PARAGRAPH 1 ABOVE. PRIOR TO ANNOUNCEMENT OF DISPOSITION OF CASES INVOLVING PERSONS IN THE GRADE OF E-5 OR ABOVE, DUE CONSIDERATION SHALL BE GIVEN TO THE IMPACT ON UNIT MORALE, TOGETHER WITH ANY IMPAIRMENT OF JOB AND LEADERSHIP EFFECTIVENESS OF THE INDIVIDUAL CONCERNED.
APPENDIX
UNITED STATES SENATORS
Frank Church (D)
James A. McClure (R)

ELECTED OFFICIALS

CONGRESSIONAL

UNITED STATES SENATORS
Frank Church (D)
James A. McClure (R)

REPRESENTATIVES IN CONGRESS
Steven D. Symms (R), First District
George Hansen (R), Second District

Mailing Address: 304 N. 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

STATE AUDITOR
Joe R. Williams (D) .................... 801 North 20th, Boise, Idaho 83702

STATE TREASURER
Marjorie Ruth Moon (D) .............. 2227 Heights Drive, Boise, Idaho 83702

ATTORNEY GENERAL
Wayne L. Kidwell (R) ................. 408 Travertine Way, Boise, Idaho 83706

SUPERINTENDENT OF PUBLIC INSTRUCTION
Roy Truby (D) ......................... 2415 Anderson, Boise, Idaho 83705
# Idaho State Legislators 1975-76

<table>
<thead>
<tr>
<th>District – County</th>
<th>Address</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1  BOUNDARY AND BONNER</strong></td>
<td>Box 187, Hope 83836</td>
</tr>
<tr>
<td>Senate: Kermit V. Kiebert (D)</td>
<td>Rt. 3, Bonners Ferry 83805</td>
</tr>
<tr>
<td>House: Marion Davidson (D)</td>
<td>Clark Fork 83811</td>
</tr>
<tr>
<td>Don Maynard (D)</td>
<td></td>
</tr>
<tr>
<td><strong>2  KOOTENAI</strong></td>
<td>1109 11th, Coeur d'Alene 83814</td>
</tr>
<tr>
<td>Senate: Art Manley (D)</td>
<td>3530 Highland Dr., Coeur d'Alene 83814</td>
</tr>
<tr>
<td>House: Gary J. Ingram (R)</td>
<td>W. 210 Neider, Coeur d'Alene 83814</td>
</tr>
<tr>
<td>C. W. Neider (R)</td>
<td></td>
</tr>
<tr>
<td><strong>3  KOOTENAI AND BENEWAH</strong></td>
<td>201 11th, St. Maries 83861</td>
</tr>
<tr>
<td>Senate: C. C. Chase (D)</td>
<td>1746 Main Ave., St. Maries 83861</td>
</tr>
<tr>
<td>House: Emery E. Hedlund (D)</td>
<td>Rt. 3, St. Maries 83861</td>
</tr>
<tr>
<td>B. E. (Bud) Lewis (R)</td>
<td></td>
</tr>
<tr>
<td><strong>4  KOOTENAI AND SHOSHONE</strong></td>
<td>Box 554, Mullan 83846</td>
</tr>
<tr>
<td>Senate: Arthur P. Murphy (D)</td>
<td>Box 618, Wallace 83873</td>
</tr>
<tr>
<td>House: Dorothy H. McCann (D)</td>
<td>Rt. 1, Cataldo 83810</td>
</tr>
<tr>
<td>Thomas M. Snyder (D)</td>
<td></td>
</tr>
<tr>
<td><strong>5  LATAH</strong></td>
<td>Rt. 1, Moscow 83843</td>
</tr>
<tr>
<td>Senate: Orval M. Snow (D)</td>
<td>1401 Alpowa, Moscow 83843</td>
</tr>
<tr>
<td>House: Norma Dobler (D)</td>
<td>820 West C, Moscow 83843</td>
</tr>
<tr>
<td>Robert E. Hosack (D)</td>
<td></td>
</tr>
<tr>
<td><strong>6  NEZ PERCE</strong></td>
<td>316 Skyline Dr., Lewiston 83501</td>
</tr>
<tr>
<td>Senate: Mike P. Mitchell (D)</td>
<td>604 Burrell Dr., Lewiston 83501</td>
</tr>
<tr>
<td>House: Ronald V. Harlow (D)</td>
<td>2828 Sunset Dr., Lewiston 83501</td>
</tr>
<tr>
<td>Joe N. Wagner (D)</td>
<td></td>
</tr>
<tr>
<td><strong>7  CLEARWATER, LATAH AND NEZ PERCE</strong></td>
<td>Rt. 3, Orofino 83544</td>
</tr>
<tr>
<td>Senate: Claud R. Judd (D)</td>
<td>Box 752, Orofino 83544</td>
</tr>
<tr>
<td>House: Carl P. Braun (D)</td>
<td>Rt. 1, Box 103, Troy 83871</td>
</tr>
<tr>
<td>Lester V. Clemm (D)</td>
<td></td>
</tr>
<tr>
<td><strong>8  LEWIS, NEZ PERCE AND IDAHO</strong></td>
<td>1305 King St., Cottonwood 83522</td>
</tr>
<tr>
<td>Senate: E. H. (Jack) Tacke (D)</td>
<td>RR, Box 22, Nezperce 83543</td>
</tr>
<tr>
<td>House: Dale R. Branson (D)</td>
<td>Rt. 2, Box 34, Craigmont 83523</td>
</tr>
<tr>
<td>Harold W. Reid (D)</td>
<td></td>
</tr>
<tr>
<td><strong>9  ADAMS, BOISE, GEM, VALLEY, IDAHO, ADA AND CANYON</strong></td>
<td>Box 68, Emmett 83617</td>
</tr>
<tr>
<td>Senate: David Little (R)</td>
<td>Box 317, New Meadows 83654</td>
</tr>
<tr>
<td>House: Herbert G. Fitz (R)</td>
<td>Ola 83657</td>
</tr>
<tr>
<td>Morgan Munger (R)</td>
<td></td>
</tr>
<tr>
<td><strong>10  PAYETTE AND WASHINGTON</strong></td>
<td>Midvale 83645</td>
</tr>
<tr>
<td>Senate: Larry E. Craig (R)</td>
<td>Cambridge 83610</td>
</tr>
<tr>
<td>House: George G. Danielson (R)</td>
<td>Rt. 1, New Plymouth 83655</td>
</tr>
<tr>
<td>Walter E. Little (R)</td>
<td></td>
</tr>
<tr>
<td>District – County</td>
<td>Name and Address</td>
</tr>
<tr>
<td>------------------</td>
<td>------------------</td>
</tr>
</tbody>
</table>
| 11 CANYON        | Senate: W. Dean Abrahams (R) 1802 S. Montana, Caldwell 83605  
                    House: Carroll W. Dean (R) Box 145, Notus 83656 
                        Dorothy L. Reynolds (D) 1920 Howard, Caldwell 83605 |
| 12 CANYON        | Senate: Leon H. Swenson (R) Rt. 2, Box 2121, Nampa 83651 
                    House: Ralph J. Gines (R) 137 Davis Ave., Apt. D, Nampa 83651 
                        C. L. (Butch) Otter (R) 1105 N. Ohio, Caldwell 83605 |
| 13 CANYON        | Senate: Phil E. Batt (R) Box 428, Wilder 83676 
                    House: * Maurice L. Clements (R) Rt. 4, Nampa 83651 
                        Percival A. Wesche (R) 323 19th Ave. S., Nampa 83651 |
| 14 ADA           | Senate: Vernon K. Brassey (R) 3200 Treasure Dr., Boise 83703 
                    House: Dan D. Emery (D) 5109 Eugene, Boise 83703 
                        Larry Jackson (R) 3300 Bogus Basin Rd., Boise 83702 |
| 15 ADA           | Senate: Edith Miller Klein (R) P.O. Box 475, Boise 83701 
                    House: Peggy Bunting (R) 944 Lewis, Boise 83702 
                        Edward W. (Ed) Rice (R) 300 N. 6th, Boise 83702 |
| 16 ADA           | Senate: Lyle R. Cobbs (R) 7211 Court Ave., Boise 83704 
                    House: Beth Fitzwater (R) 6407 Robertson Dr., Boise 83705 
                        Bill Onweiler (R) 3710 Cabarton Ln., Boise 83704 |
| 17 ADA           | Senate: H. Dean Summers (R) P.O. Box 579, Boise 83701 
                    House: Kathleen W. (Kitty) Gurnsey (R) 1111 Highland View Dr., Boise 83702 
                        Ron J. Twilegar (D) 524 Main St., Boise 83702 |
| 18 ADA           | Senate: James E. Risch (R) Rt. 3, Boise 83705 
                    House: Rudy A. Andersen (R) 4444 Hillcrest Dr., Boise 83705 
                        Jack C. Kenneveick (R) 1 Mesa Vista Dr., Boise 83705 |
| 19 ADA AND OWYHEE| Senate: Walter H. Yarbrough (R) Box 216, Grand View 83624 
                        John F. Reardon (R) 3100 N. Five Mile Rd., Boise 83702 
                        Lyman G. Winchester (R) Rt. 1, Kuna 83634 |
| 20 CLARK, CUSTER, JEFFERSON AND LEMHI | Senate: James Ellsworth (R) Box 27, Leadore 83464  
                     House: Ray E. Infanger (R) Rt. 1, Box 174, Salmon 83467 
                        Wayne E. Tibbits (R) Box 15D, Lorenzo Rt., Rigby 83442 |

* Resigned – replaced by Virginia Smith (R), Rt. 6, Caldwell 83605
## IDAHO STATE LEGISLATORS 1975-76

### District – County

#### 21 BLAINE, LINCOLN AND MINIDOKA

<table>
<thead>
<tr>
<th>Senate</th>
<th>Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>John T. Peavey (R)</td>
<td>P.O. Box D, Rupert 83350</td>
</tr>
<tr>
<td>Steve Antone (R)</td>
<td>1141 Link, Rupert 83350</td>
</tr>
<tr>
<td>E. V. McHan (R)</td>
<td>P.O. Box 126, Ketchum 83340</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>House</th>
<th>Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>Steve Antone (R)</td>
<td>P.O. Box D, Rupert 83350</td>
</tr>
<tr>
<td>E. V. McHan (R)</td>
<td>P.O. Box 126, Ketchum 83340</td>
</tr>
</tbody>
</table>

#### 22 CAMAS, ELMORE, GOODING AND TWIN FALLS

<table>
<thead>
<tr>
<th>Senate</th>
<th>Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>J. Wilson Steen (R)</td>
<td>P.O. Drawer B, Glenns Ferry 83623</td>
</tr>
<tr>
<td>Karl E. Koch (D)</td>
<td>Hammett 83647</td>
</tr>
<tr>
<td>Virgil L. Kraus (R)</td>
<td>500 N. 11th E., Mtn. Home 83647</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>House</th>
<th>Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>Karl E. Koch (D)</td>
<td>Hammett 83647</td>
</tr>
<tr>
<td>Virgil L. Kraus (R)</td>
<td>500 N. 11th E., Mtn. Home 83647</td>
</tr>
</tbody>
</table>

#### 23 JEROME, LINCOLN AND GOODING

<table>
<thead>
<tr>
<th>Senate</th>
<th>Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>James A. Yost (R)</td>
<td>Rt. 1, Wendell 83355</td>
</tr>
<tr>
<td>John H. Brooks (R)</td>
<td>Rt. 2, Box 233, Gooding 83330</td>
</tr>
<tr>
<td>Gordon R. Hollifield (R)</td>
<td>Rt. 3, Box 115, Jerome 83338</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>House</th>
<th>Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>John H. Brooks (R)</td>
<td>Rt. 2, Box 233, Gooding 83330</td>
</tr>
<tr>
<td>Gordon R. Hollifield (R)</td>
<td>Rt. 3, Box 115, Jerome 83338</td>
</tr>
</tbody>
</table>

#### 24 TWIN FALLS

<table>
<thead>
<tr>
<th>Senate</th>
<th>Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>John M. Barker (R)</td>
<td>Rt. 4, Box 422, Buhl 83316</td>
</tr>
<tr>
<td>Noy E. Brackett (R)</td>
<td>Box 403, Twin Falls 83301</td>
</tr>
<tr>
<td>William Roberts (R)</td>
<td>Rt. 4, Box 416, Buhl 83316</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>House</th>
<th>Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>John M. Barker (R)</td>
<td>Rt. 4, Box 422, Buhl 83316</td>
</tr>
<tr>
<td>Noy E. Brackett (R)</td>
<td>Box 403, Twin Falls 83301</td>
</tr>
<tr>
<td>William Roberts (R)</td>
<td>Rt. 4, Box 416, Buhl 83316</td>
</tr>
</tbody>
</table>

#### 25 TWIN FALLS

<table>
<thead>
<tr>
<th>Senate</th>
<th>Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>Richard S. High (R)</td>
<td>802 Sunrise Blvd. N., Twin Falls 83301</td>
</tr>
<tr>
<td>Ralph E. Olmstead (R)</td>
<td>Rt. 2, Twin Falls 83301</td>
</tr>
<tr>
<td>T. W. Stivers (R)</td>
<td>144 N. Juniper, Twin Falls 83301</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>House</th>
<th>Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>Richard S. High (R)</td>
<td>802 Sunrise Blvd. N., Twin Falls 83301</td>
</tr>
<tr>
<td>Ralph E. Olmstead (R)</td>
<td>Rt. 2, Twin Falls 83301</td>
</tr>
<tr>
<td>T. W. Stivers (R)</td>
<td>144 N. Juniper, Twin Falls 83301</td>
</tr>
</tbody>
</table>

#### 26 CASSIA AND MINIDOKA

<table>
<thead>
<tr>
<th>Senate</th>
<th>Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>Robert Saxvik (D)</td>
<td>1319 W. 16th, Burley 83318</td>
</tr>
<tr>
<td>J. Vard Chatburn (R)</td>
<td>Box 97, Albion 83311</td>
</tr>
<tr>
<td>Ernest A. Hale (R)</td>
<td>725 E. 16th, Burley 83318</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>House</th>
<th>Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>Robert Saxvik (D)</td>
<td>1319 W. 16th, Burley 83318</td>
</tr>
<tr>
<td>J. Vard Chatburn (R)</td>
<td>Box 97, Albion 83311</td>
</tr>
<tr>
<td>Ernest A. Hale (R)</td>
<td>725 E. 16th, Burley 83318</td>
</tr>
</tbody>
</table>

#### 27 BINGHAM

<table>
<thead>
<tr>
<th>Senate</th>
<th>Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>Stan Kress (D)</td>
<td>Box 5, Firth 83236</td>
</tr>
<tr>
<td>Allan F. Larsen (R)</td>
<td>Rt. 5, Box 33, Blackfoot 83221</td>
</tr>
<tr>
<td>Israel Merrill (D)</td>
<td>581 N. Stout Ave., Blackfoot 83221</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>House</th>
<th>Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>Stan Kress (D)</td>
<td>Box 5, Firth 83236</td>
</tr>
<tr>
<td>Allan F. Larsen (R)</td>
<td>Rt. 5, Box 33, Blackfoot 83221</td>
</tr>
<tr>
<td>Israel Merrill (D)</td>
<td>581 N. Stout Ave., Blackfoot 83221</td>
</tr>
</tbody>
</table>

#### 28 FREMONT AND MADISON

<table>
<thead>
<tr>
<th>Senate</th>
<th>Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dick Smith (R)</td>
<td>74 Ash Ave., Rexburg 83440</td>
</tr>
<tr>
<td>F. Melvin Hammond (D)</td>
<td>149 Elm Ave., Rexburg 83440</td>
</tr>
<tr>
<td>Doyle C. Miner (R)</td>
<td>Rt. 1, Box 218A, St. Anthony 83445</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>House</th>
<th>Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dick Smith (R)</td>
<td>74 Ash Ave., Rexburg 83440</td>
</tr>
<tr>
<td>F. Melvin Hammond (D)</td>
<td>149 Elm Ave., Rexburg 83440</td>
</tr>
<tr>
<td>Doyle C. Miner (R)</td>
<td>Rt. 1, Box 218A, St. Anthony 83445</td>
</tr>
</tbody>
</table>

#### 29 BUTTE, BINGHAM AND BONNEVILLE

<table>
<thead>
<tr>
<th>Senate</th>
<th>Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>J. Marsden Williams (R)</td>
<td>1776 Camrose, Idaho Falls 83401</td>
</tr>
<tr>
<td>Kurt L. Johnson (R)</td>
<td>Rt. 6, Box 407, Idaho Falls 83401</td>
</tr>
<tr>
<td>C. Wendell Miller (D)</td>
<td>791 Skyline Dr., Idaho Falls 83401</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>House</th>
<th>Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>J. Marsden Williams (R)</td>
<td>1776 Camrose, Idaho Falls 83401</td>
</tr>
<tr>
<td>Kurt L. Johnson (R)</td>
<td>Rt. 6, Box 407, Idaho Falls 83401</td>
</tr>
<tr>
<td>C. Wendell Miller (D)</td>
<td>791 Skyline Dr., Idaho Falls 83401</td>
</tr>
</tbody>
</table>

#### 30 BINGHAM AND BONNEVILLE

<table>
<thead>
<tr>
<th>Senate</th>
<th>Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dane Watkins (R)</td>
<td>2975 Fieldstream Ln., Idaho Falls 83401</td>
</tr>
<tr>
<td>Jim Infelt (D)</td>
<td>179 E. 16th, Idaho Falls 83401</td>
</tr>
<tr>
<td>Elaine Kearnes (R)</td>
<td>3040 Gustafson Cir., Idaho Falls 83401</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>House</th>
<th>Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dane Watkins (R)</td>
<td>2975 Fieldstream Ln., Idaho Falls 83401</td>
</tr>
<tr>
<td>Jim Infelt (D)</td>
<td>179 E. 16th, Idaho Falls 83401</td>
</tr>
<tr>
<td>Elaine Kearnes (R)</td>
<td>3040 Gustafson Cir., Idaho Falls 83401</td>
</tr>
<tr>
<td>District – County</td>
<td>Address</td>
</tr>
<tr>
<td>------------------</td>
<td>---------</td>
</tr>
<tr>
<td>31 TETON, BONNEVILLE AND MADISON</td>
<td>Tetonia 83452</td>
</tr>
<tr>
<td>Senate: Richard A. Egbert (D)</td>
<td>Box 102, Iona 83427</td>
</tr>
<tr>
<td>House: Clifford N. Scoresby (R)</td>
<td>Box 152, Driggs 83422</td>
</tr>
<tr>
<td>32 BEAR LAKE, CARIBOU AND FRANKLIN</td>
<td>P.O. Box 804, Soda Springs 83276</td>
</tr>
<tr>
<td>Senate: Reed W. Budge (R)</td>
<td>Rt. 3, Preston 83263</td>
</tr>
<tr>
<td>House: Angus Condie (R)</td>
<td>70 Keystone, Soda Springs 83276</td>
</tr>
<tr>
<td>Russell A. Westerberg (D)</td>
<td></td>
</tr>
<tr>
<td>33 ONEIDA AND BANNOCK</td>
<td>255 E. 155 S., Malad 83252</td>
</tr>
<tr>
<td>Senate: Lester A. Hartvigsen (D)</td>
<td>Swan Lake 83281</td>
</tr>
<tr>
<td>House: James Abbott (D)</td>
<td>P.O. Box 8, Pocatello 83201</td>
</tr>
<tr>
<td>Beverly B. Bistline (D)</td>
<td></td>
</tr>
<tr>
<td>34 BANNOCK</td>
<td>1306 Cottage Ave., Pocatello 83201</td>
</tr>
<tr>
<td>Senate: Robert C. Kinghorn (D)</td>
<td>P.O. Box 3, Pocatello 83201</td>
</tr>
<tr>
<td>House: Patricia McDermott (D)</td>
<td>355 S. 11th Ave., Pocatello 83201</td>
</tr>
<tr>
<td>Perry Swisher (D)</td>
<td></td>
</tr>
<tr>
<td>35 POWER, BINGHAM AND BANNOCK</td>
<td>Rt. 1N, Box 48, Pocatello 83201</td>
</tr>
<tr>
<td>Senate: C. E. (Chick) Bilyeu (D)</td>
<td>Rt. 2N, Box 219, Pocatello 83201</td>
</tr>
<tr>
<td>House: S. Albert Johnson (D)</td>
<td>659 Gifford, American Falls 83211</td>
</tr>
<tr>
<td>Ralph (Moon) Wheeler, Jr. (R)</td>
<td></td>
</tr>
</tbody>
</table>