GENERAL AND SPECIAL LAWS
OF THE
STATE OF IDAHO

PASSED BY
THE FIRST REGULAR SESSION OF THE
FORTY-FOURTH IDAHO LEGISLATURE
Convened January 10, 1977
Adjourned March 21, 1977

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

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Caldwell, Idaho
CHAPTER I
(H.B. No. 4)

AN ACT
RELATING TO THE INTERNAL REVENUE CODE; AMENDING SECTION 63-3004, IDAHO CODE, BY STRIKING THE FIGURE 1976 AND INSERTING IN LIEU THEREOF THE FIGURE 1977; 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, 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, and retroactively to January 1, 1977.

Approved February 4, 1977.
AN ACT
APPROPRIATING MONEYS FROM THE ACCOUNTS ENUMERATED TO THE AGENCIES LISTED IN THE DEPARTMENT OF SELF-GOVERNING AGENCIES TO BE EXPENDED FOR DESIGNATED PROGRAMS, ACCORDING TO DESIGNATED EXPENSE CLASSES FROM THE LISTED ACCOUNTS FOR THE PERIOD JULY 1, 1977, THROUGH JUNE 30, 1978.

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

SECTION 1. There is hereby appropriated to the following agencies in the Department of Self-governing Agencies the following amounts, to be expended only for the designated programs according to expense classes designated therein from the listed accounts for the period July 1, 1977, through June 30, 1978:

<table>
<thead>
<tr>
<th>FOR PERSONNEL</th>
<th>FOR OPERATING</th>
<th>FOR CAPITAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>COSTS EXPENDITURES</td>
<td>OUTLAY TOTAL</td>
<td></td>
</tr>
</tbody>
</table>

A. STATE ATHLETIC DIRECTOR:
 FOR: Supervision of Boxing and Wrestling
 FROM:
 General Account $ 5,500 $ 5,500
 Athletic Account 1,500 1,500
 TOTAL $ 7,000 $ 7,000

B. BOARD OF PHARMACY:
 FOR: Protecting Public Health
 FROM:
 Pharmacy Board
 Acct. $ 82,200 $ 32,800 $ 3,200 $ 118,200
 FOR: Controlled Substance Act:
 FROM:
 Pharmacy-Triplicate Prescription
 Program Acct. $ 22,700 $ 7,000 $ 29,700
 General Acct. $ 39,900 $ 39,900
 TOTAL$ 39,900 $ 22,700 $ 7,000 $ 69,600

C. BOARD OF ACCOUNTANCY:
 FOR: Licensing and Enforcing
 FROM:
 State Board of Accountancy
 Acct. $ 23,100 $ 31,100 $ 200 $ 54,400

D. BOARD OF DENTISTRY:
 FOR: Enforcing the Dental Practice Act
C. 2 '77

IDAHO SESSION LAWS

FROM:
State Board of Dentistry
Acct. $ 19,700 $ 24,400 $ 500 $ 44,600

E. BOARD OF ENGINEERING EXAMINERS:
FOR: Licensing and Enforcement
FROM:
Professional Engineers
Acct. $ 43,300 $ 37,000 $ 2,100 $ 82,400

F. BOARD OF MEDICINE:
FOR: Licensing and Enforcement
FROM:
State Board of Medicine
Acct. $ 71,000 $ 22,900 $ 2,300 $ 96,200

G. BOARD OF NURSING:
FOR: Education, Licensure and Discipline
FROM:
State Board of Nursing
Acct. $ 133,700 $ 91,900 $ 1,900 $ 227,500

H. BUREAU OF OCCUPATIONAL LICENSES:
FOR: Licensing and Enforcing
FROM:
Occupational License
Acct. $ 149,100 $ 105,800 $ 8,600 $ 263,500

I. PUBLIC WORKS CONTRACTORS STATE LICENSE BOARD:
FOR: Licensing and Enforcing
FROM:
Public Works Contractors State License Board
Acct. $ 101,500 $ 39,700 $ 141,200

J. IDAHO REAL ESTATE COMMISSION:
FOR: Administration
FROM:
Idaho Real Estate Brokers Commission
Acct. $ 177,100 $ 84,000 $ 2,200 $ 263,300
FOR: Education
FROM:
Real Estate Education, Research & Recovery
Acct. $ 62,500 $ 179,900 $ 3,100 $ 245,500

K. PROFESSIONAL GEOLOGISTS BOARD:
FOR: Professional Geologists Board
FROM:
Professional Geologists
Acct. $ 6,500 $ 6,300 $ 400 $ 13,200

L. BOARD OF OPTOMETRY:
FOR: Administration
<table>
<thead>
<tr>
<th>FROM:</th>
<th>State Board of Optometry</th>
<th>Acct.</th>
<th>$ 3,300</th>
<th>$ 4,700</th>
<th>$ 300</th>
<th>$ 8,300</th>
</tr>
</thead>
<tbody>
<tr>
<td>M. IDAHO CERTIFIED SHORTHAND REPORTERS BOARD:</td>
<td>Idaho Certified Shorthand Reporters Board</td>
<td>FROM:</td>
<td>State Certified Shorthand Reporters</td>
<td>FROM:</td>
<td>Acct.</td>
<td>$ 6,000</td>
</tr>
<tr>
<td>N. OUTFITTERS AND GUIDES BOARD:</td>
<td>Outfitters and Guides Board</td>
<td>FROM:</td>
<td>Outfitters and Guides Board</td>
<td>FROM:</td>
<td>Acct.</td>
<td>$ 31,800</td>
</tr>
</tbody>
</table>

GRAND TOTAL $ 944,700 $ 748,400 $ 32,100 $1,725,200

Approved February 10, 1977.
CHAPTER 3
(H.B. No. 51)

AN ACT


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

SECTION 1. There is hereby appropriated to the following Agricultural Commodity Commissions in the Department of Self-Governing Agencies the following amounts, to be expended only for the designated programs according to expense classes designated therein from the listed accounts for the period July 1, 1977, through June 30, 1978:

<table>
<thead>
<tr>
<th>PROGRAM</th>
<th>PERSONNEL</th>
<th>OPERATING</th>
<th>CAPITAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>FOR</td>
<td>EXPENDITURES</td>
<td>OUTLAY</td>
<td>TOTAL</td>
</tr>
</tbody>
</table>

A. IDAHO APPLE COMMISSION:
   FOR: Advertising and Promotion
   FROM:
   Apple Commission
   Acct. $ 2,300 $ 32,600 $ 100 $ 35,000

B. IDAHO BEAN COMMISSION:
   FOR: Marketing and Development
   FROM:
   Idaho Bean Marketing & Production Promotion
   Acct. $ 15,600 $ 125,100 $ 140,700

C. IDAHO CHERRY COMMISSION:
   FOR: Advertising and Promotion
   FROM:
   Cherry Commission
   Acct. $ 1,800 $ 22,100 $ 100 $ 24,000

D. IDAHO DAIRY PRODUCTS COMMISSION:
   FOR: Dairy Products Promotion
   FROM:
   Dairy Products Commission
   Acct. $ 88,100 $ 626,000 $ 714,100

E. IDAHO POTATO COMMISSION:
   FOR: Advertising and Promotion
   FROM:
   Potato Commission
Acct. $ 241,700 $2,268,700 $1,300 $2,511,700

F. IDAHO WHEAT COMMISSION
FOR: Marketing and Development
FROM:
Idaho Wheat Commission
Acct. $ 58,200 $ 742,100 $ 1,000 $ 801,300
FOR: Idaho Transportation Council
FROM:
Idaho Wheat Commission
Acct. $ 13,300 $ 1,000 $ 14,300

G. IDAHO PRUNE COMMISSION:
FOR: Advertising Idaho Prunes
FROM:
Idaho Prune Commission
Acct. $ 800 $ 10,300 $ 11,100

GRAND TOTAL $ 421,800 $3,827,900 $2,500 $4,252,200

Approved February 11, 1977.
AN ACT
RELATING TO THE AWARDING OF COSTS IN A TRIAL COURT; AMENDING
CHAPTER 1, TITLE 12, IDAHO CODE, BY ADDING A NEW SECTION
12-101, IDAHO CODE, PROVIDING THAT COSTS IN A CIVIL
TRIAL SHALL BE AWARDED TO THE PARTIES IN THE MANNER AND
IN THE AMOUNT AS PROVIDED BY RULE OF THE SUPREME COURT;
AND DECLARING AN EMERGENCY.

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 12-101,
Idaho Code, and to read as follows:

12-101. COSTS. Costs shall be awarded by the court in a
civil trial or proceeding to the parties in the manner and
in the amount provided for by the Idaho rules of civil
procedure.

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 February 15, 1977.
AN ACT
RELATING TO WITNESS FEES IN CIVIL ACTIONS; AMENDING SECTION 9-1601, IDAHO CODE, TO PROVIDE THAT WITNESSES IN CIVIL ACTIONS IN THE DISTRICT COURT OR MAGISTRATES DIVISION THEREOF, OR BEFORE ANY REFEREE, MASTER OR COMMISSIONER SHALL BE ENTITLED TO RECEIVE WITNESS FEES AND TRAVEL EXPENSES AS PROVIDED IN THE IDAHO RULES OF CIVIL PROCEDURE; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 9-1601, Idaho Code, be, and the same is hereby amended to read as follows:

9-1601. WITNESSES' FEES IN DISTRICT COURT. Witnesses in civil actions in district court or magistrates division thereof, or before any referee, master or commissioner thereof, are entitled to receive eight-dollars-per-day--for each-day's-actual-attendance--and-twenty-five-cents-per-mile one-way—to-be-taxed-as-costs-against-the-losing-party; such witness fees and travel expenses as determined by the trial court pursuant to the Idaho rules of civil procedure.

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

Approved February 15, 1977.
AN ACT

AMENDING SECTION 1, CHAPTER 325, LAWS OF 1976, RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF HEALTH AND WELFARE, BY DECREASING THE APPROPRIATION FROM THE GENERAL FUND BY $219,500; AMENDING SECTION 2, CHAPTER 255, LAWS OF 1976, RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF CORRECTION, BY INCREASING THE APPROPRIATION FROM THE GENERAL FUND BY $219,500; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 1, Chapter 325, Laws of 1976, be, and the same is hereby amended to read as follows:

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. 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>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>911,100</td>
<td></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>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>10,000</td>
<td>1,853,100</td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>$3,184,200</td>
<td>$303,700</td>
<td>$600</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>General Fund</td>
<td>$27,037,200</td>
<td>$605,500</td>
<td>$83,600</td>
<td></td>
<td>$37,526,300</td>
</tr>
</tbody>
</table>
SECTION 2. That Section 2, Chapter 255, Laws of 1976, be, and the same is hereby amended to read as follows:

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</th>
<th>FOR OPERATING</th>
<th>FOR CAPITAL</th>
<th>FOR TRUSTEE AND BENEFIT</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>
</tbody>
</table>

<table>
<thead>
<tr>
<th></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>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>
</tbody>
</table>
Penitentiary-Law
Enforcement Planning
Fund

<p>| | | | | |</p>
<table>
<thead>
<tr>
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</thead>
<tbody>
<tr>
<td></td>
<td>$12,200</td>
<td>$112,000</td>
<td>$4,500</td>
<td>$12,200</td>
</tr>
<tr>
<td><strong>TOTALS</strong></td>
<td>$373,400</td>
<td>$112,000</td>
<td>$4,500</td>
<td>$489,900</td>
</tr>
</tbody>
</table>

**B. INCARCERATION:**

**FROM:**

<p>| | | | | |</p>
<table>
<thead>
<tr>
<th></th>
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<th></th>
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</tr>
</thead>
<tbody>
<tr>
<td>General Fund</td>
<td>$1,824,500</td>
<td>$639,600</td>
<td>$76,000</td>
<td>$2,540,100</td>
</tr>
<tr>
<td>Penitentiary Income</td>
<td>$392,900</td>
<td></td>
<td></td>
<td>$392,900</td>
</tr>
<tr>
<td>Miscellaneous Receipts Fund</td>
<td>$150,000</td>
<td></td>
<td></td>
<td>$150,000</td>
</tr>
<tr>
<td><strong>TOTALS</strong></td>
<td>$1,824,500</td>
<td>$1,182,500</td>
<td>$76,000</td>
<td>$3,083,000</td>
</tr>
</tbody>
</table>

**C. HABILITATION:**

**FROM:**

<p>| | | | | |</p>
<table>
<thead>
<tr>
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<th></th>
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</tr>
</thead>
<tbody>
<tr>
<td>General Fund</td>
<td>$317,800</td>
<td>$74,300</td>
<td>$6,000</td>
<td>$398,100</td>
</tr>
<tr>
<td><strong>TOTALS</strong></td>
<td>$317,800</td>
<td>$74,300</td>
<td>$6,000</td>
<td>$398,100</td>
</tr>
</tbody>
</table>

**D. PROBATION AND PAROLE:**

**FROM:**

<p>| | | | | |</p>
<table>
<thead>
<tr>
<th></th>
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<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>General Fund</td>
<td>$813,500</td>
<td>$259,700</td>
<td></td>
<td>$1,073,200</td>
</tr>
<tr>
<td>Penitentiary-Law</td>
<td>$45,400</td>
<td>$22,600</td>
<td>$6,500</td>
<td>$25,200</td>
</tr>
<tr>
<td>Enforcement Planning Fund</td>
<td></td>
<td></td>
<td></td>
<td>$99,700</td>
</tr>
<tr>
<td><strong>TOTALS</strong></td>
<td>$858,900</td>
<td>$282,300</td>
<td>$6,500</td>
<td>$25,200</td>
</tr>
</tbody>
</table>

**E. 120 DAY REMAND:**

**FROM:**

<p>| | | | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>General Fund</td>
<td>$70,400</td>
<td>$101,200</td>
<td></td>
<td>$171,600</td>
</tr>
<tr>
<td>Penitentiary-Law</td>
<td>$101,600</td>
<td></td>
<td>$154,100</td>
<td>$255,700</td>
</tr>
<tr>
<td>Enforcement Planning Fund</td>
<td></td>
<td></td>
<td></td>
<td>$255,700</td>
</tr>
<tr>
<td><strong>TOTALS</strong></td>
<td>$172,000</td>
<td>$255,700</td>
<td></td>
<td>$427,700</td>
</tr>
</tbody>
</table>

**F. IDAHO SECURITY MEDICAL FACILITY:**

**FROM:**

<p>| | | | | |</p>
<table>
<thead>
<tr>
<th></th>
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<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>General Fund</td>
<td>$191,700</td>
<td>$22,800</td>
<td>$5,000</td>
<td>$219,500</td>
</tr>
<tr>
<td><strong>GRAND TOTALS</strong></td>
<td>$3,738,300</td>
<td>$1,929,200</td>
<td>$98,000</td>
<td>$5,755,700</td>
</tr>
</tbody>
</table>

**SECTIONS 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, 1977.
CHAPTER 7
[H.B. No. 46]

AN ACT

RELATING TO COMPENSATION FOR BOARD MEMBERS OF WATER AND
SEWER DISTRICTS; AMENDING SECTION 42-3209, IDAHO CODE,
RELATING TO BOARDS OF DIRECTORS OF WATER, SEWER, OR
WATER AND SEWER DISTRICTS, BY PROVIDING COMPENSATION IN
THE AMOUNT OF TWENTY-FIVE DOLLARS PER MEETING.

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

SECTION 1. That Section 42-3209, Idaho Code, be, and
the same is hereby amended to read as follows:

42-3209. ORGANIZATION OF BOARD -- ACCOUNTS OF TREASURER
-- COMPENSATION OF MEMBERS -- ANNUAL AUDIT -- REMOVAL OF
DIRECTORS. After taking oath and filing bonds, the board
shall choose one (1) of its members as chairman of the board
and president of the district, and shall elect a secretary
and a treasurer of the board and of the district, who may or
may not be members of the board. The secretary and the
treasurer may be one person. Such board shall adopt a seal
and the secretary shall keep, in a well-bound book, a record
of all its proceedings, minutes of all meetings, certif­
icates, contracts, bonds given by employees and all corpo­
rate acts which shall be open to inspection of all owners of
real property in the district, as well as to all other
interested parties.

The treasurer shall keep strict and accurate accounts of
all money received by and disbursed for and on behalf of the
district, in permanent records. He shall file with the clerk
of the court, at the expense of the district, a corporate
fidelity bond in an amount not less than $5,000, conditioned
on the faithful performance of the duties of his office.

Each member of the board shall receive as compensation
for his service a sum not in excess of ten twenty-five
dollars ($10.00 $25.00) per meeting, payable monthly. No
member of the board shall receive any compensation as an
employee of the district or otherwise, other than that
herein provided, and no member of the board shall be inter­
ested in any contract or transaction with the district
except in his official representative capacity.

It shall be the duty of the board of directors to cause
an audit to be made of all financial affairs of the district
during each year ending November 30th, which audit shall be
made during the last month of each calendar year. A financial statement shall be certified by the person making such audit, which shall be published in a newspaper of general circulation in the district, in one (1) issue during the first week of January following the audit. Such audit shall be made by a registered accountant or certified public accountant, who is not otherwise employed by the district.

The court having jurisdiction of the district shall have the power to remove directors for cause shown, on petition, notice and hearing.

Approved February 18, 1977.
AN ACT
RELATING TO ELECTION PRECINCTS; DESIGNATING THE LEGISLATIVE COUNCIL THE STATE COORDINATING AGENCY FOR PURPOSES OF THE IMPLEMENTATION OF PUBLIC LAW 94-171; AMENDING CHAPTER 3, TITLE 34, IDAHO CODE, BY THE ADDITION THEREOF A NEW SECTION 34-306, IDAHO CODE, TO SPECIFY PRECINCT BOUNDARY REQUIREMENTS; AMENDING SECTION 34-301, IDAHO CODE TO SPECIFY INFORMATION WHICH SHALL BE PROVIDED BY THE COUNTY CLERK AND MAINTAINED BY THE SECRETARY OF STATE; AMENDING SECTION 34-303, IDAHO CODE, TO AUTHORIZE AN INDIVIDUAL TO SERVE ON TWO OR MORE ELECTION BOARDS SIMULTANEOUSLY UNDER CONDITIONS SPECIFIED; AND DECLARING AN EMERGENCY.

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

SECTION 1. The Idaho legislative council is designated the state coordinating agency for purposes of implementation of the provisions of Public Law 94-171 (13 USC 141). Not later than March 1, 1977, each county clerk shall provide the legislative council with a map of the precincts of the county. Map standards shall comply with the requirements promulgated by the census bureau for the purposes of the 1980 census of the United States. Precinct boundaries shall comply with the provisions of section 34-306, Idaho Code.

SECTION 2. That Chapter 3, 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 34-306, Idaho Code, and to read as follows:

34-306. PRECINCT BOUNDARY REQUIREMENTS. Precinct boundaries shall follow visible, easily recognizable features, including but not limited to, streets, railroad tracks, streams, lakes and ridges. The exception shall be when a precinct boundary coincides with a city or county boundary which does not follow a visible feature.

In order to achieve compliance with the requirements of this section, and simultaneously maintain legislative district boundaries which may not follow visible features, as provided in section 67-202, Idaho Code, a county may desig-
nate subprecincts within precincts, the internal boundaries of which do not follow visible features.

SECTION 3. 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. 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.

The county clerk of each county shall provide, and the secretary of state shall maintain in his office, a current and accurate report of the following:

(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 4. That Section 34-303, Idaho Code, be, and the same is hereby amended to read as follows:

34-303. APPOINTMENT OF ELECTION JUDGES BY COUNTY CLERK. The county clerk shall appoint two (2) or more election judges, one (1) of whom shall be designated chief judge, and the number of clerks deemed necessary by him for each polling place. In the event a single polling place is designated for two (2) or more precincts, an individual may serve simultaneously on the election board for two (2) or more precincts thus served by a single polling place. No election
board for a polling-place precinct shall exceed ten (10) members. The precinct committeemen shall recommend persons for the position in their respective precincts to the county clerk in writing at least ten (10) days prior to the date on which any appointment shall be made and the county clerk shall appoint the judges from such lists if the persons recommended are qualified.

The chief election judge shall be responsible for the conduct of the proceedings in the polling place. Compensation for all election personnel shall be determined by the board of county commissioners, and not less than the minimum wage as prescribed by the laws of the state of Idaho.

Each election board shall contain personnel representing all existing political parties if a list of applicants has been provided to the county clerk by the precinct committeemen of the precincts at least sixty (60) days prior to the primary election.

SECTION 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 February 23, 1977.
CHAPTER 9
(H.B. No. 69)
AN ACT

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

SECTION 1. There is hereby appropriated out of the funds made available to the department of employment of the state of Idaho, pursuant to section 903 of the social security act, as amended, the sum of three hundred thousand dollars ($300,000), or such lesser amount thereof as may become available as this state's share of funds allocated under the provisions of said section 903 of the social security act, as amended, to be used for the purpose of purchasing real estate and constructing office buildings to be used by the department of employment of the state of Idaho as authorized by section 72-1348(d), Idaho Code.

SECTION 2. No part of the money hereby appropriated may be obligated after the expiration of the two (2) year period beginning with the first day of July, 1977.

SECTION 3. The amount obligated pursuant to this act during any twelve (12) month period beginning on July 1 and ending on the next June 30 shall not exceed the amount by which (a) the aggregate of the amounts credited to the account of this state pursuant to section 903 of the social security act during such twelve (12) month period and the twenty-four (24) preceding twelve (12) month periods exceeds (b) the aggregate of the amounts obligated for administration and paid out for benefits and charged against the amounts credited to the account of this state during such twenty-five (25) twelve (12) month periods.

Approved February 23, 1977.
AN ACT
RELATING TO THE POSSESSION OF A FIREARM DURING THE COMMISSION OF CERTAIN CRIMES; ADDING A NEW SECTION 19-2520, IDAHO CODE, TO PROVIDE THAT A PERSON WHO CARRIES OR USES A FIREARM DURING THE COMMISSION OF CERTAIN CRIMES SHALL BE SENTENCED TO NOT LESS THAN THREE NOR MORE THAN FIFTEEN YEARS IN THE STATE PRISON, SUCH SENTENCE TO RUN CONSECUTIVELY WITH ANY OTHER SENTENCE FOR ANY OF THE ENUMERATED CRIMES, AND TO DEFINE FIREARMS FOR THE PURPOSE OF THIS SECTION.

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

SECTION 1. That Chapter 25, Title 19, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 19-2520, Idaho Code, and to read as follows:

19-2520. SENTENCE FOR USE OF FIREARM. Any person convicted of a violation of sections 18-906 (assault with a deadly weapon), 18-907 (assault with the intent to commit certain felonies), 18-912 (aggravated assault and battery defined), 18-1401 (burglary defined), 18-2501 (rescuing prisoners), 18-2505 (escape by one charged with or convicted of a felony), 18-2506 (escape by one charged with or convicted of a misdemeanor), 18-2703 (resisting officers), 18-3301 (deadly weapon - possession with intent to assault), 18-4003 (degrees of murder), 18-4015 (assault with intent to murder), 18-4501 (kidnapping defined), 18-4604 (grand larceny defined), 18-5001 (mayhem defined), 18-6101 (rape defined), or 18-6501 (robbery defined), Idaho Code, who carried, displayed, used, threatened, or attempted to use a firearm while committing the crime, shall, in addition to the sentence imposed for the commission of the crime, be imprisoned in the state prison for not less than three (3) nor more than fifteen (15) years. Such additional sentence shall run consecutively to any other sentence imposed for the above cited crimes.

For the purposes of this section, "firearm" means any deadly weapon capable of ejecting or propelling one or more projectives by the action of an explosive or combustible propellant, and includes unloaded firearms and firearms which are inoperable but which can readily be rendered
This section shall apply even in those cases where the use of a firearm is an element of the offense.

Approved February 25, 1977.
AN ACT
RELATING TO PAYMENT OF INMATES OF COUNTY JAILS FOR PRIVATE EMPLOYMENT; AMENDING SECTION 20-614, IDAHO CODE, TO PROVIDE THAT ALL OF ANY BALANCE OF EARNINGS BY AN INMATE OF A COUNTY JAIL SHALL BE PAID TO HIM UPON DISCHARGE.

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

SECTION 1. That Section 20-614, Idaho Code, be, and the same is hereby amended to read as follows:

20-614. PRISONERS MUST BE ACTUALLY CONFINED EXCEPT ON ORDER OF COURT FOR PRIVATE EMPLOYMENT. 1. A prisoner committed to the county jail by any court for trial or examination, or upon conviction for a public offense, must be actually confined in the jail until he is legally discharged unless the court specifies otherwise; and if he is permitted to go at large out of the jail, except by virtue of a legal order or process it is an escape.

2. If the committed person has been regularly employed, the sheriff shall arrange for a continuation of said employment in so far as possible without interruption. If he is not employed in any job the sheriff shall make every effort to secure some suitable employment. Any prisoner so employed shall be paid a fair and reasonable wage for such work and shall work at fair and reasonable employment and hours per day and per week.

3. Whenever the prisoner is not employed, and between the hours or periods of his employment, he shall be confined in jail as an ordinary prisoner, unless the court shall direct otherwise.

4. The earnings of the prisoner shall be collected under the direction of the sheriff. From such earnings the sheriff shall pay the prisoner's board and personal expenses both inside and outside the jail, and to the extent directed by the court pay the support of his dependents, if any, and, if sufficient funds are available after making the foregoing payments, pay in whole or in part the pre-existing debts of the prisoner. Any balance shall be retained until his discharge, whereupon one-half of such balance shall be paid to him and the remainder paid into the county treasury for the
5. In case of any violation of the conditions laid down for his conduct, custody and employment the prisoner shall be returned to the court, and the court may then require the balance of his sentence be spent in actual confinement and may cancel any earned diminution of his term.

6. The sheriff shall receive such extra compensation and mileage for the administration of this act as the county commissioners determine.

7. The court may also by its order authorize the use of a jail in a contiguous or other county where the prisoner is employed, and while the prisoner is so employed under this act such prisoner shall be in the other county's custody.

8. The provisions of this act shall extend to any person committed to the county jail by any court, whether for contempt or upon sentence of conviction for any public offense.

Approved February 25, 1977.
AN ACT
RELATING TO BALLOTS FOR GENERAL ELECTIONS; AMENDING SECTION 34-906, IDAHO CODE, TO PROVIDE THAT THE SECRETARY OF STATE SHALL DESIGN THE GENERAL ELECTION BALLOT TO ALLOW FOR WRITE-IN CANDIDATES UNDER EACH OFFICE TITLE.

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

SECTION 1. That Section 34-906, Idaho Code, be, and the same is hereby amended to read as follows:

34-906. BALLOTS FOR GENERAL ELECTIONS. There shall be a single general election ballot on which the complete ticket of each political party shall be printed. Each political party ticket shall include that party's nominee for each particular office. A separate column shall be made available for write-in candidates. The secretary of state shall design the general election ballot to allow for write-in candidates under each office title.

The office titles shall be listed in order beginning with the highest federal office. The secretary of state has the discretion and authority to arrange the above classifications of offices as provided by law.

At any general election at which the electors are to vote upon constitutional amendments or other issues, the secretary of state shall provide separate general election ballot forms on which such amendments and issues shall be printed.

Approved February 25, 1977.
CHAPTER 13
(S.B. No. 1040)

AN ACT
RELATING TO THE ESCAPE FROM CUSTODY OF A DEFENDANT COMMITTED TO AN INSTITUTION BECAUSE HE IS UNABLE TO STAND TRIAL, OR WHO HAS BEEN ACQUITTED BECAUSE OF MENTAL DEFECT; AMENDING SECTION 18-212, IDAHO CODE, BY PROVIDING FOR A COURT ORDER AUTHORIZING THE APPREHENSION AND RETURN TO THE INSTITUTION FROM WHICH THE DEFENDANT ESCAPED; AMEND-ING SECTION 18-214, IDAHO CODE, BY PROVIDING FOR A COURT ORDER AUTHORIZING THE APPREHENSION AND RETURN TO THE INSTITUTION FROM WHICH THE DEFENDANT ESCAPED; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 18-212, Idaho Code, be, and the same is hereby amended to read as follows:

18-212. DETERMINATION OF FITNESS OF DEFENDANT TO PROCEED -- SUSPENSION OF PROCEEDING AND COMMITMENT OF DEFENDANT POSTCOMMITMENT HEARING. (1) When the defendant's fitness to proceed is drawn in question, the issue shall be determined by the court. If neither the prosecuting attorney nor counsel for the defendant contests the finding of the report filed pursuant to section 18-211, Idaho Code, the court may make the determination on the basis of such report. If the finding is contested, the court shall hold a hearing on the issue. If the report is received in evidence upon such hearing, the party who contests the finding thereof shall have the right to summon and to cross-examine the psychiatrist who joined in the report and to offer evidence upon the issue.
(2) If the court determines that the defendant lacks fitness to proceed, the proceeding against him shall be suspended, except as provided in subsections (3) and (4) of this section, and the court shall commit him to the custody of the director of the department of health and welfare to be placed in an appropriate institution of the department of health and welfare for so long as such unfitness shall endure. The order of commitment shall require an evaluation of the defendant's mental disease or defect at the time of admission to the institution, and a progress report on the defendant's mental disease or defect each six (6) months thereafter, for so long as the defendant is held in the cus-
tody of the director; each report shall be filed in triplicate with the clerk of the court, who shall cause copies to be delivered to the prosecuting attorney and to counsel for the defendant. When the court, on its own motion or upon the application of the director of the department of health and welfare or his duly authorized representative or the prosecuting attorney, determines, after a hearing if a hearing is requested, that the defendant has regained fitness to proceed, the proceeding shall be resumed. If, however, the court is of the view that so much time has elapsed, excluding any time spent free from custody by reason of the escape of the defendant, since the commitment of the defendant that it would be unjust to resume the criminal proceeding, the court may dismiss the charge and may order the defendant to be discharged or, subject to the law governing the civil commitment of persons suffering from mental disease or defect, order the defendant to be committed to an appropriate institution of the department of health and welfare.

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

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

(5) If a defendant escapes from custody during his confinement, the director shall immediately notify the court from which committed, the prosecuting attorney and the sheriff of the county from which committed. The court shall forthwith issue an order authorizing any health officer, peace officer, or the director of the institution from which the defendant escaped, to take the defendant into custody and immediately return him to his place of confinement.

SECTION 2. That Section 18-214, Idaho Code, be, and the same is hereby amended to read as follows:

18-214. COMMITMENT OF ACQUITTED DEFENDANT -- CONDITIONAL RELEASE -- REVOCATION OF RELEASE WITHIN FIVE YEARS.
(1) When a defendant is acquitted on the ground of mental disease or defect excluding responsibility, the court shall order him to be committed to the custody of the director of the department of health and welfare to be placed in an appropriate institution for custody, care and treatment.

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

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

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

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

(6) If a defendant escapes from custody during his confinement, the director shall immediately notify the court from which committed, the prosecuting attorney and the sheriff of the county from which committed. The court shall forthwith issue an order authorizing any health officer,
peace officer, or the director of the institution from which the defendant escaped, to take the defendant into custody and immediately return him to his place of confinement.

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

Approved February 25, 1977.
CHAPTER 14
(S.B. No. 1036, As Amended)

AN ACT
RELATING TO INDEPENDENT CANDIDATES FOR PRESIDENT AND VICE-PRESIDENT; AMENDING CHAPTER 7, TITLE 34, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 34-708A, IDAHO CODE, TO PROVIDE A PROCESS FOR THE NAMES OF INDEPENDENT CANDIDATES FOR THE OFFICES OF PRESIDENT AND VICE-PRESIDENT TO BE PLACED ON THE GENERAL ELECTION BALLOT; AND AMENDING CHAPTER 7, TITLE 34, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 34-711A, IDAHO CODE, TO PROVIDE FOR CERTIFICATION OF INDEPENDENT PRESIDENTIAL ELECTORS.

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

SECTION 1. 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 34-708A, Idaho Code, and to read as follows:

34-708A. INDEPENDENT CANDIDATES FOR PRESIDENT AND VICE-PRESIDENT. Persons who desire to be independent candidates for the offices of president and vice-president, must file, prior to August 25 of the election year, declarations of candidacy as independent candidates. Such declarations must state that such persons are offering themselves as independent candidates and must declare that they have no political party affiliation. The declarations shall have attached thereto a petition signed by a number of qualified electors not less than three percent (3%) of the number of votes cast in this state for presidential electors at the previous general election at which a president of the United States was elected.

The candidates for president and vice-president shall be considered as candidates for one office, and only one (1) such petition need be filed for both offices.

SECTION 2. 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 34-711A, Idaho Code, and to read as follows:

34-711A. CERTIFICATION OF INDEPENDENT PRESIDENTIAL ELECTORS. Independent candidates who have qualified for ballot status pursuant to section 34-708A, Idaho Code, shall
certify the names of 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 the independent presidential electors, and the independent candidates for president and vice-president, to the county clerks on or before September 25.

Approved February 25, 1977.
CHAPTER 15
(S.B. No. 1054)
AN ACT
RELATING TO REGISTRATION OF ELECTORS; AMENDING SECTION 34-413, IDAHO CODE, TO PROVIDE THAT REGISTERED ELECTORS WHO HAVE CHANGED RESIDENCE WITHIN FIVE DAYS PRIOR TO AN ELECTION SHALL BE ALLOWED TO VOTE AT THAT ELECTION; AMENDING SECTION 34-421, IDAHO CODE, TO PROVIDE THAT ELECTORS WHO CHANGE RESIDENCES WITHIN THE SAME PRECINCT SHALL BE ALLOWED TO VOTE AND SHALL HAVE A CHANGE OF ADDRESS MADE ON THE REGISTRATION CARD; AND AMENDING SECTION 34-435, IDAHO CODE, TO PROVIDE FOR A UNIFORM PERIOD OF REGISTRATION AND TO PROVIDE FOR CANCELLATION OF REGISTRATION.

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

SECTION 1. That Section 34-413, Idaho Code, be, and the same is hereby amended to read as follows:

34-413. REREGISTRATION OF ELECTOR WHO CHANGES RESIDENCE. An elector who changes his residence shall reregister; provided that any elector who moves within a precinct from one (1) precinct to another precinct within the same county, within thirty (30) five (5) days prior to any election shall be permitted to vote in the ensuing election if he obtains a certificate of registration from the county clerk. Upon delivery of the certificate to the chief judge of election at the time he votes, the elector shall be permitted to vote the entire ballot or ballots issued to that precinct, in which he is currently a resident. An elector who moves to another county within the state or to another state within thirty (30) five (5) days prior to any election shall be permitted to vote in the ensuing election by absentee ballot.

SECTION 2. That Section 34-421, Idaho Code, be, and the same is hereby amended to read as follows:

34-421. REREGISTRATION -- WHEN REQUIRED. (1) An elector shall reregister if:
(a) His registration is canceled by the county clerk as provided by law.
(b) He changes his residence to another precinct.
1. An elector who has moved from one residence to
another residence within the same precinct shall be permitted to vote and the election officials shall note the change of address on the registration card.

(c) His name changed by marriage or court order.
(2) An elector shall be reregistered in the same manner as a first registration.

SECTION 3. That Section 34-435, Idaho Code, be, and the same is hereby amended to read as follows:

34-435. CANCELLATION OF REGISTRATIONS FOLLOWING ANY GENERAL ELECTION OF THOSE NOT VOTING FOR FOUR YEARS. Within sixty (60) days following the date of any general election in 1978 and every general election thereafter, the county clerk shall examine the election register and the signed statements of challenge made at that election. After this examination, the county clerk shall immediately cancel the registration of any elector who did not vote at any election for which registration is required in the past four (4) years.

This section shall be construed as to provide for a uniform four (4) year registration period for all electors.

Approved February 25, 1977.
CHAPTER 16
(S.B. No. 1066)

AN ACT
RELATING TO THE UNIFORM CONSUMER CREDIT CODE; ADDING A NEW
SECTION 28-31-109, IDAHO CODE, WHICH PROVIDES THAT
EXCEPT WITH RESPECT TO A LOAN WHICH, WHEN MADE, IS
SECURED BY A FIRST LIEN UPON REAL PROPERTY WHICH IS USED
OR EXPECTED TO BE USED AS THE RESIDENCE OF THE DEBTOR,
THE PROVISIONS OF CHAPTER 33 OF THE UNIFORM CONSUMER
CREDIT CODE RELATING TO CONSUMER LOANS, INCLUDING REGU-
LATED AND SUPERVISED LOANS, AND THE PROVISIONS OF
CHAPTER 35 OF THE UNIFORM CONSUMER CREDIT CODE RELATING
TO REMEDIES AND PENALTIES, SHALL CONTROL IN THE EVENT OF
ANY CONFLICT WITH THE PROVISIONS OF CHAPTER 22, TITLE
28, IDAHO CODE.

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

SECTION 1. That Chapter 31, Title 28, Idaho Code, be,
and the same is hereby amended by the addition thereto of a
NEW SECTION, to be known and designated as Section
28-31-109, Idaho Code, and to read as follows:

28-31-109. UCCE CONTROLS. Except with respect to a loan
which, when made, is secured by a first lien upon real
property which is used or expected to be used as the
residence of the debtor, the provisions of chapter 33 and
the provisions of chapter 35, title 28, Idaho Code, shall
control in the event of any conflict with the provisions of
chapter 22, title 28, Idaho Code, as the same is now enacted
or as it may hereafter be amended, reenacted or substituted.

Approved February 25, 1977.
C. 17 '77  IDAHO SESSION LAWS

CHAPTER 17
(S. B. No. 1079)

AN ACT
RELATING TO ELECTION OF PRECINCT COMMITTEEMEN; AMENDING SECTION 34-1208, IDAHO CODE, TO PROVIDE THE MINIMUM NUMBER OF VOTES TO BE ELECTED TO THE OFFICE OF PRECINCT COMMITTEEMAN.

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

SECTION 1. That Section 34-1208, Idaho Code, be, and the same is hereby amended to read as follows:

34-1208. CERTIFICATES OF NOMINATION OR ELECTION. Immediately after the primary election canvass the county clerk shall issue certificates of nomination to the political party candidates of each party who receive the highest number of votes for their particular county office, and the candidates so certified shall have their names placed on the general election ballot. On the eighth day after a presidential primary election or on the eighth day after the primary election held in non-presidential primary election years, the county clerk shall issue certificates of election to the precinct committeemen of each political party who receive the highest number of votes in their precinct. Provided that to be elected, a precinct committeeman shall receive a minimum of five (5) votes. In the event no candidate receives the minimum number of votes required to be elected, a vacancy in the office shall exist and shall be filled as otherwise provided by law. The county clerk shall also certify by registered mail the results of both the primary and the presidential primary elections to the secretary of state. The form for such certificate shall be prescribed by the secretary of state and be uniform throughout the state.

Approved February 25, 1977.
CHAPTER 18

(H.B. No. 41)

AN ACT
RELATING TO COMPENSATION OF STATE EMPLOYEES; AMENDING
SECTION 67-5309C, IDAHO CODE, TO PROVIDE LONGEVITY
COMPENSATION FOR EMPLOYEES OF FORMER JUNIOR COLLEGE DIS-
TRICTS.

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

SECTION 1. That Section 67-5309C, Idaho Code, be, and
the same is hereby amended 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.

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<td>654</td>
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<td>13</td>
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<td>14</td>
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<td>920</td>
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<tr>
<td>16</td>
<td>721</td>
<td>757</td>
<td>795</td>
<td>835</td>
<td>876</td>
<td>920</td>
<td>966</td>
</tr>
<tr>
<td>17</td>
<td>757</td>
<td>795</td>
<td>835</td>
<td>876</td>
<td>920</td>
<td>966</td>
<td>1014</td>
</tr>
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<td>18</td>
<td>795</td>
<td>835</td>
<td>876</td>
<td>920</td>
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<td>1014</td>
<td>1065</td>
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<td>19</td>
<td>835</td>
<td>876</td>
<td>920</td>
<td>966</td>
<td>1014</td>
<td>1065</td>
<td>1118</td>
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<tr>
<td>20</td>
<td>876</td>
<td>920</td>
<td>966</td>
<td>1014</td>
<td>1065</td>
<td>1118</td>
<td>1174</td>
</tr>
<tr>
<td>21</td>
<td>920</td>
<td>966</td>
<td>1014</td>
<td>1065</td>
<td>1118</td>
<td>1174</td>
<td>1233</td>
</tr>
<tr>
<td>22</td>
<td>966</td>
<td>1014</td>
<td>1065</td>
<td>1118</td>
<td>1174</td>
<td>1233</td>
<td>1295</td>
</tr>
</tbody>
</table>
(b) Each employee in classified service shall, separate and apart from the salary schedule establish 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. For purposes of this subsection, employees of former junior college districts which have become state colleges or state universities shall be credited with one year’s service with the state for each year’s employment with a junior college district regardless of the time of that employment.

(c) 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 A 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.

Approved February 25, 1977.
AN ACT
AMENDING SECTION 3, CHAPTER 199, LAWS OF 1976, 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 $15,600; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 3, Chapter 199, Laws of 1976, 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, 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>$27,600</td>
<td></td>
<td>$344,500</td>
</tr>
<tr>
<td>State Historical Society Foundation Fund</td>
<td>52,000</td>
<td>37,600</td>
<td></td>
<td></td>
<td>90,600</td>
</tr>
<tr>
<td>Historical Preservation Fund</td>
<td>64,900</td>
<td>27,800</td>
<td>2,800</td>
<td></td>
<td>94,500</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$335,400</td>
<td>$116,000</td>
<td>$30,400</td>
<td></td>
<td>$481,800</td>
</tr>
</tbody>
</table>

B. HISTORIC RESTORATION PROJECTS:
FROM:
Historical Preservation Fund | $146,500 | $146,500 |

C. FRANKLIN PIONEER RELIC HALL:
FROM:
General Fund | $4,000 | $4,000 |

D. HISTORIC SITES MAINTENANCE AND INTERPRETATION:
FROM:
General Fund | $42,700 | $22,100 | $2,200 | | $67,000 |
State Historical Society Foundation Fund | 24,700 | 100,000 | | | 124,700 |
Historical Preservation Fund | 2,000 | | | | 2,000 |
SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Approved February 25, 1977.
CHAPTER 20
(H.B. No. 148)

AN ACT
AMENDING SECTION 11, CHAPTER 172, LAWS OF 1976, BY INCREASING THE APPROPRIATION TO THE BOARD OF ACCOUNTANCY BY $5,200; AMENDING SECTION 18, CHAPTER 172, LAWS OF 1976, BY INCREASING THE APPROPRIATION TO THE REAL ESTATE COMMISSION BY $28,000; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 11, Chapter 172, Laws of 1976, 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, 1976, through June 30, 1977.

STATE BOARD OF ACCOUNTANCY:

<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>$47,900</td>
<td>27,400</td>
<td>1,400</td>
<td>$46,600</td>
</tr>
<tr>
<td>State Board of Accountancy Fund</td>
<td>$46,600</td>
<td>48,600</td>
<td>48,600</td>
<td></td>
</tr>
</tbody>
</table>

SECTION 2. That Section 18, Chapter 172, Laws of 1976, be, and the same is hereby amended to read as follows:

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>FROM:</td>
<td>$155,300</td>
<td>100,900</td>
<td>3,000</td>
<td>$259,200</td>
</tr>
</tbody>
</table>

Idaho Real Estate Brokers
B. EDUCATION:
FOR:
Personnel Costs $42,700
Operating Expenditures 143,000 171,000
Capital Outlay 2,200
TOTAL $1,079,900 215,900
FROM:
Real Estate Education Research & Recovery Fund $1,079,900 215,900
TOTAL $1,079,900 215,900

TOTALS--Personnel Costs $198,000
Operating Expenditures 243,7900 271,900
Capital Outlay 5,200
GRAND TOTAL $447,100 475,100

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

Approved February 25, 1977.
AN ACT
RELATING TO FILLING VACANCIES IN THE SLATE OF CANDIDATES OF A POLITICAL PARTY; AMENDING SECTION 34-715, IDAHO CODE, BY STRIKING PROVISIONS THAT A VACANCY SHALL BE FILLED BY THE PERSON RECEIVING THE NEXT HIGHEST NUMBER OF VOTES AT THE PRIMARY ELECTION.

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

SECTION 1. 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 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.

Approved February 25, 1977.
AN ACT
AMENDING CHAPTER 253, LAWS OF 1976, TO PROVIDE FOR REVISED APPROPRIATIONS TO THE STATE BOARD
OF EDUCATION FOR VOCATIONAL EDUCATION; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 1, Chapter 253, Laws of 1976, be, and the same is hereby
amended to read as follows:

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>$9,596,900</td>
</tr>
<tr>
<td>Vocational Education</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Amendments of 1968 Fund</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>$ 653,500</td>
<td>$ 173,300</td>
<td>$ 12,200</td>
<td>$11,176,000</td>
<td>$12,015,000</td>
</tr>
<tr>
<td>B. ADVISORY COUNCIL:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vocational Education</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Advisory Council Fund</td>
<td>$ 317,400</td>
<td>$ 32,700</td>
<td></td>
<td>$ 53,800</td>
<td></td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>$ 317,400</td>
<td>$ 32,700</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></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>GRAND TOTAL</strong></td>
<td>$ 970,900</td>
<td>$ 206,000</td>
<td>$ 12,200</td>
<td>$11,451,000</td>
<td>$12,343,800</td>
</tr>
</tbody>
</table>

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

Approved February 25, 1977.
C. 23 '77  IDAHO SESSION LAWS  45

CHAPTER 23
[S.B. No. 1080]

AN ACT

RELATING TO LIMITATION UPON AUTHORITY OF SCHOOL DISTRICT TRUSTEES; AMENDING SECTION 33-507, IDAHO CODE, TO PROVIDE PROCEDURE FOR HIRING PERSONS RELATED TO ANY TRUSTEE OR SPOUSE OF A TRUSTEE WITHIN THE SECOND DEGREE.

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

SECTION 1. That Section 33-507, Idaho Code, be, and the same is hereby amended to read as follows:

33-507. LIMITATION UPON AUTHORITY OF TRUSTEES. It shall be unlawful for any trustee to have pecuniary interest directly or indirectly in any contract or other transaction pertaining to the maintenance or conduct of the school district, or to accept any reward or compensation for services rendered as a trustee. The receiving, soliciting or acceptance of moneys of a school district for deposit in any bank or trust company, or the lending of money by any bank or trust company to any school district, shall not be deemed to be a contract pertaining to the maintenance or conduct of a school district within the meaning of this section; nor shall the payment by any school district board of trustees of compensation to any bank or trust company for services rendered in the transaction of any banking business with such district board of trustees, be deemed the payment of any reward or compensation to any officer or director of any such bank or trust company within the meaning of this section.

It shall be unlawful for the board of trustees of any class of school district to enter into or execute any contract with the spouse of any member of such board, the terms of which said contract requires, or will require, the payment or delivery of any school district funds, money or property to such spouse.

When any relative of any trustee or relative of the spouse of a trustee related by affinity or consanguinity within the second degree is considered for employment in a school district, such trustee shall abstain from voting in the election of such relative, and shall be absent himself from the meeting while such employment is being considered and determined.

AN ACT

APPROPRIATING $1,000 OUT OF THE GENERAL ACCOUNT TO THE IDAHO AGRICULTURAL LABOR BOARD FOR THE DESIGNATED PURPOSE, ACCORDING TO DESIGNATED EXPENSE CLASSES, FOR THE PERIOD JULY 1, 1977, THROUGH JUNE 30, 1978.

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

SECTION 1. There is hereby appropriated out of the general account 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, 1977, through June 30, 1978:

<table>
<thead>
<tr>
<th>FOR PERSONNEL COSTS</th>
<th>FOR OPERATING EXPENDITURES</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>AGRICULTURAL LABOR BOARD:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Account</td>
<td>$ 500</td>
<td>$ 500</td>
</tr>
</tbody>
</table>

AN ACT
APPROPRIATING MONEY TO THE OFFICE OF THE GOVERNOR, BUREAU OF STATE PLANNING AND COORDINATION, FOR THE DESIGNATED PURPOSE FROM THE LISTED FUND FROM THE EFFECTIVE DATE OF THIS ACT THROUGH JUNE 30, 1978; AND DECLARING AN EMERGENCY.

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

SECTION 1. There is hereby appropriated to the Office of the Governor, Bureau of State Planning and Coordination, the following amount, to be expended for the designated purpose from the listed fund for the period from the effective date of this act through June 30, 1978:

FOR:  Bear Lake Regional Planning Commission $10,000
      Fiscal year 1977 General Fund       10,000
      TOTAL                               10,000

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.

CHAPTER 26
(S.B. No. 1015)

AN ACT
RELATING TO THE NUMBER OF DISTRICT JUDGES IN THE THIRD JUDICIAL DISTRICT AND RESIDENT CHAMBERS; AMENDING SECTION 1-804, IDAHO CODE, TO PROVIDE THAT THE THIRD JUDICIAL DISTRICT SHALL HAVE FOUR DISTRICT JUDGES AND THAT ONE RESIDENT CHAMBERS SHALL BE ESTABLISHED IN WASHINGTON OR CANYON COUNTY; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 1-804, Idaho Code, be, and the same is hereby amended to read as follows:

1-804. THIRD DISTRICT -- NUMBER OF JUDGES -- RESIDENT CHAMBERS. (1) The third judicial district shall consist of the counties of Adams, Washington, Payette, Gem, Canyon and Owyhee.

(2) The third judicial district shall have three four district judges.

(3) Resident chambers of the district judges of the third judicial district shall be established as follows:

(a) One resident chambers shall be established in Washington or Canyon County

(b) Two Three resident chambers shall be established in Canyon County.

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

CHAPTER 27
(S.B. No. 1117)

AN ACT
RELATING TO THE LEGISLATIVE FUND; AMENDING SECTION 67-451, IDAHO CODE, TO PROVIDE FOR NAME CHANGES, AND TO PROVIDE FOR INCREASED TRANSFERS OF MONEYS INTO THE LEGISLATIVE ACCOUNT.

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

SECTION 1. That Section 67-451, Idaho Code, be, and the same is hereby amended to read as follows:

67-451. LEGISLATIVE FUND ACCOUNT CREATED -- DUTIES OF AUDITOR -- DISBURSEMENTS FROM FUND ACCOUNT -- REPORT OF DISBURSEMENTS. (1) There is hereby created in the state operating fund in the state treasury the legislative fund account. The legislative fund account shall consist of such moneys as are placed into it by other appropriations, by receipts paid into the legislative fund account, and the moneys appropriated and transferred into it according to the provisions of this act.

(2) There is hereby appropriated out of the general account in the state operating fund and transferred into the legislative fund account, and the state auditor is authorized and directed to make such transfers the sum of two hundred fifty thousand dollars ($250,000) in the amounts shown on each of the following dates in each year:

<table>
<thead>
<tr>
<th>Date</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>March 1</td>
<td>$500,000</td>
</tr>
<tr>
<td>June 1</td>
<td>$200,000</td>
</tr>
<tr>
<td>September 1</td>
<td>$200,000</td>
</tr>
<tr>
<td>December 1</td>
<td>$500,000</td>
</tr>
</tbody>
</table>

(3) The presiding officers of each house of the legislature are hereby authorized to make expenditures out of the legislative fund account for any necessary expenses of the legislature and the legislative fund account is hereby perpetually appropriated for any necessary expenses of the legislature. Necessary expenses of the legislature shall include, but are not necessarily limited to salaries and wages of officers, members, and employees of the legislature, consultants and other expert or professional per-
sonnel, travel expenses of officers, members, and employees of the legislature, other current expenses incurred in any operation or function of the legislature, premiums for life, accidental death and dismemberment, hospital, medical, surgical and major medical insurance for members of the legislature during their terms of office, and for employees of the legislature during the period of their employment, and capital outlay items necessary for any operation or function of the legislature. The signature of a presiding officer on any voucher or claim for payment shall be sufficient authority for the state auditor to pay the same. Expenses for any interim activity of the legislature, legislators, or legislative committees shall be paid in the same manner, if previously authorized by concurrent resolution.

(4) The state auditor is hereby directed to devise and implement a financial reporting and control system for the purposes of this act that exempts legislative expenditures from any other provision of law, and the legislative fund account shall be specifically exempt from the provisions of chapter 35, title 67, Idaho Code, and shall be specifically exempt from the provisions of chapter 36, title 67, Idaho Code. Such system must produce a report as of the end of each calendar month that clearly shows additions to the fund account, the unexpended balance in the fund account, the expenditures to date, and the expenditures for the month reported, suitably detailed in such manner as the presiding officers may instruct the state auditor. A copy of such report must be delivered to the presiding officer of each house of the legislature and to the governor by no later than the fifth working day of the following month.

This bill became law without the signature of the Governor.
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 Commission for the Blind the following amounts, to be expended for the designated program according to the expense classes designated therein from the listed accounts for the period July 1, 1977, through June 30, 1978:

<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>SERVICES TO THE BLIND: FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Account</td>
<td>$ 103,600</td>
<td></td>
<td></td>
<td>$ 34,900</td>
<td>$ 138,500</td>
</tr>
<tr>
<td>Blind Commission Account</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>350,100</td>
<td>$ 97,600</td>
<td>$ 22,200</td>
<td>194,700</td>
<td>664,600</td>
</tr>
<tr>
<td>Miscellaneous Receipts Account</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>39,900</td>
<td>39,900</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$ 453,700</td>
<td>$ 97,600</td>
<td>$ 22,200</td>
<td>$ 269,500</td>
<td>$ 843,000</td>
</tr>
</tbody>
</table>

Approved March 7, 1977.
AN ACT

EXPRESSING LEGISLATIVE INTENT WITH RESPECT TO EXPENDITURES FOR THE DEPARTMENT OF FISH AND GAME; APPROPRIATING MONEYS FROM THE ACCOUNTS ENUMERATED TO THE DEPARTMENT OF FISH AND GAME TO BE EXPENDED FOR DESIGNATED PROGRAMS, ACCORDING TO DESIGNATED EXPENSE CLASSES FROM THE LISTED ACCOUNTS FOR THE PERIOD JULY 1, 1977, THROUGH JUNE 30, 1978; 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, 1977 through June 30, 1978:

<table>
<thead>
<tr>
<th>FOR:</th>
<th>FROM:</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel Costs</td>
<td>Fish and Game Account</td>
<td>$5,504,500</td>
</tr>
<tr>
<td>Operating Expenditures</td>
<td>General Interaccount Account</td>
<td>2,512,000</td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>Miscellaneous Receipts Account</td>
<td>1,501,200</td>
</tr>
<tr>
<td>TOTAL</td>
<td></td>
<td>$9,517,700</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 accounts for the period July 1, 1977, through June 30, 1978:

<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:</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>Fish &amp; Game Account</td>
<td>$ 844,800</td>
<td>$ 35,400</td>
<td>$ 36,600</td>
<td>$ 916,800</td>
</tr>
<tr>
<td>General Interaccount Account</td>
<td>20,000</td>
<td>20,000</td>
<td>10,000</td>
<td>50,000</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$ 864,800</td>
<td>$ 55,400</td>
<td>$ 46,600</td>
<td>$ 966,800</td>
</tr>
<tr>
<td>B. ENFORCEMENT DIVISION:</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>Fish &amp; Game Account</td>
<td>$1,452,200</td>
<td>$302,800</td>
<td>$191,100</td>
<td>$1,946,100</td>
</tr>
</tbody>
</table>
### C. FISHERIES DIVISION:

FROM: Fish & Game Account  
$1,322,200 $1,047,200 $ 73,200 $2,442,600

### D. GAME PROGRAM:

FROM: Fish & Game Account  
$1,162,900 $866,100 $192,500 $2,221,500

### E. INFORMATION AND EDUCATION:

FROM: Fish & Game Account  
$207,400 $85,600 $29,800 $322,800  
Miscellaneous Receipts Account  
24,100 32,000 56,100

**TOTAL**  
$231,500 $117,600 $29,800 $378,900

### F. ENGINEERING:

FROM: Fish & Game Account  
399,900 $107,400 $967,200 $1,475,100

### G. PLANNING AND ENVIRONMENTAL SERVICES:

FROM: Fish & Game Account  
$71,000 $15,500 $200 $86,700

**GRAND TOTAL**  
$5,504,500 $2,512,000 $1,501,200 $9,517,700

**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 7, 1977.
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 State Insurance Fund the following amounts, to be expended for the designated program according to the expenditure classes designed therein from the listed account for the period July 1, 1977, through June 30, 1978:

<table>
<thead>
<tr>
<th>FOR</th>
<th>FOR</th>
<th>FOR</th>
</tr>
</thead>
<tbody>
<tr>
<td>PROGRAM PERSONNEL COSTS</td>
<td>OPERATING EXPENDITURES</td>
<td>CAPITAL OUTLAY</td>
</tr>
<tr>
<td>STATE INSURANCE FUND:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>State Insurance Fund</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Account</td>
<td>$ 692,400</td>
<td>$ 232,400</td>
</tr>
</tbody>
</table>

Approved March 7, 1977.
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 Public Employees' Retirement System the following amounts, to be expended for the designated program according to the expense classes designated therein from the listed account for the period July 1, 1977, through June 30, 1978:

<table>
<thead>
<tr>
<th>PROGRAM</th>
<th>PERSONNEL</th>
<th>OPERATING</th>
<th>CAPITAL</th>
<th>EXPENDITURES</th>
<th>OUTLAY</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>PUBLIC EMPLOYEES' RETIREMENT SYSTEM:</td>
<td></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>
<td></td>
</tr>
<tr>
<td>Public Employees' Retirement System</td>
<td>$ 527,900</td>
<td>$ 295,200</td>
<td>$ 7,500</td>
<td></td>
<td></td>
<td>$ 830,600</td>
</tr>
</tbody>
</table>

Approved March 7, 1977.
AN ACT

APPROPRIATING MONEYS OUT OF THE ACCOUNTS ENUMERATED TO THE SUPREME COURT FOR DESIGNATED PROGRAMS FOR THE PERIOD JULY 1, 1977, THROUGH JUNE 30, 1978; EXPRESSING LEGISLATIVE INTENT WITH RESPECT TO EXPENDITURES FOR THE JUDICIAL BRANCH; AND EXPRESSING LEGISLATIVE INTENT WITH RESPECT TO CERTAIN EXPENDITURES.

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

SECTION 1. There is hereby appropriated to the Supreme Court the following amounts, to be expended for the designated programs from the listed accounts for the period July 1, 1977, through June 30, 1978:

<table>
<thead>
<tr>
<th>FROM GENERAL ACCOUNT</th>
<th>FROM MISCELLANEOUS ACCOUNT</th>
<th>FROM FEDERAL ACCOUNT</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>$1,121,900</td>
<td>$10,000</td>
<td>$1,131,900</td>
<td></td>
</tr>
<tr>
<td>157,100</td>
<td></td>
<td>157,100</td>
<td></td>
</tr>
<tr>
<td>1,577,100</td>
<td></td>
<td>1,577,100</td>
<td></td>
</tr>
<tr>
<td>1,644,700</td>
<td></td>
<td>1,644,700</td>
<td></td>
</tr>
<tr>
<td>27,900</td>
<td></td>
<td>27,900</td>
<td></td>
</tr>
<tr>
<td>25,500</td>
<td></td>
<td>200,000</td>
<td>225,500</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$4,554,200</td>
<td>$10,000</td>
<td>$4,764,200</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, 1977, through June 30, 1978:
<table>
<thead>
<tr>
<th>PROGRAM</th>
<th>FOR PERSONNEL COST</th>
<th>FOR OPERATING EXPENDITURES</th>
<th>FOR CAPITAL OUTLAY</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>A. SUPREME COURT:</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 Account</td>
<td>$770,300</td>
<td>$337,000</td>
<td>$14,600</td>
<td>$1,121,900</td>
</tr>
<tr>
<td>Miscellaneous Receipts Account</td>
<td></td>
<td>10,000</td>
<td></td>
<td>10,000</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>$770,300</td>
<td><strong>347,000</strong></td>
<td><strong>14,600</strong></td>
<td><strong>1,131,900</strong></td>
</tr>
<tr>
<td><strong>B. LAW LIBRARY:</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 Account</td>
<td>$59,000</td>
<td>$45,500</td>
<td>$52,600</td>
<td>$157,100</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>$59,000</td>
<td><strong>83,500</strong></td>
<td><strong>52,600</strong></td>
<td><strong>201,000</strong></td>
</tr>
<tr>
<td><strong>C. DISTRICT COURT:</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 Account</td>
<td>$1,502,700</td>
<td>$74,400</td>
<td></td>
<td>$1,577,100</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>$1,502,700</td>
<td><strong>87,900</strong></td>
<td></td>
<td><strong>1,590,600</strong></td>
</tr>
<tr>
<td><strong>D. MAGISTRATES DIVISION:</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 Account</td>
<td>$1,560,800</td>
<td>$83,900</td>
<td></td>
<td>$1,644,700</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>$1,560,800</td>
<td><strong>92,800</strong></td>
<td></td>
<td><strong>1,653,600</strong></td>
</tr>
<tr>
<td><strong>E. JUDICIAL COUNCIL:</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 Account</td>
<td>$2,000</td>
<td>$25,900</td>
<td></td>
<td>$27,900</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>$2,000</td>
<td><strong>25,900</strong></td>
<td></td>
<td><strong>27,900</strong></td>
</tr>
<tr>
<td><strong>F. MATCHING FUNDS -- FEDERAL GRANTS:</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 Account</td>
<td>$4,800</td>
<td>$2,500</td>
<td>$18,200</td>
<td>$25,500</td>
</tr>
<tr>
<td>Court Reform -- Law Enforcement Planning Account</td>
<td></td>
<td>14,400</td>
<td>22,200</td>
<td>163,400</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>19,200</strong></td>
<td><strong>24,700</strong></td>
<td><strong>181,600</strong></td>
<td><strong>225,500</strong></td>
</tr>
<tr>
<td><strong>GRAND TOTAL</strong></td>
<td><strong>3,914,000</strong></td>
<td><strong>601,400</strong></td>
<td><strong>248,800</strong></td>
<td><strong>4,764,200</strong></td>
</tr>
</tbody>
</table>

SECTION 3. It is legislative intent that an amount, not to exceed $1,000 of the amounts appropriated in section 1, may be used at the discretion of the Chief Justice to assist in defraying expenses relating to or resulting from the discharge of his official duties and the official duties of the Supreme Court. Such moneys shall be accounted for solely on the itemized certificate of the Chief Justice and shall be exempted from provisions of chapter 36, title 67, Idaho Code, and section 67-3516, Idaho Code.

Approved March 7, 1977.
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 designated program, according to expense classes designated therein from the listed account for the period July 1, 1977, through June 30, 1978:

<table>
<thead>
<tr>
<th>PROGRAM</th>
<th>FOR OPERATING EXPENDITURES</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>COMMISSION ON WOMEN'S PROGRAMS:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Account</td>
<td>$11,000</td>
<td>$11,000</td>
</tr>
</tbody>
</table>

Approved March 7, 1977.
CHAPTER 34
(H.B. No. 15)

AN ACT
RELATING TO CONTRACTING WITH ANY TIMBER PROTECTIVE ASSOCIA-
TION BY THE DIRECTOR OF THE DEPARTMENT OF LANDS; AMEND-
ing SECTION 38-104, IDAHO CODE, TO LIMIT THE DIRECTOR'S
AUTHORITY TO CONTRACT WITH TIMBER PROTECTIVE ASSOCIA-
TIONS.

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

SECTION 1. That Section 38-104, Idaho Code, be, and the
same is hereby amended to read as follows:

38-104. COOPERATION WITH OTHER AGENCIES -- RESTRI-
tIONS. (1) The director of the department of lands, in
executing the provisions of this chapter, insofar as it
relates to privately owned forest or range land, shall have
authority to cooperate with federal, county, state, munici-
pal and private agencies, all voluntary forest or range land
protective associations now organized and which may from
time to time hereafter be organized within the state of
Idaho, and he shall have authority to:

a. Enter into agreements with the federal government,
under such terms as he deems advisable or as may be provided
by law, and renew, revise or terminate such agreements for
the purpose of furnishing, operating and maintaining a pro-
tective system for the detection, prevention and suppression
of forest or range fires; provided, that the costs and
expenses incurred, accruing and contracted for by the terms
of said agreements shall be paid from the appropriations or
funds available for the protection of forest land. Funds
collected from owners of forest lands shall be used only for
the benefit of forest lands within the forest protective
district from which collected.

b. Enter into agreements with any county or municipal-
ity on such terms and under such conditions as he may deem
wise, and subject to the approval of the board, for the
detection, prevention or suppression of forest fires on any
lands within said county or municipality, or for the pro-
tection and forest management of any lands over which such
county or municipality has jurisdiction, or for reforesta-
tion or afforestation of lands within said county or munici-
pality, whenever any county or municipality shall have made any appropriations therefor.

c. Subject to the provisions of subsection (d) hereof, enter into agreements, with the approval of the board, with any person, firm, organization, association, corporation, state board, officer or agency owning and/or controlling any forest or range land, or whose function, desire and/or duty it is to protect any forest or range land from forest or range fires, under such terms and conditions as he deems advisable or as may be required by law, and renew, revise or terminate such agreements, for the purpose of furnishing, operating and maintaining, a protective system for the detection, prevention and suppression of forest or range fires in forest protective districts; provided, that no agreements entered into under authority of this section shall provide that the same shall pay more than its pro rata share as provided in section 38-114, Idaho Code, and provided, further, that the costs and expenses incurred, accruing or contracted for by the terms of said agreement shall be paid from appropriations or funds available for the protection of forest or range lands from forest or range fires, or from moneys recovered from persons held responsible under this chapter for the payment thereof.

d. The director shall not contract with any timber protective association unless such association limits its lobbying activities only to securing the passage, repeal, or amendment of laws that directly concern the individual association and its program of conservation and fire protection, nor shall he contract with any timber protective association whose by-laws or contracts do not provide for the dissolution of such associations by the consent or resolution of its member or members whose total acreage within such association constitutes at least sixty-seven per cent (67%) of the total acreage within the association's jurisdiction. Upon dissolution the association shall provide for the distribution of the association's assets to the members either in cash or in kind and each member's share shall be equal to the percentage of the member's land within the association compared to the total land within the association. For the purposes of this chapter, the state shall be deemed a member of such association if it has entered into an agreement therewith.

(2) As a condition of any contract of the state with any timber protective association, the liability of the state is limited to the amount established by the laws of the state governing the contract or a tort liability of the
state. As a further condition of any contract of an association with the state, no association shall settle or compromise any claim or suit against it without prior approval of the state land board.

(3) Prior to state participation or prior to continued state participation as a member of any timber protective association the director shall annually review and inspect the association for the following:
   a. The governing and managing structure of the association;
   b. The condition of equipment and its proposed use;
   c. The adequacy of liability insurance; and,
   d. The training of all association personnel.

The director shall report his findings and make recommendations to the state land board. If the state land board determines that the association is unable to perform its proper duties or is unsuitable for continued state membership the state land board shall give the association one (1) year in which to make the necessary improvements and if this is not done within one (1) year then the land board shall cause the state to withdraw its membership from the association or take the necessary steps to dissolve the association.

Approved March 9, 1977.
AN ACT
AMENDING SECTION 2, CHAPTER 200, LAWS OF 1976, RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF PARKS AND RECREATION, BY INCREASING THE APPROPRIATION FROM THE GENERAL FUND BY $32,200 AND BY INCREASING THE APPROPRIATION FROM THE LAVA HOT SPRINGS FOUNDATION FUND BY $10,000; APPROPRIATING $20,000 FROM MISCELLANEOUS RECEIPTS FUND TO THE DEPARTMENT OF PARKS AND RECREATION, TO BE EXPENDED FOR THE SPECIFIED PURPOSE FROM THE EFFECTIVE DATE OF THIS ACT THROUGH JUNE 30, 1978; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 2, Chapter 200, Laws of 1976, be, and the same is hereby amended to read as follows:

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></td>
<td>57,500</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>$113,700</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>$1,060,600</td>
<td>$181,800</td>
<td>$196,500</td>
<td></td>
<td>$1,440,900</td>
</tr>
<tr>
<td>Park &amp; Recreation Capital Improvement Fund</td>
<td></td>
<td></td>
<td>479,900</td>
<td></td>
<td>479,900</td>
</tr>
<tr>
<td>Park &amp; Recreation Fund</td>
<td>78,300</td>
<td>70,000</td>
<td></td>
<td></td>
<td>148,300</td>
</tr>
<tr>
<td>Lava Hot Springs Foundation Fund</td>
<td></td>
<td>72,300</td>
<td>2,800</td>
<td></td>
<td>75,100</td>
</tr>
<tr>
<td>TOTAL</td>
<td>185,000</td>
<td></td>
<td>260,100</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Lucky Peak Concession Fund
Parks Donation Fund
Federal Bureau of Outdoor Recreation Fund

<table>
<thead>
<tr>
<th>Fund</th>
<th>1977</th>
<th>1978</th>
<th>1979</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lucky Peak Concession</td>
<td>2,000</td>
<td>2,000</td>
<td></td>
</tr>
<tr>
<td>Parks Donation Fund</td>
<td>20,000</td>
<td>20,000</td>
<td></td>
</tr>
<tr>
<td>Federal Bureau of Outdoor</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Recreation Fund</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

C. STATEWIDE RECREATION PLANNING AND ASSISTANCE:

<table>
<thead>
<tr>
<th>FROM:</th>
<th>1977</th>
<th>1978</th>
<th>1979</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Fund</td>
<td>14,100</td>
<td>37,900</td>
<td>11,800</td>
</tr>
<tr>
<td>Park &amp; Recreation Fund</td>
<td>34,900</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Waterways Improvement Fund</td>
<td>2,700</td>
<td>$307,000</td>
<td>309,700</td>
</tr>
<tr>
<td>Motorbike Recreation Fund</td>
<td>16,900</td>
<td>27,200</td>
<td>415,000</td>
</tr>
<tr>
<td>Federal Bureau of Outdoor Recreation</td>
<td>170,400</td>
<td>2,300</td>
<td>3,000,000</td>
</tr>
<tr>
<td>Fund</td>
<td></td>
<td></td>
<td>3,172,700</td>
</tr>
<tr>
<td>Coast Guard Boating Safety Fund</td>
<td></td>
<td></td>
<td>100,000</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$201,400</td>
<td>$105,000</td>
<td>$11,800</td>
</tr>
<tr>
<td>GRAND TOTAL</td>
<td>$1,915,400</td>
<td>$692,500</td>
<td>$3,822,000</td>
</tr>
</tbody>
</table>

SECTION 2: There is hereby appropriated out of the enumerated fund the following amount, 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, 1978.

FOR:
Harriman State Park Operating Expenditures $20,000

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 March 9, 1977.
AN ACT
RELATING TO VENDING MACHINE SALES; AMENDING SECTION 63-3613, IDAHO CODE, BY PROVIDING THAT THE SALES PRICE OF CERTAIN TANGIBLE PERSONAL PROPERTY SOLD THROUGH A VENDING MACHINE SHALL BE ONE HUNDRED SEVENTEEN PER CENT OF THE PRICE PAID BY THE OWNER OR OPERATOR OF THE VENDING MACHINE; AND AMENDING SECTION 63-3623, IDAHO CODE, BY EMPOWERING THE STATE TAX COMMISSION TO PROVIDE A METHOD OF REPORTING VENDING MACHINE SALES.

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

SECTION 1. 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 interest 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 fifty-five per centum (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.

(e) Tangible personal property when sold at retail for more than fifteen cents ($0.15) but less than one dollar and
one cent ($1.01) through a vending machine shall be deemed to have sold at a sales price equal to one hundred seventeen per cent (117%) of the price which is paid for such tangible personal property and/or its component parts including packaging by the owner or operator of the vending machines.

SECTION 2. That Section 63-3623, Idaho Code, be, and the same is hereby amended to read as follows:

63-3623. RETURNS AND PAYMENTS. The taxes imposed by this act are due and payable to the state tax commission monthly on or before the twenty-fifth day of the succeeding month; provided, however, that the first payment under this act shall be due on or before the fifteenth day of October, 1965, for the period from the first day of imposition of tax under this act to and including September 30, 1965. Thereafter all payments shall be made monthly. The monthly payment shall be based on an estimate of taxable sales and will be subject to adjustment on the quarterly return.

(a) All moneys collected or received by the state tax commission from the taxes, penalties, interest and fees imposed by this act shall be deposited with the state treasurer to be credited by him to the sales tax fund created by this act.

(b) On or before the twenty-fifth day of the month following each quarterly period of three (3) months, with the first return due on or before the fifteenth day of October, 1965, a return for the preceding quarterly period shall be filed with the state tax commission in such form as the state tax commission may prescribe.

(c) For the purpose of the sales tax, a return shall be filed by every seller. For the purposes of the use tax, a return shall be filed by every retailer engaged in business in this state and by every person purchasing tangible personal property, the storage, use, or other consumption of which is subject to the use tax, who has not paid the use tax due to a retailer required to collect the tax. Returns shall be signed by the person required to file the return or by his duly authorized agent.

(d) For the purposes of the sales tax, the return shall show the total sales at retail subject to tax under this act during the preceding reporting period. For the purposes of the use tax, in case of a return filed by a retailer, the return shall show the total sales price of the property sold by him, the storage, use, or consumption of which property became subject to the use tax during the preceding reporting period; in the case of a return filed by a purchaser, the
return shall show the total sales price of the property pur­ched by him, the storage, use, or consumption of which became subject to the use tax during the preceding reporting period.

(e) The return shall show the amount of the taxes for the period covered by the return and such other information as the state tax commission deems necessary for the proper administration of this act.

(f) The person required to file the return shall mail or deliver the return together with a remittance of the remaining balance of any tax due to the state tax commission for the preceding quarter over and above the amounts previously paid.

(g) The state tax commission, if it deems it necessary in order to insure payment to or facilitate the collection by the state of taxes, may require returns for periods other than calendar quarters or for other than quarterly periods.

(h) For the purposes of the sales tax, gross amounts from rentals or leases of tangible personal property which may be subject to tax under this act shall be reported and the tax paid in accordance with such rules and regulations as the state tax commission may prescribe.

(i) The state tax commission for good cause may extend, for not to exceed one (1) month, the time for making any return or paying any amount required to be paid under this act.

(j) Any person to whom an extension is granted and who pays the tax within the period for which the extension is granted shall pay, in addition to the tax, interest at the rate of six per centum (6%) per annum from the date on which the tax would have been due without the extension until the day of payment.

(k) Upon the transfer of ownership of a motor vehicle subject to sales or use tax, a certificate of title will be issued to the new owner only upon presentation of evidence of payment of sales or use tax on the transaction.

(l) The owner of a truck, trailer or motor vehicle required to be licensed by the laws of this state shall, upon demand, furnish to the officer issuing such license satisfactory evidence that any sales or use tax to which such truck, trailer or motor vehicle is subject has been paid to this state before any such license shall be issued.

(m) Retail sales of tangible personal property through a vending machine which are taxable upon the purchase price paid by the owner or operator of the vending machine pur-
suant to subsection (e) of section 63-3613, Idaho Code, shall be reported upon the sales tax return of the owner or operator of the vending machine in the manner by which the tax commission may by regulation prescribe.

Approved March 9, 1977.
CHAPTER 37
(H.B. No. 136)

AN ACT
RELATING TO EDUCATIONAL PROGRAMS FOR MEMBERS OF THE IDAHO NATIONAL GUARD; AMENDING SECTION 46-314, IDAHO CODE, TO STRIKE REFERENCES TO THE IDAHO NATIONAL GUARD EDUCATIONAL ENCOURAGEMENT FUND, AND TO AUTHORIZE THE ADJUTANT GENERAL TO ENCOURAGE ENLISTMENT BY PAYMENT OF REGISTRATION FEES FOR MEMBERS OF THE IDAHO NATIONAL GUARD.

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

SECTION 1. That Section 46-314, Idaho Code, be, and the same is hereby amended to read as follows:

46-314. EDUCATIONAL ENCOURAGEMENT FUND. The Idaho national guard educational encouragement fund is hereby established in the state treasury. The adjutant general of the Idaho national guard is authorized to encourage enlistment and reenlistment of persons in the national guard by providing incentive payments as set forth hereinafter. The adjutant general may authorize the payment of not more than fifty per cent (50%) of student registration fees for each semester for each member of the active Idaho national guard who attends an institution of higher education in Idaho, a vocational education school, or a junior college organized under the provisions of chapter 21, title 33, Idaho Code, from the Idaho national guard educational encouragement fund. To be eligible to receive benefits from the fund, an individual must be a member in good standing of the active Idaho national guard at the beginning of and throughout the entire semester for which benefits are received.

Approved March 9, 1977.
AN ACT
RELATING TO PUBLIC SAFETY ON BODIES OF WATER; AMENDING CHAPTER 15, TITLE 36, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 36-1509, IDAHO CODE, TO PROVIDE SIZE LIMITS OF HOLES IN ICE FOR ICE FISHING, TO PROVIDE A PENALTY, AND TO PROVIDE AN EXCEPTION.

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

SECTION 1. That Chapter 15, Title 36, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 36-1509, Idaho Code, and to read as follows:

36-1509. HOLES IN ICE -- SIZE LIMITS -- PENALTY -- EXCEPTION. (a) It is a misdemeanor for any person:
(1) To cut an opening larger than ten (10) inches across the longest part through the ice of any of the streams, lakes or ponds of the state for the purpose of fishing;
(2) To fish through a man-made opening in ice which is larger than ten (10) inches across the longest part.
(b) The provisions of this section shall not apply to Bear Lake when an opening in the ice larger than ten (10) inches across the longest part is necessary for dip netting Cisco.

Approved March 9, 1977.
AN ACT
RELATING TO EXPENDITURES FOR WHICH BIDS ARE REQUIRED; AMENDING SECTION 40-802, IDAHO CODE, BY INCREASING THE MINIMUM AMOUNT FOR WHICH A BID IS REQUIRED FOR THE CONSTRUCTION OR REPAIR OF BRIDGES.

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

SECTION 1. That Section 40-802, Idaho Code, be, and the same is hereby amended to read as follows:

40-802. BRIDGES COSTING OVER TWENTY-FIVE-HUNDRED FIVE THOUSAND DOLLARS -- CONTRACTS FOR CONSTRUCTION AND REPAIR. Any bridge, the cost of the construction or repair of which will exceed the sum of $5,000 five thousand dollars ($5,000), must be constructed or repaired under the provisions set forth in chapter 40, of title 31, Idaho Code.

Approved March 9, 1977.
AN ACT

APPROPRIATING MONEYS FROM THE GENERAL ACCOUNT TO THE DEPARTMENT OF INSURANCE TO BE EXPENDED FOR THE DESIGNATED PROGRAM, ACCORDING TO DESIGNATED EXPENSE CLASSES, FOR THE PERIOD JULY 1, 1977, THROUGH JUNE 30, 1978.

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

SECTION 1. There is hereby appropriated from the General Account to the Department of Insurance the following amount, to be expended for the designated program, according to expense classes designated for the period July 1, 1977, through June 30, 1978:

**REGULATION OF INSURANCE INDUSTRY PROGRAM:**

<table>
<thead>
<tr>
<th>Category</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel Costs</td>
<td>$351,700</td>
</tr>
<tr>
<td>Operating Expenditures</td>
<td>$131,600</td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>0</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$483,300</strong></td>
</tr>
</tbody>
</table>

FROM:

<table>
<thead>
<tr>
<th>Category</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Account</td>
<td>$483,300</td>
</tr>
</tbody>
</table>

Approved March 9, 1977.
CHAPTER 41
(H.B. No. 12)

AN ACT
RELATING TO APPLICATIONS UNDER THE CAREY ACT; AMENDING
SECTION 42-2014, IDAHO CODE, TO PROVIDE CLARIFICATION
FOR STANDARDS OF FINANCIAL RESPONSIBILITY OR ACCEPTABLE
PERSONAL CREDIT BACKING FOR PURPOSES OF CAREY ACT APPLI-
CATIONS.

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 responsibility and minimum experience as such personal financial
responsibility or acceptable personal credit backing or
membership in a group as provided in section 42-2003, Idaho
Code, and said group shall establish composite financial
responsibility and/or acceptable credit. Such standards are
shall be prescribed 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 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.

Approved March 9, 1977.
AN ACT


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

SECTION 1. It is legislative intent that the expenditures of the Office of the Governor for the Military Division, as set forth in section 2, not exceed the following amounts for the period July 1, 1977, through June 30, 1978:

<table>
<thead>
<tr>
<th>FOR:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel Costs</td>
<td>$1,246,600</td>
</tr>
<tr>
<td>Operating Expenditures</td>
<td>878,600</td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>29,800</td>
</tr>
<tr>
<td>Trustee and Benefit Payments</td>
<td>0</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$2,155,000</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>FROM:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>General Account</td>
<td>$1,020,300</td>
</tr>
<tr>
<td>Adjutant General Receipts Account</td>
<td>858,300</td>
</tr>
<tr>
<td>Civil Defense--Federal Administration and Personnel Acct.</td>
<td>276,400</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$2,155,000</strong></td>
</tr>
</tbody>
</table>

SECTION 2. There is hereby appropriated to the Office of the Governor for the Military Division, the following amounts, to be expended for the designated programs according to the expense classes designated therein from the listed accounts for the period July 1, 1977, through June 30, 1978:

<table>
<thead>
<tr>
<th>FOR</th>
<th>FOR</th>
<th>FOR</th>
</tr>
</thead>
<tbody>
<tr>
<td>PROGRAM</td>
<td>PERSONNEL COSTS</td>
<td>OPERATING EXPENDITURES</td>
</tr>
<tr>
<td>A. ADMINISTERING THE MILITARY DIVISION:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM: General Account</td>
<td>$292,800</td>
<td>$34,000</td>
</tr>
<tr>
<td>B. ADMINISTRATION AND OPERATION OF MILITARY FACILITIES:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM: General Account</td>
<td>$78,100</td>
<td>$284,400</td>
</tr>
</tbody>
</table>

Adjutant General
Receipts Account

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Received</td>
<td>$26,900</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$78,100</td>
</tr>
</tbody>
</table>

C. ADMINISTERING FEDERAL/STATE CONTRACTS:

<table>
<thead>
<tr>
<th>From</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Account</td>
<td>$60,500</td>
</tr>
<tr>
<td>Adjutant General Receipts Account</td>
<td>$61,300</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$121,800</td>
</tr>
</tbody>
</table>

D. ADMINISTERING DISASTER SERVICES:

<table>
<thead>
<tr>
<th>From</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Account</td>
<td>$92,500</td>
</tr>
<tr>
<td>Civil Defense--Federal Administration and Personnel Account</td>
<td>$34,900</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$127,800</td>
</tr>
</tbody>
</table>

E. NATIONAL GUARD EDUCATIONAL ENCOURAGEMENT:

<table>
<thead>
<tr>
<th>From</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Account</td>
<td>$55,000</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$55,000</td>
</tr>
</tbody>
</table>

GRAND TOTAL

<table>
<thead>
<tr>
<th>Amount</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>$1,246,600</td>
<td>$878,600</td>
</tr>
<tr>
<td>$29,800</td>
<td>$2,155,000</td>
</tr>
</tbody>
</table>

Approved March 9, 1977.
CHAPTER 43
(H.B. No. 113)

AN ACT
RELATING TO THE EXPIRATION AND EXTENSION OF LICENSES TO
OPERATE MOTOR VEHICLES; REPEALING SECTION 49-322, IDAHO
CODE; ADDING A NEW SECTION 49-322, IDAHO CODE, TO DETER-
MINE WHEN OPERATORS' AND CHAUFFEURS' LICENSES EXPIRE,
AND TO PROVIDE FOR EXTENSIONS OF EXPIRED LICENSES; AND
DECLARING AN EMERGENCY.

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 repealed.

SECTION 2. That Chapter 3, 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 49-322,
Idaho Code, and to read as follows:

49-322. EXPIRATION AND RENEWAL OF OPERATOR'S AND
CHAUFFEUR'S LICENSE -- CERTIFICATE OF EXTENSION -- FEE. (a)
Every operator's and chauffeur's license originally issued
to an operator or chauffeur shall expire on the licensee's
birthday in the third year following the issuance of such
license. Every such license shall be renewable on or before
its expiration, but not more than twelve (12) months before,
upon application, payment of the required fee, and satisfac-
tory completion of the examination required or authorized.
(b) When a licensee's license has expired for less than
twelve (12) months, the renewal of the license shall start
from the original date of expiration regardless of the year
in which the application for renewal is made. If the
licensee's license is expired for more than twelve (12)
months, the application shall expire on the licensee's
birthday in the third year following issuance of such li-
cense.
(c) If a licensee's license has expired or will expire
and the licensee is temporarily out-of-state, and the li-
cense has not, as provided by law, been suspended, revoked,
or cancelled, the licensee may request in writing on a form
prescribed by the director, accompanied by a fee of three
dollars ($3.00) which shall be deposited to the motor vehi-
cle fund, an extension of the license, but such extension
shall be less than a twelve (12) month period. If the direc-

tor determines that an extension of the licensee's license is necessary, he may issue a certificate of extension showing the date to which the expired license is extended, and this certificate must be attached to the expired license. Certificates of extension are limited to one (1) per licensee. Upon returning to the state of Idaho, the licensee shall within ten (10) days, apply as provided by other sections of this chapter, for a renewal of the expired license and surrender the certificate of extension. The certificate of extension shall not be valid beyond the date indicated on the certificate.

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

Approved March 9, 1977.
AN ACT
RELATING TO REMITTANCE OF FEES FOR DUPLICATE MOTOR VEHICLE OPERATORS' OR CHAUFFEURS' LICENSES; AMENDING SECTION 49-349, IDAHO CODE, PROVIDING FOR THE COUNTY CURRENT EXPENSE FUND TO RECEIVE ONE DOLLAR AND FIFTY CENTS INSTEAD OF TWENTY-FIVE CENTS FROM THE FEES CHARGED FOR APPLICATIONS FOR DUPLICATES OF EACH LICENSE.

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

SECTION 1. That Section 49-349, Idaho Code, be, and the same is hereby amended to read as follows:

49-349. REMITTANCE OF FEES. All moneys or fees which shall be paid to or collected by the sheriff of any county of the state of Idaho for receiving applications for or renewals of motor vehicle operators' licenses and motor vehicle chauffeurs' licenses shall, not later than the end of each and every month, be paid to the county treasurer wherein said fees were collected and the county treasurer shall deposit one dollar and five cents ($1.05) from each of said fees and twenty-five cents ($1.25) from the fees charged for applications for duplicates of each license to the credit of the current expense fund and shall, at least monthly, remit the remainder of all of said fees to the department of law enforcement of the state of Idaho.

Approved March 9, 1977.
CHAPTER 45
(H.B. No. 34, As Amended)

AN ACT
RELATING TO LANDLORD-TENANT RELATIONS; AMENDING SECTION 6-316, IDAHO CODE, TO STRIKE THE MANDATORY PROVISION FOR TREBLE DAMAGES IN FORCIBLE ENTRY AND UNLAWFUL DETAINER ACTIONS; AMENDING SECTION 6-317, IDAHO CODE, TO PROVIDE FOR TREBLE DAMAGES IN CERTAIN LANDLORD-TENANT ACTIONS IN THE DISCRETION OF THE COURT; REPEALING SECTION 6-320, IDAHO CODE; ADDING A NEW SECTION 6-320, IDAHO CODE, TO PROVIDE FOR CAUSES OF ACTION FOR DAMAGES AND/OR SPECIFIC PERFORMANCE BY TENANTS, ESTABLISHING THE GROUNDS THEREFOR, AND SETTING FORTH REQUIREMENTS THEREUNDER; ADDING A NEW SECTION 6-321, IDAHO CODE, REQUIRING THE RETURN OF SECURITY DEPOSITS BY LANDLORDS EXCEPT UNDER CERTAIN CIRCUMSTANCES; ADDING A NEW SECTION 6-322, IDAHO CODE, TO PROVIDE RULES OF PRACTICE IN GENERAL; AND ADDING A NEW SECTION 6-323, IDAHO CODE, TO PRESCRIBE THE METHODS THAT THE NOTICE REQUIRED BY SECTION 6-320(d), IDAHO CODE, MAY BE GIVEN.

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

SECTION 1. That Section 6-316, Idaho Code, be, and the same is hereby amended to read as follows:

6-316. JUDGMENT -- TREBLE DAMAGES -- RESTITUTION. If, upon the trial, the verdict of the jury, or, if the case be tried without a jury, the finding of the court, be in favor of the plaintiff and against the defendant, judgment shall be entered for the restitution of the premises; and if the proceeding be for an unlawful detainer after neglect or failure to perform the conditions or covenants of the lease or agreement under which the property is held, or after default in the payment of rent, the judgment shall also declare the forfeiture of such lease or agreement. The jury, or the court, if the proceeding be tried without a jury, shall also assess the damages occasioned to the plaintiff by any forcible entry, or by any forcible or unlawful detainer, alleged in the complaint and proved on the trial, and find the amount of any rent due, if the alleged unlawful detainer be after default in the payment of rent, and the judgment shall be rendered against the defendant guilty of the for-
cible entry, or forcible or unlawful detainer, for **three-(3) times** the amount of the damages thus assessed, and of the rent found due. When the proceeding is for an unlawful detainer after default in payment of rent where the tract of land is larger than five (5) acres, and the lease or agreement under which the rent is payable has not by its terms expired, execution upon the judgment shall not be issued until the expiration of five (5) days after the entry of the judgment, within which time the tenant, or any subtenant, or any mortgagee of the term, or other party interested in its continuance, may pay into court, for the landlord, the amount found due as rent, with interest thereon, and the amount of the damages found by the jury or the court for the unlawful detainer, and the costs of the proceeding, and thereupon the judgment shall be satisfied and the tenant be restored to his estate; but if payment as here provided be not made within the five (5) days, the judgment may be enforced for its full amount, and for the possession of the premises. In all other cases the judgment may be enforced immediately.

SECTION 2. That Section 6-317, Idaho Code, be, and the same is hereby amended to read as follows:

6-317. BUILDINGS--OR--CULTIVATED-PROPERTY---TREBLE DAMAGES. If a person landlord or a tenant recovers damages for a forcible or unlawful entry in or upon, or detention of, any building or **any-cultivated-reai-property** other tract of land, or for an action brought pursuant to section 6-320, Idaho Code, judgment may be entered for three (3) times the amount at which the actual damages are assessed.

SECTION 3. That Section 6-320, Idaho Code, be, and the same is hereby repealed.

SECTION 4. That Chapter 3, 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 6-320, Idaho Code, and to read as follows:

6-320. ACTION FOR DAMAGES -- SPECIFIC PERFORMANCE -- TENANT. (a) A tenant may file an action against a landlord for damages and specific performance for:

1. Failure to provide reasonable waterproofing and weather protection of the premises;
2. Failure to maintain in good working order electrical, plumbing, heating, ventilating, cooling, or
sanitary facilities supplied by the landlord;
(3) Maintaining the premises in a manner hazardous to
the health or safety of the tenant;
(4) Failure to return a security deposit as and when
required by law; and,
(5) Breach of any term or provision of the lease or
rental agreement materially affecting the health and
safety of the tenant, whether explicitly or implicitly a
part thereof.

Upon filing the complaint, a summons must be issued,
served and returned as in other actions, provided, however,
that in an action exclusively for specific performance, at
the time of issuance of the summons, the court shall sched­
ule a trial within 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. If
the plaintiff brings an action for damages under this
section, or combines his action for damages with an action
for specific performance, the early trial provision of this
section shall not be applicable, and a summons must be
issued returnable as in other cases upon filing the com­
plaint.

(b) In an action under this section, plaintiff, in his
complaint, must set forth the facts on which he seeks to
recover, describe the premises, and set forth any circum­
stances which may have accompanied the failure or breach by
the landlord.

(c) If, upon the trial, the verdict of the jury, or, if
the case be tried without a jury, the finding of the court,
be in favor of the plaintiff against the defendant, judgment
shall be entered for the amount of the damages assessed.
Judgment may also be entered requiring specific performance
for any breach of agreement showing by the evidence, and for
costs and disbursements.

(d) Before a tenant shall have standing to file an
action under this section, he must give his landlord three
(3) days written notice, listing each failure or breach upon
which his action will be premised and written demand
requiring performance or cure. If, within three (3) days
after service of the notice, any listed failure or breach
has not been performed or cured by the landlord, the tenant
may proceed to commence an action for damages and specific
performance.

(e) The provisions of section 6-320, Idaho Code, shall
not apply to tracts of land of five (5) acres or more used
for agricultural purposes.
SECTION 5. That Chapter 3, 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 6-321, Idaho Code, and to read as follows:

6-321. SECURITY DEPOSITS. Amounts deposited by a tenant with a landlord for any purpose other than the payment of rent shall be deemed security deposits. Upon termination of a lease or rental agreement and surrender of the premises by the tenant all amounts held by the landlord as a security deposit shall be refunded to the tenant, except amounts necessary to cover the contingencies specified in the deposit arrangement. The landlord shall not retain any part of a security deposit to cover normal wear and tear. "Normal wear and tear" means that deterioration which occurs based upon the use for which the rental unit is intended and without negligence, carelessness, accident, or misuse or abuse of the premises or contents by the tenant or members of his household, or their invitees or guests.

Refunds shall be made within twenty-one (21) days if no time is fixed by agreement, and in any event, within thirty (30) days after surrender of the premises by the tenant. Any refunds in an amount less than the full amount deposited by the tenant shall be accompanied by a signed statement itemizing the amounts lawfully retained by the landlord, the purpose for the amounts retained, and a detailed list of expenditures made from the deposit.

If security deposits have been made as to a particular rental or lease property, and the property changes ownership during a tenancy, the new owner shall be liable for refund of the deposits.

SECTION 6. That Chapter 3, 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 6-322, Idaho Code, and to read as follows:

6-322. RULES OF PRACTICE IN GENERAL. The provisions of this code relative to civil actions, appeals and new trials, so far as they are not inconsistent with the provisions of this chapter, apply to the proceedings mentioned in this chapter.

SECTION 7. That Chapter 3, 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 6-323, Idaho
Code, and to read as follows:

6-323. SERVICE OF NOTICE TO LANDLORD. The notice required by section 6-320(d), Idaho Code, shall be served either:

(1) By delivering a copy to the landlord or his agent personally; or

(2) If the landlord or his agent is absent from his usual place of business, by leaving a copy with an employee at the usual place of business of the landlord or his agent; or

(3) By sending a copy of the notice to the landlord or his agent by United States Postal Service certified mail, return receipt requested.

Approved March 10, 1977.
CHAPTER 46
(H.B. No. 21)

AN ACT
RELATING TO CRITERIA FOR CRIMINAL SENTENCING; ADDING A NEW
SECTION 19-2520, IDAHO CODE, SUGGESTING SENTENCING CRITERIA IN CRIMINAL CASES.

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

SECTION 1. That Chapter 25, Title 19, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 19-2520, Idaho Code, and to read as follows:

19-2520. CRITERIA FOR PLACING DEFENDANT ON PROBATION OR IMPOSING IMPRISONMENT. (1) The court shall deal with a person who has been convicted of a crime without imposing sentence of imprisonment unless, having regard to the nature and circumstances of the crime and the history, character and condition of the defendant, it is of the opinion that imprisonment is appropriate for protection of the public because:
(a) there is undue risk that during the period of a suspended sentence or probation the defendant will commit another crime; or
(b) the defendant is in need of correctional treatment that can be provided most effectively by his commitment to an institution; or
(c) a lesser sentence will depreciate the seriousness of the defendant's crime; or
(d) imprisonment will provide appropriate punishment and deterrent to the defendant; or
(e) imprisonment will provide an appropriate deterrent for other persons in the community; or
(f) the defendant is a multiple offender or professional criminal.

(2) The following grounds, while not controlling the discretion of the court, shall be accorded weight in favor of avoiding a sentence of imprisonment:
(a) the defendant's criminal conduct neither caused nor threatened harm;
(b) the defendant did not contemplate that his criminal conduct would cause or threaten harm;
(c) the defendant acted under a strong provocation;
(d) there were substantial grounds tending to excuse or
justify the defendant's criminal conduct, through failing to establish a defense;
(e) the victim of the defendant's criminal conduct induced or facilitated its commission;
(f) the defendant has compensated or will compensate the victim of his criminal conduct for the damage or injury that was sustained; provided, however, nothing in this section shall prevent the appropriate use of imprisonment and restitution in combination;
(g) the defendant has no history of prior delinquency or criminal activity or has led a law-abiding life for a substantial period of time before the commission of the present crime;
(h) the defendant's criminal conduct was the result of circumstances unlikely to recur;
(i) The character and attitudes of the defendant indicate that the commission of another crime is unlikely.

(3) When a person who has been convicted of a crime is not sentenced to imprisonment, the court may place the defendant on probation if the supervision, guidance, assistance or direction is needed that the probation service can provide.

Approved March 10, 1977.
AN ACT

EXPRESSING LEGISLATIVE INTENT WITH RESPECT TO EXPENDITURES FOR THE IDAHO TRANSPORTATION DEPARTMENT; APPROPRIATING MONEYS FROM THE ACCOUNTS ENUMERATED TO THE IDAHO TRANSPORTATION DEPARTMENT TO BE EXPENDED FOR DESIGNATED PROGRAMS ACCORDING TO DESIGNATED EXPENSE CLASSES FROM THE LISTED ACCOUNTS FOR THE PERIOD JULY 1, 1977, THROUGH JUNE 30, 1978, AND APPROPRIATING MONEYS FROM THE MOTOR VEHICLE ACCOUNT TO THE TRAFFIC SAFETY COMMISSION ACCOUNT.

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, 1977, through June 30, 1978:

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<thead>
<tr>
<th>FOR:</th>
<th></th>
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<tbody>
<tr>
<td>Personnel Costs</td>
<td>$ 27,292,800</td>
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<tr>
<td>Operating Expenditures</td>
<td>14,309,700</td>
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<tr>
<td>Capital Outlay</td>
<td>70,492,800</td>
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<tr>
<td>Trustee &amp; Benefit Payments</td>
<td>1,989,800</td>
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<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$114,085,100</strong></td>
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<table>
<thead>
<tr>
<th>FROM:</th>
<th></th>
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<tbody>
<tr>
<td>Alcohol Safety Action Program Account</td>
<td>$ 25,600</td>
</tr>
<tr>
<td>State Aeronautics Account</td>
<td>1,920,600</td>
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<tr>
<td>State Highway Account</td>
<td>110,248,300</td>
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<tr>
<td>Idaho Traffic Safety Commission Account</td>
<td>881,500</td>
</tr>
<tr>
<td>General Interaccount Account</td>
<td>1,009,100</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$114,085,100</strong></td>
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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 accounts for the period July 1, 1977, through June 30, 1978:
<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>
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<tr>
<td>A. GENERAL SUPPORT: FROM:</td>
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<tr>
<td>State Highway Account</td>
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<td>36,800</td>
<td>391,300</td>
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<td>TOTAL</td>
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<td>$1,859,900</td>
<td>$36,800</td>
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<td>B. HIGHWAY CONSTRUCTION: FROM:</td>
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<tr>
<td>State Highway Account</td>
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<td>$3,088,100</td>
<td>$67,062,700</td>
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<td>$83,281,400</td>
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<td>17,900</td>
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<tr>
<td>TOTAL</td>
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<td>$3,106,000</td>
<td>$67,062,700</td>
<td>$83,299,300</td>
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<td>C. HIGHWAY MAINTENANCE: FROM:</td>
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<td>State Highway Account</td>
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<td>TOTAL</td>
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<td>D. AIR TRANSPORTATION: FROM:</td>
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<td>State Aeronautics Acct.</td>
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<td>$237,200</td>
<td>$350,000</td>
<td>$1,062,000</td>
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<td>E. PUBLIC TRANSPORTATION: FROM:</td>
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<td>State Highway Account</td>
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<td>$10,800</td>
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<td>State Aeronautics Account</td>
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<tr>
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<td>F. TRAFFIC SAFETY PLANNING AND ADMINISTRATION: FROM:</td>
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<tr>
<td>Idaho Traffic Safety Commission Account</td>
<td>$98,500</td>
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<td>$734,300</td>
<td>$881,500</td>
<td></td>
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<tr>
<td>Alcohol Safety Action Program Account</td>
<td>17,700</td>
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<td>25,600</td>
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</tr>
<tr>
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<tr>
<td>GRAND TOTAL</td>
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<td>$14,309,700</td>
<td>$70,492,800</td>
<td>$1,989,800</td>
<td>$114,085,100</td>
</tr>
</tbody>
</table>


Approved March 10, 1977.
AN ACT
RELATING TO DEALER PLATES AND DEALERS WITH MORE THAN ONE PLACE OF BUSINESS; AMENDING SECTION 49-135, IDAHO CODE, PROVIDING FOR ONE PLATE INSTEAD OF A SET OF PLATES, INCREASING THE FEE FOR SUCH PLATE FROM $3.00 TO $4.25, AND ELIMINATING THE REQUIREMENT THAT A DEALER PAY AN ADDITIONAL FEE FOR MORE THAN ONE PLACE OF BUSINESS TO CONFORM WITH SECTION 49-2408(4), IDAHO CODE.

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

SECTION 1. That Section 49-135, Idaho Code, be, and the same is hereby amended to read as follows:

49-135. DEALERS' PLATES -- FEES -- IMPROPER USE -- DEALERS--WITH--PLACE-OF-BUSINESS--IN-MORE-THE-ONE-CITY-TOWN OR-VILLAGE. Duplicate or additional number plates or registration stickers shall be issued to any licensed dealer upon payment to the department of a fee of three-dollars-(63-00) four dollars and twenty-five cents ($4.25) for each additional set-of-plates plate or set-of registration stickers. But no dealer shall permit the use of any plates or duplicate plates by any person or persons other than as provided for in section 49-118, Idaho Code, or--by--an--agent--or subagent-who-operates-and-maintains-a-regular-place-of-business--in-any-city-town-or-village--other-than-that-in-which the-place-of-business-of-the-dealer--is--located,--provided7 also--that--any--dealer--in--motor-vehicles-who-operates-and maintains-a-place-of-business--in-more-than--one--(1)--city town--or-village--in-the-state-of--idaaho-shall--be--required-to take-out-a-dealer's-license-and-to-pay-said-dealer's-fee-for each-city-town-or-village--in-which-said--dealer--maintains said-place-of-business.


Approved March 10, 1977.
AN ACT
RELATING TO THE DESTRUCTION OF MOTOR VEHICLE RECORDS; AMENDING SECTION 49-408, IDAHO CODE, PROVIDING FOR THE DESTRUCTION OF ALL RECORDS PERTAINING TO A CERTIFICATE OF TITLE MORE THAN SEVEN YEARS OLD.

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

SECTION 1. That Section 49-408, Idaho Code, be, and the same is hereby amended to read as follows:

49-408. DESTRUCTION OF RECORDS UPON NONREGISTRATION—OF VEHICLES. All records pertaining to any motor vehicle which is fifteen (15) years of age or more and which has not been registered in this state as provided by chapter 1 of title 49, Idaho Code, for a period of five (5) years certificates of title shall be retained and appropriately filed for a period of not less than seven (7) years, including title records, title files, alphabetical and motor vehicle identification number (VIN) index files, may be destroyed by the director. Such files shall be maintained so as to permit the tracing of title of the vehicles so designated therein. On or after July 1, 1977, the director may destroy all records pertaining to certificates of title dated seven (7) or more years old.

Approved March 10, 1977.
C. 50 '77

IDAHO SESSION LAWS

CHAPTER 50
(S.B. No. 1155)

AN ACT
RELATING TO CITY REVENUE BONDS; AMENDING SECTION 50-1029, IDAHO CODE, BY DEFINING THE REHABILITATION OF EXISTING ELECTRICAL GENERATING FACILITIES; AMENDING SECTION 50-1030, IDAHO CODE, BY AUTHORIZING CITIES TO REHABILITATE EXISTING ELECTRICAL GENERATING FACILITIES PURSUANT TO THE REVENUE BOND ACT AND TO EXPEND REVENUE BOND PROCEEDS FOR BOND RESERVE FUNDS AND WORKING CAPITAL; AMENDING SECTION 50-1031, IDAHO CODE, BY PROVIDING FOR SUPERVISION OF REHABILITATED EXISTING ELECTRICAL GENERATING FACILITIES BY GOVERNING BODIES OF CITIES; AMENDING SECTION 50-1032, IDAHO CODE, BY PROVIDING FOR COLLECTION OF RATES, FEES, TOLLS OR CHARGES FOR SERVICES FURNISHED BY REHABILITATED EXISTING ELECTRICAL GENERATING FACILITIES; AMENDING SECTION 50-1033, IDAHO CODE, BY PROVIDING FOR DISPOSITION OF REVENUE OF REHABILITATED EXISTING ELECTRICAL GENERATING FACILITIES; AMENDING SECTION 50-1035, IDAHO CODE, BY PROVIDING FOR AN ELECTION ON ISSUANCE OF REVENUE BONDS FOR REHABILITATION OF EXISTING ELECTRICAL GENERATING FACILITIES, PROVIDING THAT REVENUE BOND ELECTION NOTICES SET FORTH THE MAXIMUM NUMBER OF YEARS THE REVENUE BONDS SHALL RUN AND PROVIDING THAT REVENUE BOND ELECTIONS SHALL BE CONDUCTED AS OTHER CITY ELECTIONS EXCEPT AS PROVIDED IN THE REVENUE BOND ACT; AMENDING SECTION 50-1037, IDAHO CODE, BY PROVIDING FOR COVENANTS IN REVENUE BOND ORDINANCES FOR FINANCING REHABILITATION OF EXISTING ELECTRICAL GENERATING FACILITIES AND PROVIDING FOR TRUST INDENTURES AND TRUSTEES FOR REVENUE BOND ISSUES; AMENDING SECTION 50-1039, IDAHO CODE, BY PROVIDING FOR THE LIEN OF REVENUE BONDS TO REHABILITATE EXISTING ELECTRICAL GENERATING FACILITIES; AND AMENDING SECTION 50-1042, IDAHO CODE, BY PROVIDING EXEMPTION FROM TAXATION OF REHABILITATED EXISTING ELECTRICAL GENERATING FACILITIES.

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

SECTION 1. That Section 50-1029, Idaho Code, be, and the same is hereby amended to read as follows:

50-1029. 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, sewerage systems, recreation facilities, off-street parking facilities, air-navigation facilities or any of them as herein defined;

(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 city or any part of territory included within the territorial limits of any city;

(d) The term "off-street parking" shall include all machinery, equipment and appurtenances, including lands, easements, rights-of-way and buildings required, necessary or useful for the parking of motor vehicles on lands or places other than public highways;

(e) The term "air-navigation facilities" shall include land acquisition, construction costs, buildings, equipment, and other necessary appurtenances, either wholly or partly within or without the corporate limits of such city, or wholly or partly within or without the state of Idaho;

(f) The term "rehabilitate existing electrical generating facilities" shall include the reconstruction, replacement, and betterment of existing generation facilities, properties and other related structures, together with all necessary equipment and appurtenances related thereto, used in or useful for the generation of electricity, including power plants, turbine generators, dams, penstocks, step-up transformers, electrical equipment and other facilities related to hydroelectric production plant, but does not include transmission and distribution lines and their related structures, equipment and appurtenances.

SECTION 2. That Section 50-1030, Idaho Code, be, and the same is hereby amended to read as follows:

50-1030. POWERS. In addition to the powers which it may
now have, any city 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 city, or partially within or partially without the city, or within any part of the city, 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 city, subject to the following conditions: that such capacity shall be returned or replaced by the lessee when and as needed by such city for the purposes set forth in section 50-1028, Idaho Code, as determined by the city; that the city shall not be made subject to any debt or liability thereby; and the city shall not pledge any of its faith or credit in aid to such lessee;

(b) To rehabilitate existing electric generating facilities;

(c) 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;

(d) To operate and maintain any works or rehabilitated existing electrical generating facilities within or without the boundaries of the city, or partially within or without the boundaries of the city, or within any part of the city;

(e) 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, or to finance, in whole or in part, the cost of the rehabilitation of existing electrical generating facilities;

(f) To prescribe and collect rates, fees, tolls or charges, including the levy or assessment of such rates, fees, tolls or charges against governmental units, departments or agencies, including the state of Idaho and its subdivisions, for the services, facilities and commodities furnished by such works, or by such rehabilitated existing electrical generating facilities, and to provide methods of collections and penalties, including denial of service for nonpayment of such rates, fees, tolls or charges;

(g) To pledge an amount of revenue from such works or rehabilitated existing electrical generating facilities (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 thereafter on money borrowed or which it is estimated will be borrowed pursuant to sections 50-1027 through 50-1042, Idaho Code, and the costs of any bond reserve funds or working capital deemed necessary in connection with the bond issue;

{g} (h) In the procurement of off-street parking sites, facilities, equipment and appurtenances, any city shall have power, in addition to those heretofore conferred, to pledge the net revenues to be derived from on-street parking facilities not otherwise pledged, to be combined with the rates, fees, tolls and charges to be derived from the operation of off-street parking facilities, after the payment of all operative and maintenance costs, to the payment of revenue bonds and interest thereon issued under the authority of the Revenue Bond Act;

{h} (i) To issue bonds for-the-purpose for the purpose of refunding any bonds theretofore issued under authority of the 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 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 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 non-refunding 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 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 refundable 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.

SECTION 3. That Section 50-1031, Idaho Code, be, and the same is hereby amended to read as follows:

50-1031. SUPERVISION OF WORKS PROJECTS. The construction, acquisition, improvement, equipment, custody, operation and maintenance of any works or rehabilitated existing electrical generating facilities 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 city.

SECTION 4. That Section 50-1032, Idaho Code, be, and the same is hereby amended to read as follows:

50-1032. WORKS PROJECTS TO BE SELF-SUPPORTING. The council of a city 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 or rehabilitated existing electrical generating facilities, and shall revise such rates, fees, tolls or charges from time to time, to provide that all such works or rehabilitated existing electrical generating facilities 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 or rehabilitated existing electrical generating facilities, including reserves therefor.

SECTION 5. That Section 50-1033, Idaho Code, be, and the same is hereby amended to read as follows:

50-1033. USE OF WORKS PROJECTS -- REVENUE. Any city issuing bonds under sections 50-1027 through 50-1042, Idaho Code, for the acquisition, construction, reconstruction, improvement, betterment or extension of any works or to rehabilitate existing electrical generating facilities, shall have the right to appropriate, apply or expend the revenue of such works or rehabilitated existing electrical generating facilities 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 or rehabilitated existing electrical generating facilities, including reserves therefor; (c) 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 or rehabilitated existing electrical generating facilities, which may have been issued for the purpose of financing the acquisition, construction, reconstruction, improvement, betterment or extension of such works or to rehabilitate existing electrical generating facilities; and (e) provide a reserve for improvements to such works or rehabilitated existing electrical generating facilities. Unless and until full and adequate provision has been made for the foregoing purposes, no city shall have the right to transfer the revenue of such works or rehabilitated existing electrical generating facilities to its general fund.

SECTION 6. That Section 50-1035, Idaho Code, be, and
the same is hereby amended to read as follows:

50-1035. ORDINANCE PRIOR TO CONSTRUCTION -- ELECTION. Before any city shall construct or acquire any works or rehabilitated existing electrical generating facilities under this act, the council of such city shall enact an ordinance or ordinances which shall, (a) set forth a brief and general description of the works or rehabilitated existing electrical generating facilities, 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 or the rehabilitation of such existing electrical generating facilities; (d) direct that revenue bonds of the city shall be issued pursuant to this act in such amount as may be necessary to pay the cost of the works or rehabilitated existing electrical generating facilities; and (e) contain such other provisions as may be necessary in the proposal.

Such ordinance shall be passed, approved and published as provided by law for the enactment of general ordinances, but such city shall not incur or authorize in any year any indebtedness or liability under said ordinance exceeding in that year, the income and revenue provided for it for such year, without the assent of two-thirds (2/3) of the qualified electors of such city voting at an election held for the purpose of authorizing or refusing to authorize the indebtedness or liability provided for in said ordinance; provided, that any city may, with 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 city, water systems, sewerage systems, water treatment plants and sewerage treatment plants, or to rehabilitate existing electrical generating facilities, 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 ordinances shall provide for the holding of said election and the giving of notice thereof by publication in the official newspaper of the city, 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 ordinance, the amount of bonds authorized by it, the
maturity-dates-of-said-bonds the maximum number of years from their respective dates for which such bonds may run, 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 In all other respects such election shall be conducted as are other city 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 Ordinance No. ...." 
"Against the issuance of revenue bonds for the purposes provided by Ordinance No. ...."

If, at such election, the required vote is in favor of issuing such revenue bonds, then such city may issue such bonds and create such indebtedness or liability in the manner and for the purpose specified in said ordinance.

SECTION 7. That Section 50-1037, Idaho Code, be, and the same is hereby amended to read as follows:

50-1037. BONDS -- ISSUANCE -- TERMS -- CONDITIONS. Whenever revenue bonds are authorized to be issued, the city council shall by ordinance provide for the issuance thereof. The ordinance 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 or rehabilitated existing electrical generating facilities for which said bonds are to be issued, including the creation and maintenance of reserves;
(c) The transfer from the general fund of the city to the account or accounts of the works or rehabilitated existing electrical generating facilities, of a sum or sums of money for furnishing the city or any of its departments, boards or agencies with the services, facilities and commodities of such works or rehabilitated existing electrical generating facilities;
(d) The issuance of other or additional bonds payable from the revenue of such works or rehabilitated existing electrical generating facilities;
(e) The operation and maintenance of such works or rehabilitated existing electrical generating facilities;
(f) The insurance to be carried thereon, the use and
disposition of insurance moneys;

(g) Books of account and inspection and audit thereof;

(h) The appointment and duties of a trustee. Provi-
sions may be made for the securing of the bonds by a trust
indenture, but no such indenture shall convey, mortgage or
create any lien upon property of the city;

(i) 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 city itself might do. The provisions of
this section and of any such ordinance shall be a contract
with the holder of said bonds, and the duties of the city
and its council under this section and under such ordinance,
shall be enforceable by the holder by mandamus or other
appropriate suit, action or proceeding at law or in equity.

SECTION 8. That Section 50-1039, Idaho Code, be, and
the same is hereby amended to read as follows:

50-1039. LIEN OF BONDS. All bonds of the same issue
shall, subject to the prior and superior rights of outstand-
ing bonds, claims or obligations, have prior and paramount
lien on the revenue of the works or rehabilitated existing
electrical generating facilities for which said bonds have
been issued, except that where provision is made in the
ordinance authorizing any issue or series of bonds for the
issuance of additional bonds in the future on a parity
therewith pursuant to procedures or restrictions provided in
such ordinance, additional bonds may be issued in the future
on a parity with such issue or series in the manner so pro-
vided in such ordinance. All bonds of the same issue shall
be equally and ratably secured without priority by reason of
number, date of bonds, date of sale, date of execution, or
date of delivery, by a lien on said revenue in accordance
with the provisions of the Revenue Bond Act and the ordi-
nance authorizing said bonds.

SECTION 9. That Section 50-1042, Idaho Code, be, and
the same is hereby amended to read as follows:

50-1042. WORKS PROJECTS AND BONDS EXEMPT FROM TAXA-
TION. So long as a city shall own any works or rehabilitated
existing electrical generating facilities, the property and
revenue of such works or rehabilitated existing electrical
generating facilities shall be exempt from taxation. Bonds issued under sections 50-1027 through 50-1042, Idaho Code, and the income therefrom shall be exempt from taxation, except transfer and estate taxes.

Approved March 11, 1977.
AN ACT
RELATING TO THE CHAIRMAN OF A SCHOOL BOARD; AMENDING SECTION 33-510, IDAHO CODE, TO STRIKE THE PROVISION WHEREBY THE CHAIRMAN OF A SCHOOL BOARD MAY VOTE TWICE.

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 districts 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 uniform 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 shall conform to the provisions of section 67-2340 through section 67-2345, Idaho Code.

Approved March 11, 1977.
AN ACT
RELATING TO SCHOOL BOARD MEETINGS; AMENDING SECTION 33-510, IDAHO CODE, REQUIRING THAT WRITTEN NOTICE BE CONSPICUOUSLY POSTED NOT LESS THAN TWENTY-FOUR HOURS IN ADVANCE OF ANY SPECIAL MEETING.

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 districts 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 uniform 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 and announced by written notice conspicuously posted at the school district office and at least two (2) or more public buildings within the school district 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 shall conform to the provisions of section 67-2340 through section 67-2345, Idaho Code.

Approved March 14, 1977.
CHAPTER 53
(H.B. No. 40, As Amended)

AN ACT
RELATING TO POWERS AND DUTIES OF THE STATE BOARD OF EDUCATION; AMENDING SECTION 33-107, IDAHO CODE, TO PROVIDE THE BOARD SHALL MAINTAIN A REGISTER OF POSTSECONDARY PROGRAMS OFFERED IN THE STATE OF IDAHO BY POSTSECONDARY INSTITUTIONS OUTSIDE OF THE STATE AND NOT UNDER CONTROL OF THE BOARD, ESTABLISH MINIMAL STANDARDS, ESTABLISH CRITERIA FOR FALSE OR MISLEADING ADVERTISING OR SOLICITATIONS, PROVIDE A SYSTEM OF RECORD KEEPING AND REGISTRATION, AND TO REFER VIOLATIONS TO THE ATTORNEY GENERAL.

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

SECTION 1. That Section 33-107, Idaho Code, be, and the same is hereby amended to read as follows:

33-107. GENERAL POWERS AND DUTIES OF THE STATE BOARD. The state board shall have power to:
(1) perform all duties prescribed for it by the school laws of the state;
(2) acquire, hold and dispose of title, rights and interests in real and personal property;
(3) have general supervision, through its executive departments and offices, of all entities of public education supported in whole or in part by state funds;
(4) delegate to its executive secretary, to its executive officer, or to such other administrators as the board may appoint, such powers as said officers require to carry out the policies, orders and directives of the board;
(5) through its executive departments and offices;
(a) enforce the school laws of the state,
(b) study the educational conditions and needs of the state and recommend to the legislature needed changes in existing laws or additional legislation;
(6) in addition to the powers conferred by chapter 24, title 33, Idaho Code;
(a) maintain a register of courses and programs offered anywhere in the state of Idaho by postsecondary institutions outside of the state of Idaho and not under control of the state board of education and to critically evaluate each of
the components of such offerings by comparison with courses, programs and faculty of postsecondary institutions under the direction and control of the state board of education,

(b) establish minimal standards for out of state institutions which desire to offer courses or programs in Idaho,

(c) establish criteria consistent with generally accepted professional standards relating to the use of false or misleading advertising, solicitations or false promises of employment,

(d) provide a system of record keeping and registration,

(e) violation of the provisions of this act will be referred to the attorney general for appropriate action.

Approved March 14, 1977.
AN ACT
RELATING TO REQUIRED JURY SERVICE; AMENDING SECTION 2-216, IDAHO CODE, TO PROVIDE THAT A PERSON SHALL NOT BE REQUIRED FOR JURY SERVICE FOR A PERIOD EXCEEDING SIXTY DAYS, AND THAT APPEARANCE FOR JURY SERVICE WHETHER OR NOT ROLL IS CALLED SHALL BE CREDITED TOWARD REQUIRED SERVICE.

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

SECTION 1. That Section 2-216, Idaho Code, be, and the same is hereby amended to read as follows:

2-216. LIMITATION ON REQUIRED JURY SERVICE. In any two (2) year period a person shall not be required:
(1) To serve or attend court for prospective service as a petit juror more than ten (10) court days or sixty (60) calendar days, whichever occurs first, except if necessary to complete service in a particular case:
(2) To serve on more than one (1) grand jury; or
(3) To serve as both a grand and petit juror.
Appearance for jury service, whether or not the roll is called shall be credited toward required jury service.

Approved March 14, 1977.
CHAPTER 55
(H.B. No. 96)

AN ACT
RELATING TO PARENTAL LIABILITY FOR THE MALICIOUS ACTS OF CHILDREN; AMENDING SECTION 6-210, IDAHO CODE, TO INCREASE PARENTAL LIABILITY FOR MALICIOUS DESTRUCTION OF PROPERTY CAUSED BY CHILDREN TO ONE THOUSAND FIVE HUNDRED DOLLARS.

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

SECTION 1. That Section 6-210, Idaho Code, be, and the same is hereby amended to read as follows:

6-210. RECOVERY OF DAMAGES FOR WILFUL DESTRUCTION OF PROPERTY BY MINOR. Any municipal corporation, county, city, village, school district, or any person, partnership, corporation or association, or any religious organization, whether incorporated or unincorporated, shall be entitled to recover damages in an amount not to exceed $1,500 in a court of competent jurisdiction from the parents of any minor, under the age of eighteen (18) years, living with the parents, who shall maliciously or wilfully destroy property, real, personal, or mixed, belonging to such municipal corporation, county, city, village, school district, or person, partnership, corporation, association, or religious organization.

Approved March 14, 1977.
CHAPTER 56
(H.B. No. 56, As Amended in Senate)

AN ACT
RELATING TO FEES FOR PUBLICATIONS ISSUED BY THE DEPARTMENT OF FISH AND GAME; AMENDING SECTION 59-1012, IDAHO CODE, TO PROVIDE THAT PUBLICATIONS OF LAWS AND REGULATIONS MAY BE SOLD BY STATE OFFICERS AT A PRICE WHICH WILL COVER THE COST OF PUBLICATION AND DISTRIBUTION, AND TO PROVIDE THAT THE DEPARTMENT OF FISH AND GAME MAY ESTABLISH REASONABLE FEES FOR CERTAIN DEPARTMENT PUBLICATIONS TO DEFRAY THE COST OF PUBLICATION AND TO PROVIDE THAT FEES COLLECTED BE REMITTED FOR DEPOSIT IN THE FISH AND GAME FUND.

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

SECTION 1. That Section 59-1012, Idaho Code, be, and the same is hereby amended to read as follows:

59-1012. SALE OF PAMPHLET LAWS -- DISPOSITION OF FUNDS -- EXCEPTION. All publications of laws and regulations and the constitution of the state of Idaho, issued in pamphlet form, other than the regular biennial edition of the session laws, may be sold by the officer or officers having the same published, at a price of not less than ten cents per 100 copies contained in each copy which will cover the cost of publication and distribution. The moneys arising from the sale of such publications shall be turned into the state treasury quarterly, to the credit of the general fund, on the first days of January, April, July, and October of each year. A report under oath must accompany each quarterly payment into the state treasury stating the number of copies of each publication sold and the amount received therefore. Provided, this act shall not apply to pamphlets and booklets published and issued by the Idaho department of fish and game commission for the purpose of giving notice and information concerning fish and game regulations and reports. Such pamphlets and booklets and other information issued by said department of fish and game department shall be printed and issued at the expense of said department and the cost thereof paid from the fish and game fund. Provided further, that said department may publish on a regular basis a maga-
zine, and from time to time other publications, which deal with timely subjects of interest to the citizens of Idaho and others concerning matters of wildlife conservation. The Idaho department of fish and game may establish fees for said publications which shall be used to defray the costs of publication. Said fees shall be remitted to the state treasurer for deposit in the fish and game fund.

Approved March 14, 1977.
AN ACT
EXPRESSING LEGISLATIVE INTENT WITH RESPECT TO EXPENDITURES FOR THE DEPARTMENT OF PARKS AND RECREATION; APPROPRIATING MONEYS FROM THE ACCOUNTS ENUMERATED TO THE DEPARTMENT OF PARKS AND RECREATION, TO BE EXPENDED FOR DESIGNATED PROGRAMS, ACCORDING TO DESIGNATED EXPENSE CLASSES FROM THE LISTED ACCOUNTS FOR THE PERIOD JULY 1, 1977, THROUGH JUNE 30, 1978; APPROPRIATING MONEYS OUT OF THE ENUMERATED ACCOUNTS TO THE DEPARTMENT OF PARKS AND RECREATION, TO BE EXPENDED FOR THE SPECIFIED PURPOSE FOR THE PERIOD JULY 1, 1977, THROUGH JUNE 30, 1978; EXEMPTING CONSTRUCTION AUTHORIZED IN THIS ACT FROM THE PROVISIONS OF SECTION 67-5711, IDAHO CODE; AND PROVIDING CONDITIONS FOR THE RECEIPT OF FEDERAL FUNDS.

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, 1977, through June 30, 1978:

<table>
<thead>
<tr>
<th>Category</th>
<th>Total</th>
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</thead>
<tbody>
<tr>
<td>Personnel Costs</td>
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<tr>
<td>Operating Expenditures</td>
<td>$566,800</td>
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<tr>
<td>Capital Outlay</td>
<td>$636,700</td>
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<tr>
<td>Trustee &amp; Benefit Payments</td>
<td>$3,750,000</td>
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<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$6,983,100</strong></td>
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</table>

From:

- General Account: $1,845,200
- Park & Recreation Account: $2,460,700
- Park & Recreation Capital Improvement Account: $310,000
- Waterways Improvement Account: $400,300
- Motorbike Recreation Account: $288,700
- Lava Hot Springs Foundation Account: $15,000
- Parks Donation Account: $3,456,800
- Federal Bureau of Outdoor Recreation Account: $456,800
- Coast Guard Boating Safety Account: $85,100

**TOTAL**: $6,983,100

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 accounts for the period July 1, 1977, through June 30, 1978:
<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>
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<tbody>
<tr>
<td><strong>A. ADMINISTRATION:</strong></td>
<td></td>
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<td>From:</td>
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<tr>
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<tr>
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<td><strong>B. PARK OPERATIONS:</strong></td>
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<td>From:</td>
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<td>Improvement Account</td>
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<td>Total</td>
<td>$213,300</td>
<td>$10,000</td>
<td>$173,900</td>
<td></td>
<td>$397,200</td>
</tr>
<tr>
<td><strong>D. STATEWIDE RECREATION ASSISTANCE:</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 Account</td>
<td>$16,500</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Park &amp; Recreation Account</td>
<td>$16,200</td>
<td></td>
<td>$3,100</td>
<td></td>
<td>$35,800</td>
</tr>
<tr>
<td>Waterways Improvement Account</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Motorbike Recreation Account</td>
<td>$310,000</td>
<td></td>
<td></td>
<td></td>
<td>$310,000</td>
</tr>
<tr>
<td>Federal Bureau of Outdoor</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Recreation Account</td>
<td>117,500</td>
<td></td>
<td></td>
<td></td>
<td>117,500</td>
</tr>
<tr>
<td>Coast Guard Boating Safety Account</td>
<td>85,000</td>
<td></td>
<td></td>
<td></td>
<td>85,000</td>
</tr>
<tr>
<td>Total</td>
<td>$152,100</td>
<td>$60,300</td>
<td>$3,100</td>
<td></td>
<td>$3,750,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>$3,965,500</td>
</tr>
</tbody>
</table>
### E. STATEWIDE RECREATION PLANNING:

<table>
<thead>
<tr>
<th>Account</th>
<th>General Account</th>
<th>Federal Bureau of Outdoor</th>
<th>Recreation Account</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$21,700</td>
<td>$18,000</td>
<td>$76,900</td>
<td>$116,600</td>
</tr>
</tbody>
</table>

**GRAND TOTAL:** $2,029,600 $566,800 $636,700 $3,750,000 $6,983,100

SECTION 3. There is hereby appropriated out of the enumerated account the following amount, or so much thereof as may be necessary, to the Department of Parks and Recreation for the purpose specified, for the period July 1, 1977, through June 30, 1978:

**FOR:**
- Payment of principal and interest on endowment land purchase $386,500

**FROM:**
- General Account $386,500

**TOTAL** $386,500

SECTION 4. 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 5. In the event that federal funds for personnel costs are received by the Department of Parks and Recreation, the amount of the appropriation from the general account made by section 2, Park Operations Program B, shall be reduced by the amount of federal funds received, not to exceed $42,600, which reduction shall be made in the category of personnel costs, and the reduction made from the general account shall revert to the general account.

Approved March 15, 1977.
CHAPTER 58
(S.B. No. 1239)

AN ACT
APPROPRIATING MONEYS FROM THE LISTED ACCOUNTS TO THE INDUSTRIAL COMMISSION TO BE EXPENDED FOR THE DESIGNATED PROGRAM ACCORDING TO DESIGNATED EXPENSE CLASSES FROM THE LISTED ACCOUNTS FOR THE PERIOD JULY 1, 1977, THROUGH JUNE 30, 1978.

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

SECTION 1. There is hereby appropriated to the Industrial Commission the following amounts to be expended for the designated program according to expense classes designated therein from the listed accounts for the period July 1, 1977, through June 30, 1978:

<table>
<thead>
<tr>
<th>FOR PROGRAM PERSONNEL COSTS</th>
<th>FOR OPERATING EXPENDITURES</th>
<th>FOR CAPITAL OUTLAY</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. ADMINISTRATION:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Industrial Administration</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Account</td>
<td>$ 656,200</td>
<td>$ 214,900</td>
<td>$ 46,500</td>
</tr>
<tr>
<td>Miscellaneous Receipts</td>
<td>47,400</td>
<td>32,600</td>
<td>80,000</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$ 703,600</td>
<td>$ 247,500</td>
<td>$ 46,500</td>
</tr>
</tbody>
</table>

Approved March 15, 1977.
CHAPTER 59
(S.B. No. 1187)

AN ACT
RELATING TO TUITION OF JUNIOR COLLEGE DISTRICTS; AMENDING SECTION 33-2110, IDAHO CODE, TO PROVIDE THAT THE MINIMUM ANNUAL TUITION OF A JUNIOR COLLEGE DISTRICT MUST BE ONE HUNDRED TWENTY-FIVE DOLLARS, AND TO ALLOW ANNUAL INCREASES OF NOT MORE THAN TWENTY-FIVE DOLLARS TO A MAXIMUM TUITION OF TWO HUNDRED DOLLARS PER ANNUM.

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

SECTION 1. That Section 33-2110, Idaho Code, be, and the same is hereby amended to read as follows:

33-2110. TUITION. All students of a junior college shall pay tuition that shall be fixed annually by the board of trustees not later than the 1st day of August of each year. The tuition for full time students taking normal academic courses provided by the college, who are residents of the district, shall be fixed at not less than sixty-two dollars-and-fifty-cents-($62.50)-nor-more-than one hundred twenty-five dollars ($125) per annum, and may be increased by annual increments of not more than twenty-five dollars ($25.00) to a maximum tuition of two hundred dollars ($200) per annum; for all other students taking such courses the tuition shall be, as nearly as is practicable, the annual costs of all elements of providing such courses of instruction, including interest on general obligation bonds, teaching, administration, maintenance, operation and depreciation of equipment and buildings, supplies and fuel, and other ordinary and necessary expenses of operation incurred in providing such courses by the junior college, provided that the tuition of students residing outside the district but within the county or counties wherein such district is located shall be fixed after taking into account moneys received by the junior college district from the allocation of the liquor act control fund, and any funds allocated to such junior college from the educational funds of the state of Idaho, other than allocations for vocational education; and provided that the tuition of students residing outside the district and the county but within the state of Idaho shall be fixed after taking into account moneys received
from educational funds other than vocational moneys, as referred to in this chapter, from the state of Idaho. Receipt of moneys, as hereinbefore provided in this section, shall be based upon the receipts from the sources referred to during the fiscal year preceding the fixing of said tuition. A student in a junior college shall not be deemed a resident of the district or of the county or of the state of Idaho, unless such student shall have resided within said district, county or state, for at least six (6) months continuously prior to the date of his first enrollment in said junior college, and no student who was not a resident of the district, county or state shall gain residence while attending and enrolled in said junior college. The residence of a minor shall be deemed to be the residence of his parents or parent or guardian. Tuition shall be payable in advance, but the board may, in its discretion, permit the same to be paid in instalments. The board of trustees shall also fix fees for laboratory and other special services provided by said junior college and for special courses, including, but not limited to, night school, off-campus courses, summer school, vocational courses, as otherwise provided in this chapter, and other special instruction provided by said junior college and nothing in this act shall be deemed to control the amount of such tuition for said special courses or such fees for special services, as herein provided, but the same shall be, as nearly as reasonable, sufficient to cover the cost of all elements of providing such courses as above defined.

Approved March 15, 1977.
CHAPTER 60
(S.B. No. 1129)

AN ACT
RELATING TO THE HEALTH FACILITIES AUTHORITY; AMENDING SECTION 39-1339, IDAHO CODE, TO PERMIT A HOSPITAL DISTRICT TO ENTER INTO A LEASE WITH THE IDAHO HEALTH FACILITIES AUTHORITY WITHOUT AN ELECTION; AMENDING SECTION 31-836, IDAHO CODE, TO PERMIT ANY COUNTY TO ENTER INTO A LEASE WITH THE IDAHO HEALTH FACILITIES AUTHORITY FOR A TERM NOT TO EXCEED 99 YEARS; AND DECLARING AN EMERGENCY.

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

SECTION 1. 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 IMPROVEMENTS -- ELECTION ON PROPOSED INDEBTEDNESS. Whenever the board of the hospital district shall by resolution, determine that the interest of said district and the public interest or necessity demand, the acquisition, construction, installation, or completion of any works or other improvements 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; provided, however, that no election shall be required for any lease or other transaction entered into between the hospital district and the Idaho health facilities authority. Notwithstanding any other provision, the hospital district shall be entitled to enter into a lease or other transaction regardless of the amount involved with the Idaho health facilities authority upon determination by the board of the
hospital district that it is in the interest of the hospital
district and best interests of the public to enter into such
lease or other transaction. 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 reso-
lutions 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 pro-
posed 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 out-
standing its coupon bonds in excess of ten per cent (10%) of
the assessed valuation of the real estate and personal prop-
erty 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 2. That Section 31-836, Idaho Code, be, and the
same is hereby amended to read as follows:

31-836. LEASE OF COUNTY PROPERTY. Except as otherwise
provided by law, the board of county commissioners may lease
any property belonging to the county for a term not exceed-
ing five (5) years at such rental as may be determined upon
by the unanimous vote of such board, or said board may in
its discretion lease any property belonging to the county at
public auction to the highest bidder, and may enter into
such leasing contracts as may be provided for by order of
the board, and as herein limited; such rents shall be paid
annually in advance provided, however, that the provision requiring the payment of rent in advance shall not apply to a lease to the federal or state government, a municipal corporation of this state, or any governmental agency or department; providing, however, that any hospital or hospital equipment belonging to the county may be leased for a term not exceeding twenty (20) years; and, provided further, that the county, either as lessor or lessee, may enter into any lease or other transaction concerning any property with the Idaho health facilities authority for any term not to exceed ninety-nine (99) years. Provided that the board of county commissioners may lease any property belonging to the county and not necessary for its use to any nonprofit corporation or association organized for the purpose of erecting and maintaining thereon any play field, recreation park or stadium to serve as a memorial to the deceased soldiers, sailors and marines of World War II, or to any hospital district organized under title 39, chapter 13, Idaho Code, for use in furthering the purposes of said district. Such lease may be for any term not to exceed ninety-nine (99) years, may provide for only a nominal rental to the county and will, by its provisions, terminate when the property so leased ceases to be used as a play field, recreation park or stadium serving as a memorial, or by the hospital district for its purposes.

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 15, 1977.
AN ACT
RELATING TO ALLOCATION OF FUNDS TO JUNIOR COLLEGE DISTRICTS;
REPEALING SECTION 33-2140, IDAHO CODE.

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

SECTION 1. That Section 33-2140, Idaho Code, be, and the same is hereby repealed.

Approved March 15, 1977.
AN ACT

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

SECTION 1. There is hereby appropriated out of the enumerated accounts the following amounts, or so much thereof as may be necessary, to the Department of Lands for the purpose specified, for the period July 1, 1977, through June 30, 1978:

<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>Maintenance of Gooding Tuberculosis Hospital</td>
<td>$ 51,100</td>
<td>$ 43,000</td>
<td>$ 10,300</td>
<td>$ 12,800</td>
<td>$ 104,400</td>
</tr>
<tr>
<td>General Account</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Miscellaneous Receipts Account</td>
<td>$ 9,000</td>
<td>$ 800</td>
<td>$ 3,000</td>
<td></td>
<td>$ 12,800</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$ 51,100</td>
<td>$ 52,000</td>
<td>$ 13,300</td>
<td></td>
<td>$ 117,200</td>
</tr>
</tbody>
</table>

Approved March 15, 1977.
Chapter 63
(S.B. No. 1115)

An Act

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. (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 director of the Idaho transportation department, who shall include the chairman of the transportation committee of the house of representatives of the state of Idaho and the chairman of the transportation committee of the senate of the state of Idaho, plus the 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 director of the Idaho transportation department shall employ necessary personnel, shall have general supervision and control of all activities, functions, and employees, 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 department pertaining thereto.

Approved March 15, 1977.
AN ACT
EXpressing Legislative intent with respect to expenditures for the Department of Revenue and Taxation; Appropriating money from the accounts enumerated to the Department of Revenue and Taxation to be expended for designated programs according to designated expense classes from the listed accounts for the period July 1, 1977, through June 30, 1978; and Designating $1,700,000 from the General Account for the purposes enumerated in Sections 63-117 through and including Section 63-125, Idaho Code, for the tax year 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, 1977, through June 30, 1978:

<table>
<thead>
<tr>
<th></th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel Costs</td>
<td>$3,350,600</td>
</tr>
<tr>
<td>Operating Expenditures</td>
<td>1,334,600</td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>15,000</td>
</tr>
<tr>
<td>Trustee &amp; Benefit Payments</td>
<td>1,700,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$6,400,200</strong></td>
</tr>
</tbody>
</table>

FROM:

<table>
<thead>
<tr>
<th>Account</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Account</td>
<td>$6,162,800</td>
</tr>
<tr>
<td>State Highway Account</td>
<td>234,700</td>
</tr>
<tr>
<td>Miscellaneous Receipts Account</td>
<td>2,700</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$6,400,200</strong></td>
</tr>
</tbody>
</table>

SECTION 2. There is hereby appropriated to the Department of Revenue and Taxation the following amounts, to be expended for designated programs according to expense classes designated therein from the listed accounts for the period July 1, 1977, through June 30, 1978:

<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>A. Administration &amp; Support</td>
<td>$314,800</td>
<td>$118,000</td>
<td>$800</td>
<td>$453,600</td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td>$314,800</td>
<td>$118,000</td>
<td>$800</td>
<td>$453,600</td>
<td></td>
</tr>
<tr>
<td>General Account</td>
<td>$314,800</td>
<td>$118,000</td>
<td>$800</td>
<td>$453,600</td>
<td></td>
</tr>
<tr>
<td>Highway Account</td>
<td>50,000</td>
<td>15,900</td>
<td>1,400</td>
<td>67,300</td>
<td></td>
</tr>
<tr>
<td>Miscellaneous Receipts Account</td>
<td>200</td>
<td></td>
<td></td>
<td>200</td>
<td></td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$384,800</strong></td>
<td><strong>$134,100</strong></td>
<td><strong>$2,200</strong></td>
<td><strong>$521,100</strong></td>
<td></td>
</tr>
</tbody>
</table>
### B. TAX COLLECTION & AUDIT:

<table>
<thead>
<tr>
<th>Account</th>
<th>General Account</th>
<th>Highway Account</th>
<th>Miscellaneous Receipts Account</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Account</td>
<td>$2,355,900</td>
<td>$1,030,800</td>
<td>$11,800</td>
<td>$3,398,500</td>
</tr>
<tr>
<td>Highway Account</td>
<td>124,000</td>
<td>43,300</td>
<td>100</td>
<td>167,400</td>
</tr>
<tr>
<td>Miscellaneous Receipts Account</td>
<td>2,000</td>
<td></td>
<td></td>
<td>2,000</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$2,479,900</strong></td>
<td><strong>$1,076,100</strong></td>
<td><strong>$11,900</strong></td>
<td><strong>$3,567,900</strong></td>
</tr>
</tbody>
</table>

### C. AD VALOREM:

<table>
<thead>
<tr>
<th>Account</th>
<th>General Account</th>
<th>Miscellaneous Receipts Account</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Account</td>
<td>$458,600</td>
<td></td>
<td>$458,600</td>
</tr>
<tr>
<td>Miscellaneous Receipts Account</td>
<td>500</td>
<td></td>
<td>500</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$458,600</strong></td>
<td><strong>$84,400</strong></td>
<td><strong>$543,900</strong></td>
</tr>
</tbody>
</table>

### D. MULTI-STATE TAX COMPACT:

<table>
<thead>
<tr>
<th>Account</th>
<th>General Account</th>
<th>E. TAX APPEALS: General Account</th>
<th>F. CIRCUIT BREAKER TAX RELIEF: General Account</th>
<th><strong>GRAND TOTAL</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>General Account</td>
<td>$30,000</td>
<td>$27,300</td>
<td>$1,700,000</td>
<td>$3,350,600</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>$30,000</td>
<td>$27,300</td>
<td>$1,700,000</td>
<td>$1,334,600</td>
</tr>
</tbody>
</table>

### E. TAX APPEALS:

- General Account $30,000

### F. CIRCUIT BREAKER TAX RELIEF:

- General Account $1,700,000

**GRAND TOTAL** $3,350,600 $1,334,600 $15,000 $1,700,000 $6,400,200

SECTION 3. The monies designated in the Circuit Breaker Tax Relief Program are to be expended only for the purposes specified in sections 63-117 through and including section 63-125, Idaho Code, for the tax year 1977.

Approved March 15, 1977.
AN ACT

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

SECTION 1. It is legislative intent that the expenditures for the State Library Board and the Idaho State Historical Society not exceed the following amounts for the period July 1, 1977, through June 30, 1978:

<table>
<thead>
<tr>
<th>FOR:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel Costs</td>
<td>$ 827,800</td>
</tr>
<tr>
<td>Operating Expenditures</td>
<td>408,200</td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>83,300</td>
</tr>
<tr>
<td>Trustee and Benefit Payments</td>
<td>1,196,300</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$2,515,600</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>FROM:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>General Account</td>
<td>$1,534,800</td>
</tr>
<tr>
<td>State Historical Society Foundation Account</td>
<td>283,600</td>
</tr>
<tr>
<td>Library Services &amp; Construction Act -</td>
<td></td>
</tr>
<tr>
<td>Titles I &amp; III Account</td>
<td>355,400</td>
</tr>
<tr>
<td>Historical Preservation Account</td>
<td>304,900</td>
</tr>
<tr>
<td>Miscellaneous Receipts Account</td>
<td>36,900</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$2,515,600</strong></td>
</tr>
</tbody>
</table>

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 accounts for the period July 1, 1977, through June 30, 1978:
### A. STATE GRANTS AND LIBRARY CONSTRUCTION:

<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>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Account</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Library Services &amp; Construction Act - Titles I &amp; III Account</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></td>
<td>$ 357,000</td>
<td>$ 357,000</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### B. STATE LIBRARY SERVICES:

<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>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Account</td>
<td>$ 410,800</td>
<td>$ 137,300</td>
<td>$ 68,200</td>
<td>$ 120,000</td>
<td>$ 736,300</td>
</tr>
<tr>
<td>Library Services &amp; Construction Act - Titles I &amp; III Account</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Misc. Receipts Account</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>$ 410,800</td>
<td>$ 139,600</td>
<td>$ 72,800</td>
<td>$ 188,400</td>
<td>$ 811,600</td>
</tr>
<tr>
<td>GRAND TOTAL</td>
<td>$ 410,800</td>
<td>$ 139,600</td>
<td>$ 72,800</td>
<td>$ 188,400</td>
<td>$ 811,600</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 accounts for the period July 1, 1977, through June 30, 1978:

#### A. HISTORICAL PRESERVATION AND EDUCATION:

<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>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Account</td>
<td>$ 308,600</td>
<td>$ 56,000</td>
<td>$ 4,900</td>
<td></td>
<td>$ 369,500</td>
</tr>
<tr>
<td>State Historical Society Foundation Account</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Historical Preservation Account</td>
<td>$ 43,900</td>
<td></td>
<td></td>
<td></td>
<td>73,000</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$ 352,500</td>
<td>$ 144,500</td>
<td>$ 9,700</td>
<td></td>
<td>$ 506,700</td>
</tr>
</tbody>
</table>

#### B. HISTORIC RESTORATION PROJECTS:

<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>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Historical Preservation Account</td>
<td>$ 229,900</td>
<td></td>
<td></td>
<td></td>
<td>$ 229,900</td>
</tr>
</tbody>
</table>
C. FRANKLIN PIONEER RELIC HALL:
FROM:
General Account $ 4,000 $ 4,000

D. HISTORIC SITES MAINTENANCE AND INTERPRETATION:
FROM:
General Account $ 45,900 $ 22,100 $ 68,000
State Historical Society
   Foundation Account 18,600 100,000 800 100,000 219,400
Historical Preservation Account 2,000
TOTAL $ 64,500 $ 124,100 $ 800 $ 100,000 $ 289,400

GRAND TOTAL $ 417,000 $ 268,600 $ 10,500 $ 333,900 $1,030,000

Approved March 15, 1977.
CHAPTER 66
(S.B. No. 1103)

AN ACT
RELATING TO EXEMPTION FROM OPERATING FEES; AMENDING SECTION 49-134, IDAHO CODE, TO PROVIDE THAT THE EXEMPTION FOR PAYMENT OF OPERATING FEES SHALL BE EXTENDED TO MOTOR VEHICLES LEASED BY A GOVERNMENT ENTITY.

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

SECTION 1. That Section 49-134, Idaho Code, be, and the same is hereby amended to read as follows:

49-134. EXEMPTIONS FROM OPERATING FEES. The provisions hereof with respect to operating fees shall not apply to:

a. motor vehicles owned or leased by the United States, or by the state, or city, or county, or any department thereof, or to any political subdivision or municipal corporation of the state, or to any taxing district thereof, or to any organization, whether incorporated or unincorporated, here­tofore organized or which shall hereafter be organized, for the operation, maintenance, or management of an irrigation project or irrigation works or system or for the purpose of furnishing water to its members or shareholders, but in other respects shall be applicable.

b. Any motor vehicle manufactured prior to January 1, 1943, and which is primarily a collectors' item and used for participation in club activities, exhibitions, tours, parades and uses other than regular transportation shall, for the purposes of this section, be known as an "Idaho Old Timer."

1. In lieu of the annual registration fees levied in sections 49-126 and 49-127, Idaho Code, the registration fees for any "Idaho Old Timer" shall be ten dollars ($10.00) but no annual renewal of registration shall be required.

2. The owner of a vehicle applying for registration under this act shall execute an affidavit that the vehicle for which registration is requested is owned and operated solely for the purpose enumerated in division b. above of this section, and also setting forth in said affidavit that said vehicle is an authentic restoration without major modifications from factory specifications. In any instance where the official inspecting said vehicle for registration as an "Idaho Old Timer" has doubts concerning authenticity of restoration to qualify under the provisions of this act,
he may, at no cost to the state of Idaho, call upon the services of a member of any antique car club in the state to render an expert opinion, in writing, as to the authenticity of restoration.

3. The registration certificate need not specify the weight of such antique vehicle, and the plates issued shall bear no date but shall bear the inscription "Idaho Old Timer," and the registration number which shall be shown thereon, and they shall be valid without renewal as long as the vehicle is in existence. The plates are issued for the applicant's use only for such vehicle, and in the event of a transfer of the title the transferor must surrender the plates for said transfer. Upon written request, and approval by the division of motor vehicle registration, the applicant may retain the "Idaho Old Timer" plates after sale of the vehicle and upon payment of fees covered in subsection 1. of this section may reuse said plates on another "Idaho Old Timer."

4. The director of the department of law enforcement has the power to revoke such registrations as issued under this act, for cause shown for failure of the applicant to comply with this section.

Approved March 15, 1977.
CHAPTER 67
(S.B. No. 1193)

AN ACT
AMENDING CHAPTER 9, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-905, IDAHO CODE, PROVIDING FOR THE CREATION OF A SCHOOL DISTRICT BUILDING ACCOUNT, PROVIDING FOR PAYMENTS INTO THE ACCOUNT, APPROPRIATING MONEYS IN THE ACCOUNT TO THE STATE BOARD OF EDUCATION, PROVIDING FOR PAYMENTS TO SCHOOL DISTRICTS, PROVIDING FOR USES OF THE MONEYS RECEIVED FROM THE ACCOUNT, AND TRANSFERRING UNENCUMBERED BALANCES IN EXCESS OF $5,000,000 TO THE PUBLIC SCHOOL INCOME FUND.

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

SECTION 1. That Chapter 9, Title 53, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 33-905, Idaho Code, and to read as follows:

33-905. SCHOOL DISTRICT BUILDING ACCOUNT -- PAYMENTS TO ACCOUNT -- MONEYS APPROPRIATED TO STATE BOARD -- APPLICATION FOR MONEYS -- PAYMENTS TO DISTRICTS -- REPORTS ON APPLICATIONS -- USES OF MONEYS. 1. The state of Idaho, recognizing its responsibility to establish and maintain a general, uniform and thorough system of public, free common schools, in an effort to partially fulfill this responsibility, hereby creates and establishes the school district building account in the agency asset fund. The school district building account shall have paid into it such appropriations or revenues as may be provided by law.

2. Moneys in the school district building account are hereby appropriated to and may be expended by the state board of education at any time for the purposes provided in this section, any provision of chapter 35, title 67, Idaho Code, or chapter 36, title 67, Idaho Code, notwithstanding.

3. (a) The board of trustees of any school district which has bonded indebtedness of seventy-five percent (75%) or more of the amount allowed by section 33-1103, Idaho Code, and has a school plant facilities levy of fifteen (15) or more mills as authorized by section 33-804, Idaho Code, may apply to the state board of education to receive a payment or payments from the school
district building account; provided, a district need not comply with the school plant facilities levy, if such district demonstrates to the state board of education that it has expended the equivalent of fifteen (15) mills from the capital outlay category of the district's maintenance and operation budget. Payments from the school district building account may not exceed one-half (1/2) the aggregate costs of the project proposed by the school district, as approved by the state board of education unless the district has bonded indebtedness of ninety-six percent (96%) or more of the amount allowed by section 33-1103, Idaho Code, and levies a school plant facilities reserve fund levy of eighteen (18) or more mills.

(b) When an application for moneys from the account is approved by the state board of education, the state board shall inform the school district that the application has been approved, citing the amount approved for payment and an estimate of the time when the payment can actually be made to the school district.

4. All payments from the school district building account shall be paid out directly to the school district in warrants drawn by the state auditor upon presentation of proper vouchers from the state board of education. Pending payments out of the school district building account, the moneys in the account shall be invested by the state treasurer in the same manner as provided under section 67-1210, Idaho Code, with respect to other idle moneys in the state treasury. Interest earned on the investments shall be returned to the school district building account.

5. No school district is automatically entitled to any payments from the school district building account, but must demonstrate to the state board actual need for such payment as well as complying with the requirements set forth in subsection 3(a) hereof. The state board of education shall establish the criteria upon which actual need is to be determined.

6. Payments from the school district building account received by a school district may be used by the school district for the purposes authorized in section 33-1102, Idaho Code.

7. Any unencumbered balance in the school district building account in excess of five million dollars ($5,000,000) as of June 30 shall be transferred to the public school income fund established by section 33-903, Idaho Code, as of July 1.

Approved March 16, 1977.
AN ACT
RELATING TO LICENSING OF DRIVERS; AMENDING SECTION 49-316, IDAHO CODE, TO PROVIDE THAT APPLICANTS SHALL TAKE A WRITTEN OR ORAL EXAMINATION TO INDICATE KNOWLEDGE OF THE IDAHO TRAFFIC LAWS.

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. In addition, the applicant's knowledge of the traffic laws of this state shall be tested by a written examination or at the discretion of the examiner, the prescribed written examination may be conducted orally.

Approved March 16, 1977.
AN ACT
EXPRESSING LEGISLATIVE INTENT WITH RESPECT TO EXPENDITURES FOR DESIGNATED PROGRAMS FOR PUBLIC SCHOOLS; APPROPRIATING MONEYS FROM THE ACCOUNT AND FUND 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 AND THE PUBLIC SCHOOL EMPLOYEES' RETIREMENT PROGRAM FOR THE PERIOD JULY 1, 1977, THROUGH JUNE 30, 1978; 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. It is legislative intent that the following amounts shall be expended from state sources for the designated programs for public schools for the period July 1, 1977, through June 30, 1978:

<table>
<thead>
<tr>
<th>FROM:</th>
<th>FOR PUBLIC SCHOOL SUPPORT</th>
<th>FOR PUBLIC SCHOOL EMPLOYEES' RETIREMENT</th>
<th>FOR PUBLIC SCHOOL EMPLOYEES' SOCIAL SECURITY</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Account</td>
<td>$ 88,272,100</td>
<td>$ 11,946,700</td>
<td></td>
<td>$100,218,800</td>
</tr>
<tr>
<td>Federal Revenue</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sharing Fund</td>
<td>8,900,000</td>
<td></td>
<td></td>
<td>8,900,000</td>
</tr>
<tr>
<td>Sales Tax:</td>
<td>11,440,000</td>
<td>9,573,700</td>
<td></td>
<td>21,013,700</td>
</tr>
<tr>
<td>School Districts</td>
<td>(9,680,000)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Counties</td>
<td>(1,760,000)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Endowment Income</td>
<td>8,930,000</td>
<td></td>
<td></td>
<td>8,930,000</td>
</tr>
<tr>
<td>Mineral royalties, car company tax and miscellaneous receipts</td>
<td>2,980,000</td>
<td></td>
<td></td>
<td>2,980,000</td>
</tr>
<tr>
<td>Liquor Funds</td>
<td>103,200</td>
<td></td>
<td></td>
<td>103,200</td>
</tr>
<tr>
<td>Vocational Education</td>
<td>1,180,000</td>
<td></td>
<td></td>
<td>1,180,000</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$121,805,300</td>
<td>$11,946,700</td>
<td>$ 9,573,700</td>
<td>$143,325,700</td>
</tr>
</tbody>
</table>

SECTION 2. There is hereby appropriated out of the account and fund enumerated the following moneys, to be deposited with the public school income fund for the designated programs for the period July 1, 1977, through June 30, 1978:
<table>
<thead>
<tr>
<th>FROM:</th>
<th>FOR PUBLIC SCHOOL FOUNDATION PROGRAM</th>
<th>FOR PUBLIC SCHOOL EMPLOYEES' RETIREMENT PROGRAM</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Account</td>
<td>$88,272,100</td>
<td>$11,946,700</td>
<td>$100,218,800</td>
</tr>
<tr>
<td>Federal Revenue Sharing Fund</td>
<td>8,900,000</td>
<td>8,900,000</td>
<td>8,900,000</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$97,172,100</td>
<td>$11,946,700</td>
<td>$109,118,800</td>
</tr>
</tbody>
</table>

SECTION 3. There is hereby appropriated out of the public school income fund the following moneys, to be disbursed by the State Board of Education for the designated programs for the period July 1, 1977, through June 30, 1978:

FOR:

Public School Foundation Program $97,172,100
Public School Employees' Retirement Program $11,946,700
TOTAL $109,118,800

SECTION 4. There is hereby appropriated from the public school income fund to the State Board of Education to be expended pursuant to law, all moneys which may accrue to such fund for the period July 1, 1977, through June 30, 1978.

Approved March 16, 1977.
CHAPTER 70
(S.B. No. 1049)

AN ACT
RELATING TO CREDIT UNION SUPERVISION FEES; AMENDING SECTION 26-2156, IDAHO CODE, BY PROVIDING THAT SUCH FEES SHALL BE DEPOSITED WITH THE STATE TREASURER FOR THE CREDIT OF THE GENERAL ACCOUNT IN THE STATE OPERATING FUND; TRANSFERRING ANY BALANCE IN THE BANKING AND INVESTMENT COMPANY ADMINISTRATION FUND ACCOUNT TO THE GENERAL ACCOUNT IN THE STATE OPERATING FUND.

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

SECTION 1. That Section 26-2156, Idaho Code, be, and the same is hereby amended to read as follows:

26-2156. SUPERVISION FEES. For the purpose of paying the costs incident to the ascertainment of whether an organization certificate should be approved, the subscribers to any such certificate shall pay, at the time of filing their organization certificate, the sum of ten dollars ($10.00) and on the approval of any organization certificate, they shall also pay a fee of ten dollars ($10.00). During December of each calendar year, each state credit union shall pay to the department of finance a fee of ten dollars ($10.00) for the cost of supervision; provided, however, that no such annual fee shall be payable by such an organization for the fractional part of the first calendar year during which it is formed. All such fees shall be deposited with the state treasurer for the credit of the general account in the state operating fund. In-the-banking-and-investment-company-administration-fund-account-of-the-department-of-finance-and shall--be--expended--by--the--director--of-the-department-of finance-for-such-administrative-and-other-expenses--incurred in-carrying-out-the-provisions-hereof-as-he-may-determine-to be--properly-purpose-of-such-fees-being-to-defray--as--far as-practicable--the--administrative--and--supervisory--costs incident-to-the-carrying-out-of-this-act.

SECTION 2. Any balance existing in the banking and investment company administration fund account on the effective date of this act shall be transferred to the general account in the state operating fund.

Approved March 16, 1977.
CHAPTER 71
(H.B. No. 146)

AN ACT
RELATING TO AUDIT REPORTS; REPEALING CHAPTER 17, TITLE 31, IDAHO CODE, RELATING TO AUDITS OF COUNTY RECORDS; AMENDING TITLE 31, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 17, TITLE 31, IDAHO CODE, TO PROVIDE REQUIREMENTS OF AUDITS OF COUNTY RECORDS ON AN ANNUAL BASIS; AMENDING SECTION 33-701, IDAHO CODE, TO PROVIDE THAT ANNUAL AUDITS OF SCHOOL DISTRICT RECORDS SHALL BE MADE BY AN INDEPENDENT AUDITOR; AMENDING SECTION 33-2114, IDAHO CODE, TO PROVIDE THAT ANNUAL AUDITS OF JUNIOR COLLEGE DISTRICT RECORDS SHALL BE MADE BY AN INDEPENDENT AUDITOR; AMENDING SECTION 50-1010, IDAHO CODE, TO PROVIDE THAT ANNUAL AUDITS OF CITY RECORDS SHALL BE MADE BY AN INDEPENDENT AUDITOR; AMENDING CHAPTER 14, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-414A, IDAHO CODE, TO PROVIDE REQUIREMENTS OF AUDITS OF HEALTH DISTRICT RECORDS ON AN ANNUAL BASIS; AND REPEALING SECTION 67-448, IDAHO CODE, RELATING TO THE BUREAU OF PUBLIC ACCOUNTS.

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

SECTION 1. That Chapter 17, Title 31, Idaho Code, be, and the same is hereby repealed.

SECTION 2. That Title 31, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 17, Title 31, Idaho Code, and to read as follows:

CHAPTER 17
AUDITS OF COUNTY RECORDS

31-1701. AUDIT OF COUNTY FINANCES -- AUDIT TO BE FILED. The board of county commissioners of every county shall cause to be made, annually, a full and complete audit of the financial transactions of the county. Such audit shall be made by and under the direction of the board of county commissioners by an independent auditor, in accordance with generally accepted auditing standards and procedures. The board of county commissioners shall include in the
annual county budget all necessary expense for carrying out the provisions of this section.

The board of county commissioners shall file one (1) copy of such completed audit report with the legislative auditor within ten (10) days after its delivery by the contracting auditor.

SECTION 3. 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 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 made by and under the direction of the board of trustees by an independent auditor, in accordance with uniform specifications prescribed therefore by the bureau of public accounts generally accepted auditing standards and procedures.

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 legislative auditor, 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
SECTION 4. That Section 33-2114, Idaho Code, be, and the same is hereby amended to read as follows:

33-2114. REPORTS OF JUNIOR COLLEGE DISTRICTS. The board of trustees of each junior college district shall cause to be made, annually, a full and complete audit of the financial transactions of the district. Such audit shall be made by and under the direction of the board of trustees by an independent auditor in accordance with uniform specifications of the department of public accounts generally accepted auditing standards and procedures. The auditor shall be employed on written contract by said department.

One (1) copy of the audit report shall be filed with the legislative auditor, and one (1) copy with the state board of education, not more than ten (10) days after its acceptance by the board of trustees.

The state board of education may at its discretion direct the board of trustees of any junior college district to cause to be made an examination of the books and accounts of their district, as provided for public school districts. The board of trustees shall submit to the state board of education such other reports as the state board may from time to time require.

SECTION 5. That Section 50-1010, Idaho Code, be, and the same is hereby amended to read as follows:

50-1010. ANNUAL AUDIT OF CITY FINANCES -- AUDIT TO BE FILED. It shall be the duty of the council in every city to cause to be made a full and complete audit of all the financial transactions of such city every year. Such audit shall be made by and under the direction of said council by a recognized practicing public accountant.

It shall be the duty of the state auditor to prescribe uniform specifications for audits of books and records of all officers of all cities of the state of Idaho. An independent auditor, in accordance with generally accepted auditing standards and procedures.

The council shall be required to include all necessary expenses for carrying out the provisions of this section in its annual budget.

The council is hereby required to file one (1) copy of such completed audit report with the state legislative auditor within ten (10) days after its delivery by the contract-
SECTION 6. 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 39-414A, Idaho Code, and to read as follows:

39-414A. AUDIT OF HEALTH DISTRICT FINANCES -- AUDIT TO BE FILED. It shall be the duty of each district board of health to cause to be made a full and complete audit of all the financial transactions of the health district annually. Such audit shall be made by or under the direction of the legislative auditor, in accordance with generally accepted auditing standards and procedures. The district board of health shall include all necessary expenses for such audit in its annual budget.

SECTION 7. That Section 67-448, Idaho Code, be, and the same is hereby repealed.

Approved March 16, 1977.
CHAPTER 72
(S.B. No. 1250)

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 Office on Aging the following amounts, to be expended for the designated program according to the expense classes designated therein from the listed accounts for the period July 1, 1977, through June 30, 1978:

<table>
<thead>
<tr>
<th></th>
<th>FOR PROGRAM PERSONNEL</th>
<th>FOR OPERATING COSTS</th>
<th>FOR TRUSTEE/BENEFIT PAYMENTS</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>OFFICE ON AGING</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 Acct.</td>
<td>$97,000</td>
<td>$350,000</td>
<td>$447,000</td>
<td></td>
</tr>
<tr>
<td>Office on Aging</td>
<td>206,500</td>
<td>66,400</td>
<td>2,521,400</td>
<td>2,794,300</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$303,500</td>
<td>$66,400</td>
<td>$2,871,400</td>
<td>$3,241,300</td>
</tr>
</tbody>
</table>

Approved March 16, 1977.
CHAPTER 73

(H.B. No. 52)

AN ACT

RELATING TO THE DISTRIBUTION OF RECEIPTS GENERATED BY THE MUTUEL HANDLE OF A PARI-MUTUEL SYSTEM; AMENDING SECTION 54-2513, IDAHO CODE, PROVIDING FOR THE OWNERS AND/OR BREEDERS OF RACING PAINTS AND RACING ARABIANS TO RECEIVE A SHARE OF THE ONE-HALF PER CENTUM GROSS RECEIPTS FROM A PARI-MUTUEL HANDLE; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 54-2513, Idaho Code, be, and the same is hereby amended to read as follows:

54-2513. DISTRIBUTIONS OF DEPOSITS -- BREAKAGE. (A) Each licensee conducting the pari-mutuel system shall distribute all sums deposited in any pool to the winner thereof, less an amount as prescribed in the following table:

<table>
<thead>
<tr>
<th>Gross daily receipts</th>
<th>Licensee percentage</th>
<th>Public school percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>To $20,000.</td>
<td>15 1/4%</td>
<td></td>
</tr>
<tr>
<td>$20,000. to $30,000.</td>
<td>14 %</td>
<td>1 1/4%</td>
</tr>
<tr>
<td>$30,000. to $40,000.</td>
<td>13 %</td>
<td>2 1/4%</td>
</tr>
<tr>
<td>$40,000. to $50,000.</td>
<td>12 %</td>
<td>3 1/4%</td>
</tr>
<tr>
<td>$50,000. +</td>
<td>11 %</td>
<td>4 1/4%</td>
</tr>
</tbody>
</table>

One and one-quarter per centum (1 1/4%) of all gross receipts shall be paid to the Idaho state horse racing commission.

One-half of one per centum (1/2%) of all gross receipts generated by the mutuel handle shall be distributed by the licensee in proportion to the handle generated by each breed, to lawfully constituted representatives of each breed, to benefit owners and/or breeders of Idaho bred racing thoroughbreds, racing quarter horses, and racing Appaloosas, racing paints and racing Arabians, subject to the approval of the commission. Funds not distributed as approved by the commission shall revert to the school endowment fund six (6) months after the end of the calendar year in which they were earned.

(B) Such licensee may retain the odd cents of all redistribution to be based on each dollar deposited exceeding a sum equal to the next lowest multiple of ten (10), known as breakage, and the total amount of unclaimed tickets
at the termination of the time allowed by rule and regulation of the commission.

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

Approved March 16, 1977.
CHAPTER 74
(H.B. No. 158)

AN ACT
RELATING TO THE REGISTRATION OF MOTOR VEHICLES; AMENDING SECTION 49-107, IDAHO CODE, BY INCREASING THE MAXIMUM WEIGHT LIMITS FOR FARM VEHICLES FROM THIRTY THOUSAND POUNDS TO THIRTY-EIGHT THOUSAND POUNDS; AMENDING SECTION 49-127, IDAHO CODE, BY INCREASING THE MAXIMUM WEIGHT LIMITS FOR FARM VEHICLES FROM THIRTY THOUSAND POUNDS TO THIRTY-EIGHT THOUSAND POUNDS, AND PROVIDING FOR A FEE SCHEDULE; AND AMENDING SECTION 49-128, IDAHO CODE, BY INCREASING THE MAXIMUM WEIGHT LIMITS FOR FARM VEHICLES FROM THIRTY THOUSAND POUNDS TO THIRTY-EIGHT THOUSAND POUNDS FOR REPORTING PURPOSES.

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

SECTION 1. That Section 49-107, Idaho Code, be, and the same is hereby amended to read as follows:

49-107. OWNER TO SECURE REGISTRATION IN COUNTY OF RESIDENCE OR FROM DIRECTOR. a. Every owner of a motor vehicle, trailer or semi-trailer who intends to operate the same upon any highway in this state shall before the same is so operated, apply to the assessor of the county in which he resides and obtain the registration thereof, except the owner of any vehicle which is exempted by section 49-108, Idaho Code, and excepting, also, when an owner is permitted to operate a vehicle under the special provisions relating to lien holders, manufacturers, dealers, and vehicles registered in a foreign country, state, territory, or federal district, contained in sections 49-117(c), 49-118, 49-120 and 49-206--49-211, Idaho Code, provided that the registration for commercial vehicles or commercial combinations having a maximum gross weight in excess of 16,000 pounds and noncommercial vehicles or noncommercial combinations having a maximum gross weight in excess of 30,000 pounds shall be procured from, and the registration and use tax fees therefor paid to, the director, except as hereinafter provided.

b. The following motor vehicles shall be registered for the appropriate gross weight scale with the county assessor
of the county in which the owner resides:

1. Motor vehicles equipped primarily to haul passengers on a commercial basis, doing strictly an intrastate business, and having gross weights of 24,000 pounds or less.

2. Any farm vehicle or combination of vehicles where each vehicle shall not exceed a gross weight of 38,000 pounds, and utility farm trailers for the unladen weight as shown in section 49-127(f), Idaho Code.

c. Nonresident trucks owned by transient labor used in hauling unprocessed agricultural products for hire and not exceeding 38,000 pounds gross weight shall register their vehicle for the appropriate gross weight scale for the annual fee if registered on or before June 30, and for one-half (1/2) the annual fee if not registered until on or after July 1 of any year, with the county assessor of the county in which the owner resides.

SECTION 2. 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 semitrailer upon highways of the state of Idaho shall be as follows:

a. On all motor vehicles, trailers and semitrailers 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 vehicle 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, and on all farm vehicles having a maximum gross weight not in excess of thirty-eight thousand (38,000) 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>
</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>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>
<tr>
<td>30,001-32,000 inc.</td>
<td>85.00</td>
</tr>
<tr>
<td>32,001-34,000 inc.</td>
<td>95.00</td>
</tr>
<tr>
<td>34,001-36,000 inc.</td>
<td>105.00</td>
</tr>
<tr>
<td>36,001-38,000 inc.</td>
<td>115.00</td>
</tr>
</tbody>
</table>

In addition, an annual license fee shall be required for each trailer or semitrailer 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, and on all farm vehicles having a maximum gross weight in excess of thirty-eight thousand (38,000) pounds, a use fee in accordance with the schedule hereinafter set forth; provided, that if any noncommercial 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</th>
<th>&quot;C&quot; Mills per Mile</th>
</tr>
</thead>
<tbody>
<tr>
<td>6,000-8,000</td>
<td>5.05</td>
<td>5.05</td>
<td>5.05</td>
</tr>
<tr>
<td>8,001-10,000</td>
<td>5.60</td>
<td>5.60</td>
<td>5.60</td>
</tr>
<tr>
<td>10,001-12,000</td>
<td>6.15</td>
<td>6.15</td>
<td>6.15</td>
</tr>
<tr>
<td>12,001-14,000</td>
<td>6.65</td>
<td>6.65</td>
<td>6.65</td>
</tr>
<tr>
<td>Weight Range</td>
<td>Use Fee 1</td>
<td>Use Fee 2</td>
<td>Use Fee 3</td>
</tr>
<tr>
<td>-----------------------</td>
<td>-----------</td>
<td>-----------</td>
<td>-----------</td>
</tr>
<tr>
<td>14,001-16,000</td>
<td>5.25</td>
<td>7.20</td>
<td>7.20</td>
</tr>
<tr>
<td>16,001-18,000</td>
<td>5.95</td>
<td>7.70</td>
<td>12.95</td>
</tr>
<tr>
<td>18,001-20,000</td>
<td>6.65</td>
<td>8.20</td>
<td>14.15</td>
</tr>
<tr>
<td>20,001-22,000</td>
<td>7.35</td>
<td>9.30</td>
<td>16.65</td>
</tr>
<tr>
<td>22,001-24,000</td>
<td>8.05</td>
<td>9.85</td>
<td>17.90</td>
</tr>
<tr>
<td>24,001-26,000</td>
<td>8.75</td>
<td>9.90</td>
<td>18.65</td>
</tr>
<tr>
<td>26,001-28,000</td>
<td>9.45</td>
<td>10.85</td>
<td>20.30</td>
</tr>
<tr>
<td>28,001-30,000</td>
<td>10.15</td>
<td>11.35</td>
<td>21.50</td>
</tr>
<tr>
<td>30,001-32,000</td>
<td>10.85</td>
<td>11.90</td>
<td>22.75</td>
</tr>
<tr>
<td>32,001-34,000</td>
<td>11.55</td>
<td>12.40</td>
<td>23.95</td>
</tr>
<tr>
<td>34,001-36,000</td>
<td>12.25</td>
<td>12.90</td>
<td>25.15</td>
</tr>
<tr>
<td>36,001-38,000</td>
<td>12.95</td>
<td>12.95</td>
<td>25.25</td>
</tr>
<tr>
<td>38,001-40,000</td>
<td>13.65</td>
<td>13.55</td>
<td>26.95</td>
</tr>
<tr>
<td>40,001-42,000</td>
<td>14.35</td>
<td>13.00</td>
<td>27.35</td>
</tr>
<tr>
<td>42,001-44,000</td>
<td>15.05</td>
<td>13.00</td>
<td>28.40</td>
</tr>
<tr>
<td>44,001-46,000</td>
<td>15.75</td>
<td>13.55</td>
<td>30.00</td>
</tr>
<tr>
<td>46,001-48,000</td>
<td>16.45</td>
<td>13.70</td>
<td>31.20</td>
</tr>
<tr>
<td>48,001-50,000</td>
<td>17.15</td>
<td>14.25</td>
<td>32.80</td>
</tr>
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<td>50,001-52,000</td>
<td>17.85</td>
<td>14.70</td>
<td>34.30</td>
</tr>
<tr>
<td>52,001-54,000</td>
<td>18.55</td>
<td>15.20</td>
<td>35.85</td>
</tr>
<tr>
<td>54,001-56,000</td>
<td>19.25</td>
<td>15.65</td>
<td>37.35</td>
</tr>
<tr>
<td>56,001-58,000</td>
<td>19.95</td>
<td>16.20</td>
<td>38.95</td>
</tr>
<tr>
<td>58,001-60,000</td>
<td>20.65</td>
<td>16.70</td>
<td>40.50</td>
</tr>
<tr>
<td>60,001-62,000</td>
<td>21.35</td>
<td>17.20</td>
<td>42.05</td>
</tr>
<tr>
<td>62,001-64,000</td>
<td>22.00</td>
<td>17.90</td>
<td>43.80</td>
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<tr>
<td>64,001-66,000</td>
<td>22.70</td>
<td>18.45</td>
<td>45.40</td>
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<tr>
<td>66,001-68,000</td>
<td>23.40</td>
<td>19.00</td>
<td>47.00</td>
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<tr>
<td>68,001-70,000</td>
<td>24.10</td>
<td>19.55</td>
<td>48.60</td>
</tr>
<tr>
<td>70,001-72,000</td>
<td>24.80</td>
<td>20.05</td>
<td>50.15</td>
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<tr>
<td>72,001-74,000</td>
<td>25.50</td>
<td>20.60</td>
<td>52.45</td>
</tr>
<tr>
<td>74,001-76,000</td>
<td>26.20</td>
<td>21.30</td>
<td>54.90</td>
</tr>
<tr>
<td>76,001-78,000</td>
<td>26.90</td>
<td>21.80</td>
<td>57.15</td>
</tr>
<tr>
<td>78,001-80,000</td>
<td>27.60</td>
<td>22.30</td>
<td>59.40</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 vehi-
cles 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.

(e) 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 semitrailers 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 hereinbefore set forth shall not be applicable to utility trailers hereby defined as trailers or semitrailers 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>Unladen Weight (Pounds)</th>
<th>Annual Registration Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Light or Unladen Weight</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 3. That Section 49-128, Idaho Code, be, and the same is hereby amended to read as follows:

49-128. QUARTERLY REPORTS -- MAINTAINING RECORDS -- PENALTIES -- DEPOSIT ON BOND TO SECURE PAYMENT OF FEES -- APPEAL. (a) Not later than the 25th day of April, 1957, and on the same day of each third calendar month thereafter, each owner of a commercial motor vehicle, trailer or semi-trailer having a maximum gross weight in excess of sixteen thousand (16,000) pounds and each owner of a non-commercial or farm vehicle having a maximum gross weight in excess of thirty thousand (30,000) pounds and each owner of a farm vehicle having a maximum gross weight in excess of thirty-eight thousand (38,000) pounds must file with the director of the department of law enforcement a statement of the gross miles each such motor vehicle, trailer or semi-trailer has traveled over the highways of the state of Idaho for the preceding calendar months of the year for which such vehicle was registered. Each such report shall be cumulative of all miles traveled during all calendar months in said year for which such report is made.

(b) Every owner whose registration fees are computed under subsection (e) or (f) of section 49-127, Idaho Code, shall maintain records and purchase documents to substantiate and justify the use of such schedule and shall permit
the director or a duly authorized representative to inspect
the same upon demand.

(c) An owner failing to file a report or pay any fee
due within the time required pursuant to this act shall in
addition to the amount of the fee pay a penalty of five per
cent (5%) of the amount of fee determined to be due plus one
per cent (1%) of such amount for each month or fraction
thereof after such report was required to be filed or such
fee became due, but the director if satisfied that the delay
was excusable may remit all or any part of said penalty.

(d) 1. If the director finds it necessary in order to
insure the collection of any fees or penalties imposed upon
an owner of a commercial motor vehicle, trailer or
semi-trailer having a maximum gross weight in excess of
sixteen thousand (16,000) pounds and or, an owner of a non-
commercial ex-farm vehicle having a maximum gross weight in
excess of thirty thousand (30,000) pounds pursuant to this
chapter, or an owner of a farm vehicle having a maximum
gross weight in excess of thirty-eight thousand pounds, he
may at the time and as a condition of granting a registra-
tion or as a condition of continuing a registration require
an owner to deposit and keep on deposit with the director a
sum equal to the estimated fees computed under subsection
(d)6, of section 49-127, Idaho Code, for a period of not to
exceed three (3) months. In determining the necessity for an
applicant or owner to maintain a deposit the director shall
consider the applicant or owner's financial capability and
responsibility and the director's prior experience, if any,
in collecting fees or penalties from the applicant, owner or
any person having a substantial interest or control, directly or indirectly, in or over the operations conducted
or to be conducted under the registration.

2. The director may accept in lieu of such deposit a
bond to secure payment of sums payable by the owner. The
total amount of the deposit or bond shall be determined by
the director in such manner as he shall deem proper, taking
into account the nature and scope of the owner's operations
and the amount may be increased or reduced at any time.

3. If an owner ceases to be registered under this
chapter, the director, upon receipt of all payments due,
shall refund to the owner all deposits remaining to the
owner's credit and shall release the surety on any bond
given under this section.

4. Any applicant or owner required under this section
to make a deposit to secure the payment of fees or penalties
may by proper petition demand a hearing on the necessity of such deposit or the reasonableness of the amount required. A hearing shall be granted and held within ten (10) days after the demand therefor. The decision of the director shall become final ten (10) days after service of the order upon the applicant or owner concerned. Notice shall be served personally or by certified mail addressed to the applicant or owner at his address as it appears in the records of the director. An appeal may be taken from any decision of the department as from the decision of a justice of the peace to the district court.

Approved March 16, 1977.
CHAPTER 75  
(S.B. No. 1089)

AN ACT
RELATING TO CLASSIFICATION OF WILDLIFE; AMENDING SECTION 36-201, IDAHO CODE, BY DELETING WOLF, LYNX AND BOBCAT AS PREDATORY WILDLIFE.

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

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

36-201. 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. Bebeet
3. Lynx
2.4. Jackrabbit
3.5. Skunk
4.6. Weasel
5.7. Starling
8. Wolf

Approved March 17, 1977.
CHAPTER 76
(H.B. No. 90)
AN ACT
RELATING TO AN APPLICATION FOR A DRIVER'S LICENSE; AMENDING SECTION 49-312, IDAHO CODE, TO PROVIDE THAT ANY APPLICANT FOR A DRIVER'S OR CHAUFFEUR'S LICENSE MAY BE REQUIRED TO SUBMIT PROOF OF DATE OF BIRTH TO ISSUING OFFICER.

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

SECTION 1. That Section 49-312, Idaho Code, be, and the same is hereby amended to read as follows:

49-312. APPLICATION FOR LICENSE OR INSTRUCTION PERMIT. (a) Every application for an instruction permit or for an operator's or chauffeur's license shall be made upon a form furnished by the department and shall be verified by the applicant before a person authorized to administer oaths, and officers and employees of the department and sheriffs and their deputies are hereby authorized to administer such oaths without charge. Every application for a permit or license shall be accompanied by the required fee, to-wit: Application for instruction permit, four dollars ($4.00); application for operator's license, seven dollars ($7.00); application for chauffeur's license, nine dollars ($9.00). Every applicant for an instruction permit or operator's license who is required to take or who elects to take a driver training course in a public school in this state shall be required to pay an additional fee of fifteen dollars ($15.00).

(b) Every said application shall state the full name, date of birth, sex, and residence address of the applicant, and briefly describe the applicant, and shall state whether the applicant has theretofore been licensed as an operator or chauffeur, and, if so, when and by what state or country, and whether any such license has ever been suspended or revoked, or whether any application has ever been refused, and, if so, the date of and reason for such suspension, revocation, or refusal, and the applicant may be required to submit proof of date of birth sufficient to satisfy the issuing officer.

(c) Whenever application is received from a person previously licensed in another jurisdiction, the department shall request copy of operator's record from such other
jurisdiction. When received, the operator's record shall become a part of the operator's record in this state with the same force and effect as though entered on the operator's record in this state in the original instance.

(d) Whenever the department receives request for an operator's record from another licensing jurisdiction, the record shall be forwarded without charge.

Approved March 17, 1977.
Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 39-423, Idaho Code, be, and the same is hereby amended to read as follows:

39-423. BUDGET COMMITTEE OF PUBLIC HEALTH DISTRICT. The chairmen of the boards of county commissioners located within the public health district are hereby constituted as the budget committee of the public health district.

The district board will submit to the budget committee by the first Monday in August of each year the preliminary budget for the public health district and the estimated cost of each county, as determined by the provisions of section 39-425, Idaho Code.

On or before the first Monday in September, there will be held at a time and place determined by the budget committee a budget committee meeting and public hearing upon the proposed budget of the district. Notice of the budget committee meeting and public hearing shall be posted at least ten (10) full days prior to the date of said meeting in at least one (1) conspicuous place in each public health district to be determined by the district board of health. A copy of such notice shall also be published in the official newspaper or a generally circulated newspaper of each county of such public health district, in one (1) issue thereof, during such ten (10) day period. The place, hour and day of such hearing shall be specified in said notice, as well as the place where such budget may be examined prior to such hearing. A summary of such proposed budget shall be published with and as a part of the publication of such notice of hearing in substantially the form required by section 31-1604, Idaho Code. At such meeting, the director
of the department of health and welfare shall submit a tentative projection of state aid available as determined in compliance with the provisions of section 39-425, Idaho Code.

Between the first Monday in December September and the first Monday in January October a budget for the public health district shall be agreed upon and approved by a majority of the budget committee. Such determination shall be binding upon all counties within the district and the district itself.

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

Approved March 17, 1977.
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 Division of Tourism and Industrial Development the following amounts, to be expended for the designated programs according to the expense classes designated therein from the listed accounts for the period July 1, 1977, through June 30, 1978:

<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. ECONOMIC DEVELOPMENT:</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 Acct.</td>
<td>$ 171,200</td>
<td>$ 222,200</td>
<td>$ 1,400</td>
<td>$ 394,800</td>
</tr>
<tr>
<td>Idaho Development and Publicity Account</td>
<td>128,500</td>
<td></td>
<td></td>
<td>128,500</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$ 171,200</td>
<td>$ 350,700</td>
<td>1,400</td>
<td>$ 523,300</td>
</tr>
<tr>
<td>B. STATE FLAGS:</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 Acct.</td>
<td>$ 1,500</td>
<td></td>
<td></td>
<td>1,500</td>
</tr>
<tr>
<td>GRAND TOTAL</td>
<td>$ 171,200</td>
<td>$ 352,200</td>
<td>$ 1,400</td>
<td>$ 524,800</td>
</tr>
</tbody>
</table>

SECTION 2. There is hereby appropriated from the General Fund to the Office of the Governor for the Division of Tourism and Industrial Development the sum of $15,000, for the period from the effective date of this act through June 30, 1978, to be expended for the Idaho Almanac, charged to the expense classification of Operating Expenditures.
SECTION 3. This act shall be in full force and effect on and after July 1, 1977, except for section 2 hereof. An emergency existing therefor, which emergency is hereby declared to exist, section 2 shall be in full force and effect on and after passage and approval of this act.

Approved March 17, 1977.
CHAPTER 79
(H.B. No. 111)

AN ACT
RELATING TO HIGHWAY AND RAILROAD GRADE CROSSINGS; AMENDING SECTION 62-306, IDAHO CODE, TO PERMIT A PUBLIC AGENCY HAVING JURISDICTION OF A HIGHWAY CROSSING RAILROAD TRACKS TO AGREE WITH THE RAILROAD COMPANY THAT THE HIGHWAY CROSSING THE TRACKS MAY BE SURFACED WITH MATERIAL OF HIGH QUALITY AND TO PROVIDE THAT ANY ADDITIONAL COST OVER AND ABOVE THE COST OF THE RAILROAD'S STANDARD INSTALLATION MAY BE PAID FOR WITH PUBLIC FUNDS.

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

SECTION 1. That Section 62-306, Idaho Code, be, and the same is hereby amended to read as follows:

62-306. CONSTRUCTION AND MAINTENANCE OF RAILROAD GRADE CROSSINGS. Whenever a state or county highway crosses or shall hereafter cross a railroad at grade, the railroad company shall at its own expense construct and maintain that portion of such highway between the rails and for a distance of not less than two (2) feet outside the outer rails. The crossing shall be planked or surfaced with other suitable material for the full width of the traveled way, including shoulders, and shall be maintained at all times in a smooth and firm condition. Where a public agency having jurisdiction of the highway crossing the railroad wishes to have the crossing surfaced with material of higher quality, the public agency and the railroad company may agree that the railroad company install the material and that the additional cost, over and above the cost of the railroad company's standard installation, may be paid for by the public agency with public funds.

Approved March 17, 1977.
AN ACT
AMENDING SECTION 2, CHAPTER 299, LAWS OF 1976, RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF LANDS, BY INCREASING THE APPROPRIATION FROM THE GENERAL FUND BY $2,700; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 2, Chapter 299, Laws of 1976, be, and the same is hereby amended to read as follows:

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.

<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. ADMINISTRATIVE 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>$ 496,400</td>
<td>$ 183,500</td>
<td>$ 600</td>
<td>$ 680,500</td>
<td></td>
</tr>
<tr>
<td>Forest Protection Fund</td>
<td>17,100</td>
<td>6,400</td>
<td></td>
<td>23,500</td>
<td></td>
</tr>
<tr>
<td>Forest Management Fund</td>
<td>9,100</td>
<td>1,500</td>
<td></td>
<td>10,600</td>
<td></td>
</tr>
<tr>
<td>10% Timber &amp; Grazing Land Lease Fund</td>
<td>200</td>
<td></td>
<td></td>
<td>200</td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>$ 522,600</td>
<td>$ 191,600</td>
<td>$ 600</td>
<td>$ 714,800</td>
<td></td>
</tr>
<tr>
<td>B. FOREST &amp; RANGE FIRE PROTECTION:</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>$ 713,000</td>
<td>$ 594,800</td>
<td>$ 98,300</td>
<td>$ 161,600</td>
<td>$ 756,400</td>
</tr>
<tr>
<td>Forest Protection Fund</td>
<td>118,800</td>
<td>98,300</td>
<td></td>
<td>217,100</td>
<td></td>
</tr>
<tr>
<td>Forest Management Fund</td>
<td>469,100</td>
<td>1,175,400</td>
<td>41,200</td>
<td>1,685,700</td>
<td></td>
</tr>
<tr>
<td>10% Timber &amp; Grazing Land Lease Fund</td>
<td>100</td>
<td></td>
<td></td>
<td>100</td>
<td></td>
</tr>
<tr>
<td>Conservation Fund</td>
<td>5,000</td>
<td>5,300</td>
<td>1,000</td>
<td>$ 161,600</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>
### C. FOREST RESOURCES MANAGEMENT:

<table>
<thead>
<tr>
<th>Source</th>
<th>General Fund</th>
<th>Land Commissioners</th>
<th>Forest Management Fund</th>
<th>10% Timber &amp; Grazing</th>
<th>Receipts to Appropriations</th>
<th>Total Receipts</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Fund</td>
<td>$736,400</td>
<td>$62,000</td>
<td>$22,100</td>
<td></td>
<td></td>
<td>$820,500</td>
</tr>
<tr>
<td>Land Commissioners</td>
<td></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></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></td>
<td>$111,400</td>
</tr>
<tr>
<td>10% Timber &amp; Grazing</td>
<td></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></td>
<td>$1,058,100</td>
</tr>
<tr>
<td>Receipts to Appropriations</td>
<td>93,200</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>$93,200</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$1,446,000</strong></td>
<td><strong>$729,100</strong></td>
<td><strong>$105,100</strong></td>
<td></td>
<td></td>
<td><strong>$2,280,200</strong></td>
</tr>
</tbody>
</table>

### D. RANGE RESOURCES MANAGEMENT:

<table>
<thead>
<tr>
<th>Source</th>
<th>General Fund</th>
<th>10% Timber &amp; Grazing</th>
<th>Land Lease Fund</th>
<th>Total Receipts</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Fund</td>
<td>$313,200</td>
<td>$83,900</td>
<td>$10,700</td>
<td>$407,800</td>
</tr>
<tr>
<td>10% Timber &amp; Grazing</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>216,900</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>339,700</strong></td>
<td><strong>208,600</strong></td>
<td><strong>76,400</strong></td>
<td><strong>624,700</strong></td>
</tr>
</tbody>
</table>

### E. LAND ACTIONS & EARTH RESOURCES MANAGEMENT:

<table>
<thead>
<tr>
<th>Source</th>
<th>General Fund</th>
<th>10% Timber &amp; Grazing</th>
<th>Land Lease Fund</th>
<th>Total Receipts</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Fund</td>
<td>$275,300</td>
<td>$47,300</td>
<td>$11,400</td>
<td>$334,000</td>
</tr>
<tr>
<td>10% Timber &amp; Grazing</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>15,100</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>279,400</strong></td>
<td><strong>58,300</strong></td>
<td><strong>11,400</strong></td>
<td><strong>349,100</strong></td>
</tr>
</tbody>
</table>

### F. MINERAL & GEOLOGIC RESEARCH:

<table>
<thead>
<tr>
<th>Source</th>
<th>General Fund</th>
<th>Receipts to Appropriations</th>
<th>Total Receipts</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Fund</td>
<td>$226,900</td>
<td>$56,500</td>
<td>$319,900</td>
</tr>
<tr>
<td>Receipts to Appropriations</td>
<td>112,400</td>
<td>9,000</td>
<td>175,200</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>339,300</strong></td>
<td><strong>110,500</strong></td>
<td><strong>495,100</strong></td>
</tr>
</tbody>
</table>

### G. SOILS & WATER MANAGEMENT:

<table>
<thead>
<tr>
<th>Source</th>
<th>General Fund</th>
<th>Total Receipts</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Fund</td>
<td>$199,700</td>
<td>$123,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>199,700</strong></td>
<td><strong>123,000</strong></td>
</tr>
</tbody>
</table>

### H. SCALING PRACTICES:

<table>
<thead>
<tr>
<th>Source</th>
<th>Log Scalers Law Fund</th>
<th>Total Receipts</th>
</tr>
</thead>
<tbody>
<tr>
<td>Log Scalers Law Fund</td>
<td>$53,200</td>
<td>$76,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>53,200</strong></td>
<td><strong>76,000</strong></td>
</tr>
</tbody>
</table>
### I. GOODING TUBERCULOSIS

**HOSPITAL MAINTENANCE:**

<table>
<thead>
<tr>
<th>From:</th>
<th>General Fund</th>
<th>$47,400</th>
<th>$43,000</th>
<th>$200</th>
<th>$10,100</th>
<th>$180,900</th>
</tr>
</thead>
<tbody>
<tr>
<td>Receipts to Appropriation</td>
<td>$47,400</td>
<td>$43,000</td>
<td>$200</td>
<td>$13,300</td>
<td>$183,799</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>$94,800</td>
<td>$86,200</td>
<td>$400</td>
<td>$13,300</td>
<td>$364,499</td>
<td></td>
</tr>
<tr>
<td>Grand Total</td>
<td>$94,800</td>
<td>$3,287,000</td>
<td>$385,000</td>
<td>$297,900</td>
<td>$4,794,399</td>
<td></td>
</tr>
</tbody>
</table>

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

Approved March 17, 1977.
AN ACT
EXPRESSING LEGISLATIVE INTENT WITH RESPECT TO EXPENDITURES FOR THE DEPARTMENT OF WATER RESOURCES; AND APPROPRIATING MONEYS FROM THE ACCOUNTS ENUMERATED TO THE DEPARTMENT OF WATER RESOURCES TO BE EXPENDED FOR DESIGNATED PROGRAMS, ACCORDING TO DESIGNATED EXPENSE CLASSES FROM THE LISTED ACCOUNTS FOR THE PERIOD JULY 1, 1977, THROUGH JUNE 30, 1978.

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, 1977, through June 30, 1978:

<table>
<thead>
<tr>
<th>FOR:</th>
<th>FROM:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel Costs</td>
<td>General Account</td>
</tr>
<tr>
<td>Operating Expenditures</td>
<td></td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>Water Administration Account</td>
</tr>
<tr>
<td>Trustee &amp; Benefit Payments</td>
<td>Water Resource &amp; Planning Account</td>
</tr>
<tr>
<td>TOTAL</td>
<td>Corps of Engineers Account</td>
</tr>
<tr>
<td></td>
<td>Soil Conservation Service Grant Account</td>
</tr>
</tbody>
</table>


<table>
<thead>
<tr>
<th>FOR:</th>
<th>FROM:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel Costs</td>
<td>$1,630,900</td>
</tr>
<tr>
<td>Operating Expenditures</td>
<td>369,700</td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>35,400</td>
</tr>
<tr>
<td>Trustee &amp; Benefit Payments</td>
<td>264,100</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$2,300,100</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 accounts for the period July 1, 1977, through June 30, 1978.

<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 &amp; 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>General Account</td>
<td>$ 176,300</td>
<td>$ 109,100</td>
<td>$ 5,500</td>
<td></td>
<td>$ 290,900</td>
</tr>
<tr>
<td>Water Admin. Account</td>
<td>19,100</td>
<td>8,000</td>
<td></td>
<td></td>
<td>27,100</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$ 195,400</td>
<td>$ 117,100</td>
<td>$ 5,500</td>
<td></td>
<td>$ 318,000</td>
</tr>
</tbody>
</table>
### B. TECHNICAL STUDIES:
**FROM:**
- **General Account**
  - $415,200
  - $264,100
  - $734,100
- **Water Admin. Account**
  - $18,000
  - $14,500
  - $32,500
- **Corps of Engineers Acct.**
  - $22,400
  - $8,500
  - $30,900
**TOTAL**
- $455,600
- $77,800
- $264,100
- $797,500

### C. STATE WATER PLANNING:
**FROM:**
- **General Account**
  - $59,500
  - $13,400
  - $72,900
- **Water Admin. Account**
  - $3,500
  - $3,500
  - $3,500
- **Water Resource & Planning Account**
  - $41,200
  - $8,800
  - $50,000
- **Soil Conservation Service Grant Account**
  - $15,200
  - $15,200
**TOTAL**
- $115,900
- $25,700
- $141,600

### D. WATER RIGHTS & ADJUDICATION:
**FROM:**
- **General Account**
  - $196,000
  - $31,300
  - $227,300
- **Water Admin. Account**
  - $5,000
  - $3,100
  - $8,100
**TOTAL**
- $201,000
- $34,400
- $235,400

### E. DEVELOPMENT & CONSTRUCTION:
**FROM:**
- **General Account**
  - $162,700
  - $27,500
  - $5,900
  - $196,100
- **Water Admin. Account**
  - $4,300
  - $2,800
  - $7,100
**TOTAL**
- $167,000
- $30,300
- $5,900
- $203,200

### F. REGIONAL OFFICES:
**FROM:**
- **General Account**
  - $431,100
  - $70,400
  - $24,000
  - $525,500
- **Water Admin. Account**
  - $64,900
  - $14,000
  - $78,900
**TOTAL**
- $496,000
- $84,400
- $24,000
- $604,400

**GRAND TOTAL**
- $1,630,900
- $369,700
- $35,400
- $264,100
- $2,300,100

*Approved March 17, 1977.*
AN ACT
EXPRESSING LEGISLATIVE INTENT WITH RESPECT TO EXPENDITURES FOR THE DEPARTMENT OF LANDS; AND
APPROPRIATING MONEYS FROM THE ACCOUNTS ENUMERATED TO THE DEPARTMENT OF LANDS, TO BE
EXPENDED FOR DESIGNATED PROGRAMS ACCORDING TO DESIGNATED EXPENSE CLASSES FROM THE LISTED

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, 1977, through June 30, 1978:

<table>
<thead>
<tr>
<th>FOR:</th>
<th>FROM:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel Costs</td>
<td>General Account</td>
</tr>
<tr>
<td>Operating Expenditures</td>
<td></td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>Log Scalers Law Account</td>
</tr>
<tr>
<td>Trustee &amp; Benefit Payments</td>
<td>Forest Protection Account</td>
</tr>
<tr>
<td>TOTAL</td>
<td>Forest &amp; Range Conservation Account</td>
</tr>
<tr>
<td></td>
<td>Land Commissioners Scaling Trust Account</td>
</tr>
<tr>
<td></td>
<td>Forest Management Account</td>
</tr>
<tr>
<td></td>
<td>10% Timber &amp; Grazing Land Lease Account</td>
</tr>
<tr>
<td></td>
<td>State Planning Account</td>
</tr>
<tr>
<td></td>
<td>Lands Federal Funds Account</td>
</tr>
<tr>
<td></td>
<td>TOTAL</td>
</tr>
</tbody>
</table>

$4,903,800   3,752,300   538,200   131,000   $9,325,300

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 accounts for the period July 1, 1977, through June 30, 1978:

<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. 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 Account</td>
<td>$ 550,100</td>
<td>$ 184,400</td>
<td>$ 4,900</td>
<td>$ 739,400</td>
<td></td>
</tr>
<tr>
<td>Forest Protection Account</td>
<td>20,000</td>
<td>10,800</td>
<td>13,200</td>
<td>44,000</td>
<td></td>
</tr>
<tr>
<td>Forest Management Account</td>
<td>9,100</td>
<td>6,500</td>
<td></td>
<td>15,600</td>
<td></td>
</tr>
<tr>
<td>10% Timber &amp; Grazing</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Land Lease Account</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>1,200</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Account Description</td>
<td>Funding Source</td>
<td>Amount</td>
<td>Source Amount</td>
<td>State Support</td>
<td>Total</td>
</tr>
<tr>
<td>----------------------------------------------------------</td>
<td>---------------------</td>
<td>-----------</td>
<td>---------------</td>
<td>---------------</td>
<td>-------</td>
</tr>
<tr>
<td>Land Commissioners Scaling</td>
<td></td>
<td>$205,900</td>
<td>$18,100</td>
<td>$1,006,400</td>
<td>$1,236,400</td>
</tr>
<tr>
<td>B. FOREST &amp; RANGE FIRE PROTECTION:</td>
<td>General Account</td>
<td>$1,006,400</td>
<td></td>
<td>$1,006,400</td>
<td>$1,006,400</td>
</tr>
<tr>
<td></td>
<td>Forest Protection Account</td>
<td>$775,600</td>
<td>$129,600</td>
<td></td>
<td>$1,044,400</td>
</tr>
<tr>
<td></td>
<td>Forest Management Account</td>
<td>$516,800</td>
<td>$79,700</td>
<td></td>
<td>$596,700</td>
</tr>
<tr>
<td></td>
<td>10% Timber &amp; Grazing Land Lease Account</td>
<td>$100</td>
<td>$100</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Forest &amp; Range Conservation Account</td>
<td>$4,000</td>
<td>$1,900</td>
<td>$1,000</td>
<td>$6,900</td>
</tr>
<tr>
<td>C. FOREST RESOURCES MANAGEMENT:</td>
<td>General Account</td>
<td>$919,000</td>
<td>$91,000</td>
<td>$1,080,900</td>
<td>$1,740,000</td>
</tr>
<tr>
<td></td>
<td>Land Commissioners Scaling Trust Account</td>
<td>$176,900</td>
<td>$19,200</td>
<td>$23,900</td>
<td>$230,000</td>
</tr>
<tr>
<td></td>
<td>Forest Management Account</td>
<td>$48,800</td>
<td>$2,600</td>
<td></td>
<td>$51,400</td>
</tr>
<tr>
<td></td>
<td>10% Timber &amp; Grazing Land Lease Account</td>
<td>$448,100</td>
<td>$613,900</td>
<td>$71,600</td>
<td>$1,133,600</td>
</tr>
<tr>
<td></td>
<td>Forest &amp; Range Conservation Account</td>
<td>$4,000</td>
<td>$1,900</td>
<td>$1,000</td>
<td>$6,900</td>
</tr>
<tr>
<td>D. LANDS AND RANGE RESOURCES MANAGEMENT:</td>
<td>General Account</td>
<td>$485,300</td>
<td>$27,300</td>
<td>$612,600</td>
<td>$840,400</td>
</tr>
<tr>
<td></td>
<td>10% Timber &amp; Grazing Land Lease Account</td>
<td>$32,200</td>
<td>$75,200</td>
<td>$107,400</td>
<td>$214,800</td>
</tr>
<tr>
<td></td>
<td>E. EARTH RESOURCES MANAGEMENT:</td>
<td>$1,036,400</td>
<td>$16,800</td>
<td></td>
<td>$1,164,400</td>
</tr>
<tr>
<td></td>
<td>General Account</td>
<td>$340,300</td>
<td>$16,800</td>
<td>$357,100</td>
<td>$404,100</td>
</tr>
<tr>
<td></td>
<td>Lands Federal Funds</td>
<td>$112,400</td>
<td></td>
<td></td>
<td>$112,400</td>
</tr>
<tr>
<td></td>
<td>F. SOILS &amp; WATER MANAGEMENT:</td>
<td>$1,236,400</td>
<td>$16,800</td>
<td></td>
<td>$1,253,200</td>
</tr>
<tr>
<td></td>
<td>General Account</td>
<td>$224,000</td>
<td>$400</td>
<td>$234,000</td>
<td>$444,000</td>
</tr>
<tr>
<td></td>
<td>State Planning Account</td>
<td>$28,600</td>
<td></td>
<td>$28,600</td>
<td>$28,600</td>
</tr>
<tr>
<td></td>
<td>Lands Federal Funds</td>
<td>$5,200</td>
<td></td>
<td></td>
<td>$5,200</td>
</tr>
<tr>
<td></td>
<td>Account</td>
<td>$57,000</td>
<td>$57,000</td>
<td></td>
<td>$57,000</td>
</tr>
<tr>
<td></td>
<td>G. SCALING PRACTICES:</td>
<td>$1,036,400</td>
<td>$16,800</td>
<td></td>
<td>$1,053,200</td>
</tr>
<tr>
<td></td>
<td>Log Scalers Law Account</td>
<td>$60,700</td>
<td>$1,000</td>
<td></td>
<td>$61,700</td>
</tr>
<tr>
<td></td>
<td>GRAND TOTAL</td>
<td>$1,316,400</td>
<td>$210,300</td>
<td></td>
<td>$1,526,700</td>
</tr>
</tbody>
</table>

Approved March 17, 1977.
CHAPTER 83
(H.B. No. 50)

AN ACT
RELATING TO ALLOWANCE OF DEDUCTION FROM GROSS INCOME OF
EXPENSES INCURRED FOR CARE OF CHILDREN AND A DISABLED
SPOUSE TO ENABLE AN INDIVIDUAL TO BE GAINFULLY EMPLOYED;
AMENDING CHAPTER 30, TITLE 63, IDAHO CODE, BY THE ADDI-
TION OF A NEW SECTION 63-3022D, IDAHO CODE, TO PROVIDE
FOR A DEDUCTION FOR CARE OF DEPENDENTS; DECLARING AN
EMERGENCY AND PROVIDING A RETROACTIVE EFFECTIVE DATE.

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 63-3022D,
Idaho Code, and to read as follows:

63-3022D. DEDUCTION OF EXPENSES FOR HOUSEHOLD AND
DEPENDENT CARE SERVICES. Allowance of Deduction. In the case
of an individual who maintains a household which includes as
a member one (1) or more qualifying individuals (as defined
in Section 44A(c)(1), Internal Revenue Code), there shall be
allowed as a deduction the employment-related expenses (as
defined in Section 44A(c)(2), Internal Revenue Code, and as
further specified and limited by Section 44A(d), (e) and
(f), Internal Revenue Code).

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, and
retroactively to January 1, 1977.

Approved March 17, 1977.
CHAPTER 84
(H.B. No. 49)

AN ACT
RELATING TO STANDARD AND ITEMIZED DEDUCTIONS FROM GROSS INCOME ALLOWED TO INDIVIDUALS; AMENDING SECTION 63-3022, IDAHO CODE, TO PROVIDE FOR AN ELECTION BY EACH TAXPAYER TO TAKE EITHER THE STANDARD DEDUCTION OR TO ITEMIZE HIS PERSONAL NONBUSINESS DEDUCTIONS IN ARRIVING AT TAXABLE INCOME; DECLARING AN EMERGENCY AND PROVIDING A RETRO-ACTIVE EFFECTIVE DATE.

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

SECTION 1. That Section 63-3022, Idaho Code, be, and the same is hereby amended to read as follows:

63-3022. TAXABLE INCOME. The term "taxable income" means "taxable income" as defined in section 63 of the Internal Revenue Code, adjusted as follows:

(a) Add interest and dividends received or accrued during the taxable year from foreign securities and from securities issued by states and other political subdivisions, 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 carryback 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) 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.

(h) 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.
(i) 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.

(j) 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 63-3027A, 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.

(l) In the case of natural persons, there shall be allowed as deductions from gross income either of the following at the option of the taxpayer: (1) the standard deduction as defined by sections 141, 142, 143 and 144, Internal Revenue Code, or (2) itemized deductions as defined in sections 163, 164 (except state income taxes as specified in subsection (b) of this act), 165, 166, 170, 171, 211,
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, 1977.

Approved March 17, 1977.
CHAPTER 85
(H.B. No. 9)

AN ACT
RELATING TO PERSONS REQUIRED TO MAKE RETURNS OF INCOME;
AMENDING SECTION 63-3030, IDAHO CODE, TO INCREASE INCOME
TAX FILING REQUIREMENTS TO COINCIDE WITH SIMILAR
REQUIREMENTS UNDER THE INTERNAL REVENUE CODE; DECLARING
AN EMERGENCY AND PROVIDING FOR RETROACTIVE APPLICATION.

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

SECTION 1. That Section 63-3030, Idaho Code, be, and
the same is hereby amended to read as follows:

63-3030. PERSONS REQUIRED TO MAKE RETURNS OF INCOME.
(a) Returns with respect to taxes measured by income in
this act shall be made by the following:

(1) (A) Every resident individual having for the cur-
rent taxable year a gross income, as defined by section
61(a) of the Internal Revenue Code, of $750 or more, except
that a return shall not be required of an individual (other
than an individual referred to in section 142(b) of the
Internal Revenue Code) --

(i) who is not married (determined by applying section
143(a) of the Internal Revenue Code), who is not a surviving
spouse (as defined in section 2(a) of the Internal Revenue
Code) and for the taxable year has a gross income of less
than $2,650, or

(ii) who is a surviving spouse (as defined in section
2(a) of the Internal Revenue Code) and for the taxable year
has a gross income of less than $2,650, or

(iii) who is entitled to make a joint return under
section 6013 of the Internal Revenue Code and whose gross
income, when combined with the gross income of his spouse
is, for the taxable year, less than $2,700 but only if
such individual and his spouse, at the close of the taxable
year, had the same household as their home.

Clause (ii)(iii) shall not apply if for the taxable year
such spouse makes a separate return or any other taxpayer is
entitled to an exemption for such spouse under section
151(e) of the Internal Revenue Code.

(B) The amount specified in subparagraph (A)(i) shall be increased to $2,700 in the case of an
individual entitled to an additional personal exemption under section 151(c)(1) of the Internal Revenue Code, and the $27,000$3,400 amount specified in subparagraph (A) of (iii) shall be increased by $750 for each additional personal exemption to which the individual or his spouse is entitled under section 151(c) of the Internal Revenue Code.

(2) Any nonresident or part-year resident individual having for the current taxable year a gross income (as defined in section 61(a) of the Internal Revenue Code) from Idaho sources in excess of $600$750;

(3) Every corporation subject to taxation by this act; any corporation reporting as a subchapter S corporation pursuant to Internal Revenue Code sections 1371 through 1378 to the federal government and having business situs in this state or with one or more of its shareholders residing in this state must report to the state of Idaho as a subchapter S corporation for and during the same period or periods in which its election to report as such a corporation is effective for federal tax purposes and must identify itself as a subchapter S corporation on its income tax return filed with this state;

(4) Every estate, the residence of which estate is in Idaho, having a gross income (as defined in section 61(a) of the Internal Revenue Code) of $600 or more for the current taxable year;

(5) Every estate, the residence of which is in a state other than Idaho, having a gross income (as defined in section 61(a) of the Internal Revenue Code) from Idaho sources in excess of $600;

(6) Every trust, the residence of which trust is in Idaho, having gross income (as defined in section 61(a) of the Internal Revenue Code) of $100 or more for the current taxable year;

(7) Every trust, the residence of which is in a state other than Idaho, having a gross income (as defined in section 61(a) of the Internal Revenue Code) from Idaho sources in excess of $100;

(8) Every partnership having a resident partner and every partnership having a business situs in the state of Idaho. Such return shall be a supplemental information return and shall include the names and addresses of the individuals who would be entitled to share in the net income of the partnership if distributed and the amount of the distributive share of each individual. Such return shall be signed by one of the partners.

(b) Returns of fiduciaries and receivers:

(1) Fiduciaries and receivers shall file returns with
the state tax commission in accordance with the provisions of section 6012(b) 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, 1977.

Approved March 17, 1977.

CHAPTER 86
(H.B. No. 8)
AN ACT
RELATING TO COMPUTING TAXABLE INCOME OF PART-YEAR OR NON-RESIDENT INDIVIDUALS, TRUSTS AND ESTATES; AMENDING SECTION 63-3027A, IDAHO CODE, TO CORRECT REFERENCES TO OTHER SUBSECTIONS OF THE IDAHO CODE; DECLARING AN EMERGENCY AND PROVIDING FOR RETROACTIVE APPLICATION.

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 NON-RESIDENT 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), (c), (d), (e) and (g), 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, 1977.

Approved March 17, 1977.
CHAPTER 87
(H.B. No. 112)
AN ACT
RELATING TO APPLICATION FOR A DRIVER'S LICENSE; AMENDING SECTION 49-313, IDAHO CODE, TO PROVIDE THAT EITHER THE FATHER OR THE MOTHER MAY SIGN AN APPLICATION FOR AN INSTRUCTION PERMIT, A RESTRICTED LICENSE, OR AN OPERATOR'S LICENSE OF A MINOR CHILD.

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

SECTION 1. That Section 49-313, Idaho Code, be, and the same is hereby amended to read as follows:

49-313. APPLICATIONS OF MINORS. (a) The application of any person under the age of eighteen (18) years for an instruction permit, restricted license or operator's license shall be signed and verified before a person authorized to administer oaths by both either the father and or mother of the applicant, if both are living and have custody of him; or if either be dead, then by the surviving parent who has custody of him; or in the event neither parent is living, or if living and does not have the custody of said minor, then by the person or guardian having such custody or by an employer of such minor; or in the event there is no guardian or employer then by some other responsible person who is willing to assume the obligation imposed under this act upon a person signing the application of a minor.

(b) Any negligence or wilful misconduct of a minor under the age of eighteen (18) years when driving a motor vehicle upon a highway shall be imputed to the person who has signed the application of such minor for a permit or license, which person shall be jointly and severally liable with such minor for any damages caused by such negligence or wilful misconduct (except as otherwise provided in the next succeeding paragraph).

(c) In the event a minor deposits or there is deposited upon his behalf proof of financial responsibility in respect to the operation of a motor vehicle owned by him, or if not the owner of a motor vehicle, then with respect to the operation of any motor vehicle, in form and in amounts as required under the motor vehicle financial responsibility laws of this state, or by the director if the form and amount be not fixed by law, then the department may accept the application of such minor when signed by one (1) parent
or guardian of such minor, and while such proof is main­
tained such parent or guardian shall not be subject to the
liability imposed under the preceding paragraph of this
section.

Approved March 17, 1977.
AN ACT
EXPRESSING LEGISLATIVE INTENT WITH RESPECT TO EXPENDITURES
FOR THE DEPARTMENT OF CORRECTION; AND APPROPRIATING
MONEYS FROM THE ACCOUNTS ENUMERATED TO THE DEPARTMENT OF
CORRECTION TO BE EXPENDED FOR DESIGNATED PROGRAMS,
ACCORDING TO DESIGNATED EXPENSE CLASSES FROM THE LISTED
ACCOUNTS FOR THE PERIOD JULY 1, 1977, THROUGH JUNE 30,
1978.

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 Correction not exceed the
following amounts for the period July 1, 1977, through June
30, 1978:
FOR:
Personnel Costs $4,120,100
Operating Expenditures 2,026,000
Capital Outlay 175,500
Trustee & Benefit Payments 18,000
TOTAL $6,339,600
FROM:
General Account $5,502,000
Penitentiary -- Law Enforcement Planning Account 254,900
Miscellaneous Receipts Account 200,700
Penitentiary Income Account 382,000
TOTAL $6,339,600

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 accounts for the period July 1, 1977, through June 30, 1978:
### Official Document

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<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>
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Approved March 17, 1977.
CHAPTER 89
(H.B. No. 7)

AN ACT
RELATING TO CREDITS AND REFUNDS OF TAXES; AMENDING SECTION 63-3024A, IDAHO CODE, BY ELIMINATING REFUNDS TO PART-YEAR RESIDENTS OF UNUSED GROCERY CREDITS; DECLARING AN EMERGENCY AND PROVIDING FOR RETROACTIVE APPLICATION.

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

SECTION 1. That Section 63-3024A, Idaho Code, be, and the same is hereby amended 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 sixty-fifth 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 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, 1977.

Approved March 17, 1977.
AN ACT
RELATING TO CHILD SUPPORT PAYMENTS; ADDING A NEW SECTION 8-704, IDAHO CODE, TO ESTABLISH A PROCEDURE FOR WAGE ASSIGNMENTS AGAINST THE PARENTS OF CHILDREN FOR THE SUPPORT OF THEIR CHILDREN.

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

SECTION 1. That Chapter 7, Title 8, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 8-704, Idaho Code, and to read as follows:

8-704. WAGE ASSIGNMENT FOR CHILD SUPPORT. In any proceeding where the court has ordered either or both parents to pay any amount for the support of a minor child, the court may order either parent or both parents to assign such sum as the court may determine to be equitable to the county clerk, probation officer, or other officer of the court or county officer designated by the court to receive such payment, that portion of salary or wages of either parent due in the future to apply on the amount ordered by the court for the support and maintenance of the minor child. Such order shall be binding upon an employer upon the service of a copy of such order upon such employer and until further order of the court. Any such order may be modified or revoked at any time by the court. Any such assignment made pursuant to court order shall have priority as against any attachment, execution, or other assignment, unless otherwise ordered by the court.

Approved March 17, 1977.
AN ACT
RELATING TO HIGHWAY DISTRICT BUDGET MATTERS; AMENDING SECTION 40-1622, IDAHO CODE, TO CHANGE DATES IN THE HIGHWAY DISTRICT BUDGET LAW TO CONFORM TO COUNTY BUDGET YEAR; AMENDING SECTION 40-1676, IDAHO CODE, TO CHANGE DATES IN THE HIGHWAY DISTRICT BUDGET LAW TO CONFORM TO COUNTY BUDGET YEAR; AND AMENDING CHAPTER 16, TITLE 40, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 40-1677, IDAHO CODE, TO DEFINE THE FISCAL YEAR OF A HIGHWAY DISTRICT.

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

SECTION 1. That Section 40-1622, Idaho Code, be, and the same is hereby amended to read as follows:

40-1622. ANNUAL FINANCIAL STATEMENT OF DISTRICT AUDIT. On or before the first day of February November of each year, the highway board shall make and file in its office a full, true and correct statement of the financial condition of such district on the first Monday-of-the-preceding-January day of October, giving a statement of the liabilities and assets of the district on such first Monday of January day of October; a copy of such statement shall be published in at least one (1) issue of some newspaper published in the county.

The commissioners of all highway districts and good roads districts shall provide for and have accomplished an annual audit of the financial affairs of the district by the first day of April January following the close of the calendar fiscal year. Such audit shall be a public record and available for public inspection.

SECTION 2. That Section 40-1676, Idaho Code, be, and the same is hereby amended to read as follows:

40-1676. COMPLETION AND FINALIZATION OF BUDGET. The budget shall be completed and finalized not later than February-20-of the Tuesday following the first Monday in
SECTION 3. That Chapter 16, Title 40, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 40-1677, Idaho Code, and to read as follows:

40-1677. FISCAL YEAR. The fiscal year of the highway district shall commence on the first day of October of each year.

Approved March 17, 1977.
AN ACT

AUTHORIZING A NEEDS STUDY OF HIGHWAYS, ROADS AND STREETS; PROVIDING FOR THE CREATION OF A SPECIAL LEGISLATIVE COMMITTEE COMPOSED OF THE JOINT HOUSE AND SENATE TRANSPORTATION COMMITTEES, PROVIDING FOR PAYMENT OF ALLOWANCES AND EXPENSES, PROVIDING FOR MEETINGS; PROVIDING THE COMMITTEE MAY MEET WITH THE DEPARTMENT OF TRANSPORTATION HIGHWAYS PLANNING AND PROGRAMS SECTION; PROVIDING FOR PROGRESS REPORTS, AND PROVIDING FOR A REPORT TO THE SECOND REGULAR SESSION OF THE FORTY-FOURTH IDAHO LEGISLATURE AND THE FIRST REGULAR SESSION OF THE FORTY-FIFTH IDAHO LEGISLATURE; AND APPROPRIATING MONEYS OUT OF THE STATE HIGHWAY ACCOUNT IN THE DEDICATED FUND FOR THE PURPOSES OF THE COMMITTEE.

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

SECTION 1. The legislature hereby finds and recognizes the necessity of continuing the thorough, impartial and factual needs study of state, county, district and city streets, roads and highways, under the general supervision and direction of the board of transportation and the special legislative committee created by this act.

SECTION 2. There is hereby created a special legislative committee, to be known as the legislative interim highway roads and streets needs study committee, to be composed of the current joint house and senate transportation committees, which shall hold four (4) meetings during 1977 and 1978. The committee shall meet in Boise, when the Idaho board of transportation is in session, on call of the house and senate transportation committee chairmen, and at their first meeting select their own chairman and vice-chairman.

SECTION 3. The committee may meet with the highway planning and program section of the department of transportation. Progress reports on the study shall be submitted from time to time by the department to the interim committee and the Idaho transportation board meeting in joint session as the committee or the board determines advisable. The interim committee and the board shall jointly report find-
ings and recommendations to the second regular session of the forty-fourth Idaho legislature and the first regular session of the forty-fifth Idaho legislature.

SECTION 4. There is hereby appropriated out of the state highway account in the dedicated fund the sum of fourteen thousand dollars ($14,000), or so much thereof as may be necessary, for the purpose of the department of transportation to pay the allowance and expenses of the interim committee during the 1977-78 biennium as established by this act. The department of transportation is hereby authorized to pay, from funds appropriated herein, to individual members of the interim committee the cost of travel, food, lodging, and twenty-five dollars ($25.00) a day, incurred in the furtherance of interim business.

Approved March 17, 1977.
CHAPTER 93
(H.B. No. 3)

AN ACT
RELATING TO THE LICENSE TAX FOR THE PRIVILEGE OF MINING; AMENDING SECTION 47-1201, IDAHO CODE, TO INCLUDE THE MINING OF ADDITIONAL ORES IN THE DEFINITION OF MINING SUBJECT TO THE TAX, TO PROVIDE THAT THE TAX SHALL ACCRUE DURING THE TAXABLE YEAR, AND TO PROVIDE A DEFINITION OF TAXABLE YEAR; AMENDING SECTION 47-1202, IDAHO CODE, TO DEFINE VALUE OF ORE; AMENDING SECTION 47-1203, IDAHO CODE, TO PROVIDE FOR A TIME IN WHICH TO FILE RETURNS, AND TO PROVIDE FOR AN EXTENSION OF TIME TO FILE; AMENDING CHAPTER 12, TITLE 47, IDAHO CODE, BY THE ADDITION THERETO OF A NEW SECTION 47-1205, IDAHO CODE, TO PROVIDE A DEFINITION OF VALUABLE MINERAL; AMENDING SECTION 47-1206, IDAHO CODE, TO PROVIDE FOR PAYMENT OF THE TAX TO THE TAX COMMISSION; AMENDING SECTION 47-1208, IDAHO CODE, TO PROVIDE CODE CITATIONS; DECLARING AN EMERGENCY, PROVIDING FOR RETROACTIVE APPLICATION, AND PROVIDING A STATEMENT OF LEGISLATIVE INTENT FOR TRANSITION.

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

SECTION 1. That Section 47-1201, Idaho Code, be, and the same is hereby amended to read as follows:

47-1201. LICENSE TAX TO BE MEASURED BY TWO PER CENT OF THE NET VALUE OF ORES MINED — DEFINITION OF ROYALTY. (a) Tax on mining or on receiving royalties. For the privilege of mining in this state, both placer and rock in place, every person, copartnership, company, joint stock company, trust, corporation or association, however and for whatever purpose organized, engaged in mining, upon or receiving royalties from any quartz vein or lode, or placer or rock in place mining claim, in this state containing gold, silver, copper, lead, zinc, coal, phosphate, limestone, or other precious and valuable metals or minerals, or metal or mineral deposits, shall pay to the state of Idaho, in addition to all other taxes provided by law, a license tax equal in amount to two per cent (2%) of the net value of the royalties received or the ores mined or extracted as determined by this act under section 47-1202, Idaho Code, said tax to accrue during the calendar-year-that-money-received-from-the
mining--or--extracting--of--said-ores, taxable year that the product is sold or used and shall on December 31st--of--such calendar the last day of such taxable year become a lien on property in this state of such person, copartnership, company, joint stock company, trust, corporation, or association, said tax to be due and payable on or before the first day--of--June--of--each--succeeding fifteenth day of the fourth month following the close of the taxable year.

(b) Definition of royalties. For the purpose of paragraph (a) of this section and chapter, the word "royalties" shall be construed to mean the amount in money or value of property received based upon the quantity or value of minerals extracted by any person, copartnership, company, joint stock company, trust, corporation, or association, having any right, title or interest in or to any tract of land, or any economic interest in minerals as defined by section 613 of the Internal Revenue Code, in this state for which permission has been given to another to explore, mine, take out and remove ore therefrom.

(c) Definition of taxable year. The term "taxable year" with respect to any taxpayer means the taxable year elected for income tax purposes under the provisions of section 63-3010, Idaho Code.

SECTION 2. That Section 47-1202, Idaho Code, be, and the same is hereby amended to read as follows:

47-1202. NET VALUE OF ORE TO BE USED AS MEASURE OF TAX HOW DETERMINED. For the purpose of measuring and determining the amount of tax to be paid under the provisions of section 47-1201, Idaho Code, the royalties as defined in subsection (b) of section 47-1201, Idaho Code, or the net value of ore mined shall be the amount of money received from--the-mining-of--said-ores-from-said-mine-or-mining-claim, or royalties received from--the-mining-of--said-ores-from-said mine-or-mining-claim, after--the--deduction--of--expenses, losses and deductions other than the deduction for operating loss--carry-back--and--carry-forward--of--section-63-3022(d), Idaho Code, provided for by the Idaho Income Tax Act--which are--apportionable--applicable-or-allowable-to-the-business of-mining--extracting--processing--and--milling--of--said--ores from--said--mine-or-mining-claim-or-the-receipt-of-royalties therefrom, computed under one (1) of the following methods at the election of the taxpayer. Such election, once made, shall be binding for all succeeding years unless the taxpayer secures permission from the state tax commission to change to another method:
(a) Ores mined within the state shall be valued by deducting from the gross value of the ore, all costs of mining and processing such ore, using the formula prescribed in section 613 of the Internal Revenue Code and Treasury Regulation 1.613-5, for computation of the net income from mining for depletion purposes, less the deduction of depletion as computed under section 613 of the Internal Revenue Code and Treasury Regulation 1.613-5.; or

(b) Ores mined within the state shall be valued using the gross value determined by the U.S. Department of the Interior for computation of the value of minerals on public lands for federal royalty purposes, less the following deductions:

1. all costs of mining such ore to the point at which valued; these costs to include only those directly incurred in and attributable to the actual mining operation in the state of Idaho, and
2. the applicable portion of the federal deduction for depletion, allocated on the ratio of the gross value of the ore used for this computation, to the gross value of the ore used in the federal depletion computation.

SECTION 3. That Section 47-1203, Idaho Code, be, and the same is hereby amended to read as follows:

47-1203. STATEMENT OF NET PROCEEDS FROM MINING OR EXTRACTING ORES -- OR FROM ROYALTY. (a) Every person, copartnership, company, joint stock company, trust, corporation, or association mining or receiving royalties from any quartz vein or lode, or placer or rock in place mining claim, containing gold, silver, copper, lead, zinc, coal, phosphate, limestone, or otherwise precious or valuable minerals or metals, or mineral or metal deposits, must, between the first day of January and the first day of June in each on or before the fifteenth day of the fourth month following the close of the taxable year make a tax return to the state tax commission, stating specifically the items of income and the deductions allowed by this act. For the purpose of enforcing this act, the income tax returns filed in accordance with the provisions of the Idaho Income Tax Act shall be open to inspection by the officer designated to enforce this act.

(b) In the event an extension of time is granted to file the income tax return under section 63-30301, Idaho Code, an automatic extension is granted to file the return required under this act if a copy of the approved extension of time is attached to the return when filed.
SECTION 4. That Chapter 12, Title 47, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 47-1205, Idaho Code, and to read as follows:

47-1205. DEFINITION OF VALUABLE MINERAL. The term "valuable mineral" for purposes of this act, shall be deemed to include not only gold, silver, copper, lead, zinc, coal, phosphate and limestone, but also any other substance not gaseous or liquid in its natural state, which makes real property more valuable by reason of its presence thereon or thereunder and upon which depletion is allowable pursuant to section 613 of the Internal Revenue Code, provided, however, that sand and gravel are not included in this definition.

SECTION 5. That Section 47-1206, Idaho Code, be, and the same is hereby amended to read as follows:

47-1206. PAYMENT OF MINE LICENSE TAX. The license tax imposed herein shall be remitted with a sworn copy of the statement and paid on or before the first day of June of each year, to the tax commissioner of the state of Idaho, who paid to the state tax commission on or before the due date of the return and the commission shall receipt therefor and promptly turn same over to the state treasurer, as other receipts of his office, and the state treasurer shall place same to the credit of the general fund of the state.

SECTION 6. That Section 47-1208, Idaho Code, be, and the same is hereby amended to read as follows:

47-1208. TAX DEFICIENCY COLLECTION AND ENFORCEMENT PROCEDURES. The deficiency in tax and notice of deficiency as well as the collection and enforcement procedures provided by the Idaho income tax act, sections 63-3036, 63-3039, 63-3039A, 63-3040, 63-3042, 63-3043, 63-3044, 63-3045, 63-3046, 63-3047, 63-3049, 63-3050 through 63-3064, 63-3065A, and 63-3068, 63-3071, 63-3075 and 63-3078, Idaho Code, shall apply and be available to the state tax commission for enforcement of the provisions of this act and the assessment and collection of any amounts due. Said sections shall for this purpose be considered a part of this act and 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 a license tax for the privilege of mining lien or proceeding.
The state tax commission may be made a party defendant in an action at law or in equity by any person aggrieved by the unlawful seizure or sale of his property, or in any suit for refund or to recover an overpayment, but only the state of Idaho shall be responsible for any final judgment secured against the state tax commission, and said judgment shall be paid or satisfied out of the state refund fund created by section 63-3067, Idaho Code.

SECTION 7. (a) An emergency existing 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, 1977.

(b) If a taxpayer is filing a mine license tax return for a taxable year other than a taxpayer's income tax taxable year, a change to conform the mine license tax taxable year to the income tax taxable year shall be made as follows: A mine license tax return shall be filed for a twelve (12) month period ending on the last day of the income tax taxable year ending in 1977. From the mine license tax computed for such period, credit may be taken for the tax, prorated on a monthly basis, attributable to the period beginning with the first day of the income tax taxable year commencing in 1976 and ending on the last day of the mine license tax taxable year ending in 1976.

Example: The income tax taxable year is a fiscal year ending June 30. The mine license tax taxable period is a calendar year. The mine license tax for 1976 is six hundred dollars ($600). The mine license tax for the twelve (12) month period ending June 30, 1977, computed on the return filed to conform to the income tax taxable year, is four hundred dollars ($400). The tax liability for the taxable year ending June 30, 1977 is one hundred dollars ($100), computed as follows:

Tax computed for the twelve month period ending 6-30-77...............................$400
Less credit for 6/12 of $600................................. 300
Tax due for taxable year ending 6-30-77......................$100

(c) Nothing herein shall be interpreted as a change in legislative intent with regard to the taxation of royalties, determination of value, definition of mining, or the definition of valuable mineral, including the definition of valuable mineral as including phosphate and limestone, but instead these provisions herein relating to these matters shall be interpreted as a clarification of existing law as previously enacted.

Approved March 17, 1977.
CHAPTER 94
(H.B. No. 22)

AN ACT
RELATING TO THE REVISED UNIFORM RECIPROCAL ENFORCEMENT OF SUPPORT ACT; AMENDING SECTION 7-1049, IDAHO CODE, TO PROVIDE THAT DUTY OF SUPPORT DOES NOT INCLUDE PAYMENT OF ALIMONY, AND TO STRIKE CERTAIN DEFINITIONS; AMENDING SECTION 7-1057, IDAHO CODE, TO PROVIDE FOR JURISDICTION OF THE DISTRICT COURT; AMENDING SECTION 7-1059, IDAHO CODE, TO MAKE REPRESENTATION BY THE ATTORNEY GENERAL MANDATORY IN CERTAIN SITUATIONS; AMENDING SECTION 7-1065, IDAHO CODE, TO MAKE REPRESENTATION BY THE ATTORNEY GENERAL MANDATORY IN CERTAIN SITUATIONS; AMENDING SECTION 7-1066, IDAHO CODE, TO PROVIDE FOR A CHANGE OF VENUE UNDER SPECIFIED CONDITIONS; AMENDING SECTION 7-1070, IDAHO CODE, TO STRIKE REFERENCES TO ACTIONS BASED ON A SUPPORT ORDER ISSUED BY ANOTHER COURT; AMENDING SECTION 7-1071, IDAHO CODE, TO STRIKE REFERENCES TO ENFORCEMENT OF ORDERS IN A COUNTY OTHER THAN THE ONE IN WHICH THE ORDER WAS ISSUED; AMENDING SECTION 7-1080, IDAHO CODE, TO PROVIDE FOR APPLICATION OF THE ACT STATEWIDE; AMENDING SECTION 7-1081, IDAHO CODE, TO MAKE MANDATORY APPEALS BY THE ATTORNEY GENERAL IN CERTAIN SITUATIONS; AND REPEALING SECTIONS 7-1082, 7-1083, 7-1084, 7-1085, 7-1086, AND 7-1087, IDAHO CODE.

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

SECTION 1. That Section 7-1049, Idaho Code, be, and the same is hereby amended to read as follows:

7-1049. DEFINITIONS. (a) "Court" means the district courts of this state and when the context requires means the court of any other state as defined in a substantially similar reciprocal law.

(b) "Duty of support" means a duty of support whether imposed or imposable by law or by order, decree, or judgment of any court, whether interlocutory or final or whether incidental to an action for divorce, separation, separate maintenance, or otherwise and includes the duty to pay arrearages of support past due and unpaid but not including payment of alimony.

(c) "Governor" includes any person performing the functions of governor or the executive authority of any state covered by this act.
(d) "Initiating state" means a state in which a proceeding pursuant to this or a substantially similar reciprocal law is commenced. "Initiating court" means the court in which a proceeding is commenced.

(e) "Law" includes both common and statutory law.

(f) "Obligee" means a person, including a state or political subdivision, to whom a duty of support is owed for a minor person unless otherwise emancipated, including a state or political subdivision, that has commenced a proceeding for enforcement of an alleged duty of support or for registration of a support order. It is immaterial if the person to whom a duty of support is owed is a recipient of public assistance.

(g) "Obligor" means any person owing a duty of support or against whom a proceeding for the enforcement of a duty of support or registration of a support order is commenced.

(h) "Prosecuting attorney" means the public official in the appropriate place who has the duty to enforce criminal laws relating to the failure to provide for the support of any person.

(i) "Registering court" means a court in which a support order is registered.

(j) "Rendering state" means a state in which the court has granted registration of a support order registered in the court of another state.

(k) "Responding state" means a state in which any responsive proceeding pursuant to the proceeding in the initiating state is commenced. "Responding court" means the court in which the responsive proceeding is commenced.

(l) "State" includes a state, territory, or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any foreign jurisdiction in which this or a substantially similar reciprocal law is in effect.

(m) "Support order" means any judgment, decree, or order of support in favor of an obligee whether temporary or final, or subject to modification, revocation, or remission, regardless of the kind of action or proceeding in which it is entered.

SECTION 2. That Section 7-1057, Idaho Code, be, and the same is hereby amended to read as follows:
7-1057. JURISDICTION. Jurisdiction of any proceedings under this act is vested in the district courts in the county of residency of either the initiating obligee or the responding obligor.

SECTION 3. That Section 7-1059, Idaho Code, be, and the same is hereby amended to read as follows:

7-1059. OFFICIALS TO REPRESENT OBLIGEE. If this state is acting as an initiating state the prosecuting attorney upon the request of the court shall represent the obligee in any proceeding under this act. If the prosecuting attorney neglects or refuses to represent the obligee the attorney general may order him to comply with the request of the court or may will undertake the representation.

SECTION 4. That Section 7-1065, Idaho Code, be, and the same is hereby amended to read as follows:

7-1065. DUTY OF THE COURT AND OFFICIALS OF THIS STATE AS RESPONDING STATE. (a) After the responding court receives copies of the complaint certificate and act from the initiating court the clerk of the court shall docket the case and notify the prosecuting attorney of his action.

(b) The prosecuting attorney shall prosecute the case diligently. He shall take all action necessary in accordance with the laws of this state to enable the court to obtain jurisdiction over the obligor or his property and shall request the court to set a time and place for a hearing and give notice thereof to the obligor in accordance with the law.

(c) If the prosecuting attorney neglects or refuses to represent the obligee the attorney general may order him to comply with the request of the court or may will undertake the representation.

SECTION 5. That Section 7-1066, Idaho Code, be, and the same is hereby amended to read as follows:

7-1066. FURTHER DUTIES OF COURT AND OFFICIALS IN THE RESPONDING STATE. (a) The prosecuting attorney on his own initiative shall use all means at his disposal to locate the obligor or his property, and if because of inaccuracies in the complaint or otherwise the court cannot obtain jurisdiction the prosecuting attorney shall inform the court of what
he has done and request the court to continue the case pending receipt of more accurate information or an amended complaint from the initiating court.

(b) If the obligor or his property is not found in the county, and the prosecuting attorney discovers that the obligor or his property may be found in another county of this state or in another state he shall inform the court for a change of venue. Thereupon the clerk of the court shall forward the documents received from the court in the initiating state to a court in the other county or to a court in the other state or to the information agency or other proper official of the other state with a request that the documents be forwarded to the proper court. All powers and duties provided by this act apply to the recipient of the documents so forwarded. If the clerk of a court of this state forwards documents to another court he shall forthwith notify the initiating court.

(c) If the prosecuting attorney has no information as to the location of the obligor or his property he shall so inform the initiating court.

SECTION 6. That Section 7-1070, Idaho Code, be, and the same is hereby amended to read as follows:

7-1070. RULES OF EVIDENCE APPLICABLE -- DEFENSES. In any hearing for the civil enforcement of this act the court is governed by the rules of evidence applicable in a civil court action in the district court. If-the-action-is-based on-a-support-order-issued-by-another-court, a certified copy of the order shall be received as evidence of the duty of support, subject only to any defenses available to an obligor with respect to any proceeding to enforce a foreign money judgment: The determination or enforcement of a duty of support owed to one obligee is unaffected by any interference by another obligee with rights of custody or visitation granted by a court.

SECTION 7. That Section 7-1071, Idaho Code, be, and the same is hereby amended to read as follows:

7-1071. ORDER OF SUPPORT. If the responding court finds a duty of support it may order the obligor to furnish support or reimbursement therefor and subject the property of the obligor to the order. Support orders made pursuant to
this act shall require that payments be made to the clerk of
the court of the responding state. The prosecuting attorney--of--any--county-in-which-the-obligor-is-present-or
has-property-have-the-same-powers-and-duties-to-enforce--the
order--as--have--those--of--the-county-in-which-it-was-first
issued--if-enforcement-is-impossible-or-cannot-be--completed
in-the-county-in-which-the-order-was-issued;--the-prosecuting
attorney--shall--send--a--certified-copy-of-the-order-to-the
prosecuting-attorney-of-any-county-in-which-it-appears--that
proceedings--to-enforce--the--order-would-be-effective;--The
prosecuting-attorney-to-whom-the-certified-copy-of-the-order
is-forwarded-shall-proceed-with-enforcement-and--report--the
results--of--the--proceedings-to-the-court-first-issuing-the
order.

SECTION 8. That Section 7-1080, Idaho Code, be, and the
same is hereby amended to read as follows:

7-1080. INTRA OR INTER-COUNTY APPLICATION. This act
applies if both the obligee and the obligor are in this
state but-in-different-counties. If the court of the county
in which the complaint is filed finds that the complaint
sets forth facts from which it may be determined that the
obligor owes a duty of support and finds that a court of
another county in this state may obtain jurisdiction over
the obligor or his property, the clerk of the court shall
send the complaint and a certification of the findings to
the court of the county in which the obligor or his property
is found. The clerk of the court of the county receiving
these documents shall notify the prosecuting attorney of
their receipt. The prosecuting attorney and the court in the
county to which the copies are forwarded then shall have
duties corresponding to those imposed upon them when acting
for this state as a responding state and said duties shall
also apply if both obligee and obligor reside in the same
county in this state.

SECTION 9. That Section 7-1081, Idaho Code, be, and the
same is hereby amended to read as follows:

7-1081. APPEAL BY ATTORNEY GENERAL. If the attorney
general is of the opinion that a support order is erroneous
and presents a question of law warranting an appeal in the
public interest, he may will:

(1) perfect an appeal to the proper appellate court if
the support order was issued by a court of this state, or;
(2) if the support order was issued in another state, cause the appeal to be taken in the other state. In either case expenses of appeal may be paid on his order from funds appropriated for his office.

SECTION 10. That Sections 7-1082, 7-1083, 7-1084, 7-1085, 7-1086 and 7-1087, Idaho Code, be, and the same are hereby repealed.

This bill became law without the signature of the Governor.
CHAPTER 95
(H.B. No. 64)

AN ACT
RELATING TO EMPLOYMENT OF FIREFIGHTERS; AMENDING SECTION 44-1804, IDAHO CODE, TO STRIKE REFERENCES TO A TIME LIMIT FOR THE DURATION OF EMPLOYMENT CONTRACTS WITH FIREFIGHTERS; AND AMENDING SECTION 44-1807, IDAHO CODE, TO STRIKE REFERENCES TO A TIME LIMIT FOR THE DURATION OF EMPLOYMENT CONTRACTS WITH FIREFIGHTERS.

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

SECTION 1. That Section 44-1804, Idaho Code, be, and the same is hereby amended to read as follows:

44-1804. OBLIGATION OF CORPORATE AUTHORITIES TO BARGAIN IN GOOD FAITH -- ENTERING INTO WRITTEN CONTRACT. It shall be the obligation of the city, county, fire district or other political subdivision through its proper corporate authorities, to meet and confer in good faith with the representative or representatives of the bargaining agent within ten (10) days after receipt of written notice from said bargaining agent of the request by the firefighters for a meeting for collective bargaining purposes. This obligation shall include the duty to cause any agreement resulting from negotiations between the bargaining agent and the proper corporate authorities to be reduced to a written contract, provided that no such contract shall exceed the term of one (1) year.

SECTION 2. That Section 44-1807, Idaho Code, be, and the same is hereby amended to read as follows:

44-1807. NEGOTIATED AGREEMENTS CONSTITUTE CONTRACT = TERM LIMIT. Any agreements actually negotiated between the bargaining agent and the corporate authorities either before or within thirty (30) days after the fact finding commission's recommendation shall constitute the collective bargaining contract governing the firefighters and said city, county, fire district, or political subdivision for the period stated therein, provided that term of such contract shall not exceed one (1) year.

Approved March 17, 1977.
CHAPTER 96
(H.B. No. 66)

AN ACT
RELATING TO PAYMENTS TO THE FIREMEN'S RETIREMENT FUND;
AMENDING SECTION 72-1412, IDAHO CODE, TO STRIKE REFERENCES TO A SPECIAL LEVY FOR INCREASED CONTRIBUTION COSTS TO THE FIREMEN'S RETIREMENT FUND.

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

SECTION 1. 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, eight per cent (8%) during the year 1975, nine per cent (9%) during the year 1976; 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; when 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.

Approved March 17, 1977.
AN ACT
RELATING TO REQUIREMENTS FOR PAID FIREFIEMEN; AMENDING SECTION 72-1428, IDAHO CODE, TO ELIMINATE HEIGHT AND WEIGHT STANDARDS FOR EMPLOYMENT, SUBSTITUTING PHYSICAL PERFORMANCE STANDARDS THEREFOR, AND TO PROVIDE ALTERNATIVE METHODS FOR RETIREMENT CONTRIBUTIONS BY AN EMPLOYER FOR CERTAIN EMPLOYEES; AND DECLARING AN EMERGENCY.

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 FIREFIEMEN. (1) The term "minimum medical and health standards" 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 minimum 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 appointment; and
(d) has met prescribed height--and--weight physical performance standards as promulgated by the director of the state insurance fund.

(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 request to the director of the state insurance fund.

(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.

(8) Subject to the provisions of subsections (6) and (7) of this section, when an individual who has attained or exceeded the age of thirty-four (34) years at the time of employment is employed as a paid fire chief, the employing fire department shall be required to either:

(a) in addition to any other contributions required by this act, make contributions to the firemen's retirement fund in an amount equal to the sum of the amounts that
would have been contributed by the fire chief in accordance with section 72-1411, Idaho Code, and by the employing fire department in accordance with section 72-1412, Idaho Code, for each year of the fire chief's age at the time of employment beyond thirty-three (33) years of age; or 

(b) enroll the fire chief in the public employees retirement system under the conditions of chapter 13, title 59, Idaho Code, and the rules and regulations established thereunder by the retirement board of such system.

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

Approved March 17, 1977.
CHAPTER 98
(H.B. No. 165)

AN ACT
RELATING TO EMPLOYMENT OF FIREFIGHTERS; AMENDING SECTION 44-1801, IDAHO CODE, TO EXEMPT SUPERVISORS FROM THE DEFINITION OF FIREFIGHTERS, AND DEFINING SUPERVISORS; AND AMENDING SECTION 44-1803, IDAHO CODE, TO PROVIDE THAT AN EXCLUSIVE BARGAINING AGENT MAY BE RECOGNIZED ONLY FOR FIREFIGHTERS.

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

SECTION 1. That Section 44-1801, Idaho Code, be, and the same is hereby amended to read as follows:

44-1801. DEFINITIONS. As used in this act the following terms shall have the following meanings:

(a) "firefighter" shall mean the paid members, except supervisors, of any regularly constituted fire department in any city, county, fire district or political subdivision within the state. The term "supervisor" means any individual having authority in the interest of an employer to hire, direct, assign, promote, reward, transfer, lay off, recall, suspend, discipline, or discharge other employees, or to adjust their grievances, or to effectively recommend such action if in connection with the foregoing the exercise of such authority is not merely routine or clerical in nature but calls for the consistent exercise of independent judgment; provided, the term "supervisor" shall include only those individuals who perform a preponderance of the above specified acts of authority on a day-to-day basis; and provided further, a supervisor's administrative responsibilities must include demonstrated involvement in policy and budget formulation for the department. Nothing herein shall prohibit any individual employed as a supervisor from becoming or remaining a member of a labor organization, but no employer subject to this act shall be compelled to deem individuals defined herein as supervisors as employees for the purpose of any law, either state or local, related to collective bargaining.

(b) "corporation authorities" shall mean the council, commission, trustees, or any other governing body of any city, county, fire district or political subdivision whose
duty or duties it is to establish wages, salaries, rates of pay, working conditions, and other conditions of employment of firefighters.

SECTION 2. That Section 44-1803, Idaho Code, be, and the same is hereby amended to read as follows:

44-1803. RECOGNITION OF EXCLUSIVE BARGAINING AGENT. The organization selected by the majority of the firefighters in any city, county, fire district or political subdivision shall be recognized as the sole and exclusive bargaining agent for all of the members-of firefighters in the fire department, unless and until recognition of such bargaining agent is withdrawn by vote of the majority of the firefighters of such department.

Approved March 17, 1977.
CHAPTER 99
(H.B. No. 135, As Amended)

AN ACT
RELATING TO OPERATIONS WITHIN THE STATE'S ACCOUNTING SYSTEM; AMENDING SECTION 67-3516, IDAHO CODE, TO PROVIDE REQUIREMENTS FOR INTERAGENCY BILLING; AMENDING SECTION 57-804, IDAHO CODE, TO STRIKE REFERENCES TO THE INTERACCOUNT FUND AND THE MISCELLANEOUS RECEIPTS FUND, AND TO STRIKE REFERENCES TO BALANCES REVERTING TO ACCOUNTS FROM WHICH APPROPRIATED; AND AMENDING SECTION 67-3604, IDAHO CODE, TO PROVIDE FOR TRANSFER OF UNENCUMBERED BALANCES TO THE ACCOUNT FROM WHICH APPROPRIATED AT THE CLOSE OF THE FISCAL YEAR.

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

SECTION 1. That Section 67-3516, Idaho Code, be, and the same is hereby amended to read as follows:

67-3516. APPROPRIATION ACTS DEEMED FIXED BUDGETS -- RATE OF EXPENDITURE. (1) Appropriation acts when passed by the legislature of the state of Idaho, and allotments made thereunder, whether the appropriation is fixed or continuing, are fixed budgets beyond which state officers, departments, bureaus and institutions may not expend. It is assumed that the rate of expenditure from said appropriations, as a general rule, should not exceed approximately fifty per cent (50%) of such appropriations each six (6) months of the fiscal year.

(2) Funds available to any agency from sources other than state funds, if not cognizable at the time when appropriations were made whether state fiscal liability is increased or not, must have prior approval of the administrator of the division of budget, policy planning and coordination and the board of examiners in order that funds may be expended, except those funds received under such conditions that preclude approval by the administrator of the division and or the board of examiners.

(3) One state agency may bill another state agency for goods and services, provided providing the billing agency receives prior approval in writing from the billed agency or such billing is provided for by law. This process will be known as interaccount interagency billing to which the following rules will apply:

(a) Interaccount--receipts Interagency billing credits
shall be clearly identified to distinguish between these **receipts** and general revenues or receipts to appropriation.

(b) The state auditor will **classify-interaccount** treat interagency billing credits as receipts and **specifically shall** not classify such credits as a reduction of the expenditures of the receiving agency. Interagency billing credits shall be maintained as an **internal agency subaccount.**

(c) **interaccount-receipts**. Interagency billing credits may be expended by the collecting agency in the fiscal year collected only to the extent that authority to do so has been requested and approved by the legislature through an appropriation.

(d) The **collecting** agency **will** **deposit-interaccount** billing-receipts in the "general-interaccount-fund," which is hereby created in the office of the state treasurer, to be expended upon request by the agency and approved by legislative appropriation. The **receipts** shall **not** be commingled with the general-fund. The agency which is billed for the goods and services shall classify, treat and account for such expenses in the same manner as if such expenses had been paid by warrant, and may encumber unexpended balances to liquidate known or anticipated interagency billing expenses at the end of a fiscal year. The state auditor shall provide for the method of liquidation of these encumbrances.

(4) State agencies selling goods, products, and services to another state agency must use the interagency process detailed by subsection (3) above. State agencies, departments and institutions may sell goods, products, and services to the public and/or other political entities and **may** **expend** such. These cash receipts may be expended according to the following rules:

(a) The state auditor will classify these moneys as receipts. **The receipts shall not be commingled with the general-fund.**

(b) Such receipts will be clearly identified to distinguish between these receipts and general revenue receipts or **receipts from interaccount billings** interagency billing credits.

(c) The collecting agency may expend all such receipts in the fiscal year of collection only to the extent that authority to do so has been requested and approved by the legislature through an appropriation. All receipts shall be deposited in and appropriated from the "miscellaneous
receipts-fund which is hereby created in the office of the state-treasurer maintained on the subaccount level.

SECTION 2. That Section 57-804, Idaho Code, be, and the same is hereby amended to read as follows:

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>Fund Number</th>
<th>Name of Fund</th>
<th>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>
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<td>013</td>
<td>Election campaign fund</td>
<td>34-2502</td>
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<td>016</td>
<td>Idaho development &amp; publicity fund</td>
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<td>021</td>
<td>Agriculture department inspection fund</td>
<td>22-104</td>
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<td>022</td>
<td>Bee inspection special fund</td>
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<td></td>
<td></td>
<td>and 22-2537</td>
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<tr>
<td>027</td>
<td>Public livestock market fund</td>
<td>25-1728</td>
</tr>
<tr>
<td>028</td>
<td>Sheep commission fund</td>
<td>25-131</td>
</tr>
<tr>
<td>029</td>
<td>Commercial feed and fertilizer fund</td>
<td>22-619</td>
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<td></td>
<td></td>
<td>and 25-2720</td>
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<tr>
<td>032</td>
<td>Pesticide fund</td>
<td>22-3404</td>
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<td>033</td>
<td>Livestock disease control and T.B. indemnity fund</td>
<td>25-233</td>
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<td>034</td>
<td>Dairy industry and inspection fund</td>
<td>37-407</td>
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<td>035</td>
<td>Idaho honey advertising fund</td>
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<td>037</td>
<td>Meat inspection special fund</td>
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<td>038</td>
<td>Egg inspection fund</td>
<td>37-1523</td>
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<td>049</td>
<td>Pharmacy fund</td>
<td>54-1710</td>
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<td></td>
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<td>and 37-2213</td>
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<tr>
<td>054</td>
<td>Electrical board account in the general fund</td>
<td>54-1015</td>
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<tr>
<td>055</td>
<td>Public utilities commission fund</td>
<td>61-1008</td>
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<td>056</td>
<td>Plumbing board fund</td>
<td>39-2735</td>
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<td>067</td>
<td>Water administration fund</td>
<td>42-238a</td>
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<tr>
<td>073</td>
<td>Professional standards</td>
<td></td>
</tr>
</tbody>
</table>
commission fund

Title insurance fund

Governor's emergency fund

State junior college fund

Park and recreation capital improvement fund

State scaling fund

Idaho national guard educational encouragement fund

Park and recreation fund

State refund fund

Waterways improvement fund

Driver training fund

Liquor law enforcement fund

Sales tax fund

Lava Hot Springs foundation fund

Capitol mall management fund

Personnel commission fund

Motorbike recreation fund

Land commissioner's scaling trust account

Forest management fund

Ten per cent timber and grazing land lease fund

Land commission revolving fund

Idaho building code fund

Vocational rehabilitation fund

Idaho commission for the blind fund

Idaho commission on arts and humanities fund

Inter-account fund

Miscellaneous-receipts fund

(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 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 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 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 district contributions fund</td>
</tr>
<tr>
<td>300</td>
<td>Airport system planning fund</td>
</tr>
<tr>
<td>301</td>
<td>Urban planning project fund</td>
</tr>
<tr>
<td>302</td>
<td>State planning fund</td>
</tr>
<tr>
<td>304</td>
<td>Human resources development council fund</td>
</tr>
<tr>
<td>305</td>
<td>Meat inspection fund</td>
</tr>
<tr>
<td>307</td>
<td>Potato statistics fund</td>
</tr>
<tr>
<td>308</td>
<td>Wheat statistics fund</td>
</tr>
<tr>
<td>309</td>
<td>Egg and poultry inspection fund</td>
</tr>
<tr>
<td>310</td>
<td>Water resource planning fund</td>
</tr>
<tr>
<td>312</td>
<td>Liquor law enforcement and criminal investigation division fund</td>
</tr>
<tr>
<td>313</td>
<td>Transportation study of 1974 fund</td>
</tr>
<tr>
<td>314</td>
<td>Office of child development fund</td>
</tr>
<tr>
<td>315</td>
<td>PUC federal fund</td>
</tr>
<tr>
<td>316</td>
<td>School lunch fund</td>
</tr>
<tr>
<td>317</td>
<td>Indian education fund</td>
</tr>
<tr>
<td>318</td>
<td>Elementary-Secondary Education Act fund</td>
</tr>
<tr>
<td>320</td>
<td>Civil defense -- adult education fund</td>
</tr>
<tr>
<td>321</td>
<td>Veterans approval fund</td>
</tr>
</tbody>
</table>
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
Occupational safety and health Act fund
Assessor's development training program fund
Bicentennial commission -- federal fund
National science foundation fund
Pacific Northwest regional commission fund
Lava Hot Springs bureau of outdoor recreation fund
Executive reorganization fund
Federal bureau of outdoor recreation fund
WIN on-the-job training fund
PEP joint operations fund
Anti-shoplifting fund
Idaho traffic commission fund
Law enforcement -- crime control fund
Radiological instrument repair fund
Human rights -- federal fund
C. 99 '77

374  NYC -- model cities fund
375  Attorney general -- law enforcement planning fund
376  Penitentiary -- law enforcement planning fund
377  Drug control -- law enforcement planning fund
378  Court reform -- law enforcement planning fund
381  Coast Guard boating safety fund
386  Idaho criminal justice information fund
388  Alternative energy state building fund
391  Economic opportunity fund
392  Office on aging fund
398  Historical preservation fund
400  State and local fiscal assistance act 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.

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

SECTION 3. That Section 67-3604, Idaho Code, be, and the same is hereby amended to read as follows:

67-3604. CLOSING ACCOUNTS BY STATE AUDITOR. The state auditor shall close his accounts as to all appropriations on the day following the close of each fiscal year, and transfer all balances unencumbered at the close of business on the preceding day to the funds accounts from which such appropriations are severally made.

Approved March 17, 1977.
AN ACT
AMENDING SECTION 1, CHAPTER 334, LAWS OF 1973, TO PROVIDE FOR ADDITIONAL FUNDS FOR A CHILD DEVELOPMENT CENTER AT RUPERT; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 1, Chapter 334, Laws of 1973, be, and the same is hereby amended to read as follows:

SECTION 1. There is hereby appropriated from the Permanent Building Fund to the Permanent Building Fund Advisory Council and the Department of Public Works the sum of $150,000, or so much thereof as may be necessary, for the construction of six child development and mental retardation satellite centers at Council, Emmett, Sandpoint, Nampa, Caldwell, Rupert, Mountain Home and Soda Springs, Idaho. The sum of $25,000 of the $150,000 appropriated by this act is hereby authorized for Rupert in addition to the sum of $20,000 previously authorized by Chapter 290, Laws of 1974 for the Rupert Child Development Center, the requirement for local contribution of $10,000 together with the land necessary having already been met. 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 such construction.

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

Approved March 17, 1977.
CHAPTER 101

(H.B. No. 47)

AN ACT

RELATING TO THE FISCAL YEAR OF A HOSPITAL DISTRICT; AMENDING SECTION 39-1328, IDAHO CODE, TO PROVIDE THAT AN AUDIT BE MADE OF ALL FINANCIAL AFFAIRS OF A HOSPITAL DISTRICT WITHIN 120 DAYS FOLLOWING THE END OF THE FISCAL YEAR, AND THAT THE AUDIT BE PUBLISHED NOT MORE THAN 30 DAYS FOLLOWING THE AUDIT.

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

SECTION 1. That Section 39-1328, Idaho Code, be, and the same is hereby amended to read as follows:

39-1328. ORGANIZATION OF BOARD -- SEAL -- DUTIES OF TREASURER -- COMPENSATION OF MEMBERS -- FINANCIAL STATEMENT. After taking oath and filing bonds, the board shall choose one (1) of its members as chairman of the board and president of the district, and shall elect a secretary and treasurer of the board and of the district who may or may not be members of the board. The secretary and treasurer may be one (1) person. Such board shall adopt a seal and the secretary shall keep in a well bound book a record of all its proceedings, minutes of all meetings, certificates, contracts, bonds given by employees and all corporate acts which shall be open to inspection by all owners of real property in the district as well as to all other interested parties.

The treasurer shall keep strict and accurate accounts of all moneys received by and disbursed for and on behalf of the district in permanent records. He shall file with the board of trustees of the district, at the expense of the district, a corporate fidelity bond in an amount to be fixed by the board of trustees, in any case not less than ten thousand dollars ($10,000), conditioned on the faithful performance of the duties of his office.

Each member of the board shall receive as compensation for his services, a sum not in excess of sixty dollars ($60.00) per annum, payable monthly, and in addition, shall receive the amount of his actual and necessary expenses incurred in the performance of his official duties as authorized by the board of trustees. No member of the board shall receive any compensation as an employee of the district or otherwise, other than that herein provided, and no member of the board shall be interested in any contract or
transaction with the district except in his official representative capacity.

It shall be the duty of the board of trustees to cause an audit to be made of all financial affairs of the district during each fiscal year ending November 30, which audit shall be made during the last month of each calendar within one hundred twenty (120) days following the end of the fiscal year. A financial statement shall be certified by the person making such audit, which shall be published in the newspaper of general circulation in the district in one (1) issue during the first week of January not more than thirty (30) days following the audit; such audit shall be made by registered accountant or certified public accountant, who is not otherwise employed by the district.

The court having jurisdiction of the district shall have the power to remove directors for cause shown on petition, notice and hearing.

Approved March 17, 1977.
CHAPTER 102
(H.B. No. 102)

AN ACT
RELATING TO RETENTION OF HOSPITAL RECORDS; ADDING A NEW
SECTION 39-1394, IDAHO CODE, TO PROVIDE THAT PATIENT
CARE RECORDS MAY BE RETAINED IN MICROFILM OR PHOTOGRAPHICALLY REPRODUCED FORM, TO CONSTITUTE SUCH COPIES AS ORIGINALS UNDER SECTION 9-420, IDAHO CODE, TO PROVIDE SPECIFIC PERIODS OF RETENTION FOR LABORATORY RECORDS AND X-RAY FILM, TO PERMIT DESTRUCTION OF SUCH RECORDS AFTER THE REQUIRED RETENTION PERIOD, AND TO DEFINE "HOSPITAL."

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 39-1394, Idaho Code, and to read as follows:

39-1394. PATIENT CARE RECORDS -- RETENTION.
(a) Hospital records relating to the care and treatment of a patient may be preserved in microfilm or other photographically reproduced form. Such reproduced and preserved copies shall be deemed originals for purposes of section 9-420, Idaho Code.

(b) Clinical laboratory test records and reports may be destroyed three (3) years after the date of the test recorded or reported therein, pursuant to subsection (d) hereof.

(c) X-ray films may be destroyed five (5) years after the date of exposure, or five (5) years after the patient reaches the age of majority, whichever is later, pursuant to subsection (d) hereof, if there are in the hospital record written findings of a physician who has read such x-ray films.

(d) At any time after the retention periods specified in subparagraphs (b) and (c) hereof, the hospital may, without thereby incurring liability, destroy such records, by burning, shredding or other effective method in keeping with the confidential nature of their contents, provided, however, that destruction of such records must be in the ordi-
nary course of business and no record shall be destroyed on an individual basis.

(e) For purposes of this section, the term "hospital" shall include all facilities defined as hospitals in chapter 13, title 39, Idaho Code.

Approved March 17, 1977.
CHAPTER 103
(H.B. No. 253)

AN ACT
EXPRESSING LEGISLATIVE INTENT WITH RESPECT TO EXPENDITURES FOR THE DEPARTMENT OF LAW ENFORCEMENT; AND APPROPRIATING MONEYS FROM THE ACCOUNTS ENUMERATED TO THE DEPARTMENT OF LAW ENFORCEMENT TO BE EXPENDED FOR DESIGNATED PROGRAMS, ACCORDING TO DESIGNATED EXPENSE CLASSES FROM THE LISTED ACCOUNTS FOR THE PERIOD JULY 1, 1977, THROUGH JUNE 30, 1978.

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

SECTION 1. It is legislative intent that the expenditures for the Department of Law Enforcement not exceed the following amounts for the period July 1, 1977 through June 30, 1978:

<table>
<thead>
<tr>
<th>FOR:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel Costs</td>
<td>$2,588,300</td>
</tr>
<tr>
<td>Operating Expenditures</td>
<td>1,415,400</td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>67,100</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$4,070,800</strong></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
</tr>
<tr>
<td>General Account</td>
<td>$1,879,700</td>
</tr>
<tr>
<td>Motor Vehicle Account</td>
<td>862,600</td>
</tr>
<tr>
<td>Liquor Law Enforcement Account</td>
<td>296,400</td>
</tr>
<tr>
<td>Narcotics Forfeiture Account</td>
<td>8,000</td>
</tr>
<tr>
<td>Idaho State Horse Racing Commission Account</td>
<td>163,900</td>
</tr>
<tr>
<td>State Brand Board Account</td>
<td>860,200</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$4,070,800</strong></td>
</tr>
</tbody>
</table>

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 accounts for the period July 1, 1977, through June 30, 1978:

<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. GENERAL ADMINISTRATION:</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>Motor Vehicle Account</td>
<td>$343,100</td>
<td>$125,900</td>
<td></td>
<td>$469,000</td>
</tr>
<tr>
<td>B. DATA PROCESSING:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Motor Vehicle
Account $ 171,000 $ 222,600 $ 393,600

C. CRIMINAL IDENTIFICATION BUREAU:
FROM:
General
Account $ 297,000 $ 509,500 $ 1,200 $ 807,700

D. NARCOTICS AND DANGEROUS DRUGS:
FROM:
General
Account $ 465,100 $ 226,200 $ 39,900 $ 731,200
Narcotics Forfeiture
Account $ 8,000 $ 8,000
TOTAL $ 465,100 $ 234,200 $ 39,900 $ 739,200

E. LIQUOR LAW AND CRIMINAL INVESTIGATION:
FROM:
General
Account $ 303,500 $ 37,300 $ 340,800
Liquor Law Enforcement
Account $ 191,900 $ 104,500 $ 296,400
TOTAL $ 495,400 $ 141,800 $ 637,200

F. BRAND INSPECTION:
FROM:
State Brand Board
Account $ 704,400 $ 129,800 $ 26,000 $ 860,200

G. HORSE RACING COMMISSION:
FROM:
Idaho State Horse Racing Commission
Account $ 112,300 $ 51,600 $ 163,900

GRAND TOTAL $2,588,300 $1,415,400 $ 67,100 $4,070,800

Approved March 17, 1977.
AN ACT
RELATING TO THE INCOME TAX FILING TAX; PROVIDING THAT THE
PROVISIONS OF SECTIONS 63-3082 THROUGH 63-3087, IDAHO
CODE, SHALL NOT BE ENFORCED DURING TAX YEAR 1977;
DECLARING AN EMERGENCY AND PROVIDING FOR RETROACTIVE
APPLICATION.

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

SECTION 1. The provisions of sections 63-3082 through
63-3087, Idaho Code, relating to the imposition and collec-
tion of an excise tax in the amount of ten dollars ($10.00)
upon every person required to file an Idaho income tax
return, shall be held in abeyance and inoperable for any
taxable year commencing on or after January 1, 1977 only,
but shall be fully implemented and operable again for any
taxable year commencing on and after January 1, 1978.

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 and
retroactively to January 1, 1977.

Approved March 17, 1977.
CHAPTER 105
(S.B. No. 1099)

AN ACT
RELATING TO VACANCIES IN OFFICE AND SUCCESSION TO OFFICE;
AMENDING SECTION 59-902, IDAHO CODE, TO PROVIDE THAT THE
RESIGNATION OF A LIEUTENANT GOVERNOR SHALL BE MADE TO
THE LEGISLATURE, IF IN SESSION, OR TO THE SECRETARY OF
STATE WHEN THE LEGISLATURE IS NOT IN SESSION; AMENDING
SECTION 59-904, IDAHO CODE, TO PROVIDE FOR THE NOMINA-
TION AND APPOINTMENT OF A LIEUTENANT GOVERNOR; REPEALING
SECTION 59-909, IDAHO CODE, RELATING TO VACANCIES IN
OFFICE OCCURRING IMMEDIATELY BEFORE A GENERAL ELECTION;
AMENDING SECTION 59-912, IDAHO CODE, TO PROVIDE THAT
VACANCIES IN OFFICE NOT OTHERWISE PROVIDED FOR SHALL BE
FILLED BY APPOINTMENT OF THE GOVERNOR; AMENDING SECTION
59-913, IDAHO CODE, TO PROVIDE THAT APPOINTMENTS MADE
UNDER THE PROVISIONS OF CHAPTER 9, TITLE 59, IDAHO CODE,
SHALL CONTINUE UNTIL A SUCCESSOR IS SELECTED AND QUALI-
FIED; AMENDING SECTION 59-914, IDAHO CODE, TO PROVIDE
FOR ASSUMPTION OF OFFICE AND TENURE IN OFFICE OF OFFI-
CERS FILLING VACANCIES BY ELECTION OR APPOINTMENT;
AMENDING SECTION 67-805, IDAHO CODE, TO PROVIDE THAT
ALL THE POWERS AND DUTIES OF THE OFFICE OF GOVERNOR
EXTEND TO THE PERSON PERFORMING THE DUTIES OF ACTING
GOVERNOR; AMENDING CHAPTER 8, TITLE 67, IDAHO CODE, BY
THE ADDITION OF A NEW SECTION 67-805A, IDAHO CODE, TO
PROVIDE FOR SUCCESSION TO THE OFFICE OF GOVERNOR, TO
PROVIDE FOR THE LIEUTENANT GOVERNOR TO PERFORM THE
DUTIES OF GOVERNOR AS ACTING GOVERNOR, AND TO PROVIDE
FOR THE PRESIDENT PRO TEMPORE OF THE SENATE TO SERVE AS
ACTING LIEUTENANT GOVERNOR; AND AMENDING SECTION 67-806,
IDAHO CODE, TO PROVIDE THE COMPENSATION OF THE LIEU-
TENANT GOVERNOR WHILE SERVING AS ACTING GOVERNOR.

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

SECTION 1. That Section 59-902, Idaho Code, be, and the
same is hereby amended to read as follows:

59-902. RESIGNATIONS. Resignations of civil offices
must be in writing, and may be made as follows:

1. By the governor, or the lieutenant governor, to the
legislature, if in session; if not, to the secretary of
state.

2. By senators and representatives in congress, and by
all other state officers elected statewide by the qualified voters of the state, and by judges of the supreme court and district courts, and regents of the university, to the governor.

3. By members of the senate and house of representa­tives, to the presiding officers of their respective bodies, in session, who shall immediately transmit information of the same to the governor. If such bodies are not in session, to the governor.

4. By all county officers, to the county board, and by members of the county board, to the county auditor.

5. By all officers holding appointment, to the officer or body by whom they were appointed.

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

SECTION 2. That Section 59-904, Idaho Code, be, and the same is hereby amended to read as follows:

59-904. STATE OFFICES -- VACANCIES, HOW FILLED AND CONFIRMED. (a) All vacancies in any state office, and in the supreme and district courts, unless otherwise provided for by law, shall be filled by appointment by the governor. Appointments to fill vacancies pursuant to this section shall be made as provided in subsections (b), (c), (d), (e), and (f) of this section, subject to the limitations prescribed in those subsections.

(b) Nominations and appointments to fill vacancies occurring in the office of lieutenant governor, state auditor, state treasurer, superintendent of public instruction, attorney general and secretary of state shall be made by the governor, subject to the advice and consent of the senate, for the balance of the term of office to which the predecessor of the person appointed was elected.

(c) Nominations and appointments to and vacancies in the following listed offices shall be made or filled by the governor subject to the advice and consent of the senate for the terms prescribed by law, or in case such terms are not prescribed by law, then to serve at the pleasure of the governor:

Director of the department of administration,
Director of the department of finance,
Director of the department of insurance,
Director, department of agriculture,
Director of the department of employment,
Director of the department of water resources,
Director of the department of law enforcement,
Director, department of labor and industrial services,
Manager of the state insurance fund,
Member of the state tax commission,
Members of the board of regents of the university of
Idaho and the state board of education,
Members of the Idaho water resources board,
Members of the state fish and game commission,
Members of the Idaho transportation board,
Members of the state board of health and welfare,
Members of the board of directors of state parks and
recreation,
Members of the board of correction,
Members of the industrial commission,
Members of the Idaho public utilities commission,
Members of the Idaho personnel commission,
Members of the board of directors of the Idaho state
retirement system.

(d) Appointments made by the state board of land com-
missioners to the office of director, department of lands,
and appointments to fill vacancies occurring in those offi-
ces shall be submitted by the president of the state board
of land commissioners to the senate for the advice and con-
sent of the senate in accordance with the procedure pre-
scribed in this section.

(e) Appointments made pursuant to this section while
the senate is in session shall be submitted to the senate
forthwith for the advice and consent of that body. The
appointment so made and submitted shall not be effective
until the approval of the senate has been recorded in the
journal of the senate. Appointments made pursuant to this
section while the senate is not in session shall be effec-
tive until the appointment has been submitted to the senate
for the advice and consent of the senate. Should the senate
adjourn without granting its consent to such an interim
appointment the appointment shall thereupon become void and
a vacancy in the office to which the appointment was made
shall exist.

All appointments made pursuant to subsection (c) of this
section, except those appointments for which a term of
office is fixed by law, shall terminate at the expiration of
any gubernatorial term. Appointments to fill the vacancies
thus created by the expiration of the term of office of the
governor shall be forthwith submitted to the senate for the
advice and consent of that body, and when so submitted shall be as expeditiously considered as possible.

Upon receipt of an appointment in the senate for the purpose of securing the advice and consent of the senate, the appointment shall be referred by the presiding officer to the appropriate committee of the senate for consideration and report prior to action thereon by the full senate.

(f) It is the intent of the legislature that the provisions of this section as amended by this act shall not apply to appointments which have been made prior to the effective date of this act [April 7, 1969]. It is the further intent of the legislature that the provisions of this section shall apply to the offices listed in this section and to any office created by law or executive order which succeeds to the powers, duties, responsibilities and authorities of any of the offices listed in subsections (c) and (d) of this section.

SECTION 3. That Section 59-909, Idaho Code, be, and the same is hereby repealed.

SECTION 4. That Section 59-912, Idaho Code, be, and the same is hereby amended to read as follows:

59-912. VACANCIES NOT OTHERWISE PROVIDED FOR -- HOW FILLED. When any office becomes vacant, and no mode is provided by law for filling such vacancy, the governor must fill such vacancy by granting a commission to expire at the end of the next session of the legislature or at the next election by the people.

SECTION 5. That Section 59-913, Idaho Code, be, and the same is hereby amended to read as follows:

59-913. APPOINTMENTS TO BE IN WRITING. Appointments under the provisions of this chapter shall be in writing, and continue until the next election, at which the vacancy shall be filled, and until a successor is elected and qualified, and be filed with the secretary of state, or proper county auditor, respectively.

SECTION 6. That Section 59-914, Idaho Code, be, and the same is hereby amended to read as follows:
59-914. ASSUMPTION OF OFFICE -- TENURE OF APPOINTEE IN OFFICE. Any of the said officers that may be elected or appointed to fill vacancies may qualify and enter upon the discharge of the duties of their offices immediately thereafter; and, if elected, they may hold the same during the unexpired term for which they were elected and until their successors are elected and qualified; but if appointed, they shall hold the same only until their successors are elected and qualified.

Any of the said officers that may be appointed to fill vacancies may qualify and enter upon the discharge of the duties of their offices subject to the provisions of section 59-904, Idaho Code, for the term designated in the order of appointment.

SECTION 7. That Section 67-805, Idaho Code, be, and the same is hereby amended to read as follows:

67-805. ACTING GOVERNOR TO PERFORM SAME DUTIES. Every provision in the laws of this state in relation to the powers and duties of the governor and in relation to acts and duties to be performed by others toward him, extends to the person performing for the time being the duties of acting governor.

SECTION 8. That Chapter 8, 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 67-805A, Idaho Code, and to read as follows:

67-805A. SUCCESSION TO OFFICE OF GOVERNOR. (1) In case of the death, resignation, or permanent removal from office for any cause of the governor, the lieutenant governor shall succeed to all of the powers, duties and emoluments of the office of governor for the residue of the term, and shall be, in all respects, the governor of the state. Upon such succession, the office of lieutenant governor is vacant, and shall be filled as provided by law.

(2) In case of temporary inability to perform his duties, or in the case of his temporary absence from the state, the lieutenant governor shall perform such duties as acting governor until the disability is removed, or until the governor returns to the state.

(3) In any case in which the lieutenant governor succeeds to the office of governor, the president pro tempore
of the senate shall serve as acting lieutenant governor until the office of lieutenant governor is filled.

SECTION 9. That Section 67-806, Idaho Code, be, and the same is hereby amended to read as follows:

67-806. LIEUTENANT-GOVERNOR -- COMPENSATION WHILE ACTING AS GOVERNOR -- EXPENSES. The lieutenant-governor while performing the duties of acting governor of Idaho, shall be entitled to receive compensation at the same rate as that allowed the governor, and in addition thereto expenses of all actual and necessary travel within the state incurred in the performance of such duties.

Approved March 17, 1977.
AN ACT
RELATING TO THE RIGHT TO DIE; ADDING A NEW CHAPTER 45, TITLE 39, IDAHO CODE; PROVIDING A SHORT TITLE; STATING LEGISLATIVE FINDINGS AND POLICY; DEFINING TERMS; PROVIDING FOR A DIRECTIVE FOR WITHHOLDING LIFE-SUSTAINING PROCEEDURES IN A TERMINAL CASE; PROVIDING FOR REVOCATION OF THE DIRECTIVE; PROVIDING FOR EXPIRATION OF THE DIRECTIVE; PROVIDING FOR IMMUNITY; MAKING GENERAL PROVISIONS; AND PROVIDING SEVERABILITY.

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

SECTION 1. That Title 39, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER to be known and designated as Chapter 45, Title 39, Idaho Code, and to read as follows:

39-4501. SHORT TITLE. This act shall be known and may be cited as the "Natural Death Act."

39-4502. STATEMENT OF POLICY. The legislature finds that adult persons have the fundamental right to control the decisions relating to the rendering of their medical care, including the decision to have life sustaining procedures withheld or withdrawn in instances of a terminal condition.

The legislature further finds that modern medical technology has made possible the artificial prolongation of human life beyond natural limits.

The legislature further finds that patients suffering from terminal conditions are sometimes unable to express their desire to withhold or withdraw such artificial life prolongation procedures which provide nothing medically necessary or beneficial to the patient because of the progress of the disease process which renders the patient comatose or unable to communicate with the physician.

In recognition of the dignity and privacy which patients have a right to expect, the legislature hereby declares that the laws of this state shall recognize the right of an adult person to make a written directive instructing his physician to withhold or withdraw life sustaining procedures when such person is suffering from a terminal condition and unable to
instruct his physician regarding such procedures because of the terminal condition.

39-4503. DEFINITIONS. The following definitions shall govern the construction of this chapter:

1) "Attending Physician" means the physician licensed by the state board of medicine, selected by, or assigned to, the patient who has primary responsibility for the treatment and care of the patient.

2) "Terminal condition" means an incurable physical condition caused by disease or illness which reasonable medical judgment determines shortens the lifespan of the patient.

3) "Qualified patient" means a person of sound mind at least eighteen (18) years of age diagnosed by the attending physician to be afflicted with a terminal condition.

4) "Artificial life-sustaining procedure" means any medical procedure or intervention which utilizes mechanical means to sustain or supplant a vital function which when applied to a qualified patient, would serve only to artificially prolong the moment of death and where, in the judgment of the attending physician, death is imminent whether or not such procedures are utilized. Artificial life-sustaining procedures shall not include the administration of medication or the performance of any medical procedure deemed necessary to alleviate pain.

39-4504. DIRECTIVE FOR WITHHOLDING PROCEDURES. Any qualified patient may execute a directive directing the withholding or withdrawal of artificial life-sustaining procedures when such patient becomes unconscious or unable to communicate with his attending physician because of the progress of the terminal condition resulting in his inability to voluntarily determine whether such procedures should be utilized, and if such procedures would serve only to prolong the moment of his death and where his attending physician determines that his death is imminent whether or not such procedures are utilized. The directive shall be signed by the qualified patient in the presence of two (2) witnesses who shall verify in such directive that they are not related to the qualified patient by blood or marriage, that they would not be entitled to any portion of the estate of the qualified patient upon his demise under any will of the qualified patient or codicil thereto then existing, at the time of the directive, or by operation of law then existing. In addition, the witnesses shall verify that they are not the attending physician, an employee of the attend-
ing physician or a health facility in which the qualified patient is a patient or any person who has a claim against any portion of the estate of the qualified patient upon his demise at the time of the execution of the directive. The directive shall be in the following form:

DIRECTIVE TO PHYSICIAN

Directive made this ___ day of (month and year).
I, __________________, being of sound mind, willfully and voluntarily make known my desire that my life shall not be artificially prolonged under the circumstances below:

1. In the absence of my ability to give directions regarding the use of artificial life-sustaining procedures as a result of the disease process of my terminal condition, it is my intention that such artificial life-sustaining procedures should not be used when they would serve only to artificially prolong the moment of my death and where my attending physician determines that my death is imminent whether or not the artificial life-sustaining procedures are utilized.

2. I have been diagnosed and notified that I have a terminal condition known as ________________ by ________________, M.D., whose address is ________________ and whose telephone number is ________________.

3. This directive shall have no force or effect after five years from the date filled in above.

4. I understand the full impact of this directive and I am emotionally and mentally competent to make this directive.

(Name)
(City, County and State)

Witness

Witness

STATE OF IDAHO

) ss.

County of Ada

We, ___________, the Qualified Patient and the witnesses respectively, whose names are signed to the attached and foregoing instrument, being first duly sworn, do hereby declare to the undersigned authority that the Qualified Patient signed and executed the Directive and that he signed willingly and he executed it as his free and voluntary act for the purposes therein expressed; and that each of the witnesses, in the presence and hearing of the Qualified


Patient signed the Directive as witness and that to the best of his knowledge the Qualified Patient was at the time 18 or more years of age, of sound mind and under no constraint or undue influence. We the undersigned witnesses further declare that we are not related to the Qualified Patient by blood or marriage; that we are not entitled to any portion of the estate of the Qualified Patient upon his decease under any will or codicil thereto presently existing or by operation of law then existing; that we are not the attending physician, an employee of the attending physician or a health facility in which the Qualified Patient is a patient, and that we are not a person who has a claim against any portion of the estate of the Qualified Patient upon his decease at the present time.

Qualified Patient

Witness

Witness

__________________________

SUBSCRIBED, sworn to and acknowledged before me by ____________________________, the Qualified Patient, and subscribed and sworn to before me by ____________________________ and ____________________________, witnesses, this ___ day of ______, 19____.

Notary Public for the State of Idaho
Residing at Boise, Idaho

(SEAL)

39-4505. REVOCATION. (1) A directive may be revoked at any time by the qualified patient, without regard to his mental state or competence, by any of the following methods:
(a) By being cancelled, defaced, obliterated or burned, torn or otherwise destroyed by the qualified patient or by some person in his presence and by his direction.
(b) By a written revocation of the qualified patient expressing his intent to revoke, signed by the qualified patient.
(c) By a verbal expression by the qualified patient of his intent to revoke the directive.
(2) There shall be no criminal or civil liability on the part of any person for failure to act upon a revocation of a directive made pursuant to this section unless that person has actual knowledge of the revocation.
39-4506. EXPIRATION OF DIRECTIVE. A directive shall be effective for five (5) years from the date of execution unless sooner revoked in a manner described in section 39-4505, Idaho Code. Nothing in this chapter shall be construed to prevent a qualified patient from reexecuting a directive at any time. If the qualified patient becomes comatose or is rendered incapable of communicating with the attending physician, the directive shall remain in effect for the duration of the comatose condition or until such time as the qualified patient's condition renders him able to communicate with the attending physician.

39-4507. IMMUNITY. No physician or health facility, which, acting in accordance with a directive meeting the requirements of this chapter, causes the withholding or withdrawal of artificial life-sustaining procedures from a qualified patient, shall be subject to civil liability or criminal liability therefrom.

39-4508. GENERAL PROVISIONS. (1) This chapter shall have no effect or be in any manner construed to apply to persons not executing a directive pursuant to this chapter nor shall it in any manner affect the rights of any such persons or of others acting for or on behalf of such persons to give or refuse to give consent or withhold consent for any medical care, neither shall this chapter be construed to affect chapter 43, title 39, Idaho Code, in any manner.

(2) The making of a directive pursuant to this chapter shall not restrict, inhibit or impair in any manner the sale, procurement, or issuance of any policy of life insurance, nor shall it be deemed to modify the terms of existing policy of life insurance. No policy of life insurance shall be legally impaired or invalidated in any manner by the withholding or withdrawal of artificial life-sustaining procedures from an insured qualified patient, notwithstanding any term of the policy to the contrary.

(3) No physician, health facility or other health provider and no health care service plan, insurer issuing disability insurance, self-insured employee, welfare benefit plan, or nonprofit hospital service plan, shall require any person to execute a directive as a condition for being insured for, or receiving, health care services.

SECTION 2. The provisions of this act are hereby declared to be severable and if any provision of this act or the application of such provision to any person or circumstance is declared invalid for any reason, such declaration
shall not affect the validity of remaining portions of this act.

Approved March 18, 1977.

CHAPTER 107
(S.B. No. 1141)
AN ACT
RELATING TO THE ANATOMICAL GIFT ACT; AMENDING SECTION 39-3404, IDAHO CODE, TO PROVIDE THAT WHEN THE ANATOMICAL GIFT IS AN EYE, CERTAIN PERSONS OTHER THAN SURGEONS AND PHYSICIANS ARE AUTHORIZED TO PERFORM NECESSARY PROCEDURES.

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

SECTION 1. That Section 39-3404, Idaho Code, be, and the same is hereby amended to read as follows:

39-3404. MANNER OF MAKING GIFT. (1) A gift of all or part of the body under section 39-3402(1), Idaho Code, may be made by will. The gift becomes effective upon the death of the testator without waiting for probate. If the will is not probated, or if it is declared invalid for testamentary purposes, the gift, to the extent that it has been acted upon in good faith, is nevertheless valid and effective.

(2) A gift of all or part of the body under section 39-3402(1), Idaho Code, may also be made by document other than a will. The gift becomes effective upon the death of the donor. The document, which may be a card designed to be carried on the person, must be signed by the donor in the presence of two (2) witnesses who must sign the document in his presence. If the donor cannot sign, the document may be signed for him at his direction and in his presence, in the presence of two (2) witnesses who must sign the document in his presence. Delivery of the document of gift during the donor's lifetime is not necessary to make the gift valid.

(3) The gift may be made to a specified donee or without specifying a donee. If the latter, the gift may be accepted by the attending physician as donee upon or following death. If the gift is made to a specified donee who is not available at the time and place of death, the attending physician upon or following death, in the absence of any expressed indication that the donor desired otherwise, may accept the gift as donee. The physician who becomes a donee under this subsection shall not participate in the procedures for removing or transplanting a part.
(4) Notwithstanding section 39-3407(2), Idaho Code, the donor may designate in his will, card, or other document of gift the surgeon or physician to carry out the appropriate procedures. In the absence of a designation or if the designee is not available, the donee or other person authorized to accept the gift may employ or authorize any surgeon or physician for the purpose.

If the part of the body that is the gift is an eye, the donee may authorize or the person authorized to accept the gift may employ or authorize a qualified embalmer licensed under chapter 11, title 54, Idaho Code, or a qualified eye bank technician to perform the appropriate procedures. The embalmer or technician must have completed a course in eye enucleation and have a certificate of competence from an agency or organization designated by the Idaho board of medicine for the purpose of providing such training.

(5) Any gift by a person designated in section 39-3402(2), Idaho Code, shall be made by a document signed by him or made by his telegraphic, recorded telephonic, or other recorded message.

Approved March 18, 1977.
AN ACT
EXPRESSING LEGISLATIVE INTENT WITH RESPECT TO EXPENDITURES FOR THE DEPARTMENT OF LAW
ENFORCEMENT; AND APPROPRIATING MONEYS FROM THE ACCOUNTS ENUMERATED TO THE DEPARTMENT OF
LAW ENFORCEMENT TO BE EXPENDED FOR DESIGNATED PROGRAMS, ACCORDING TO DESIGNATED EXPENSE

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

SECTION 1. It is legislative intent that the expenditures for the Department of Law
Enforcement not exceed the following amounts for the period July 1, 1977, through June 30,
1978:
FOR:
Personnel Costs $5,941,600
Operating Expenditures 1,849,100
Capital Outlay 283,900
TOTAL 8,074,600
FROM:
Motor Vehicle Account
Alcohol Safety Action Program Account
TOTAL 7,649,600
425,000
8,074,600

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 accounts for the period July 1, 1977, through June 30,
1978:

<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. OPERATORS LICENSE:</td>
<td>$ 433,100</td>
<td>$ 259,100</td>
<td></td>
<td>$ 692,200</td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Motor Vehicle Account</td>
<td>$ 433,100</td>
<td>$ 259,100</td>
<td></td>
<td>$ 692,200</td>
</tr>
<tr>
<td>B. SAFETY RESPONSIBILITY:</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>Motor Vehicle Account</td>
<td>$ 85,400</td>
<td>$ 22,900</td>
<td></td>
<td>$ 108,300</td>
</tr>
</tbody>
</table>
C. VEHICLE TITLES:
FROM:
Motor Vehicle Account $349,700 $61,500 $411,200

D. VEHICLE REGISTRATIONS:
FROM:
Motor Vehicle Account $211,700 $469,800 $700 $682,200

E. MOTOR CARRIER BUREAU:
FROM:
Motor Vehicle Account $405,300 $101,900 $507,200

F. WEIGHTSTATION BUREAU:
FROM:
Motor Vehicle Account $1,309,700 $128,500 $1,438,200

G. IDAHO STATE POLICE:
FROM:
Motor Vehicle Account $2,767,600 $759,500 $283,200 $3,810,300
Alcohol Safety Action Program Account 379,100 45,900 425,000
TOTAL $3,146,700 $805,400 $283,200 $4,235,300

GRAND TOTAL $5,941,600 $1,849,100 $283,900 $8,074,600

Approved March 18, 1977.
CHAPTER 109

(S.B. No. 1257)

AN ACT

APPROPRIATING MONEYS FROM THE LISTED ACCOUNT, TO THE STATE BOARD OF EDUCATION FOR THE DISABILITY DETERMINATIONS UNIT, TO BE EXPENDED ACCORDING TO THE DESIGNATED EXPENSE CLASSES FROM THE LISTED ACCOUNT FOR THE PERIOD JULY 1, 1977, THROUGH JUNE 30, 1978.

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 Disability Determinations Unit the following amounts to be expended for the designated program, according to the designated expense classes from the listed account for the period July 1, 1977, through June 30, 1978:

DISABILITY DETERMINATIONS:
FOR:
Personnel Costs $521,100
Operating Expenditures 123,400
Trustee and Benefit Payments 179,800
TOTAL $824,300
FROM:
Federal Disability Determination Account $824,300

Approved March 18, 1977.
CHAPTER 110
(S.B. No. 1053)
AN ACT
RELATING TO THE DEFINITION OF RESIDENT FOR THE PURPOSE OF OBTAINING A FISHING LICENSE; AMENDING SECTION 36-202, IDAHO CODE, TO PROVIDE FOR A RESIDENT FISHING LICENSE FOR FOREIGN EXCHANGE STUDENTS.

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

SECTION 1. That Section 36-202, Idaho Code, be, and the same is hereby amended to read as follows:

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.

(l) "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.

3. Any foreign exchange student enrolled in an Idaho high school 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.

Approved March 18, 1977.
CHAPTER 111
(S.B. No. 1259)

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 account for the period July 1, 1977, through June 30, 1978:

<table>
<thead>
<tr>
<th>FOR PROGRAM ADMINISTERING LIQUOR DISPENSARY:</th>
</tr>
</thead>
<tbody>
<tr>
<td>FOR PERSONNEL OPERATING COSTS EXPENDITURES</td>
</tr>
<tr>
<td>FOR CAPITAL OUTLAY TOTAL</td>
</tr>
<tr>
<td>FROM: Liquor Acct. $3,075,100 $ 924,800 $ 100,200 $4,100,100</td>
</tr>
</tbody>
</table>

Approved March 18, 1977.
AN ACT

EXPRESSING LEGISLATIVE INTENT WITH RESPECT TO EXPENDITURES FOR
THE DEPARTMENT OF FINANCE; AND APPROPRIATING MONEYS FROM THE
ACCOUNTS ENUMERATED TO THE DEPARTMENT OF FINANCE TO BE
EXPENDED FOR DESIGNATED PROGRAMS, ACCORDING TO DESIGNATED
EXPENSE CLASSES FROM THE LISTED ACCOUNTS FOR THE PERIOD JULY

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, 1977, through June 30, 1978:

<table>
<thead>
<tr>
<th>FOR</th>
<th>FOR</th>
<th>FOR</th>
</tr>
</thead>
<tbody>
<tr>
<td>PROGRAM PERSONNEL EXPENDITURES</td>
<td>OPERATING COSTS</td>
<td>CAPITAL OUTLAY</td>
</tr>
<tr>
<td>A. DEPARTMENT OF FINANCE:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Account</td>
<td></td>
<td></td>
</tr>
<tr>
<td>$ 555,000</td>
<td>$ 129,400</td>
<td>$ 3,400</td>
</tr>
<tr>
<td>Cemetery Account</td>
<td>400</td>
<td>100</td>
</tr>
<tr>
<td>General Interaccount</td>
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<td></td>
</tr>
<tr>
<td>Account 9,600</td>
<td>1,000</td>
<td></td>
</tr>
<tr>
<td>TOTAL $565,000</td>
<td>130,500</td>
<td>$ 3,400</td>
</tr>
</tbody>
</table>

SECTION 2. There is hereby appropriated to the Department of
Finance the following amounts to be expended for designated pro­
grams, according to expense classes designated therein from the
listed accounts for the period July 1, 1977, through June 30,
1978:

<table>
<thead>
<tr>
<th>FOR</th>
<th>FOR</th>
<th>FOR</th>
</tr>
</thead>
<tbody>
<tr>
<td>PROGRAM PERSONNEL COSTS</td>
<td>FOR</td>
<td>CAPITAL</td>
</tr>
<tr>
<td>A. ADMINISTRATION:</td>
<td>EXPENDITURES</td>
<td>OUTLAY</td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Account</td>
<td>$ 105,300</td>
<td>$ 18,200</td>
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### B. SUPPORTING SERVICES:

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<tr>
<th>FROM:</th>
<th>General Account</th>
<th>General Interaccount Account</th>
<th>TOTAL</th>
</tr>
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<tbody>
<tr>
<td></td>
<td>$105,900</td>
<td>$10,700</td>
<td>$600</td>
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<tr>
<td></td>
<td>$112,700</td>
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### C. BANK:

<table>
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<tr>
<th>FROM:</th>
<th>General Account</th>
<th></th>
<th></th>
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<tr>
<td></td>
<td>$134,900</td>
<td>$41,500</td>
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<td>$900</td>
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<td>$177,300</td>
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### D. SAVINGS AND LOAN ASSOCIATIONS:

<table>
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<tr>
<th>FROM:</th>
<th>General Account</th>
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### E. CREDIT UNIONS:

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### F. UNIFORM CONSUMER CREDIT:

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### G. SECURITIES:

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### H. STATE INSURANCE FUND:

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### I. COLLECTION AGENCIES:

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### J. ENDOWED CARE CEMETERIES:

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**GRAND TOTAL**: $565,000 $130,500 $3,400 $698,900

Approved March 18, 1977.
C. 113 '77 IDAHO SESSION LAWS

CHAPTER 113
(S.B. No. 1258)

AN ACT
APPROPRIATING $64,800 FROM FUNDS MADE AVAILABLE UNDER THE LOCAL PUBLIC WORKS EMPLOYMENT ACT, TITLE II, TO THE DEPARTMENT OF HEALTH AND WELFARE TO BE EXPENDED FOR THE DESIGNATED PROGRAM, ACCORDING TO THE DESIGNATED EXPENSE CLASS, 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 the source as indicated the following amount to the Department of Health and Welfare to be expended for the designated program, according to the designated expense class, for the period from the effective date of this act through June 30, 1977.
A. VETERANS SERVICES:
FOR:
Trustee and Benefit Payments
FROM:
Funds made available under the "Local Public Works Employment Act, Title II"


$64,800
$64,800

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

Approved March 18, 1977.
AN ACT
RELATING TO PROHIBITING DREDGE MINING IN THE ST. JOE RIVER AND ITS TRIBUTARIES; AMENDING SECTION 47-1323, IDAHO CODE, TO PROHIBIT DREDGE MINING IN THE ST. JOE RIVER AND ITS TRIBUTARIES, EXCEPT FOR THE ST. MARIES RIVER AND ITS TRIBUTARIES.

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

SECTION 1. That Section 47-1323, Idaho Code, be, and the same is hereby amended to read as follows:

47-1323. DREDGE MINING OF WATER BODIES MAKING UP THE NATIONAL WILD AND SCENIC RIVERS SYSTEM PROHIBITED. Dredge mining in any form shall be prohibited on:
(1) The middle fork of the Clearwater river, from the town of Kooskia upstream to the town of Lowell; the Lochsa river from its junction with the Selway at Lowell forming the middle fork, upstream to the Powell ranger station; and the Selway river from Lowell upstream to its origin;
(2) The middle fork of the Salmon river, from its origin to its confluence with the main Salmon river;
(3) The St. Joe river, including tributaries, from its origin to its confluence with Coeur d'Alene lake, except for the St. Maries river and its tributaries.

Approved March 18, 1977.
CHAPTER 115
(H.B. No. 84)

AN ACT
AMENDING SECTION 27-121, IDAHO CODE, TO PERMIT CEMETERY DISTRICTS TO LEVY AN ADDITIONAL THREE MILL TAX FOR THE PURCHASE OF BURIAL GROUND UPON VOTER APPROVAL; AND AMENDING SECTION 27-122, IDAHO CODE, TO REMOVE THE PROVISIONS FOR AN ADDITIONAL TAX FOR ORGANIZATIONAL PURPOSES, AND TO CHANGE THE TIME LIMITS FOR INDEBTEDNESS FROM FIVE YEARS TO TEN YEARS.

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

SECTION 1. That Section 27-121, Idaho Code, be, and the same is hereby amended to read as follows:

27-121. LEVIES BY CEMETERY MAINTENANCE BOARD COMMISSIONERS. (1) At the last regular meeting of the cemetery maintenance board prior to the third Monday of September in each year, the cemetery board of each cemetery maintenance district may levy for cemetery purposes a property tax in each cemetery maintenance district of not more than twenty cents (20¢) on each one hundred dollars ($100) in assessed value of taxable property within the cemetery maintenance district. Upon the levy being made by the cemetery maintenance board under this section, it shall be the duty of the secretary of the district to transmit to the county auditor and county assessor and state board of equalization, certified copies of the resolution providing for such levy as provided in section 63-915, Idaho Code. Said taxes shall be collected as provided by section 63-918, Idaho Code.

(2) An additional property tax of not more than thirty cents (30¢) on each one hundred dollars ($100) in assessed value of taxable property within the cemetery maintenance district may be levied by the cemetery board for the sole and express purpose of acquisition of burial ground. The proceeds from such levy may be accumulated by the board for future acquisitions, or pledged to the repayment of indebtedness incurred pursuant to section 27-122, Idaho Code, provided, that the proposal to levy such additional amount of property tax, or portion thereof, shall have been approved by at least two-thirds (2/3) of the qualified electors residing in the cemetery maintenance district at a previous special or general election.
SECTION 2. That Section 27-122, Idaho Code, be, and the same is hereby amended to read as follows:

27-122. INDEBTEDNESS PROHIBITED -- EXCEPTION. The cemetery maintenance board 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 chapter; and any debt or liability incurred in excess of such provisions shall be and remain absolutely void; provided that for the purpose of organization or for any of the purposes of this chapter, the cemetery maintenance board may before making the tax levy in the first year after the organization, incur an indebtedness not exceeding in the aggregate a sum equal to five cents ($0.05) on each $100 in assessed value of taxable property within the district. Provided further, however, the board of any district shall have authority to incur indebtedness for the sole purpose of purchasing burial ground, which indebtedness shall not exceed a term of five (5) ten (10) years.

Approved March 21, 1977.
CHAPTER 116
(H.B. No. 187)

AN ACT
RELATING TO FISH AND GAME COMMISSION AUTHORITY; AMENDING SECTION 36-104, IDAHO CODE, TO STRIKE THE REQUIREMENT OF CHARGING A FEE OF ONE DOLLAR TO EACH APPLICANT FOR A CONTROLLED HUNT PERMIT, AND PROVIDING FOR A FEE TO BE CHARGED SUCCESSFUL APPLICANTS FOR A PERMIT TO HUNT IN CONTROLLED HUNTS IN THE AMOUNT OF THREE DOLLARS FOR A PERMIT TO HUNT DEER, TEN DOLLARS FOR A PERMIT TO HUNT MOOSE, BIGHORN SHEEP AND MOUNTAIN GOAT, AND FIVE DOLLARS FOR A PERMIT TO HUNT ELK, ANTELOPE, AND ANY ADDITIONAL SPECIES THAT MAY BE INCLUDED IN A CONTROLLED HUNT.

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

SECTION 1. That Section 36-104, Idaho Code, be, and the same is hereby amended to read as follows:

36-104. GENERAL POWERS AND DUTIES OF COMMISSION. (a) 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.
shall be no fee charged to any individual for submitting an application to participate in a controlled hunt; provided, however, a permit fee of not to exceed three dollars ($3.00) for deer, ten dollars ($10.00) for moose, sheep and goat and five dollars ($5.00) for elk, antelope and such other species as may be determined in the future, shall be charged to successful applicants for the privilege of participating in a controlled hunt. 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.

Approved March 21, 1977.

CHAPTER 117
(H.B. No. 14)
AN ACT
RELATING TO LEGISLATIVE APPROVAL OF THE STATE WATER PLAN;
AMENDING CHAPTER 17, TITLE 42, IDAHO CODE, BY THE ADDI-
TION THERETO OF A NEW SECTION 42-1736, IDAHO CODE, TO
PROVIDE THAT THE STATE WATER PLAN SHALL NOT BECOME
EFFECTIVE UNTIL IT HAS BEEN AFFIRMATIVELY ACTED UPON BY
THE LEGISLATURE OF THE STATE OF IDAHO.

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

SECTION 1. That Chapter 17, Title 42, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 42-1736, Idaho Code, and to read as follows:

42-1736. LEGISLATIVE REVIEW. The state water plan adopted by the Idaho water resource board pursuant to authority of section 42-1734, Idaho Code, shall not become effective until it has been submitted to the legislature of the state of Idaho and has been affirmatively acted upon in the form of a concurrent resolution which may adopt, reject, amend or modify the same. Thereafter, any change in the state water plan shall be submitted in the same manner to the legislature prior to becoming effective.

This bill became law without the signature of the Governor.
CHAPTER 118
(S.B. No. 1042)

AN ACT
RELATING TO WORKMEN'S COMPENSATION INSURANCE; AMENDING
SECTION 72-928, IDAHO CODE, TO PROVIDE THAT ANY GOVERNMENTAL HOSPITAL FINANCED PRIMARILY BY PATIENT CARE REVENUE SHALL NOT BE REQUIRED TO INSURE AGAINST ITS LIABILITY FOR COMPENSATION WITH THE STATE INSURANCE FUND.

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

SECTION 1. That Section 72-928, Idaho Code, be, and the same is hereby amended to read as follows:

72-928. INSURANCE BY PUBLIC CORPORATIONS — PROVISION FOR IDAHO NATIONAL GUARD. (a) A public corporation may insure against its liability for compensation with the state insurance fund and not with any other insurance carrier, unless such fund shall refuse to accept the risk when the application for insurance is made: Provided however that the benefits secured by section 72-103, Idaho Code, to members of the Idaho national guard while on duty shall be secured in the manner prescribed in subsections (b) and (c) of this section; and provided further that the restrictions of this section shall not apply to any governmental hospital whose operation is financed primarily by patient care revenue.

(b) All claims for compensation against the Idaho national guard accruing on or after March 5, 1949, under the provisions of title 72, Idaho Code, on account of members of the Idaho national guard while on duty shall be deemed secured by the state insurance fund, and payment thereof shall be made to claimants entitled thereto in accordance with the provisions of title 72, Idaho Code, in the same manner and amount as any other employment insured by the state insurance fund. The manager of the state insurance fund shall service all claims as though they were insured claims and not require payment of any premium as a condition of securing the liability of the Idaho national guard, but the state insurance fund, shall in lieu of any premium, be reimbursed, as provided in subsection (c) of this section, for moneys paid out on account of the liability of the Idaho national guard. Nothing in this subsection shall be construed to amend or modify any substantive provision of this title. No charge shall be made by the fund for administra-
tion of the guard's liability hereunder.

(c) Commencing on July 1, 1950, and quarterly there­after, the manager of the state insurance fund shall prepare in the form of a claim an itemized statement of all moneys paid out by the fund pursuant to subsection (b) of this section during the quarter concerned on account of the liability as an employer of Idaho national guard. Such statement shall list the amount of payments made and to whom and on whose account such payments are made, and shall be forwarded to the adjutant general of the state, who shall indorse thereon his approval of the statement and forward the same to the board of examiners. The board of examiners shall examine such claim and if the board finds the claim in accordance with law the board shall order the state treasur­er to pay to the state insurance fund an amount equal to the total sum of moneys paid out as set forth in such statement. There is hereby appropriated out of any moneys in the treas­ury, not otherwise appropriated, a sum of money sufficient to meet these quarterly claims as they are from time to time presented. The claim statement filed by the manager as of July 1, 1950 shall cover all claims pursuant to this section between March 5, 1949 and July 1, 1950.

Approved March 21, 1977.
CHAPTER 119
(S.B. No. 1114)

AN ACT
RELATING TO ALLOWABLE LENGTH OF MOTOR VEHICLES; AMENDING SECTION 49-913, IDAHO CODE, BY STRIKING A REFERENCE TO LIMITATION OF DISTANCE BETWEEN KINGPIN AND LAST TRAILER AXLE IN TRUCK TRACTOR/SEMITRAILER COMBINATIONS, BY INCREASING THE ALLOWABLE LENGTH OF TRUCK TRACTOR AND STINGER STEERED SEMITRAILER VEHICLE COMBINATIONS FROM 65 TO 75 FEET COMBINATION LENGTH, AND BY INCREASING THE ALLOWABLE LENGTH OF COMBINATIONS OF THREE OR FOUR VEHICLE UNITS TRAVELING DESIGNATED ROUTES FROM 98 TO 105 FEET; REPEALING SECTION 49-915, IDAHO CODE; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 49-913, Idaho Code, be, and the same is hereby amended to read as follows:

49-913. SIZE OF VEHICLES AND LOADS. A. No vehicle shall exceed a total outside width including any load thereon, of eight and one-half (8 1/2) feet, except that the limitations as to size of vehicles stated in this section shall not apply to farm tractors and implements of husbandry, including the load thereon and including all equipment used in land leveling operations, temporarily propelled, moved or transported upon the public highway to or from the farm. Such overwidth vehicle must not proceed at a speed in excess of thirty-five (35) miles per hour, must display one (1) twelve (12) inch by twelve (12) inch red flag on front of truck or tractor pulling or hauling implement or trailer, display one (1) twelve (12) inch by twelve (12) inch red flag on outermost left projection of implement hauled, and move in daylight only.

B. No vehicle unladen or with load shall exceed a height of fourteen (14) feet.

C. No single vehicle shall exceed a length of forty (40) feet, extreme over-all dimension, inclusive of front and rear bumper; no vehicle equipped with a semitrailer shall exceed a length of sixty-five (65) feet over-all dimensions; provided that the-distance-from-the-kingpin-to-the-rearmost-axle-of-the--semitrailer--shall--not--exceed-thirty-nine-(39)-feet if the coupling device connecting the
truck tractor to the semitrailer is located to the rear of the tire tread of the truck tractor's rearmost axle, such combination of truck tractor and stinger steered semitrailer may have an overall combination length, inclusive of front and rear bumpers, of seventy-five (75) feet; and no combination of vehicles coupled together shall consist of more than three (3) vehicles and, when so combined, shall not exceed a total length of seventy-five (75) feet, except that combinations consisting of three (3) or four (4) vehicles may be operated on highways designated by the Idaho Transportation Board with an over-all length of ninety-eight (98) feet designated highways with an over-all length not to exceed one hundred five (105) feet, provided that such combinations of vehicles exceeding seventy-five (75) feet in over-all length must be operated in accordance with rules and regulations adopted by the Idaho Transportation Board. For purposes of this section, a converter gear shall not be considered a vehicle.

D. No train of vehicles or vehicle operated alone shall carry any load extending more than four (4) feet beyond the front thereof.

E. No passenger vehicle shall carry any load extending beyond the line of the fenders on the left side of such vehicle nor extending more than six (6) inches beyond the line of the fender on the right side thereof.

F. Earth moving equipment may be used to move a load or travel to a site of operation, when said equipment is wider than eight and one-half (8 1/2) feet, in daylight hours, without requiring a permit therefore, provided that said equipment is equipped, in addition to those requirements set forth in chapter 8, title 49, Idaho Code, with a flashing amber colored light at least four (4) inches in diameter clearly visible from in front of the equipment, and a flashing red colored light at least four (4) inches in diameter clearly visible from the back of said equipment.

G. Notwithstanding any other provision of this section, the total outside width of any vehicle using the interstate system in this state may not exceed eight (8) feet, except as permitted by section 49-905, Idaho Code.

SECTION 2. That Section 49-915, Idaho Code, be, and the same is hereby repealed.

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

Approved March 21, 1977.
CHAPTER 120
(S.B. No. 1116)

AN ACT
RELATING TO MOTOR VEHICLE MANUFACTURER AND DEALER LICENSES
AND THE USE AND DISPLAY OF DEALER PLATES; AMENDING
SECTION 49-118, IDAHO CODE, PROVIDING HOW DEALER PLATES
MAY AND MAY NOT BE USED, ELIMINATING THE USE OF PLACARDS
ON VEHICLES MOVED BY MANUFACTURERS AND DEALERS; AND
DECLARING AN EMERGENCY.

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

SECTION 1. That Section 49-118, Idaho Code, be, and the
same is hereby amended to read as follows:

49-118. REGISTRATION LICENSE REQUIRED BY MOTOR VEHICLE
MANUFACTURERS OR DEALERS -- USE AND DISPLAY OF PLATES OR
PLACARDS. a. It shall be unlawful for any person to carry
on or conduct the business of manufacturing, buying, selling
or dealing in motor vehicles, trailers, or semi-trailers
unless licensed as a manufacturer, new motor vehicle dealer
or as a used motor vehicle dealer, or as a motorcycle
dealer, by the department. A manufacturer of or a dealer in
motor vehicles, trailers or semi-trailers, owning or oper-
ating any such vehicle upon any highway in lieu of register-
ing each such vehicle may obtain from the department upon
application therefor to the department upon the proper offi-
cial form and payment of the fees required by law and attach
to each such vehicle one (1) number plate, as required for
different classes of vehicles by subdivision a of section
49-114, Idaho Code, which such special number plate shall
bear thereon a distinctive number assigned to the
manufacturer or dealer, also the name of this state, which
may be abbreviated, and the year for which issued, together
with the word "dealer" or a distinguishing symbol indicating
that such plate is issued to a manufacturer or dealer, and
any such number plate so issued may, during the calendar
year for which issued, be transferred from one such vehicle
to another owned or operated by such manufacturer or dealer,
in pursuance of his business as a manufacturer or
dealer.

1. Dealer plates shall not be used on vehicles under
the following circumstances:
   (a) On work or service vehicles not held in stock for
      sale;
(b) On leased or rented vehicles owned by the licensed manufacturer or dealer;
(c) On a laden vehicle designed for transportation of cargo unless the manufacturer or dealer has complied with section 49-127, Idaho Code;
(d) On vehicles which have been sold.

2. Dealer plates may be used on vehicles operated by the manufacturer, dealer, or his licensed motor vehicle salesmen, as defined in section 49-2402(5), Idaho Code, in connection with the manufacturer's or dealer's business. A dealer plate may be used on a vehicle assigned for personal use on a full-time basis to the manufacturer, dealer, or licensed full-time motor vehicle salesman. This personal use exception shall not apply to recreational vehicles as defined in section 49-2801, Idaho Code. A record of each assignment as is required by this section shall be maintained. This personal use exception applies only to the manufacturer, dealer or licensed full-time motor vehicle salesman personally, and any other persons, including members of their families, are excluded. A bona fide prospective purchaser of a vehicle may have possession of the vehicle with a dealer plate for not more than ninety-six (96) hours or may operate the vehicle when accompanied by the manufacturer, dealer or a licensed motor vehicle salesman.

3. Licensed part-time motor vehicle salesmen may use a dealer plate on a vehicle that is offered for sale only to demonstrate the vehicle to a bona fide purchaser but not for personal use. Other employees not licensed as motor vehicle salesmen may use a dealer plate when testing the mechanical operation of a vehicle or for the necessary operation in pursuance of the dealer's business, including the delivery and pickup of vehicles owned or purchased by such manufacturer or dealer.

Motor vehicle manufacturers and dealers shall keep a written record of the vehicles upon which such dealer's number plates are used for personal use by a manufacturer, vehicle dealer, or licensed full-time employee on a full-time basis and the time during which each such plate is used on a particular vehicle, which record shall be open to inspection by any police officer or any officer or employee of the department.

b. No manufacturer of or dealer in motor vehicles, trailers or semi-trailers shall cause or permit any such vehicle owned by such person to be operated or moved upon a public highway without there being displayed upon such vehi-
cle a number plate issued to such person, either under section 49-114, Idaho Code, or under this section, except as otherwise authorized in subdivision (c) of section 49-117, Idaho Code, or subdivision (e) of this section.

Any manufacturer of or dealer in motor vehicles, trailers, or semi-trailers may operate or move or cause to be operated or moved upon the highways for a distance of one hundred (100) miles or for such further distance as may be authorized by the director of any such vehicle from the factory where manufactured, railway depot, warehouse, or any place of shipment to a railway depot or place of shipment or delivery without registering the same and without such a number plate attached thereto under a written permit first obtained from the local police authorities having jurisdiction over such highways and upon displaying in plain sight upon each such vehicle a place card bearing the name and address of the manufacturer or dealer authorizing or directing such movement and plainly readable from a distance of one hundred (100) feet during daylight.

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 21, 1977.
CHAPTER 121
(S.B. No. 1169)

AN ACT
RELATING TO THE IDAHO SECURITY MEDICAL FACILITY ACT; AMEND­
ING SECTION 3, CHAPTER 360, LAWS OF 1976, TO EXTEND THE
PERIOD DURING WHICH PATIENTS UNDER THE DEPARTMENT OF
HEALTH AND WELFARE WHO ARE DANGEROUS AND MENTALLY ILL
MAY BE ADMITTED TO THE IDAHO SECURITY MEDICAL FACILITY.

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

SECTION 1. That Section 3, Chapter 360, Laws of 1976, be, and the same is hereby amended to read as follows:

SECTION 3. For a period of one-(1)-year two (2) years
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 jurisdic­
tion 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.

Approved March 21, 1977.
CHAPTER 122
(S.B. No. 1183)

AN ACT
RELATING TO THE COUNTY BOAT LICENSE FUND; AMENDING SECTION 49-221, IDAHO CODE, TO EXPAND THE PURPOSES FOR WHICH THE FUND CAN BE USED TO INCLUDE THE PROMOTION OF WATER SAFETY AND PROVIDE LAW ENFORCEMENT ON NAVIGABLE WATERWAYS.

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

SECTION 1. That Section 49-221, Idaho Code, be, and the same is hereby amended to read as follows:

49-221. COLLECTION OF LICENSE FEES -- DISPOSITION OF FUNDS. It shall be the duty of the assessor within the county in which such boats are operated, to collect said license fees and issue license plates for said boats as provided in this act. He shall record in a proper record book the names of all owners of boats who make application for license thereon, together with the amounts of the fees paid by such owners. He shall transmit said license fees collected by him to the county treasurer on or before the 10th day of each month following the date of collecting the same; twenty-five per cent (25%) of which said funds shall be placed in and be credited to the general fund of the county and the remaining seventy-five per cent (75%) of said funds shall be placed in and credited to a special fund to be known and designated as "county boat license fund," which said special fund shall be used and expended by the board of county commissioners for the exclusive purpose of maintaining and improving the navigable lakes and waterways and promoting water safety and providing law enforcement on navigable lakes and waterways, any part of which are within the county for the use of the general public; and the board of county commissioners is hereby authorized to use and expend said special fund outside of the county when it deems the same advisable and for public good: provided, however, that in any county where there are no navigable waterways to be maintained and improved, all funds received from the licensing of boats shall be credited to and placed in the general fund of such county.

Approved March 21, 1977.
CHAPTER 123
(S.B. No. 1189)

AN ACT
RELATING TO AUTHORITY AND DUTIES OF THE DIRECTOR OF THE DEPARTMENT OF EMPLOYMENT; AMENDING SECTION 72-1333, IDAHO CODE, TO PROVIDE FOR AN EXEMPT POSITION TO BE DECLARED BY THE DIRECTOR OF THE DEPARTMENT OF EMPLOYMENT.

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

SECTION 1. That Section 72-1333, Idaho Code, be, and the same is hereby amended to read as follows:

72-1333. AUTHORITY AND DUTIES OF THE DIRECTOR. (a) It shall be the duty of the director to administer this act. The director shall have the power and authority to employ such persons, make such expenditures, require such reports, make such investigations, perform such travel pursuant to the provisions of this act, and take such other actions as he deems necessary or suitable to that end. He shall determine his own organization to be known as the "department of employment" which is hereby created, and which 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 references in the Employment Security Law to "agency," and "employment security agency," are hereby deemed to be references to the "department of employment." The director shall determine methods of procedure in accordance with the provisions of this act, and shall have an official seal which shall be judicially noticed.

(b) The director shall have the power and authority to adopt, amend, or rescind such rules and regulations as may be necessary for the proper administration of this act, subject, however, to prior approval by the governor of the proposed action.

(l) Adoption, amendment, or rescinding of rules shall be done only after a public hearing or opportunity to be heard thereon, of which proper notice thereof has been given. Action taken with respect to said rules shall become effective ten (10) days after filing with the secretary of state and publication in one (1) or more newspapers of gen-
eral circulation of this state.

(2) Regulations shall be effective upon publication in a manner not inconsistent with the provisions of this act which the director shall prescribe.

(c) Subject to the provisions of chapter 53, title 67, Idaho Code, the director is authorized and directed to provide for a merit system covering all persons, except the director and one (1) exempt position to serve at the pleasure and discretion of the director, employed in the administration of the act and shall have authority, by regulation, to provide for all matters which are appropriate to the establishment and maintenance of such system on the basis of efficiency and fitness. The director is authorized to adopt such regulations as may be necessary to meet personnel standards promulgated by the secretary of labor pursuant to the Social Security Act, as amended, or other applicable federal laws and to provide for the maintenance of the merit system required under this section in conjunction with the merit system applicable to any other department or departments of this state which meet the personnel standards promulgated by the secretary of labor or other appropriate federal authority.

(d) Annually, not later than the 31st day of December, the director shall submit to the governor a report covering the administration and operation of this act during the preceding fiscal year ending June 30, and shall make such recommendations for amendments to this act as he deems proper.

Approved March 21, 1977.
CHAPTER 124
(S.B. No. 1235)

AN ACT
RELATING TO SALES MADE BY THE STATE LIQUOR DISPENSARY;
AMENDING SECTION 23-309, IDAHO CODE, TO PERMIT PERSONS LICENSED PURSUANT TO CHAPTER 9, TITLE 23, IDAHO CODE, TO PAY FOR ALCOHOLIC LIQUOR BY CHECK, PROVIDING THAT DISHONOR OF A CHECK GIVEN IN PAYMENT OF ALCOHOLIC LIQUOR SHALL CONSTITUTE GROUNDS FOR REVOCATION OR SUSPENSION OF LICENSE PURSUANT TO SECTION 23-933, IDAHO CODE, AND AUTHORIZING THE STATE LIQUOR DISPENSARY TO ADOPT RULES AND REGULATIONS FOR THE ENFORCEMENT OF THIS SECTION.

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

SECTION 1. That Section 23-309, Idaho Code, be, and the same is hereby amended to read as follows:

23-309. SALES TO BE FOR CASH. No vendor of any state liquor store or special distributor shall sell any alcoholic liquor except for cash; provided, however, that the dispensary may, under such rules and regulations as may be adopted by it, authorize the vendor of a state liquor store or special distributor to accept a check from persons licensed for the retail sale of liquor by-the-drink pursuant to chapter 9, title 23, Idaho Code, as payment for purchases from the dispensary. Dishonor of any check given by such person shall constitute grounds for suspension or revocation of such person's license pursuant to section 23-933, Idaho Code, in addition to any other remedy provided by law.

Approved March 21, 1977.
AN ACT
AMENDING SECTION 2, CHAPTER 245, LAWS OF 1976, RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF LAW ENFORCEMENT, BY INCREASING THE APPROPRIATION TO THE NARCOTICS AND DANGEROUS DRUGS PROGRAM BY $6,000, BY INCREASING THE APPROPRIATION TO THE IDAHO STATE HORSE RACING COMMISSION BY $3,000; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 2, Chapter 245, Laws of 1976, 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, 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. 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>Narcotics Forfeiture Fund</td>
<td>$ 6,000</td>
<td></td>
<td></td>
<td></td>
<td>$ 6,000</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$ 444,300</td>
<td>$ 226,200</td>
<td>$ 23,100</td>
<td></td>
<td>$ 693,600</td>
</tr>
</tbody>
</table>
### E. LIQUOR LAW AND CRIMINAL INVESTIGATION:

<table>
<thead>
<tr>
<th>From:</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Fund</td>
<td>$276,000</td>
</tr>
<tr>
<td>Liquor Law Enforcement Fund</td>
<td>$37,100</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$313,100</strong></td>
</tr>
</tbody>
</table>

### F. OPERATOR'S LICENSE:

<table>
<thead>
<tr>
<th>From:</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Motor Vehicle Fund</td>
<td>$392,500</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$392,500</strong></td>
</tr>
</tbody>
</table>

### G. SAFETY RESPONSIBILITY:

<table>
<thead>
<tr>
<th>From:</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Motor Vehicle Fund</td>
<td>$91,500</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$91,500</strong></td>
</tr>
</tbody>
</table>

### H. VEHICLE TITLES:

<table>
<thead>
<tr>
<th>From:</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Motor Vehicle Fund</td>
<td>$286,200</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$286,200</strong></td>
</tr>
</tbody>
</table>

### I. VEHICLE REGISTRATION:

<table>
<thead>
<tr>
<th>From:</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Motor Vehicle Fund</td>
<td>$152,400</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$152,400</strong></td>
</tr>
</tbody>
</table>

### J. MOTOR CARRIER BUREAU:

<table>
<thead>
<tr>
<th>From:</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Motor Vehicle Fund</td>
<td>$346,600</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$346,600</strong></td>
</tr>
</tbody>
</table>

### K. WEIGHSTATION BUREAU:

<table>
<thead>
<tr>
<th>From:</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Highway Fund</td>
<td>$260,600</td>
</tr>
<tr>
<td>Motor Vehicle Fund</td>
<td>983,900</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$1,244,500</strong></td>
</tr>
</tbody>
</table>

### L. IDAHO STATE POLICE:

<table>
<thead>
<tr>
<th>From:</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Motor Vehicle Fund</td>
<td>$2,643,700</td>
</tr>
<tr>
<td>Alcohol Safety Action Fund</td>
<td>373,900</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$3,017,600</strong></td>
</tr>
</tbody>
</table>

### M. BRAND INSPECTION:

<table>
<thead>
<tr>
<th>From:</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>State Brand Board Fund</td>
<td>$700,100</td>
</tr>
<tr>
<td>Idaho State Horse Racing Commission Fund</td>
<td>$-9,900</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$7,900,100</strong></td>
</tr>
</tbody>
</table>

### N. HORSE RACING COMMISSION:

<table>
<thead>
<tr>
<th>From:</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Idaho State Horse Racing Commission Fund</td>
<td>$3,010,700</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$11,658,800</strong></td>
</tr>
</tbody>
</table>

**SECTIO 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 21, 1977.
AN ACT

EXPRESSING LEGISLATIVE INTENT WITH RESPECT TO EXPENDITURES FOR THE SECRETARY OF STATE;

APPROPRIATING MONEYS FROM THE ACCOUNTS ENUMERATED TO THE SECRETARY OF STATE TO BE
EXPENDED FOR DESIGNATED PROGRAMS, ACCORDING TO DESIGNATED EXPENSE CLASSES FROM THE
LISTED ACCOUNTS FOR THE PERIOD JULY 1, 1977, THROUGH JUNE 30, 1978; AND EXPRESSING
LEGISLATIVE INTENT WITH RESPECT TO CERTAIN EXPENDITURES.

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, 1977, through June 30, 1978:

<table>
<thead>
<tr>
<th>FOR:</th>
<th>FROM:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel Costs</td>
<td>General Account</td>
</tr>
<tr>
<td>Operating Expenditures</td>
<td></td>
</tr>
<tr>
<td>Capital Outlay</td>
<td></td>
</tr>
<tr>
<td>Trustee &amp; Benefit Payments</td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Federal Accounts</td>
</tr>
<tr>
<td></td>
<td>Idaho Commission on Arts &amp; Humanities Account</td>
</tr>
<tr>
<td></td>
<td>Idaho Code Commission Account</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>TOTAL</td>
</tr>
</tbody>
</table>

|                           |                             |
|                           | $396,700                    |
|                           | $432,300                    |
|                           | 7,600                       |
|                           | $288,400                    |
|                           |                             |
|                           |                             |
|                           |                             |
|                           | $538,700                    |
|                           | 30,000                      |
|                           |                             |
|                           |                             |
|                           | $1,125,000                  |

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 the desig-
nated program according to expense classes designated therein from the listed accounts for
the period July 1, 1977, through June 30, 1978:

<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>OPERATION OF THE SECRETARY OF STATE OFFICE:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td>General Account</td>
<td>$326,900</td>
<td>$148,000</td>
<td>$7,000</td>
<td>$481,900</td>
</tr>
<tr>
<td></td>
<td>Miscellaneous Receipts Account</td>
<td>15,000</td>
<td></td>
<td></td>
<td>15,000</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$326,900</td>
<td>$163,000</td>
<td>$7,000</td>
<td></td>
<td>$496,900</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 the designated program according to expense classes designated therein from the listed account for the period July 1, 1977, through June 30, 1978:

**COMMISSION ON UNIFORM STATE LAWS:**

<table>
<thead>
<tr>
<th>FROM:</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>General Account</td>
<td>$ 6,100</td>
<td>$ 6,100</td>
</tr>
</tbody>
</table>

SECTION 4. There is hereby appropriated to the Secretary of State for the functions to be performed by the Idaho Commission on Arts and Humanities the following amounts, to be expended for the designated program according to expense classes designated therein from the listed accounts for the period July 1, 1977, through June 30, 1978:

**ARTS AND HUMANITIES COMMISSION:**

<table>
<thead>
<tr>
<th>FROM:</th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>General Account</td>
<td>$ 40,600</td>
<td>$ 9,500</td>
<td>$ 600</td>
</tr>
<tr>
<td>Miscellaneous Receipts</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Account</td>
<td>15,000</td>
<td>15,000</td>
<td></td>
</tr>
<tr>
<td>Idaho Commission on Arts &amp; Humanities Account</td>
<td>$ 14,200</td>
<td>$ 9,700</td>
<td>$ 288,400</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$ 54,800</td>
<td>$ 34,200</td>
<td>$ 288,400</td>
</tr>
</tbody>
</table>

SECTION 5. There is hereby appropriated to the Secretary of State for the functions to be performed by the Idaho Code Commission the following amounts, to be expended for the designated program according to expense classes designated therein from the listed account for the period July 1, 1977, through June 30, 1978:

**IDaho Code Commission:**

<table>
<thead>
<tr>
<th>FROM:</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Idaho Code Commission Account</td>
<td>$ 15,000</td>
<td>$ 229,000</td>
</tr>
</tbody>
</table>

SECTION 6. 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 Secretary of State 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 Secretary of State and shall be exempted from provisions of Chapter 36, Title 67, Idaho Code, and Section 67-3516, Idaho Code.

Approved March 21, 1977.
AN ACT
AMENDING SECTION 3, CHAPTER 241; LAWS OF 1976, RELATING TO THE APPROPRIATION TO THE STATE BOARD OF EDUCATION AND THE BOARD OF REGENTS OF THE UNIVERSITY OF IDAHO FOR GENERAL EDUCATION 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 $264,900 AND MISCELLANEOUS RECEIPTS BY $203,400; DECLARING PROVISIONS OF HOUSE BILL 41 SHALL BE IMPLEMENTED BEFORE JUNE 30, 1977; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 3, Chapter 241, Laws of 1976, 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, 1976, through June 30, 1977:

FOR:
General Education Programs $547,699,730 55,167,600
FROM:
General Fund $487,429,000 48,693,900
Federal Endowment Funds
State Endowment Funds:
  Lewis-Clark Normal School Income Fund 422,500
  Idaho State University Income Fund 173,300
  Idaho State University Teachers Training Fund 422,500
  University of Idaho Income Fund 445,000
  Agricultural College Income Fund 314,000
  School of Science Income Fund 889,000
SECTION 2. It is hereby declared that the provisions of House Bill 41, First Regular Session, Forty-fourth Legislature, upon its final approval, shall be implemented prior to June 30, 1977, by the State Board of Education from funds appropriated by this act to the State Board of Education and the Board of Regents.

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 21, 1977.
AN ACT
EXPRESSING LEGISLATIVE INTENT WITH RESPECT TO EXPENDITURES
FOR SPECIAL PROGRAMS AT THE UNIVERSITY OF IDAHO; APPROPRIATING MONEYS FROM THE ACCOUNTS ENUMERATED TO THE STATE BOARD OF EDUCATION AND THE BOARD OF REGENTS OF THE UNIVERSITY OF IDAHO, TO BE EXPENDED FOR AGRICULTURAL RESEARCH, COOPERATIVE EXTENSION SERVICES, FOREST UTILIZATION RESEARCH, SHORT TERM APPLIED RESEARCH, NORTHWEST COLLEGE OF VETERINARY MEDICINE AND WAMI MEDICAL EDUCATION PROGRAMS, ACCORDING TO DESIGNATED EXPENSE CLASSES FOR THE PERIOD JULY 1, 1977, THROUGH JUNE 30, 1978; APPROPRIATING MONEYS OUT OF THE FUND ENUMERATED TO THE STATE BOARD OF EDUCATION AND THE BOARD OF REGENTS OF THE UNIVERSITY OF IDAHO FOR THE AGRICULTURAL RESEARCH PROGRAM FOR EXPANSION OF THE POTATO BREEDING FACILITY AT ABERDEEN FOR THE SPECIFIED PERIOD; AND PROVIDING EFFECTIVE DATES.

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 as appropriated in sections 2 through 7 of this act, not exceed the following amounts for the period July 1, 1977, through June 30, 1978.

FOR:
Special Programs, University of Idaho $11,680,800
General Account $8,491,500

FROM:
Federal Accounts:
  Hatch Act 779,300
  Regional Research 315,800
  Agricultural Research - Rural 14,200
  Smith-Lever Act 1,382,000
  Expanded Nutrition 239,300
  Indian Affairs 49,900
  Farm Safety 20,000
  Title V Rural Development 14,200
  Agricultural Rural Development 9,600

Local Accounts:
### 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 the Agricultural Research Program, according to expense classes designated from the enumerated accounts, for the period July 1, 1977, through June 30, 1978.

<table>
<thead>
<tr>
<th>FOR:</th>
<th>181,400</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel Costs</td>
<td>$3,953,800</td>
</tr>
<tr>
<td>Operating Expenditures</td>
<td>972,400</td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>509,700</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$5,435,900</strong></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
</tr>
<tr>
<td>General Account</td>
<td>$4,145,200</td>
</tr>
<tr>
<td>Federal Accounts:</td>
<td></td>
</tr>
<tr>
<td>Hatch Act</td>
<td>779,300</td>
</tr>
<tr>
<td>Regional Research</td>
<td>315,800</td>
</tr>
<tr>
<td>Agricultural Research - Rural</td>
<td>14,200</td>
</tr>
<tr>
<td>Local Station Income</td>
<td>181,400</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$5,435,900</strong></td>
</tr>
</tbody>
</table>

### Section 3

There is hereby appropriated to the State Board of Education and the Board of Regents of the University of Idaho the following amounts, to be expended for the Cooperative Extension Service Program, according to expense classes designated from the enumerated accounts, for the period July 1, 1977, through June 30, 1978.

<table>
<thead>
<tr>
<th>FOR:</th>
<th>181,400</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel Costs</td>
<td>$3,682,600</td>
</tr>
<tr>
<td>Operating Expenditures</td>
<td>508,900</td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>24,600</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$4,216,100</strong></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
</tr>
<tr>
<td>General Account</td>
<td>$2,494,100</td>
</tr>
<tr>
<td>Federal Accounts:</td>
<td></td>
</tr>
<tr>
<td>Smith-Lever Act</td>
<td>1,382,000</td>
</tr>
<tr>
<td>Expanded Nutrition</td>
<td>239,300</td>
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<tr>
<td>Indian Affairs</td>
<td>49,900</td>
</tr>
<tr>
<td>Farm Safety</td>
<td>20,000</td>
</tr>
<tr>
<td>Title V Rural Development</td>
<td>14,200</td>
</tr>
<tr>
<td>Agricultural Rural Development</td>
<td>9,600</td>
</tr>
<tr>
<td>Local Smith-Lever Act Funds</td>
<td>7,000</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$4,216,100</strong></td>
</tr>
</tbody>
</table>
SECTION 4. There is hereby appropriated to the State Board of Education and the Board of Regents of the University of Idaho the following amount, to be expended for the Forest Utilization Research Program from the account enumerated for the period July 1, 1977, through June 30, 1978.

FOR:
Forest Utilization Research $200,000
FROM:
General Account $200,000

SECTION 5. There is hereby appropriated to the State Board of Education and the Board of Regents of the University of Idaho the following amount, to be expended for the Short Term Applied Research Program from the account enumerated for the period July 1, 1977, through June 30, 1978.

FOR:
Short Term Applied Research $75,000
FROM:
General Account $75,000

SECTION 6. 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 according to expense classes designated from the enumerated accounts, for the period July 1, 1977, through June 30, 1978.

FOR:
Personnel Costs $606,500
Operating Expenditures 105,900
Capital Outlay 82,300
TOTAL $794,700
FROM:
General Account $676,500
Miscellaneous Receipts Account 118,200
TOTAL $794,700

SECTION 7. 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 accounts, for the period July 1, 1977, through June 30, 1978.

FOR:
Personnel Costs $196,200
Operating Expenditures 43,400
Capital Outlay 34,500
Trustee & Benefit Payments

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Account</td>
<td>$900,700</td>
</tr>
<tr>
<td>Miscellaneous Receipts Account</td>
<td>58,400</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$959,100</strong></td>
</tr>
</tbody>
</table>

SECTION 8. There is hereby appropriated out of the fund enumerated the following amount, or so much thereof as may be necessary, to the State Board of Education and the Board of Regents of the University of Idaho for the Agricultural Research Program, to be expended for the specified purpose for the period from the effective date of this act through June 30, 1978.

FOR:
Expansion of Potato Breeding Facility at Aberdeen

FROM:
Fiscal Year 1977 General Fund moneys

SECTION 9. This act shall be in full force and effect on and after July 1, 1977, except for Section 8 hereof. An emergency existing therefor, which emergency is hereby declared to exist, Section 8 shall be in full force and effect on and after passage and approval of this act.

Approved March 21, 1977.
AN ACT
RELATING TO DRIVERS' LICENSES; AMENDING SECTION 49-318, IDAHO CODE, TO PROVIDE A SPACE ON AN OPERATOR'S OR CHAUFFEUR'S LICENSE FOR THE LICENSEE TO INDICATE A DESIRE TO MAKE ANATOMICAL GIFTS; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 49-318, Idaho Code, be, and the same is hereby amended to read as follows:

49-318. LICENSES ISSUED TO OPERATORS AND CHAUFFEURS. (a) The department shall issue to every applicant qualifying therefor an operator's or chauffeur's license as applied for, which license shall bear thereon a distinguishing number assigned to the licensee, the full name, date of birth, residence address and a brief description of the licensee, and a space upon which the licensee shall write his or her usual signature with pen and ink immediately upon receipt of the license. No license shall be valid until it has been so signed by the licensee.

(b) Every operator's and chauffeur's license shall bear thereon a color photograph of the licensee, which shall be taken by the examiner at the time the application is made for an Idaho operator's or chauffeur's license.

(c) Operators' and chauffeurs' licenses shall bear thereon, in a manner and form to be prescribed by the director, a place for the licensee to indicate his or her desire to donate any or all of his or her organs in the event of death, pursuant to the provisions for donation of anatomical gifts as set forth in chapter 34, title 39, Idaho Code.

SECTION 2. This act shall be in full force and effect on and after January 1, 1978.

Approved March 22, 1977.
CHAPTER 130
(S.B. No. 1197)

AN ACT
RELATING TO THE DEFINITION OF DEATH; PROVIDING THAT DEATH SHALL BE PRONOUNCED UPON DETERMINATION BY A PHYSICIAN, WITH CONFIRMATION BY ANOTHER PHYSICIAN, THAT A PERSON HAS SUFFERED TOTAL AND IRREVERSIBLE CESSATION OF BRAIN FUNCTION; AND DECLARING AN EMERGENCY.

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

SECTION 1. A person shall be pronounced dead if it is determined by a licensed physician and independently confirmed by another licensed physician that such person has suffered a total and irreversible cessation of brain function. Nothing in this section, however, shall prohibit a physician from using other usual and/or customary procedures for determining death as the exclusive basis for pronouncing a person dead.

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 22, 1977.
Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. 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 41-3933, Idaho Code, and to read as follows:

41-3933. SUBORDINATED INDEBTEDNESS. (1) A health maintenance organization may borrow money from the federal government to assist in meeting the amount by which its operating costs during a period not to exceed the first sixty (60) months of its initial operations, or of its operations after its significant expansion, exceed its revenues in that period.

(2) Money so borrowed, together with the interest thereon, shall not form a part of the health maintenance organization's legal liabilities or be the basis of any setoff, but until repaid, financial statements filed or published by the health maintenance organization shall show as a footnote thereto the amount thereof then unpaid together with any interest thereon accrued but unpaid, if the loan agreement contains the following provisions:

(a) The loan shall be repaid as to principal and interest only out of surplus in excess of statutory minimums.
(b) In the event of liquidation, repayment of the balance of the borrowed funds and any accrued interest then due and owing shall be paid only out of assets remaining after the payment of all obligations and claims of subscribers and general creditors.

(3) The health maintenance organization shall in advance of any payment on a loan obtained under this section file with the director a condensed financial statement. The loan payment shall be deemed approved unless within ten (10) days after the date of such filing the health maintenance organization is notified of the director's disapproval and the reasons therefor.

(4) To obtain a loan authorized by this section a health maintenance organization may assign, pledge or mortgage its right, title and interest in and to (1) the entire revenues derived from the operation of the health maintenance organization, (2) the revenues resulting from the ownership thereof, (3) the undisbursed balance of the loan, and (4) the income from the lease of any or all of the premises of the health maintenance organization, subject to and subordinated to all claims and obligations of subscribers and general creditors and the other obligations and conditions of this section.

(5) This section shall not apply to loans obtained by the health maintenance organization in the ordinary course of business from banks and other financial institutions, nor to loans, other than specified in this section, secured by pledge, assignment or mortgage of assets.

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.

AN ACT

RELATING TO REGULATION OF THE PRACTICE OF NURSING; REPEALING CHAPTER 14, TITLE 54, IDAHO CODE; ADDING A NEW CHAPTER 14, TITLE 54, IDAHO CODE, STATING PURPOSE AND REQUIRING LICENSURE; DEFINING TERMS; CREATING A BOARD OF NURSING, PROVIDING FOR QUALIFICATION AND APPOINTMENT OF MEMBERS, PROVIDING FOR PAYMENT OF EXPENSES AND PER DIEM TO MEMBERS AND PROVIDING FOR CONDUCT OF BUSINESS; ENUMERATING POWERS AND DUTIES OF THE BOARD; PROVIDING FOR DEPOSIT OF FUNDS TO A FUND IN THE STATE TREASURY, PROVIDING FOR APPROPRIATION AND PAYMENT OF FUNDS TO THE BOARD AND FOR TRANSFER OF EXISTING FUNDS; REQUIRING QUALIFICATION AND APPROVAL OF NURSING EDUCATION PROGRAMS; REQUIRING QUALIFICATION AND LICENSURE OF PROFESSIONAL NURSES AND ASSESSING FEES; REQUIRING QUALIFICATION AND LICENSURE OF PRACTICAL NURSES AND ASSESSING FEES; PROVIDING FOR TEMPORARY LICENSURE; REQUIRING BIENNIAL RENEWAL OF LICENSES AND ASSESSING FEES; ENUMERATING EXEMPTIONS FROM LICENSURE REQUIREMENTS; PROVIDING FOR DISCIPLINE OF LICENSEES, ENUMERATING GROUNDS FOR DISCIPLINE, PROVIDING FOR INVESTIGATION AND INITIATION OF DISCIPLINARY PROCEEDINGS, AFFORDING HEARING AND NOTICE, APPLYING THE ADMINISTRATIVE PROCEDURES ACT, AUTHORIZING APPOINTMENT OF HEARING OFFICER, PROVIDING FOR ADMINISTRATION OF OATHS AND FOR SUBPOENA AND DESCRIBING METHOD OF COMPELling TESTIMONY AND ENFORCING SUBPOENA, AUTHORIZING SUBSEQUENT REVIEW, MODIFICATION, WITHDRAWAL, REVERSAL AND AMENDMENT OF DISCIPLINARY ACTION; PROHIBITING CERTAIN ENUMERATED CONDUCT AND PROVIDING CRIMINAL PENALTIES; RECOGNIZING EXISTING LICENSES; LIMITING NURSE PRACTITIONERS; PROVIDING SEVERABILITY; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Chapter 14, Title 54, Idaho Code, be, and same is hereby repealed.

SECTION 2. 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 14, Title 54, Idaho
Code, and to read as follows:

54-1401. PURPOSE - LICENSE REQUIRED. In order to safeguard the public health, safety and welfare, it is in the public interest to regulate and control nursing in the state of Idaho to promote quality health care services, to prohibit unqualified and dishonest persons from practicing nursing, and to protect against acts or conduct which may endanger the health and safety of the public. To that end, it shall be unlawful for any person to practice nursing or offer to practice nursing, or to use any titles, abbreviations, and designations to indicate the person is practicing nursing in this state unless that person is duly licensed pursuant to this act.

54-1402. DEFINITIONS. As used in this act:
(a) "Board" means the board of nursing.
(b) "Nursing" shall include the practice of professional nursing and the practice of practical nursing respectively defined as follows:
(1) The practice of professional nursing means performance of any act in observation, care, and counsel of the ill, injured, and infirm persons; in maintenance of health and prevention of illness of others; in supervision and teaching of other health care personnel; and in administration of medications and treatments as prescribed by nurse practitioners, licensed physicians and licensed dentists; requiring substantial specialized judgment and skill based on knowledge and application of the principles of biological, physical and social science.
(2) The practice of practical nursing means performance of selected acts in the care of ill, injured, and infirm persons performed at the direction of a licensed professional nurse, licensed physician or a licensed dentist not requiring the substantial independent skill, judgment and knowledge required in professional nursing.
(c) "Nursing education program" means a course of instruction offered and conducted to prepare persons for the practice of nursing, or to increase the knowledge and skills of the practicing nurse.
(d) "Nurse practitioner" means a licensed professional nurse having specialized skill, knowledge and experience authorized, by rules and regulations jointly promulgated by the Idaho state board of medicine and the Idaho board of nursing and implemented by the Idaho board of nursing, to perform designated acts of medical diagnosis, prescription
of medical therapeutic and corrective measures and delivery of medications.

54-1403. BOARD OF NURSING. (a) Appointment, Removal and Term of Office. There is hereby created within the department of self-governing agencies the board of nursing for the state of Idaho composed of seven (7) members appointed by the governor. Membership of the board shall consist of four (4) persons licensed to practice professional nursing in Idaho, two (2) persons licensed to practice practical nursing in Idaho and one (1) person who is a lay person to health care occupations. In making appointments to the board, consideration shall be given to the board's responsibility in areas of education and practice. Members of the board of nursing and of the advisory council for licensed practical nurses holding office under prior law on the effective date of this act shall serve as members of the board created herein until expiration of their respective terms and, as those terms expire or become vacant, the governor shall appoint such other persons as will constitute a complete board as herein prescribed. Upon expiration of any term or creation of any vacancy, the board shall notify the governor thereof, who then shall make such appointment or fill such vacancy within sixty (60) days. Appointments shall be for terms of three (3) years except appointments to vacancies which shall be for the unexpired term being filled. No member shall be appointed for more than two (2) terms. The governor may remove any member from the board for neglect of any duty required by law or for incompetency or unprofessional or dishonorable conduct.

(b) Qualifications of members. No person is qualified for appointment hereunder unless that person is a citizen of the United States and a resident of the state of Idaho. Members required to be licensed hereunder shall not be qualified for appointment to the board unless actively engaged in some field of nursing in Idaho at the time of appointment. No person is qualified for appointment as the lay member of the board if the person or his spouse is licensed in any health occupation; is an employee, officer or agent of or has any financial interest in any health care facility, institution, or association or any insurance company authorized to underwrite health care insurance; or is engaged in the governance and administration of any health care facility, institution or association.

(c) Conduct of business. The board shall meet at such times as required to conduct the business of the board and shall annually elect from its members a chairman, vice-
chairman and such other officers as be desirable. Four (4) members shall constitute a quorum and the vote of a majority of members present at a meeting wherein a quorum is present shall determine the action of the board. Each member of the board shall receive a sum equal to actual expenses reasonably incurred in connection with the business of the board, plus a sum not to exceed thirty-five dollars ($35.00) per day for each day spent in discharge of duties as a member when the board is in official session.

54-1404. BOARD OF NURSING -- POWERS AND DUTIES. The board shall have all powers and duties necessary and incident to regulation of nursing and to enforcement of this act, including but not limited to, the power and duty:
(1) to license qualified persons for practice of nursing in Idaho and to limit, restrict, amend, deny, suspend, revoke and renew licenses;
(2) to establish standards, criteria, conditions and requirements for licensure and to investigate and determine eligibility and qualifications for licensure, and to administer examinations for licensure;
(3) to establish standards of conduct and practice and to regulate the use of titles, abbreviations and designations for the practice of nursing;
(4) to establish standards, criteria, and requirements for curricula for nursing education programs and to evaluate, survey, review and approve nursing education programs;
(5) to evaluate continuing competency of persons licensed pursuant to this act and to develop standards which will advance the competency of licensees in accordance with developing scientific understanding and methods relating to the practice of nursing;
(6) to receive and collect license and renewal fees assessed pursuant to this act and to assess, receive and collect additional reasonable fees for certification of nurse practitioners, administration of examinations, investigations and evaluations of applicants, issuance of temporary licenses, duplication and verification of records, surveying and evaluating nursing education programs, to be deposited in the state treasury in the manner provided by this act;
(7) to employ personnel necessary to administer this act and rules and regulations promulgated pursuant to this act and perform such other duties as the board may require. Such personnel shall include an executive director, who shall be currently licensed to practice
professional nursing in Idaho and who shall not be a member of the board;

(8) to maintain a record of board proceedings, annually report to the governor and maintain a public register of names and addresses of licensed nurses;

(9) to make, adopt and publish rules and regulations pursuant to chapter 52, title 67, Idaho Code, as may be necessary or appropriate to carry out the provisions and purposes of this act.

54-1405. DISPOSITION OF FUNDS. State board of nursing fund--creation of. All fees of any kind collected under the provisions of this act shall be deposited in the state treasury to the credit of a fund to be known as the state board of nursing fund in accordance with chapter 8, title 57, Idaho Code, which is hereby created and all such monies as are now in or may hereafter come into such fund are hereby appropriated to carrying out the purposes and objectives of this act and to pay all costs and expenses incurred in connection therewith.

Such monies shall be paid out upon warrants drawn by the state auditor upon presentation of proper vouchers approved by the state board of nursing. All monies in the state board of nursing fund on the effective date of this act are hereby transferred to the state board of nursing fund hereby created and appropriated to the board.

54-1406. NURSING EDUCATION PROGRAMS. Approval.

(a) Qualifications. Persons and institutions desiring to offer or conduct approved nursing education programs in the state of Idaho shall comply herewith. Approval shall be conditioned upon and subject to continuing compliance with standards adopted by the board respecting faculty, staff, curriculum, administration, financial stability and other matters affecting the quality of nursing education.

(b) Initial compliance. Upon receipt of an application hereunder, a survey of the program, including clinical facilities and affiliated institutions, shall be made under the direction of the executive director and a written report of the findings shall be submitted to the board. If the board determines that the standards have been met, it shall issue a certificate of approval.

(c) Continuing compliance. To insure the continuing compliance with adopted standards, all approved nursing education programs shall be surveyed and reviewed periodically under the direction of the executive director. Written reports of the findings shall be submitted to the board. In
the event any program fails to maintain compliance required by this section, the board may withdraw its prior certification, or impose such conditions and restrictions as may secure compliance within a reasonable period of time by notification in writing and specifying the reasons for the action.

54-1407. LICENSE FOR PROFESSIONAL NURSING. 
(a) Qualifications. To qualify for a license to practice professional nursing, a person must:
(1) have successfully completed the basic professional curriculum of an approved nursing education program; and
(2) pass an examination adopted and used by the board to measure knowledge and judgment essential for safe practice of professional nursing or have a professional or registered nurse license in good standing, without restriction or limitation, issued upon successful similar examination, approved by the board, conducted in another state, territory or foreign country; and
(3) be of sufficiently sound physical and mental health as will not impair or interfere with the ability to practice nursing.

(b) Fees. A qualified applicant shall be entitled to a license to practice professional nursing upon payment of a license fee to the board in an amount designated by the board not less than forty-five dollars ($45.00) nor more than ninety dollars ($90.00).

54-1408. LICENSE FOR PRACTICAL NURSING. 
(a) Qualifications. To qualify for a license to practice practical nursing a person must:
(1) have successfully completed the basic curriculum of an approved practical nursing education program or its equivalent; and
(2) pass an examination adopted and used by the board to measure knowledge and judgment essential for safe practice of practical nursing or have a practical nursing license in good standing, without restriction or limitation, issued upon successful similar examination, approved by the board, conducted in another state, territory or foreign country; and
(3) be of sufficiently sound physical and mental health as will not impair or interfere with the ability to practice nursing.

(b) Fees. A qualified applicant shall be entitled to a license to practice practical nursing upon payment of a license fee to the board in an amount designated by the board
not less than forty dollars ($40.00) nor more than eighty-five dollars ($85.00).

54-1409. TEMPORARY LICENSE. The board may issue temporary licenses to:
(1) graduates of approved nursing education programs seeking to qualify for licensure by this act; or
(2) persons who have not actively engaged in the practice of nursing in any state for more than three (3) years immediately prior to application for licensure.
Temporary licenses shall be issued upon such terms and conditions as the board may determine necessary to insure safe and qualified performance of nursing functions. The board shall define the nature, the scope and period of practice permissible under the temporary license.

54-1410. RENEWAL OF LICENSE. Each license issued pursuant to this act shall be valid from the date of its issue until the first renewal date thereafter. No license shall be valid unless renewed each and every two (2) years on the renewal dates fixed by the board. The board may impose a renewal fee in an amount not less than twenty dollars ($20.00) nor more than forty dollars ($40.00).

54-1411. EXCEPTIONS TO LICENSE REQUIREMENTS. This act shall not be construed to require licensure or to prohibit the practice of nursing by persons assisting in an emergency, students enrolled in approved nursing education programs performing functions incident to formal instruction, nurses licensed by another state, territory or country and employed by the United States government performing official duties, persons rendering nursing services or care of the sick when done in connection with the practice of the religious tenets of any church by adherents thereof, and by such other persons as may be exempt from licensure by rules and regulations of the board. Nothing shall be construed as prohibiting the use of medical attendants by the department of correction at its correctional institutions.

54-1412. DISCIPLINARY ACTION. (a) Grounds for discipline. The board shall have the power to deny any application for or renewal of license, to revoke, suspend or amend any license issued pursuant to this act and to limit or restrict the practice of any licensee, upon a determination by the board that the person:
(1) made, or caused to be made, a false, fraudulent or forged statement or representation in procuring or
attempting to procure a license to practice nursing; or
(2) practiced nursing under a false or assumed name; or
(3) is convicted of a felony or of any offense involving moral turpitude; or
(4) is or has been grossly negligent or reckless in performing nursing functions; or
(5) habitually uses alcoholic beverages or narcotic, hypnotic or hallucinogenic drugs; or
(6) is physically or mentally unfit to practice nursing; or
(7) violates the provisions of this act or rules and regulations and standards of conduct and practice as may be adopted by the board; or
(8) otherwise engages in conduct of a character likely to deceive, defraud or endanger patients or the public.

(b) Proceedings. The executive director shall conduct such investigations and initiate such proceedings as necessary to insure compliance with this section. Every person subject to disciplinary proceedings shall be afforded an opportunity for hearing after reasonable notice. All proceedings hereunder shall be in accordance with chapter 52, title 67, Idaho Code.

Hearings shall be conducted by the board or by persons appointed by the board to conduct hearings and receive evidence. The board and any person duly appointed by the board to conduct hearings shall have all powers as are necessary and incident to orderly and effective receipt of evidence including, but not limited to, the power to administer oaths, and to compel by subpoena attendance of witnesses and production of books, records and things at the hearing or at a deposition taken by a party in accordance with the Idaho rules of civil procedure. Any party shall be entitled to the use of subpoena upon application therefore.

In the event any person fails to comply with a subpoena personally served upon him or refuses to testify to any matter regarding which he may be lawfully interrogated, the board shall petition the district court in the county where such failure or refusal occurred or where such person resides, to enforce such subpoena or compel such testimony. Proceedings before the district court shall be for contempt in the same nature as contempt of court for failure or refusal to comply with an order of the court and the court shall have the same powers to secure compliance with subpoena and testimony or to impose penalties as in contempt of court proceedings.

(c) Subsequent Review. Any order of the board entered under this section may be withdrawn, reversed, modified or
amended upon a showing by the person subject to the order that the grounds for discipline no longer exist or that he is rehabilitated, qualified and competent to practice nursing and that he is not likely to violate this act or rules and regulations adopted hereunder in the future. The board may, as a condition to withdrawal, reversal, modification or amendment of the order, require the person to pay all or part of the costs incurred by the board in proceedings upon which the order was entered.

54-1413. UNLAWFUL CONDUCT -- PENALTIES. (a) It shall be unlawful for any person, corporation, association or other legal entity to:

(1) practice nursing in this state without a current license unless exempt from licensure by this act; or
(2) falsify or forge any application for licensure, license, renewal of license or certification required by this act; or
(3) falsely represent by use of any designation, title, or statement, that he is licensed pursuant to this act; or
(4) falsely represent, by use of any designation, title or statement, that a school or course is approved pursuant to this act; or
(5) employ unlicensed persons to practice nursing in this state unless the person is exempt from licensure by this act;
(6) aid, assist or encourage any person to violate this act; or
(7) fail to report semiannually upon request, the names of professional and practical nurses employed.

(b) Any person violating the provisions of this section shall be guilty of a misdemeanor and shall be punishable by fine not to exceed three hundred dollars ($300) or by imprisonment not to exceed six (6) months or both such fine and imprisonment.

54-1414. EXISTING LICENSES. Any person holding a license to practice nursing in this state on the date this act becomes effective shall be recognized as licensed hereunder and shall be subject to all provisions of this act. The rules and regulations of the board in effect at the time of enactment of this act, and the fees fixed by the statute repealed by this act shall remain in full force and effect until the board has adopted supplemental rules and regulations pursuant to this act.
54-1415. LIMITATION. Nothing in this act shall be construed to authorize nurse practitioners to perform those specific functions and duties specifically delegated by law to those persons licensed as pharmacists under chapter 17, title 54, Idaho Code, provided that the delivery of medications will not be construed as dispensing, a licensed pharmacist function.

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.


CHAPTER 133
(H.B. No. 31)

AN ACT
RELATING TO STATE DEPOSITORIES; REPEALING SECTION 67-2740, IDAHO CODE, RELATING TO THE CERTIFICATION OF THE CAPITAL AND SURPLUS OF STATE DEPOSITORIES BY THE DEPARTMENT OF FINANCE.

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

SECTION 1. That Section 67-2740, Idaho Code, be, and the same is hereby repealed.

Approved March 24, 1977.
CHAPTER 134
(H.B. No. 214)
AN ACT
RELATING TO THE LAW ENFORCEMENT AUTHORITY OF EMPLOYEES OF
THE SHEEP COMMISSION; AMENDING SECTION 25-129, IDAHO
CODE, TO GIVE INSPECTORS AND VETERINARIANS LAW ENFORCE-
MENT AUTHORITY; AND AMENDING SECTION 25-1109, IDAHO
CODE, TO GIVE BRAND INSPECTORS LAW ENFORCEMENT AUTHORITY
OVER VIOLATIONS INVOLVING SHEEP.

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

SECTION 1. That Section 25-129, Idaho Code, be, and the
same is hereby amended to read as follows:

25-129. RULES AND REGULATIONS -- EXECUTIVE SECRETARY,
VETERINARIAN, INSPECTORS, SALARIES, EXPENSES AND OFFICE. (1)
The board shall elect one (1) of its members president. The
said board is empowered to make rules and regulations for
governing itself and such rules and regulations as it may
decide necessary for the enforcement of the provisions of this
act and to enforce all such rules and regulations, and shall
have exclusive control of all matters pertaining to the
sheep industry. It shall be empowered to make and enforce
rules and regulations for quarantining, dipping or otherwise
treating sheep which may be infected, affected or infested
with scabies, ticks, lice or any other parasites detrimental
or injurious to sheep, or any infectious or contagious
disease of sheep and for the speedy and effective suppres-
sion and extirpation of infectious or contagious diseases,
scabies, ticks, lice or other parasites detrimental to sheep
as are not in conflict with the provisions of this act. All
such rules and regulations adopted by said board shall have
the same force and effect as law and any person, associa-
tion, firm or corporation violating such rules or regula-
tions shall be deemed guilty of a misdemeanor.

(2) The board is empowered to select an executive
secretary who may or may not be a member of the board, and
such executive secretary shall have the authority and power
to sign any and all lawful claims or vouchers to be made,
filed or drawn by or on behalf of the board against the
"sheep commission fund," hereinafter described for the pay-
ment of money, and for such purposes he shall be regarded as
the head of the department and he shall perform such other
and further duties as the board shall direct.
(3) The board is empowered to appoint, with the approval of the governor, a veterinarian in charge, who must be duly licensed in the state of Idaho and who is a graduate of a recognized and accredited school of veterinary medicine, but who may or may not be the regular administrator of the division of animal industries, whose duties and powers shall be defined and prescribed by said board; which said officer shall be bonded to the state of Idaho in the time, form and manner prescribed by chapter 8, title 59, Idaho Code. The veterinarian in charge shall receive such compensation as may be allowed by said board and actual and necessary expenses incurred in the performance of his duties. Provided, that where the administrator of the division of animal industries is designated by said board as its veterinarian in charge, such administrator shall not receive any additional salary for such work, but all of his traveling and other expenses incurred in the handling of such additional duties shall be a charge against said sheep commission fund and shall be paid therefrom. The veterinarian in charge shall be at all times subject to the authority of the board and shall have the same powers hereinafter provided for all other inspectors appointed by the board under this act. The veterinarian in charge shall have authority and power to sign all lawful claims or vouchers filed or drawn on behalf of the board against the sheep commission fund.

(4) The board is hereby empowered to appoint all other inspectors, veterinarians and such other employees and assistants as may be necessary to carry out the duties and powers herein conferred and fix the compensation of all such appointees. All salaries and expenses of every kind incurred in carrying out the provisions of this act shall be paid from the sheep commission fund herein created.

(5) Inspectors and veterinarians appointed by the board of sheep commissioners shall have the power and duty to enforce all of the laws of the state for the identification, inspection and transportation of sheep and other livestock, and shall have general authority to enforce theft laws of the state with respect to sheep and other livestock.

SECTION 2. That Section 25-1109, Idaho Code, be, and the same is hereby amended to read as follows:

25-1109. DUTIES OF INSPECTOR AND DEPUTIES AS LAW ENFORCEMENT OFFICERS. The state brand inspector and his deputies shall also have power and the duty to enforce all
of the laws of the state for the identification, inspection and transportation of livestock and sheep and all laws of the state designed or intended to prevent the theft of livestock and sheep and shall have all of the authority and powers of peace officers vested in the commissioner of law enforcement, with general jurisdiction throughout the state.

The state brand inspector shall give special consideration to reducing the loss of livestock and sheep by theft and to that end may inspect and cause inspections to be made outside the state of Idaho of livestock and sheep transported or driven from the state of Idaho, and shall also coordinate the efforts of all other law enforcement officials and peace officers in the apprehension and conviction of persons who have stolen livestock, sheep, hides, pelts, or carcasses of livestock.

Approved March 24, 1977.

CHAPTER 135
(H.B. No. 176)

AN ACT
RELATING TO POULTRY GRADING AND INSPECTION; REPEALING SECTIONS 37-1831 THROUGH 37-1839, IDAHO CODE, WHICH PROVIDE FOR LABELING REGARDING THE GRADING OF POULTRY.

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

SECTION 1. That Sections 37-1831 through 37-1839, Idaho Code, be, and the same are hereby repealed.

Approved March 24, 1977.
CHAPTER 136
(H.B. No. 85)

AN ACT
RELLATION TO ASSESSMENTS ON SHEEP; AMENDING SECTION 25-131, IDAHO CODE, TO RAISE THE ASSSESSMENT ON SHEEP FROM A MAXIMUM OF THIRTY CENTS TO A MAXIMUM OF FORTY CENTS, AND PROVIDING NAME CHANGES.

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

SECTION 1. That Section 25-131, Idaho Code, be, and the same is hereby amended to read as follows:

25-131. SHEEP COMMISSION FUND -- ANNUAL ASSESSMENT -- APPROPRIATION. There is hereby levied and imposed an annual assessment on each sheep, one (1) year or older, within the state of Idaho at a rate not to exceed thirty forty cents (30¢-40¢) per head. In the event a sheep does not remain in the state for the entire year, the assessment imposed upon such sheep shall be as follows: the actual assessment imposed during the year multiplied by the ratio that the number of estimated or actual days the sheep is or will be in the state bears to the total number of days in that year.

The assessment shall be collected each calendar year by the board from and after a time designated by the board as the due date for the assessment. All moneys collected by the board under the provisions of this act shall be paid to the state treasurer. All moneys received from the assessment shall be deposited in the state treasury by the state treasurer to the credit of a special account in the state operating fund hereby created to be known as the "sheep commission fund account."

In addition thereto, the said fund account shall consist of any appropriations made by the legislature for the use of and expenditure by said board. All fees of every kind collected under the provisions of this act, or under any rules and regulations made pursuant to the provisions of this act, shall be deposited in the state treasury in the manner hereinabove described. The moneys in said special fund account are hereby appropriated for the use and expenditure of said board carrying out the provisions of this act and the rules and regulations made herein and said fund account is hereby declared to be a continuing fund account.

All moneys received by the state board of sheep commissioners from that portion of the special assessment which is
made to carry on the predatory animal work shall be expended by the sheep commission in the respective districts comprising the counties where the assessment was collected less the actual and necessary administrative costs for carrying out the provisions of this act. All moneys received by such fund account for predatory animal work except as herein otherwise provided shall be expended by the sheep commission within the district or districts specified by the party or agency providing such funds and any trust fund must be held inviolate for the purposes of the trust.

Approved March 24, 1977.
AN ACT
RELATING TO INVESTMENT SECURITIES; REPEALING SECTION 30-1424, IDAHO CODE, RELATING TO REGISTRATION BY QUALIFICATION FOR SMALL MINES' ISSUES; AMENDING SECTION 30-1434, IDAHO CODE, RELATING TO SECURITIES WHICH ARE EXEMPT FROM REGISTRATION, BY PROVIDING AN EXEMPTION FROM REGISTRATION FOR SMALL MINES' ISSUES.

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

SECTION 1. That Section 30-1424, Idaho Code, be, and the same is hereby repealed.

SECTION 2. That Section 30-1434, Idaho Code, be, and the same is hereby amended to read as follows:

30-1434. EXEMPT SECURITIES. Sections 30-1416 through 30-1433 inclusive, Idaho Code, shall not apply to:

(1) any security including a revenue obligation issued or guaranteed by the United States, any state, any political subdivision of a state or any agency or corporate or other instrumentality of one or more of the foregoing, or any certificate of deposit for any of the foregoing.

(2) any security issued or guaranteed by Canada, any Canadian province, any political subdivision of any such province, any agency or corporate or other instrumentality of one or more of the foregoing or any other foreign government with which the United States currently maintains diplomatic relations if the security is recognized as a valid obligation by the issuer or guarantor.

(3) any security issued by and representing an interest in or a debt of, or guaranteed by, any bank organized under the laws of the United States or any bank, savings institution or trust company organized or chartered as such and under the jurisdiction and supervision of the superintendent of banks of any state.

(4) any security issued by and representing an interest in or a debt of, or guaranteed by, any federal savings and loan association or any building and loan or similar association organized under the laws of any state and authorized to do business in this state,
(5) any insurance or endowment policy or annuity contract or optional annuity contract, issued by a corporation subject to the supervision of the director of the department.

(6) any security issued or guaranteed by any federal credit union or any credit union, industrial loan association or similar association organized and supervised under the laws of this state,

(7) any security issued or guaranteed by any railroad, other common carrier, public utility or holding company which is:
   (a) subject to the jurisdiction of the interstate commerce commission,
   (b) a registered holding company under the Public Utility Holding Company Act of 1935 or a subsidiary of such a company within the meaning of that act,
   (c) regulated with respect to its rates and charges by a governmental authority of the United States or any state or municipality, or
   (d) regulated with respect to the issuance or guarantee of the security by a governmental authority of the United States, any state, Canada or any Canadian province; also equipment trust certificates in respect to equipment conditionally sold or leased to a railroad or public utility, if other securities issued by such railroad or public utility would be exempt under this subsection,

(8) any security listed or approved for listing upon notice of issuance on the New York Stock Exchange, the American Stock Exchange, the Midwest Stock Exchange or any other stock exchange registered with the United States securities and exchange commission and approved by the director, any other security of the same issuer which is of senior or substantially equal rank, any security called for by subscription rights or warrants so listed or approved or any warrant or right to purchase or subscribe of the foregoing,

(9) any security issued by any person organized and operated not for private profit but exclusively for religious, educational, benevolent, charitable, fraternal, social, athletic or reformatory purposes, also any securities issued by a community-sponsored or owned industrial corporation or foundation organized for the purpose of promoting growth and/or economic development of the community,

(10) any commercial paper which arises out of a current transaction or the proceeds of which have been or are to be used for current transaction and which evidences an obligation to pay cash within nine (9) months of the date of issuance, exclusive of days of grace, or any renewal of such
paper which is likewise limited or any guarantee of such paper or of any such renewal when such commercial paper is sold to the banks or insurance companies,

(11) any investment contract issued in connection with an employee's stock purchase, savings, pension, profit-sharing or similar benefit plan.

(12) any security issued by a nonprofit cooperative corporation organized pursuant to section 30-117A or chapter 10, title 30, Idaho Code, if no expenditure is made by or on its behalf in connection with the issuance or sale of its securities other than the actual expenses of organization, calling or holding meetings of incorporators or shareholders, printing, mailing, and taxes,

(13) any security issued by a domestic or foreign corporation, partnership, trust or association engaged in actual mining operations or the exploration and development of mining properties in this state, whether or not sold through a broker-dealer, provided the following conditions are met:

(a) the term "actual mining operations" within the meaning of this subsection does not include the development or production of gas or oil;
(b) the total amount of the securities to be offered and sold does not exceed one hundred thousand dollars ($100,000) in any twelve (12) month period;
(c) all sales brochures, pamphlets, advertisements and literatures are filed with the director prior to being used;
(d) at least eighty per cent (80%) of the gross amount paid by the purchasers of the securities is used in actual mining operations or for actual exploration and development expenses, including legal, accounting, engineering and geological expenses; and
(e) the issuer shall file a report in a form prescribed by the director and at such times that the director by rule may provide, not to exceed once every three (3) months, stating the number of shares or amount of other securities sold, the number of purchasers, the amount of money obtained by the issuer from the sales, and the manner in which the moneys have been expended.

Provided, that any person shall give notice in the form prescribed by the director of his intention to avail himself of the exemption afforded by subsections (4), (5), (6), (9),
or (11), or (12) or (13) of this section thirty (30) days after the effective date of this act prior to the first offer or sale to be made thereunder. The director may by order deny or revoke the exemption specified in such subsections 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 an 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 an 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.

Approved March 24, 1977.
CHAPTER 138
(H.B. No. 190)

AN ACT
RELATING TO SICK AND OTHER LEAVE FOR SCHOOL DISTRICT EMPLOYEES; AMENDING SECTION 33-1216, IDAHO CODE, BY PROVIDING THAT A BOARD OF TRUSTEES MAY ESTABLISH A POLICY FOR RETIREMENT SEVERANCE PAY FOR EMPLOYEES.

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. This shall not prohibit the local board of trustees from establishing a policy providing retirement severance pay.

(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.

(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, 1977.
CHAPTER 139
(H.B. No. 140)
AN ACT
RELATING TO COUNTY HOSPITAL BOARDS; AMENDING SECTION
31-3603, IDAHO CODE, TO STRIKE REFERENCES TO PARTISAN
POLITICAL ACTIVITIES OF MEMBERS OF COUNTY HOSPITAL
BOARDS.

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

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

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

Approved March 24, 1977.
AN ACT
RELATING TO SALARIES OF COUNTY OFFICERS; AMENDING SECTION
31-3106, IDAHO CODE, TO PROVIDE THAT COUNTY COMMISSIONERS SHALL SET CERTAIN ANNUAL SALARIES FOR COUNTY OFFICERS FOR THE FISCAL YEAR BEGINNING OCTOBER 1 OF EACH YEAR.

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

SECTION 1. That Section 31-3106, Idaho Code, be, and the same is hereby amended to read as follows:

31-3106. SALARIES OF COUNTY OFFICERS. It shall be the duty of the board of county commissioners of each county at its annual meeting in April of each year to fix the annual salaries of the several county officers, except county commissioners and prosecuting attorneys, as of and from the second-Monday-of-January, October 1 for the next ensuing year.

Approved March 24, 1977.
AN ACT

RELATING TO COLLECTION OF WAGES; AMENDING SECTION 45-615, IDAHO CODE, TO PROVIDE AN INCREASE IN THE STATUTORY LIMITATION FOR WAGE COLLECTIONS BY THE DEPARTMENT OF LABOR AND INDUSTRIAL SERVICES FROM FOUR HUNDRED AND FIFTY DOLLARS TO ONE THOUSAND DOLLARS.

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

SECTION 1. That Section 45-615, Idaho Code, be, and the same is hereby amended to read as follows:

45-615. PROCEEDINGS FOR COLLECTION OF WAGES AND DAMAGES -- $4501000 LIMIT.

1. Claims filed with the director of the department of labor and industrial services as set forth in this chapter are limited to four-hundred-fifty one thousand dollars ($4501000) for each employee.

2. Any proceeding by one (1) or more employees to assert any claim arising under or pursuant to this act may be brought in any court of competent jurisdiction, either as individual, class or representative suits.

3. Whenever the director determines that one (1) or more employees have claims for unpaid wages he may, upon the written request of the employee, take an assignment of the claim or claims in trust for such employee or employees, and may maintain any proceeding appropriate to enforce the claim or claims, including additional fixed damages pursuant to this act. With the written consent of the assignor, the director may settle or adjust any claim assigned pursuant to this subsection.

4. Any judgment for the plaintiff in a proceeding pursuant to this act shall include all costs reasonably incurred in connection with the proceedings and the plaintiff, or the director in his behalf, shall be entitled to recover from the defendant, as damages, three (3) times the amount of unpaid wages found due and owing.

5. The director shall attempt for a period of not less than two (2) years, from the date of collection, to make payment of wages collected under this act to the person entitled thereto. Wages collected by the director and remaining unclaimed for a period of more than two (2) years from the date collected shall on June 1st of each year be forfeited and retained in the department's account and used for the administration of this act.

Approved March 24, 1977.
Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 41-334, Idaho Code, be, and the same is hereby amended to read as follows:

41-334. SERVING PROCESS -- TIME TO PLEAD. (1) Duplicate copies of legal process against an insurer for whom the director is attorney, shall be served upon him either by a person competent to serve a summons or by registered or certified mail. At the time of service the plaintiff shall pay to the director two five dollars ($5.00),
taxable as costs in the action.

(2) The director shall forthwith send one (1) of the copies of the process, by registered or certified mail with return receipt requested, to the person designated for the purpose by the insurer in its most recent such designation filed with the director.

(3) The director shall keep a record of the day of service upon him of all legal process. No proceedings shall be had against the insurer, and the insurer shall not be required to appear, plead, or answer until the expiration of thirty (30) days after the date of service upon the director.

(4) Process served upon the director and copy thereof forwarded as in this section provided shall for all purposes constitute valid and binding service thereof upon the insurer.

SECTION 2. That Section 41-337, Idaho Code, be, and the same is hereby amended to read as follows:

41-337. RESIDENT AGENT, COUNTERSIGNATURE LAW. (1) Except as provided in section 41-338, Idaho Code, no authorized insurer shall make, write, place or cause to be made, written or placed, any policy or contract of insurance or indemnity of any kind or character, or a general or floating policy covering risks on property located in Idaho, liability created by or accruing under the laws of this state, or undertakings to be performed in this state, except through its resident insurance agents licensed as provided in this code, who shall countersign and place his insurance agents license number on all policies or indemnity contracts so issued, and who shall keep a record of the same, containing the usual and customary information concerning the risk undertaken and the full premium paid or to be paid therefor, to the end that the state may receive the taxes required by law to be paid on premiums collected for insurance on property or undertakings located in this state. When two (2) or more insurers issue a single policy of insurance the policy may be countersigned on behalf of all insurers appearing thereon by a licensed agent, resident in this state, of any one such insurer.

(2) The agent may grant a power of attorney in writing to an individual who is twenty-one (21) years or more of age and is employed full time on salary by the agent in the agent's office, authorizing such employee to countersign
policies and indorsements in his name and behalf. The power
of attorney shall be acknowledged by the agent under oath
before a notary public and shall be kept on file in the
agent's office.

SECTION 3. That Section 41-338, Idaho Code, be, and the
same is hereby amended to read as follows:

41-338. EXCEPTIONS TO RESIDENT AGENT, COUNTERSIGNATURE
LAW. (1) Nothing in section 41-337, Idaho Code, shall be
construed as preventing the free and unlimited right to
negotiate wholly outside of this state contracts of insur­
ance by licensed nonresident agents or brokers, provided the
policies, endorsements or evidence of insurance covering
properties or insurable interests in this state are counter­
signed by a resident agent of this state, in which event the
countersigning agent shall receive a commission of not less
than five per cent (5%) of the premium paid or one third
(1/3) of the commission paid to the licensed nonresident
agent or broker, whichever is less; provided, however, the
payment to the countersigning agent shall not exceed the sum
of two hundred fifty dollars ($250) per policy, and when the
countersigning commission to be paid is less than five
dollars ($5.00), the countersigning agent may waive any com­
mission due him.

(2) Section 41-337, Idaho Code, shall not apply to the
following contracts:

(a) Life insurance and annuities;
(b) Disability insurance;
(c) Title insurance; countersignature of title insur­
ance policies is as provided in section 41-2702, Idaho Code;
(d) Policies covering property in transit while in the
possession or custody of any common carrier, or the rolling
stock or other property of any common carrier used and
employed by it as a common carrier of freight or passengers,
or both;
(e) Reinsurance or retrocessions made by or for author­
ized insurers;
(f) Contracts issued by domestic reciprocal insurers
writing workmen's compensation for employers commonly known
as self-insurers; nor, with respect to countersignature, to
policies issued by a reciprocal insurer not using agents
compensated by commissions in the general solicitation of
business;
(g) Bid bonds issued by a surety insurer in connection
with any public or private contract; or

(h) Ocean marine insurance.

SECTION 4. That Section 41-401, Idaho Code, be, and the same is hereby amended to read as follows:

41-401. FEE SCHEDULE. The director shall collect in advance, and persons so served shall pay to him in advance, fees, licenses, and miscellaneous charges as follows:

<table>
<thead>
<tr>
<th>Fee Item</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) Certificate of authority of insurer:</td>
<td></td>
</tr>
<tr>
<td>(a) Filing application for original certificate of authority:</td>
<td></td>
</tr>
<tr>
<td>(i) Filing financial statement ..............................</td>
<td>$50.00</td>
</tr>
<tr>
<td>(ii) Filing and certifying charter or articles of incorporation and by-laws (and in addition the director shall collect from a foreign insurer, for filing its charter or articles with the secretary of state, the same fees as required therefor of a like domestic insurer)</td>
<td>10.00</td>
</tr>
<tr>
<td>(iii) Filing appointment of director as process agent..........................</td>
<td>2.00</td>
</tr>
<tr>
<td>(b) Issuance of original certificate of authority ..................</td>
<td>50.00</td>
</tr>
<tr>
<td>(c) Annual continuation of certificate of authority..................</td>
<td></td>
</tr>
<tr>
<td>(d) Reinstatement of certificate of authority (section 41-324).........</td>
<td>50.00</td>
</tr>
<tr>
<td>(e) Certified copy of certificate of authority ........................</td>
<td>3.00</td>
</tr>
<tr>
<td>(2) Charter documents:</td>
<td></td>
</tr>
<tr>
<td>(a) Filing and certifying amendment of charter or articles of incorporation, in addition to fees, if any, required for filing same with secretary of state..................</td>
<td>10.00</td>
</tr>
<tr>
<td>(b) Filing amendment to by-laws...................................</td>
<td>5.00</td>
</tr>
<tr>
<td>(3) Annual statement: Filing, other than as part of application for original certificate of authority......</td>
<td>50.00</td>
</tr>
<tr>
<td>(4) Agents, brokers, solicitors, and counselors consultants:</td>
<td></td>
</tr>
<tr>
<td>(a) Agent's license, including also disability insurance when written by property, casualty, or surety insurer otherwise represented by the general lines agent, or by a life insurer otherwise represented by a life agent:</td>
<td></td>
</tr>
<tr>
<td>(i) Filing application for original license, and including issuance of license, if issued:..................</td>
<td>5.00</td>
</tr>
<tr>
<td>For Life-Insurance license........................................</td>
<td>5.00</td>
</tr>
<tr>
<td>For General Lines license...........................................</td>
<td>5.00</td>
</tr>
<tr>
<td>(ii) Annual continuation of agent's license.......................</td>
<td>5.00</td>
</tr>
<tr>
<td>(iii) Original appointment of agent, each insurer.............</td>
<td>5.00</td>
</tr>
</tbody>
</table>
(iv) Annual continuation of appointment, each insurer ........................................... 5.00
(v) Temporary license.................................................. 5.00
(vi) Vending machines (section 41-1060, Idaho Code), each machine, each year ................ 10.00

(b) Broker's license:
(i) Filing application for original license, and including issuance of license, if issued .................. 10.00
For Life Insurance license .................................................. 10.00
For General Lines license .................................................. 10.00
(ii) Annual continuation of license .................. 5.00 10.00
(c) Solicitor's license:
(i) Filing application for original license, and including issuance of license, if issued .................. 5.00
(ii) Annual continuation of license .................. 5.00
(d) Consultant's license:
(i) Filing application for original license, and including issuance of license, if issued .................. 25.00
(ii) Annual continuation of license .................. 25.00
(e) Examination for license ........................................... 5.00
(i) Agents, brokers, solicitors--application for each examination and each time taken, other than as to variable contracts ........................................... 5.00
(ii) Variable contracts, application for examination and each time taken ................................. 10.00
(iii) Consultants--application for examination and each time taken ................................. 40.00

(5) Duplicate license certificate--agents, brokers, solicitors, consultants or adjusters .................. 5.00
(6) Surplus lines broker's license, application for original license, including issuance of license, if issued ........................................... 25.00
Annual continuation of license .................. 25.00
(7) Adjuster's license, application for original license, including issuance of license, if issued .......... 25.00
Annual continuation of license .................. 25.00
(8) Rating organization, triennial license fee ........................................... 25.00
(9) Examining bureau, quadrennial license fee ........................................... 25.00
(10) Organization and financing of insurer:
(a) Filing application for solicitation permit ........................................... 25.00
(b) Issuance of solicitation permit ........................................... 25.00
(11) Miscellaneous services:
(a) Director's certificate under seal (except certificates of authority or certified copies thereof or licenses) ........................................... 2.00
(b) For each copy of document filed in his office, a reasonable cost as fixed by the director.

(c) For valuing life insurance, actual cost of the valuation but not to exceed one cent (1¢) for each $1,000 of insurance.

(d) For receiving and forwarding copy of summons or other process served upon the director, as process agent of an insurer or nonresident agent, broker, or consultant 5.00.

SECTION 5. That Section 41-406, Idaho Code, be, and the same is hereby amended to read as follows:

41-406. DEPOSIT AND REPORT OF FEES, LICENSES, AND TAXES. (1) The commissioner director shall transmit all fees, licenses, taxes, fines and penalties collected by him to the state treasurer at least once a week, or oftener-in more often at his discretion. All such funds shall be placed in the general account of the state operating fund of the state of Idaho. The commissioner director shall file with the state auditor a statement of each deposit thus made.

(2) The commissioner director shall make and file with the state auditor within five (5) working days of the first day of each month an itemized statement of the fees, licenses, taxes, fines and penalties collected by him during the preceding month, and shall deliver a certified copy of the statement to the state treasurer.

SECTION 6. That Section 41-1405, Idaho Code, be, and the same is hereby amended to read as follows:

41-1405. RATE STANDARDS. (1) Rates shall not be excessive, inadequate or unfairly discriminatory.

(2) No rate shall be held to be excessive unless the director finds that:

(a) Such rate is unreasonably high for the insurance provided, and

(b) A reasonable degree of competition does not exist in Idaho with respect to the classification to which the rate is applicable.

(3) No rate shall be held to be inadequate unless the director finds that:

(a) Such rate is unreasonably low for the insurance provided and the continued use of such rate endangers the solvency of the insurer using the same, or

(b) Such rate is unreasonably low for the insurance provided.
provided and the use of such rate by the insurer using the same has, or if continued will have, the effect of destroying competition or creating a monopoly.

(4) Neither of such findings shall be made by the director except after a hearing on reasonable notice as-provided-by-section-41-1410(3).

(5) Nothing contained in this chapter shall be construed to repeal or modify the provisions of chapter 13, title 41 (trade practices and frauds), Idaho Code, and any rate, rating classification, rating plan or schedule, or variation thereof, established in violation of any of such provisions shall, in addition to the consequences stated in such chapter or elsewhere, be deemed a violation of this section.

SECTION 7. That Section 41-1807, Idaho Code, be, and the same is hereby amended to read as follows:

41-1807. POWER TO CONTRACT -- PURCHASE OF INSURANCE BY MINORS. (1) Any person of competent legal capacity may contract for insurance.

(2) Any minor not less than fifteen (15) years of age, notwithstanding his minority, may contract for annuities or for insurance upon his own life, body, health, property, liabilities or other interests, or on the person of another in whom the minor has an insurable interest. Such a minor shall, notwithstanding such minority, be deemed competent to exercise all rights and powers with respect to or under (a) any contract for annuity or for insurance upon his own life, body or health, or (b) any contract such minor effected upon his own property, liabilities or other interests, or on the person of another, as might be exercised by a person of full legal age, and may at any time surrender his interest in any such contracts and give valid discharge for any benefit accruing or money payable thereunder. Such a minor shall not, by reason of his minority, be entitled to rescind, avoid or repudiate the contract, nor to rescind, avoid or repudiate any exercise of a right or privilege thereunder, except that such a minor not otherwise emancipated, shall not be bound by any unperformed agreement to pay by promissory note or otherwise, any premium on any such annuity or insurance contract.

(3) Any annuity contract or policy of life or disability insurance procured by or for a minor under subsection (2) above, shall be made payable either to the minor or his
estate or to a person having an insurable interest in the life of the minor.

SECTION 8. That Section 41-2316, Idaho Code, be, and the same is hereby amended to read as follows:

41-2316. PENALTIES. In addition to any other penalty provided by law, any person who violates an order of the commissioner director after it has become final, and while such order is in effect, shall, upon proof thereof to the satisfaction of the court, forfeit and pay to the state of Idaho a sum not to exceed two hundred and fifty dollars ($250) which may be recovered in a civil action, except that if such violation is found to be wilful, the amount of such penalty shall be a sum not to exceed one thousand dollars ($1,000). The commissioner director, in his discretion, may revoke or suspend the license or certificate of authority of the person guilty of such violation. Such order for suspension or revocation shall be upon notice and hearing, and shall be subject to judicial review as provided in section 41-2315, Idaho Code.

SECTION 9. That Section 41-2707, Idaho Code, be, and the same is hereby amended to read as follows:

41-2707. FILING OF TITLE INSURANCE RATES -- HEARINGS. (1) Pursuant to such regulations as the director of the department of insurance may adopt, every title insurer or rating organization shall file with the director of the department of insurance its schedule of rates, basic classifications of policies or contracts, and rules pertaining thereto, and every modification of any of the foregoing, and the director of the department of insurance may file for modifications of any of such rates, basic classifications, and rules previously filed and approved or under consideration for approval. Every filing by a title insurer, rating organization of the director of the department of insurance shall propose an effective date and shall not be effective until:

(a) notice of such filing shall forthwith be given to title insurers qualified to do business in the state of Idaho and the filing shall be available for public inspection for thirty (30) days after its date of filing;

(b) any interested party may file comments on and objections to the proposed filing or any part set forth
therein during said period of public inspection;

(c) in the event of a filing by a title insurer or rating organization, whether or not comment or objection thereon has been received, which, in the judgment of the director, meets the requirements of section 41-2706, Idaho Code, the same may be approved without public hearing; and

(d) on any filing by an insurer or rating organization which upon review the director believes he may disapprove, or on a filing made by the director, the director shall hold a public hearing on and or before sixty (60) days from the date of the original filing upon not less than ten (10) days' written notice of the hearing specifying in reasonable detail the matters to be considered at such hearing, notice to be given to every title insurer and title insurance rating organization, and to such other persons who have filed objection or comment thereto.

Upon such hearing, and not later than thirty (30) days thereafter, the director of the department of insurance shall order all or any part of such filing which he deems approved to be in effect as of the date of such order, and if he finds the filing or a part thereof does not meet the requirements of title 41, Idaho Code, he shall issue an order specifying in what respects he finds that it so fails, stating when, within a reasonable period thereafter, such filing or a part thereof shall no longer be deemed effective if such filing or a part thereof has been effective prior thereto. Such order shall not affect any contract or policy made or issued prior to the effective date of said order changing any rate, or policy classification or form.

A title insurer, a title insurance rating organization or the director shall have the right at any time prior to an order thereon to withdraw a filing or a part thereof. Notice of such withdrawal shall be sent to each title insurer in the state that received notice of the original filing and to any person commenting on the filing.

(2) Any person or organization, other than a title insurer or title insurance rating organization, aggrieved by any filing in effect or proposed may make written application to the director specifying in reasonable detail the grounds of the objection relied upon by the applicant. The director, upon finding such application is made in good faith, there is reasonable cause for the grounds alleged by the applicant, that the applicant would be so aggrieved if his grounds are established, and that such grounds otherwise justify holding a hearing, shall, within ninety (90) days
after receipt of such application, hold a hearing upon not
less than thirty (30) days' written notice to the applicant
and to every title insurer, title insurance rating organiza-
tion, and agent involved in the filing challenged. If, after
such hearing, the director finds that the filing or a part
thereof does not meet the requirements of title 41, Idaho
Code, he shall issue an order specifying in what respect he
finds that such filing or part thereof fails to meet the
requirements, and stating when, within a reasonable period
thereafter, such filing or a part thereof shall be deemed no
longer effective. Copies of the order shall be sent to the
applicant and to every such title insurer and title insur-
ance rating organization and agent. Such order shall not
affect any contract or policy made or issued prior to the
expiration of the period set forth in the order.

(3) No filing nor any modification thereof shall be
disapproved if the rate in connection therewith meets the
requirements of this chapter.

SECTION 10. That Section 41-3104, Idaho Code, be, and
the same is hereby amended to read as follows:

41-3104. INSURING POWERS. Within the limits of restric-
tions set forth in its articles of incorporation and other-
wise under this chapter, such an insurer may:

(1) Issue property insurance, as defined in section
42-504 41-504, Idaho Code, as to farm property and personal
property reasonably associated therewith, churches and
public halls, and certain other dwellings and property as
specified below, all as follows:

(a) The property insured must be owned by a member of
the insurer, and must (except as expressly provided in this
section) be located within the county or counties in which
the insurer is authorized to transact insurance as provided
in section 41-3105, Idaho Code;

(b) The insurer shall not insure any property located
within the limits of any incorporated city, town, or
village, except as follows:

(i) The insurer may insure dwellings and/or household
goods owned by its members who, after becoming such members,
have moved within the limits of any such incorporated city,
town, or village;

(ii) The insurer may insure property of a member located
upon an otherwise open tract of land occupied by the member
and not less than five (5) acres in area, within the limits
of any such city, town, or village; and

(iii) The insurer may insure grange halls, wherever located in this state.

(2) The insurer may insure other buildings and/or contents owned by its members individually or as an organization and not located within any city, town, or village with population in excess of one hundred twenty-five (125).

(3) The insurer may insure churches and other public halls only if located outside of incorporated cities, towns, and villages.

(4) The insurer may insure farm machinery wherever located against fire, theft, and upset, or against fire and such additional perils as are usually insured under an extended coverage indorsement.

SECTION 11. That Section 41-3503, Idaho Code, be, and the same is hereby amended to read as follows:

41-3503. PAYMENT OF PREMIUMS. Premiums on insurance policies referred to in section 41-3502, Idaho Code, and on surety bonds referred to in section 41-3502, Idaho Code, shall be paid from funds appropriated or available for the officer, department, board, agency, or institution for which the same is procured, on claims made by the risk manager in the division of purchasing accompanied by the requisition of the officer or head of the department, board, agency, or institution, requiring any such insurance or bond.

SECTION 12. 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. "Director" means the director of the department of insurance.

3. "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.

4. "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 13. That Section 28-34-301, Idaho Code, be, and the same is hereby amended to read as follows:

28-34-301. PROPERTY INSURANCE. (1) A creditor may not contract for or receive a separate charge for insurance against loss of or damage to property unless the creditor qualifies under title 41, chapter 9 10, Idaho Code, or rule or regulation prescribed by the director of the department of insurance and
(a) the insurance covers a substantial risk of loss of or damage to property related to the credit transaction;
(b) the amount, terms, and conditions of the insurance are reasonable in relation to the character and value of the property insured or to be insured; and
(c) the term of the insurance is reasonable in relation to the terms of credit.
(2) The term of the insurance is reasonable if it is customary and does not extend substantially beyond a scheduled maturity.
(3) A creditor may not contract for or receive a separate charge for insurance against loss of or damage to property unless the amount financed or principal exclusive of charges for the insurance is $300 or more, and the value of the property is $300 or more.
(4) The amounts of $300 in subsection (3) are subject to change pursuant to the provisions on adjustment of dollar amounts (section 28-31-106).

SECTION 14. That Section 41-3435, Idaho Code, be, and the same is hereby amended to read as follows:

41-3435. AGENTS LICENSING. (1) Agents or persons representing a service corporation in the solicitation and negotiation of subscriber's contracts shall qualify for and be licensed as agents of the service corporation in the same manner and in compliance with the same applicable qualifications, licensing procedures and fees as apply under this code as to agents of life disability insurers; except that:
(a) Any such person who holds a valid license as an agent for a life disability insurer issued under chapter 10,
title 41, Idaho Code, may be appointed as the agent for such service corporation without further examination or other compliance with chapter 10, and

(b) Nothing in this section shall prevent such person from being licensed and appointed as an agent for a life insurer or insurers under chapter 10, title 41, Idaho Code, and concurrently being licensed as an agent for such a service corporation.

(2) Service corporations shall file appointment of such agents or representatives in the same manner as provided in section 41-921 41-1047, Idaho Code, with respect to agents of insurers.

(3) The exceptions to license requirements set forth in chapter 10, title 41, Idaho Code, shall also apply as to service corporations.

Approved March 24, 1977.
AN ACT
RELATING TO ALCOHOLIC BEVERAGES; AMENDING SECTION 23-908, IDAHO CODE, TO REQUIRE LICENSES TO BE PROMINENTLY DISPLAYED AT ALL TIMES; AMENDING SECTION 23-922, IDAHO CODE, TO PROVIDE THAT A BARTENDER PERMIT SHALL BE REVOKED IF QUALIFICATIONS ARE NOT MAINTAINED; AMENDING SECTION 23-927, IDAHO CODE, TO PROHIBIT THE CONSUMPTION OF LIQUOR DURING CERTAIN HOURS, TO PROVIDE THAT ALL UNSEALED BOTTLES MUST BE LOCKED UP DURING CERTAIN HOURS, AND TO PROVIDE A PENALTY FOR VIOLATION; AMENDING CHAPTER 9, TITLE 23, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 23-933B, IDAHO CODE, AUTHORIZING OTHER LICENSING AGENCIES TO REVOKE, SUSPEND OR REFUSE TO ISSUE A RETAIL LIQUOR BY THE DRINK LICENSE.

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

SECTION 1. That Section 23-908, Idaho Code, be, and the same is hereby amended to read as follows:

23-908. FORM OF LICENSE -- AUTHORITY -- EXPIRATION -- LIMITATIONS. Every license issued under this act shall set forth the name of the person to whom issued, the location by street and number, or other definite designation, of the premises, and such other information as the director shall deem necessary. If issued to a partnership, the names of the persons constituting such partnership shall be set forth. If issued to a corporation or association, the names of the principal officers and the governing board shall be set forth. Such license shall be signed by the licensee and prominently displayed in the place of business at all times. Every license issued under the provisions of this act is separate and distinct and no person except the licensee therein named except as herein otherwise provided, shall exercise any of the privileges granted thereunder. All licenses shall expire at 1:00 o'clock A.M. on January 1st of the following year subject to the renewal provisions of section 23-904, Idaho Code. No person shall be granted more than one (1) license in any city for any one (1) year; and no partnership, association or corporation holding a license
under this act shall have as a member, officer or stockholder any person who has any financial interest of any kind in, or is a member of, another partnership or association or an officer of another corporation holding a license in the same city for the same year; provided that this section shall not prevent any person, firm or corporation, owning two (2) or more buildings on connected property in a city from making application for and receiving licenses permitting the sale of liquor by the drink in such building. Application to transfer any license issued pursuant to chapter 9, title 23, Idaho Code, shall be made to the director. Upon receipt of such an application, the director shall make the same investigation and determinations with respect to the transferee as are required by section 23-907, Idaho Code, and if the director shall determine that all of the conditions required of a licensee under chapter 9, title 23, Idaho Code, have been met by the proposed transferee, then the license shall be indorsed over to the proposed transferee by said licensee for the remainder of the period for which such license has been issued and the director shall note his approval thereof upon such license.

SECTION 2. That Section 23-922, Idaho Code, be, and the same is hereby amended to read as follows:

23-922. BARTENDERS -- PERMITS -- QUALIFICATIONS -- PENALTY. (1) It shall be unlawful for any person to act as a bartender in any premises licensed under the provisions of this act unless such person shall hold a permit therefor from the director. Application for permit shall be made on forms furnished by the director and shall be accompanied by a permit fee of two dollars and fifty cents ($2.50). No person shall receive a permit as a bartender unless he shall establish to the satisfaction of the director that he:

1. (a) Is nineteen (19) years of age or over, except as hereafter provided;

2. (b) Has not, within three (3) years from the date of making application, been convicted of any violation of the laws of the United States, the state of Idaho including this act, or any other state of the United States, or of the resolution or ordinances of any county or city of this state, relating to the importation, transportation, manufacture, possession or sale of alcoholic liquor or beer or been convicted, paid any fine, been placed on probation, received a deferred sentence, received a withheld judgment or completed any sentence of confinement for any felony within five (5) years
prior to the date of making application for a permit;
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37(c) Has not had, as an individual, member of a part­
nership or association, a license issued under the
provisions of this act revoked, or been an officer,
member of the governing board or one (1) of the ten (10)
principal stockholders of a corporation licensed here­
under and whose license has been revoked, such revoca­
tion in any instance to be within five (5) years of the
application for permit as a bartender.
(2) The director shall revoke any permit held by a
person who is disqualified under the provisions of this
section.
(3) If any false statement of a material fact is know­
ingly made in any part of the application for a permit, the
person making such false statement shall be guilty of a mis­
demeanor.

SECTION 3. That Section 23-927, Idaho Code, be, and the
same is hereby amended to read as follows:

23-927. HOURS OF SALE OF LIQUOR. (1) No liquor shall
be sold, offered for sale, or given away upon any licensed
premises, and all liquor not in sealed bottles must be
locked in a separate room or cabinet during the following
hours:

a. Sunday, Memorial Day, Thanksgiving and Christmas
from 1 o'clock A.M., to 10 o'clock A.M. the following day;
provided however, that on any Sunday not otherwise being a
prescribed holiday, it shall be lawful for a licensee having
banquet area or meeting room facilities, separate and apart
from the usual dispensing area (bar room) and separate and
apart from a normal public dining room unless such dining
room is closed to the public, to therein dispense liquor
between the hours of 2 o'clock P.M. and 11 o'clock P.M. to
bona fide participants of banquets, receptions or conven­
tions for consumption only within the confines of such
banquet area or meeting room facility.
b. On any other day between 1 o'clock A.M. and 10
o'clock A.M.
c. On any day of a general or primary election until
after the time when the polls are closed.
d. When any city has any ordinance further limiting the
hours of sale of liquor, by the drink, then such hours shall
be fixed by such ordinance.
(2) Any patron present on the licensed premises after
the sale of liquor has stopped as provided in subsection (1)
above shall have a reasonable time, not to exceed thirty
(30) minutes, to consume any beverages already served.

(3) Any person who consumes or intentionally permits the consumption of any alcoholic beverage upon licensed premises after the time provided for in subsection (2) shall be guilty of a misdemeanor.

(4) It shall be the duty of every person who is employed at or upon a licensed premises or who owns or manages a licensed premises and is present upon the licensed premises during the hours and at the time set forth in subsection (1) of this section to lock up and keep locked up in a locked room or locked cabinet all unsealed containers of liquor during the hours and at the times set forth in subsection (1) of this section, and any such person who fails to perform the duty provided herein shall be guilty of a misdemeanor.

SECTION 4. 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 23-933B, Idaho Code, and to read as follows:

23-933B. PROCEDURE FOR OTHER LICENSING AUTHORITIES. The licensing authority of any county or incorporated municipality shall have and exercise the same powers to revoke, suspend, or to refuse grant of renewal of a retailer's license issued or issuable by it, as are granted to the director in this act. The determination of any such licensing authority to revoke, suspend, or to refuse grant of renewal of any retailer's license, shall be upon the same grounds referred to in section 23-933, Idaho Code, and may also be upon the grounds that the licensee has violated an ordinance validly enacted by it and regulating, governing or prohibiting the sale, manufacture, transportation or possession of beer or intoxicating liquor and notice thereof shall be given, and proceedings to contest said determination allowed, as provided for in this act with respect to state licenses issued by the director. The order to show cause shall be addressed to the board of county commissioners of the county or to the city council of the incorporated municipality, requiring the commissioners or councilmen, or such representative as they may designate, to appear in response thereto. Service of the order to show cause and petition shall be ordered to be made upon the chairman of the board of county commissioners or mayor or city manager of the municipality, as the case may be.

Approved March 24, 1977.
CHAPTER 144
(H.B. No. 155)

AN ACT
RELATING TO INITIATIVE AND REFERENDUM FOR CITIES; REPEALING SECTION 50-501, IDAHO CODE, AUTHORIZING INITIATIVE AND REFERENDUM; AMENDING CHAPTER 5, TITLE 50, IDAHO CODE, BY THE ADDITION THERETO OF A NEW SECTION 50-501, IDAHO CODE, TO REQUIRE ENACTMENT OF AN ORDINANCE TO PROVIDE INITIATIVE AND REFERENDUM AND PROVIDE MINIMUM REQUIREMENTS FOR THE ORDINANCE.

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

SECTION 1. That Section 50-501, Idaho Code, be, and the same is hereby repealed.

SECTION 2. That Chapter 5, 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 50-501, Idaho Code, and to read as follows:

50-501. INITIATIVE AND REFERENDUM. The city council of each city shall provide by ordinance for direct legislation by the people through the initiative and referendum. Minimum requirements of the ordinance adopted shall be as follows:
(1) petitioners for initiative or referendum shall be equal to twenty per cent (20%) of the total number of voters registered to vote at the last general election in the city;
(2) petitions for referendum shall be filed not less than sixty (60) days following the final adoption of the ordinance to be subject to referendum; (3) a special election for initiative or referendum shall be provided not more than ninety (90) days following the certification of the petition, provided that in the event a municipal election will occur within the ninety (90) days, the initiative or referendum shall be submitted at the time of the municipal election; (4) requirements for signature, verification of valid petitions, printing of petition, and time limits, except as expressly modified herein, shall be as nearly as practicable as provided in sections 34-1701 through 34-1705, Idaho Code.

Approved March 24, 1977.
CHAPTER 145

(H.B. No. 156)

AN ACT

RELATING TO INITIATIVE AND REFERENDUM FOR COUNTIES; AMENDING CHAPTER 7, TITLE 31, IDAHO CODE, BY THE ADDITION THEREOF OF A NEW SECTION 31-717, IDAHO CODE, TO REQUIRE ENACTMENT OF AN ORDINANCE TO PROVIDE INITIATIVE AND REFERENDUM AND PROVIDE MINIMUM REQUIREMENTS FOR THE ORDINANCE.

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

SECTION 1. That Chapter 7, 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 31-717, Idaho Code, and to read as follows:

31-717. COUNTY INITIATIVE AND REFERENDUM. The board of county commissioners of each county shall provide by ordinance for direct legislation by the people through the initiative and referendum. Minimum requirements of the ordinance adopted shall be as follows: (1) petitioners for initiative or referendum shall be equal to twenty per cent (20%) of the total number of voters registered to vote at the last general election in the county; (2) petitions for referendum shall be filed not less than sixty (60) days following the final adoption of the ordinance to be subject to referendum; (3) a special election for initiative or referendum shall be provided not more than ninety (90) days following the certification of the petition, provided that in the event a general or primary election will occur within the ninety (90) days, the initiative or referendum shall be submitted at the time of the general or primary election; (4) requirements for signature, verification of valid petitions, printing of petition, and time limits, except as expressly modified herein, shall be as nearly as practicable as provided in sections 34-1701 through 34-1705, Idaho Code.

Approved March 24, 1977.
Be It Enacted by the Legislature of the State of Idaho:

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

63-105BB. PROPERTY EXEMPT FROM TAXATION -- HARDSHIP SITUATIONS. The following property is exempt from taxation: Real and personal property to the amount of fifteen thousand dollars ($15,000) of market value belonging to persons who, because of unusual circumstances which affect their ability to pay the ad valorem tax, should be relieved from paying said tax in order to avoid undue hardship, which undue hardship must be determined by the board of equalization.

Exemptions granted under this section shall be for the current tax year only and property exempted hereunder shall continue to be listed and assessed for the ensuing tax years as other property. Claimants seeking exemption under this section must apply each year to the board of equalization in accordance with the procedure prescribed in section 63-107, 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 retroactively to January 1, 1977.

Approved March 24, 1977.
AN ACT
RELATING TO THE MOTOR CARRIER ACT; AMENDING SECTION 61-801, IDAHO CODE, TO EXEMPT CERTAIN MOTOR VEHICLES UNDER EIGHT THOUSAND POUNDS GROSS WEIGHT FROM THE APPLICATION OF THE ACT TO PRIVATE CARRIERS.

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; provided that a motor vehicle of a private carrier, of less than eight thousand (8,000) pounds gross vehicle weight, not engaged in the transport of a hazardous substance, shall be exempt from the provisions of this act.

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, farm
products or livestock of neighboring farmers from the place of production to a warehouse, regular market, place of storage, 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.

Approved March 24, 1977.
CHAPTER 148
(S.B. No. 1153, As Amended)

AN ACT
RELATING TO BEER DISTRIBUTION; ADDING A NEW SECTION 23-1033A, IDAHO CODE, PROHIBITING EXCLUSIVE DISTRIBUTION AGREEMENTS, PROHIBITING PRICE DISCRIMINATION, PROHIBITING UNCOMMON RESTRICTIONS OR CONDITIONS BEING IMPOSED ON WHOLESALERS, PROHIBITING TERMINATION OF AGREEMENTS WITH WHOLESALERS WITHOUT NOTICE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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 23-1033A, Idaho Code, and to read as follows:

23-1033A. PROHIBITION OF CERTAIN TRADE PRACTICES BETWEEN BREWERS OR DEALERS AND WHOLESALERS. (1) It shall be unlawful for any brewer or dealer, directly or indirectly, or through an affiliate, subsidiary, officer, director, agent, or employee:
(a) to require, by agreement or otherwise, that any wholesaler purchase any such beer or other distributed products from such person to the exclusion in whole or in part of beer or other products made or imported by other dealers or brewers;
(b) to induce, by any means, any wholesaler engaged in the sale or distribution of beer to purchase from or distribute the beer or other products of any brewer or dealer to the exclusion of the beer or products of other brewers or dealers by any means, including, but not limited to the brewer or dealer's acquisition of any interest in the wholesaler's license, or by acquiring any interest in the real or personal property owned, occupied, or used by the wholesaler;
(c) to discriminate in price, allowance, rebate, refund, commission, discount, or service between the wholesaler purchasing beer or other products;
(d) to threaten any wholesaler with any discrimination prohibited under subsection (1)(c) of this section, with the purpose or effect of changing or maintaining resale prices
of the wholesaler;

(e) to impose conditions or restrictions on a wholesaler not generally imposed on other wholesalers of such brewer; or 

(f) to cause a termination, cancellation, nonrenewal or substantial change in competitive circumstances in the relationship with the wholesaler without providing at least ninety (90) days' written notice of the termination, cancellation, nonrenewal or substantial change in competitive circumstances. The notice shall state all the reasons for termination, cancellation, nonrenewal or substantial change in competitive circumstances and shall provide that the wholesaler has sixty (60) days from the date of receipt by said wholesaler of the brewer's or dealer's notice in which to rectify any claimed deficiency; provided that said notice need not provide for an opportunity to rectify if any written agreement between the brewer or dealer and wholesaler then exists pursuant to which the brewer or dealer has the right of termination, cancellation or nonrenewal without cause. If the deficiency is rectified within sixty (60) days the notice shall be void in those cases where the wholesaler has a right to rectify any claimed deficiency as herein provided. The notice provisions of this section shall not apply if the reason for termination, cancellation or nonrenewal is insolvency, the occurrence of an assignment for the benefit of creditors, bankruptcy, the conviction of the wholesaler in a court of competent jurisdiction of violating any federal or state law relating to or regulating the sale and distribution of any alcoholic beverage, the conviction of the wholesaler in any court of competent jurisdiction of any felony or other crime involving moral turpitude, the suspension, for a period of sixty (60) or more days, or revocation or nonrenewal of any federal or state permit or license of the wholesaler authorizing the sale or distribution of any alcoholic beverage, or the act or acts of the wholesaler in the course of the wholesaler's dealings with the brewer or dealer which constitute dishonesty, fraud or deceit on the part of the wholesaler. If the reason for termination, cancellation, nonrenewal or substantial change in competitive circumstances is nonpayment of sums due for the purchase of product, the wholesaler shall be entitled to written notice of such default, and shall have twenty (20) days in which to remedy such default from the date of delivery or posting of such notice. By mutual agreement in writing executed by the brewer and wholesaler the period of any notice herein required may be shortened provided such agreement is executed specifically for that purpose after receipt by the
wholesaler of any written form of notice herein required has
been given.

(2) Nothing in this section shall be deemed to prohibit
brewers or dealers from selecting their own customers in
bona fide transactions not in restraint of trade, nor to
prohibit a brewer, or any affiliate or subsidiary of such
brewer, duly licensed as a wholesaler from selling and dis-
tributing beer or other products manufactured by such brewer
at wholesale to the exclusion of beer or other products
manufactured by any other brewers. The terms "wholesaler"
and "wholesalers" as used in this section shall mean a
wholesaler or wholesalers licensed and engaged as such in
the sale and distribution of beer in the state of Idaho.

SECTION 2. The provisions of this act are hereby
declared to be severable and if any provision of this act or
the application of such provision to any person or circum-
stance is declared invalid for any reason, such declaration
shall not affect the validity of remaining portions of this
act.

SECTION 3. This act shall be in full force and effect
on and after July 1, 1977.

Approved March 24, 1977.
CHAPTER 149
(H.B. No. 325)

AN ACT
APPROPRIATING MONEYS FOR LEGISLATIVE DEPARTMENT PURPOSES; APPROPRIATING MONEYS FROM THE ACCOUNTS ENUMERATED TO THE LEGISLATIVE COUNCIL, TO BE EXPENDED FOR THE DESIGNATED PROGRAM ACCORDING TO DESIGNATED EXPENSE CLASSES FROM THE LISTED ACCOUNTS FOR THE PERIOD JULY 1, 1977, THROUGH JUNE 30, 1978; APPROPRIATING MONEYS FROM THE ACCOUNTS ENUMERATED TO THE JOINT FINANCE-APPROPRIATIONS COMMITTEE, TO BE EXPENDED FOR THE DESIGNATED PROGRAMS ACCORDING TO DESIGNATED EXPENSE CLASSES FROM THE LISTED ACCOUNTS FOR THE PERIOD JULY 1, 1977, THROUGH JUNE 30, 1978; APPROPRIATING MONEYS FROM THE ACCOUNT ENUMERATED TO THE LEGISLATIVE COUNCIL FOR THE WESTERN STATES LEGISLATIVE FORESTRY TASK FORCE, TO BE EXPENDED ACCORDING TO THE DESIGNATED EXPENSE CLASS FROM THE LISTED ACCOUNT FOR THE PERIOD JULY 1, 1977, THROUGH JUNE 30, 1979; APPROPRIATING MONEYS FROM THE FUNDS ENUMERATED, TRANSFERRING THOSE FUNDS INTO THE LEGISLATIVE FUND, AND AUTHORIZING AND DIRECTING THE STATE AUDITOR TO MAKE SUCH TRANSFERS; APPROPRIATING MONEYS FROM THE FUND ENUMERATED TO THE JOINT-FINANCE APPROPRIATIONS COMMITTEE, TO BE EXPENDED FOR THE DESIGNATED PROGRAM ACCORDING TO THE DESIGNATED EXPENSE CLASS FROM THE LISTED FUND FOR THE PERIOD FROM THE EFFECTIVE DATE OF THIS ACT THROUGH JUNE 30, 1977; APPROPRIATING MONEYS FROM THE FUND ENUMERATED TO THE LEGISLATIVE COUNCIL FOR THE WESTERN STATES LEGISLATIVE FORESTRY TASK FORCE, TO BE EXPENDED ACCORDING TO THE DESIGNATED EXPENSE CLASS FROM THE LISTED FUND FOR THE PERIOD FROM THE EFFECTIVE DATE OF THIS ACT THROUGH JUNE 30, 1977; PROVIDING AN EFFECTIVE DATE AND DECLARING AN EMERGENCY FOR SECTIONS 4, 5 AND 6 OF THIS ACT.

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

SECTION 1. There is hereby appropriated to the Legislative Council the following amounts, to be expended for the designated program according to expense classes designated therein from the listed accounts for the period July 1, 1977, through June 30, 1978:
SECTION 2. There is hereby appropriated to the Joint Finance-Appropriations Committee the following amounts, to be expended for the designated programs according to the expense classes designated therein from the listed accounts for the period July 1, 1977, through June 30, 1978:

FOR FOR
PERSONNEL OPERATING TOTAL

<table>
<thead>
<tr>
<th>PROGRAM</th>
<th>PERSONNEL COSTS</th>
<th>OPERATING EXPENDITURES</th>
<th>CAPITAL OUTLAY</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. POST AUDIT:</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 Account</td>
<td>$250,400</td>
<td>$20,300</td>
<td>$800</td>
<td>$271,500</td>
</tr>
<tr>
<td>General Interaccount Account</td>
<td>140,000</td>
<td>140,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Misc. Receipts Account</td>
<td>36,800</td>
<td>17,300</td>
<td>500</td>
<td>54,600</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$427,200</td>
<td>$37,600</td>
<td>$1,300</td>
<td>$466,100</td>
</tr>
<tr>
<td>B. BUDGET ANALYSIS:</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 Account</td>
<td>$165,200</td>
<td>$17,600</td>
<td></td>
<td>$182,800</td>
</tr>
<tr>
<td>C. JOINT FINANCE-APPROPRIATIONS COMMITTEE:</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 Account</td>
<td>$18,500</td>
<td>$15,600</td>
<td></td>
<td>$34,100</td>
</tr>
</tbody>
</table>

SECTION 3. There is hereby appropriated to the Legislative Council the following amount, to be expended for the designated purpose, according to the expense class designated therein from the listed account for the period July 1, 1977, through June 30, 1979:
A. DUES TO THE WESTERN STATES LEGISLATIVE FORESTRY TASK FORCE:

<table>
<thead>
<tr>
<th>FROM:</th>
<th>OPERATING EXPENDITURES</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Account</td>
<td>$ 5,300</td>
<td>$ 5,300</td>
</tr>
</tbody>
</table>

SECTION 4. There is hereby appropriated from funds enumerated, $300,000 to be transferred into the Legislative Fund:

<table>
<thead>
<tr>
<th>FROM:</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fiscal Year 1977 General Fund Moneys</td>
<td>$241,000</td>
</tr>
<tr>
<td>General Interaccount Fund</td>
<td>35,000</td>
</tr>
<tr>
<td>Miscellaneous Receipts Fund</td>
<td>24,000</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$300,000</strong></td>
</tr>
</tbody>
</table>

The state auditor is hereby authorized and directed to transfer the appropriation made by this section into the Legislative Fund on the effective date of this section.

SECTION 5. There is hereby appropriated to the Joint Finance-Appropriations Committee the following amount, to be expended for the designated program according to the expense class designated therein, from the listed fund, for the period from the effective date of this act through June 30, 1977:

<table>
<thead>
<tr>
<th>FOR PERSONNEL COSTS</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. POST AUDIT:</td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
</tr>
<tr>
<td>Miscellaneous Receipts Fund</td>
<td>$ 8,000</td>
</tr>
</tbody>
</table>

SECTION 6. There is hereby appropriated to the Legislative Council the following amount, to be expended for the designated purpose, according to the expense class designated therein, from the listed fund, for the period from the effective date of this act through June 30, 1977:

<table>
<thead>
<tr>
<th>FOR OPERATING EXPENDITURES</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. DUES TO THE WESTERN STATES LEGISLATIVE FORESTRY TASK FORCE:</td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
</tr>
<tr>
<td>Fiscal Year 1977 General Fund Moneys</td>
<td>$ 2,500</td>
</tr>
</tbody>
</table>
SECTION 7. This act shall be in full force and effect on and after July 1, 1977, except for Sections 4, 5 and 6 thereof. An emergency existing therefor, which emergency is hereby declared to exist, sections 4, 5 and 6 shall be in full force and effect on and after passage and approval.

Approved March 25, 1977.
CHAPTER 150
(H.B. No. 265)

AN ACT
EXPRESSING LEGISLATIVE INTENT WITH RESPECT TO EXPENDITURES FOR
THE ATTORNEY GENERAL; APPROPRIATING MONEYS FROM THE ACCOUNTS
ENUMERATED TO THE ATTORNEY GENERAL TO BE EXPENDED FOR DESIGNATED PROGRAMS, ACCORDING TO DESIGNATED EXPENSE CLASSES FROM THE LISTED ACCOUNTS FOR THE PERIOD JULY 1, 1977 THROUGH JUNE 30, 1978; AND EXPRESSING LEGISLATIVE INTENT WITH RESPECT TO CERTAIN EXPENDITURES.

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

SECTION 1. It is legislative intent that the expenditures for the Attorney General not exceed the following amounts for the period July 1, 1977, through June 30, 1978:

<table>
<thead>
<tr>
<th>FOR</th>
<th>FROM:</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel Costs</td>
<td>$1,671,000</td>
<td>$2,122,200</td>
</tr>
<tr>
<td>Operating Expenditures</td>
<td>440,400</td>
<td></td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>10,800</td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>$2,122,200</td>
<td></td>
</tr>
</tbody>
</table>

SECTION 2. There is hereby appropriated to the Attorney General the following amounts, to be expended for designated programs, according to expense classes designated therein from the listed accounts for the period July 1, 1977, through June 30, 1978:

<table>
<thead>
<tr>
<th>PROGRAM</th>
<th>PERSONNEL COSTS</th>
<th>OPERATING EXPENDITURES</th>
<th>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>General Acct. $311,800</td>
<td>$173,400</td>
<td>$10,800</td>
<td>$496,000</td>
</tr>
<tr>
<td>B. LEGAL-CIVIL:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td>General Acct. $275,400</td>
<td>$8,500</td>
<td></td>
<td>$283,900</td>
</tr>
<tr>
<td>General Interaccount Account</td>
<td>913,700</td>
<td>126,800</td>
<td></td>
<td>1,040,500</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$1,189,100</td>
<td>$135,300</td>
<td></td>
<td>$1,324,400</td>
</tr>
</tbody>
</table>
C. LEGAL-CRIMINAL:
FROM:
General Acct. $127,800 $ 57,200 $ 185,000
General Interaccount
Account 42,300 24,500 66,800
TOTAL $ 170,100 $ 81,700 $ 251,800

D. SPECIAL SERVICES LITIGATION:
FROM:
General Acct. $ 50,000 $ 50,000

GRAND TOTAL
$1,671,000 $ 440,400 $ 10,800 $2,122,200

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.

Approved March 25, 1977.
C. 151 '77

CHAPTER 151
(H.B. No. 310)

AN ACT
RELATING TO THE BASIC RULE SPEEDING STATUTE; AMENDING SECTION 49-681, IDAHO CODE, AS ENACTED BY HOUSE BILL NO. 197, FIRST REGULAR SESSION, FORTY-FOURTH LEGISLATURE, TO PROVIDE THAT THE FIVE DOLLAR MAXIMUM FINE PROVISION FOR VEHICLES TRAVELING IN EXCESS OF FIFTY-FIVE MILES PER HOUR SHALL APPLY TO THE INTERSTATE HIGHWAY SYSTEM.

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

SECTION 1. That Section 49-681, Idaho Code, as enacted by House Bill No. 197, First Regular Session, Forty-fourth Legislature, be, and the same is hereby amended to read as follows:

49-681. BASIC RULE AND MAXIMUM SPEED LIMITS. (1) Basic rules. - No person shall drive a vehicle at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing. Consistent with the foregoing, every person shall drive at a safe and appropriate speed when approaching and crossing an intersection or railroad grade crossing, when approaching and going around a curve, when approaching a hill crest, when traveling upon any narrow or winding roadway, and when special hazards exist with respect to pedestrians or other traffic or by reason of weather or highway conditions.

(2) Maximum speed limits. Where no special hazard exists that requires lower speed for compliance with subsection (1) of this section the limits as hereinafter authorized shall be maximum lawful speeds, and no person shall drive a vehicle at a speed in excess of such maximum limits:
   (a) Thirty-five (35) miles per hour in any urban district;
   (b) Fifty-five (55) miles per hour in other locations.

The maximum speed limits set forth in this section may be altered as authorized in sections 49-683 and 49-684, Idaho Code.

(3) Penalty. - When the maximum speed on a given highway is set at fifty-five (55) miles per hour, and the maximum posted speed was more than fifty-five (55) miles per
hour prior to the emergency declared by P.L. 93-239, or when
the maximum speed on a portion of the interstate highway
system is fifty-five (55) miles per hour and the speed of
the vehicle was seventy (70) miles per hour or less, the
maximum fine that shall be imposed for exceeding fifty-five
(55) miles per hour, but not exceeding the posted limits
prior to the emergency, shall be five dollars ($5.00). In
addition, no jail sentence shall be imposed on such a con-
viction, nor shall a conviction result in violation point
counts as prescribed in section 49-330, Idaho Code. A con-
viction under this paragraph shall not be deemed to be a
moving traffic violation for the purpose of establishing
rates of motor vehicle insurance charged by a casualty
insurer.

Approved March 25, 1977.
CHAPTER 152
(H.B. No. 197)

AN ACT

Be It Enacted by the Legislature of the State of Idaho:
SECTION 1. That Chapters 5 and 6, Title 49, sections 49-701 through 49-738, sections 49-746 through 49-760, and sections 49-762 through 49-768, Idaho Code, be, and the same are hereby repealed.

SECTION 2. That Title 49, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 5, Title 49, Idaho Code, and to read as follows:

49-501. DEFINITIONS OF WORDS AND PHRASES. The following words and phrases when used in this title shall, for the purpose of the title, have the meanings respectively ascribed to them in this chapter, except when the context otherwise requires and shall apply to chapters 5, 6 and 7, title 49, Idaho Code.

49-502. ACCIDENT. Any event that results in an unintended injury or property damage attributable directly or indirectly to the motion of a motor vehicle or its load.

49-503. ALLEY. A street or highway intended to provide access to the rear or side of lots or buildings in urban districts and not intended for the purpose of through vehicular traffic.

49-504. ASSESSOR. The county assessor of any county of the state, who may act as an agent of the department in carrying out the provisions of the Idaho motor vehicle laws.

49-505. BICYCLE. Every vehicle propelled exclusively by human power upon which any person may ride, having two (2) tandem wheels except scooters and similar devices.

49-506. BUS. Every motor vehicle designed for carrying more than ten (10) passengers and used for the transportation of persons; and every motor vehicle, other than a taxicab, designed and used for the transportation of persons for compensation.

49-507. CANCELLATION OF DRIVER'S LICENSE. The annulment or termination by formal action of the department of a person's driver's license because of some error or defect in the license or because the licensee is no longer entitled to such license, but the cancellation of a license is without
prejudice and application for a new license may be made at any time after such cancellation.

49-508. CARAVANING. The transportation of any motor vehicle into, out-of or within the state operating on its own wheels or in tow for the purpose of sale or offer of sale by any agent, dealer, manufacturer's representative, purchaser, or prospective purchaser, regardless of the residence unless such motor vehicle (a) is licensed by the state of Idaho; or (b) is owned by an automobile dealer, duly licensed as a dealer by the state of Idaho. It shall also be considered as the transportation of property for hire by motor vehicle upon the public highways of this state.

49-509. CHAUFFEUR. Every person who is employed by another for the principal purpose of driving a motor vehicle and every person who drives a motor vehicle while in use as a public contract or common carrier of persons or property.

49-510. CROSSWALK. (1) That part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs or in the absence of curbs, from the edges of the traversable roadway; and in the absence of a sidewalk on one side of the roadway, that part of a roadway included within the extension of the lateral lines of the existing sidewalk at right angles to the centerline.
(2) Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

49-511. DAYTIME. That period of time one-half (1/2) hour before sunrise to one-half (1/2) hour after sunset.

49-512. DEALER. Every person in the business of buying, selling or exchanging three (3) or more vehicles in any calendar year.

49-513. DEPARTMENT AND DIRECTOR. The department of law enforcement of this state acting directly or through its duly authorized officers and agents and the director of the department of law enforcement.

49-514. DISTRICT. (1) Business District. The territory contiguous to and including a highway when within any
six hundred (600) feet along such highway there are build­
ings in use for business or industrial purposes, including but not limited to hotels, banks or office buildings, rail­road stations and public buildings which occupy at least three hundred (300) feet of frontage on one side or three hundred (300) feet collectively on both sides of the high­way.

(2) Residential District. The territory contiguous to and including a highway not comprising a business district when the property on such highway for a distance of three hundred (300) feet or more is in the main improved with residences, or residences and buildings in use for business.

(3) Urban District. The territory contiguous to and including any street which is built up with structures devoted to business, industry or dwelling houses situated at intervals of less than one hundred (100) feet for a distance of a quarter of a mile or more.

49-515. DRIVEAWAY -- TOWAWAY OPERATION. Any operation in which any motor vehicle, trailer or semitrailer, singly or in combination, new or used, constitutes the commodity being transported, when one (1) set or more of wheels of any such vehicle are on the roadway during the course of trans­portation, whether or not any such vehicle furnishes the motive power.

49-516. DRIVER. Every person who drives or is in actual physical control of a vehicle.

49-517. DRIVEWAY. A private road giving access from a public way to a building on abutting grounds.

49-518. DRIVER'S LICENSE. Any license to operate a motor vehicle issued under the laws of this state.

49-519. ESSENTIAL PARTS. All integral and body parts of a vehicle of a type required to be registered hereunder, the removal, alteration or substitution of which would tend to conceal the identity of the vehicle or substantially alter its appearance, model, type or mode of operation.

49-520. ESTABLISHED PLACE OF BUSINESS. The place actually occupied either continuously or at regular periods by a dealer or manufacturer where his books and records are kept and a large share of his business is transacted.
49-521. EXPLOSIVES. Any chemical compound or mechanical mixture that is commonly used or intended for the purpose of producing an explosion and which contains any oxidizing and combustive units or other ingredients in such proportions, quantities or packing that an ignition by fire, by friction, by concussion, by percussion or by detonator of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructive effects on contiguous objects or of destroying life or limb.

49-522. FARM TRACTOR. Every motor vehicle designed and used primarily as a farm implement, for drawing plows, mowing machines and other implements of husbandry.

49-523. FLAMMABLE LIQUID. Any liquid which has a flash point of 70 degrees Fahrenheit, or less, as determined by a tagliabue or equivalent closed-cup test device.

49-524. FLEET. Three (3) or more commercial vehicles at least two (2) of which are motor vehicles.

49-525. GROSS WEIGHT. The weight of a vehicle without load plus the weight of any load thereon.

49-526. HIGHWAY. (1) Arterial Street. Any U.S. or state numbered route, controlled-access highway, or other major radial or circumferential street or highway designated by local authorities within their respective jurisdictions as part of a major arterial system of streets on highways.

(2) Controlled-Access Highway. Every highway, street or roadway in respect to which owners or occupants or abutting lands and other persons have no legal right of access to or from the same except at such points only and in such manner as may be determined by the public authority having jurisdiction over such highway, street or roadway.

(3) Divided Highway. A highway divided into two (2) or more roadways by leaving an intervening space or by a physical barrier or by a clearly indicated dividing section so constructed as to impede vehicular traffic.

(4) Highway. The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.
(5) Through Highway. Every highway or portion thereof on which vehicular traffic is given preferential right-of-way, and at the entrances to which vehicular traffic from intersecting highways is required by law to yield the right-of-way to vehicles on such through highway in obedience to a stop sign, yield sign, or other official traffic-control device, when such signs or devices are erected.

49-527. IDENTIFYING NUMBER. (1) Motor Number. That identifying number stamped on the engine of a vehicle.
(2) Vehicle Identification Number (VIN). The numbers and letters, if any, placed on a vehicle by the manufacturer thereof for the purpose of identifying the vehicle.

49-528. IMPLEMENT OF HUSBANDRY. Every vehicle designed or adapted and used exclusively for agricultural operations, and only incidentally operated or moved upon the highway.

49-529. INTERSECTION. (1) The area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of two highways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict.
(2) Where a highway includes two roadways thirty (30) feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. In the event such intersecting highway also includes two roadways thirty (30) feet or more apart, then every crossing of two roadways of such highways shall be regarded as a separate intersection.
(3) The junction of an alley with a street or highway shall not constitute an intersection.

49-530. LANED ROADWAY. A roadway which is divided into two (2) or more clearly marked lanes for vehicular traffic.

49-531. LICENSE OR LICENSE TO OPERATE A MOTOR VEHICLE. Any driver's license or any other license or permit to operate a motor vehicle issued under, or granted by, the laws of this state, including:
1. Any temporary license or instruction permit;
2. The privilege of any person to drive a motor vehicle
whether or not such person holds a valid license;

3. Any nonresident's operating privilege as defined herein;

4. Any special permit issued by the department.

49-532. LIEN OR ENCUMBRANCE AND LIENHOLDER. Lien or encumbrance is every security interest in any vehicle other than security interests in vehicles held in inventory for sale. A lienholder is a person holding a security interest in a vehicle.

49-533. LOADING ZONE. A space reserved for the exclusive use of vehicles during the loading or unloading of passengers or property.

49-534. LOCAL AUTHORITIES. Every county, highway and good road district, municipal and other local board or body having authority to enact laws relating to traffic under the constitution and laws of this state.

49-535. MAIL. To deposit in the United States mail properly addressed and with postage prepaid.

49-536. MANUFACTURER. Every person engaged in the business of constructing or assembling vehicles of a type required to be registered hereunder at an established place of business in this state.

49-537. MOTOR HOME. Every motor vehicle designed, used or maintained primarily as a mobile dwelling, office or commercial space.

49-538. MOTORCYCLE AND MOTOR DRIVEN CYCLE. A motorcycle is every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three (3) wheels in contact with the ground, but excluding a tractor. A motor driven cycle is every motorcycle, motor scooter, or motorized bicycle having an engine with less than one hundred fifty (150) cubic centimeters displacement or with five (5) brake horsepower or less.

49-539. NIGHTTIME. That period of time from one-half (1/2) hour after sunset to one-half (1/2) hour before sunrise.
49-540. NONRESIDENT. Every person who is not a resident of this state.

49-541. NONRESIDENT'S OPERATING PRIVILEGE. The privilege conferred upon a nonresident by the laws of this state pertaining to the operation by such person of a motor vehicle, or the use of a vehicle owned by such person, in this state.

49-542. OFFICIAL TIME STANDARD. Whenever certain hours are named herein, they shall mean standard time or daylight-saving time as may be in current use.

49-543. OFFICIAL TRAFFIC -- CONTROL DEVICES. All signs, signals, markings and devices not inconsistent with this title placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning or guiding traffic.

49-544. OPERATOR. Every person, other than a chauffeur, who is in actual physical control of a motor vehicle upon a highway.

49-545. OWNER. A person, other than a lienholder, having the property in or title to a vehicle. The term includes a person entitled to the use and possession of a vehicle subject to a security interest in another person, but excludes a lessee under a lease not intended as security.

49-546. PARK OR PARKING. Means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading property or passengers.

49-547. PASSENGER CAR. Every motor vehicle, except motorcycles and motor-driven cycles, designed for carrying ten (10) passengers or less and used for the transportation of persons.

49-548. PEDESTRIAN. Any person afoot.

49-549. PEDESTRIAN PATH. Any path, sidewalk or way set aside and used for the exclusive use of pedestrians.
49-550. PERSON. Every natural person, firm, copartnership, association or corporation.

49-551. POLICE OFFICER. Every officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

49-552. PRIVATE ROAD OR DRIVEWAY. Every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

49-553. RAILROAD AND RAILROAD TRAIN. A railroad is a carrier of persons or property upon cars operated upon stationary rails. A railroad train is a steam engine, electric or other motor, with or without cars coupled thereto, operated upon rails.

49-554. RAILROAD SIGN OR SIGNAL. Any sign, signal or device erected by authority of a public body or official or by a railroad and intended to give notice of the presence of railroad tracks or the approach of a railroad train.

49-555. REGISTRATION. The registration certificate or certificates and registration plates issued under the laws of this state pertaining to the registration of vehicles.

49-556. RESIDENT. A person who has resided within the state of Idaho continuously for a period of at least 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.

49-557. REVOCATION OF DRIVER'S LICENSE. The termination by formal action of the department or as otherwise provided in this title of a person's license or privilege to operate a motor vehicle on the highways, which terminated license or privilege shall not be subject to renewal or restoration except that an application for a new license may be presented and acted upon by the department after the expiration of the applicable period of time prescribed in this title.

49-558. RIGHT-OF-WAY. The right of one (1) vehicle or
pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under such circumstances of direction, speed and proximity as to give rise to danger of collision unless one grants precedence to the other.

49-559. ROADWAY. That portion of a highway improved, designed or ordinarily used for vehicular travel, exclusive of the sidewalk, berm or shoulder even though such a sidewalk, berm or shoulder is used by persons riding bicycles or other human powered vehicles. In the event a highway includes two (2) or more separate roadways the term "roadway" as used herein shall refer to any such roadway separately but not to all such roadways collectively.

49-560. SAFETY ZONE. The area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.

49-561. SCHOOL BUS. Every motor vehicle that complies with the color and identification requirements set forth in the most recent edition of "Minimum Standards for School Buses" and is used to transport children to or from school or in connection with school activities, but not including buses operated by common carriers in urban transportation of school children.

49-562. SECURITY AGREEMENT AND INTEREST. A security agreement is a written agreement which reserves or creates a security interest. Security interest is an interest in a vehicle reserved or created by agreement and which secures payment or performance of an obligation. The term includes the interest of a lessor under a lease intended as security. A security interest is "perfected" when it is valid against third parties generally, subject only to specific statutory exceptions.

49-563. SIDEWALK. That portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines intended for use by pedestrians.

49-564. SPECIAL MOBILE EQUIPMENT. Every vehicle not designed or used primarily for the transportation of persons
or property and only incidentally operated or moved over a highway, including but not limited to: ditch-digging apparatus, well-boring apparatus and road construction and maintenance machinery such as asphalt spreaders, bituminous mixers, bucket loaders, tractors other than truck tractors, ditchers, levelling graders, finishing machines, motor graders, road rollers, scarifiers, earth moving carry-alls and scrapers, power shovels and drag lines, and self-propelled cranes and earth moving equipment. The term does not include house trailers, dump trucks, truck mounted transit mixers, cranes or shovels, or other vehicles designed for the transportation of persons or property to which machinery has been attached.

49-565. SNOWMOBILE. Any self-propelled vehicle under one thousand (1,000) pounds unladen gross weight designed primarily for travel on snow or ice or over natural terrain which may be steered by tracks, skis or runners, and which is not otherwise registered or licensed under the laws of the state of Idaho.

49-566. STAND OR STANDING. The halting of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in receiving or discharging passengers.

49-567. STATE. A state, territory or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico or a province of Canada.

49-568. STOP OR STOPPING. Stop means the act of or complete cessation from movement. Stopping means the act of any halting even momentarily of a vehicle.

49-569. STREET. The entire width between boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

49-570. SUSPENSION OF DRIVER'S LICENSE. The temporary withdrawal by formal action of the department or as otherwise provided in this title of a person's license or privilege to operate a motor vehicle on the public highways, which temporary withdrawal shall be for a period specifically designated by the department.
49-571. TIRES. (1) Metal. Every tire the surface of which in contact with the highway is wholly or partly of metal or other hard, nonresilient material.

(2) Pneumatic. Every tire in which compressed air is designed to support the load.

(3) Snow Tire. Every rubber tire with tread design or material embedded in the tire to improve winter traction except studded tires.

(4) Solid Rubber. Every tire of rubber or other resilient material which does not depend upon compressed air for the support of the load.

(5) Studded Tire. Every tire with built-in lugs of tungsten carbide or other suitable material designed to contact the road surface for improved winter traction.

49-572. TRAFFIC. Pedestrians, ridden or herded animals, vehicles, streetcars and other conveyances either singly or together while using any highway for purposes of travel.

49-573. TRAFFIC LANE. That portion of the roadway for movement of a single line of vehicles.

49-574. TRAFFIC-CONTROL SIGNAL. Any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and permitted to proceed.

49-575. TRAILER. (1) Trailer. Every vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle.

(2) House Trailer. (a) A trailer or semitrailer which is designed, constructed and equipped as a dwelling place, living abode or sleeping place (either permanently or temporarily) and is equipped for use as a conveyance on streets and highways, or

(b) A trailer or semitrailer whose chassis and exterior shell is designed and constructed for use as a house trailer but which is used permanently or temporarily for the advertising, sales, display or promotion of merchandise or services, office space, or for any other purpose except the transportation of property for hire or the transportation of property for distribution by a private carrier.
(3) Pole Trailer. Every vehicle without motive power designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach or pole or by being boomed or otherwise secured to the towing vehicle, and ordinarily used for transporting long or irregularly shaped loads such as poles, pipes, or structural members capable, generally, of sustaining themselves as beams between the supporting connections.

(4) Semitrailer. Every vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle.

49-576. TRANSPORTER. Every person engaged in the business of delivering vehicles of a type required to be registered hereunder from a manufacturing, assembling or distributing plant to dealers or sales agents of a manufacturer.

49-577. TRUCK. (1) General. Every motor vehicle designed, used or maintained primarily for the transportation of property.

(2) Pickup Truck. Every motor vehicle eight thousand (8,000) pounds gross weight or less which is designed, used or maintained primarily for the transportation of property.

(3) Truck Camper. Any structure designed, used or maintained primarily to be loaded on or affixed to a motor vehicle to provide a mobile dwelling, sleeping place, office or commercial space.

(4) Truck Tractor. Every motor vehicle designed and used primarily for drawing other vehicles.

49-578. VEHICLE. (1) General. Every device in, upon or by which any person or property is or may be transported or drawn upon a highway, excepting devices used exclusively upon stationary rails or tracks.

(2) Authorized Emergency Vehicle. Vehicles operated by any fire department or law enforcement agency of the state of Idaho or any political subdivision thereof, and ambulances of any public utility or public service corporation.

(3) Commercial Vehicle. Every vehicle designed, maintained, or used primarily for the transportation of property or persons for hire, compensation or profit.
(4) Foreign Vehicle. Every vehicle of a type required to be registered hereunder brought into this state from another state, territory or country other than in the ordinary course of business by or through a manufacturer or dealer and not registered in this state.

(5) Motor Vehicle. Every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires but not operated upon rails, except vehicles moved solely by human power.

(6) Reconstructed Vehicle. Every vehicle of a type required to be registered hereunder materially altered from its original construction by the removal, addition or substitution of essential parts, new or used.

(7) Specially Constructed Vehicle. Every vehicle of a type required to be registered hereunder not originally constructed under a distinctive name, make, model or type by a generally recognized manufacturer of vehicles and not materially altered from its original construction.

49-581. PROVISIONS UNIFORM THROUGHOUT STATE. The provisions of this title shall be applicable and uniform throughout this state and in all political subdivisions and municipalities therein and no local authority shall enact or enforce any ordinance on a matter covered by the provisions of this title unless expressly authorized.

49-582. POWERS OF LOCAL AUTHORITIES. (1) The provisions of this title shall not be deemed to prevent local authorities with respect to streets and highways under their jurisdiction and within the reasonable exercise of the police power from:

(a) Regulating or prohibiting stopping, standing or parking;
(b) Regulating traffic by means of police officers or official traffic-control devices;
(c) Regulating or prohibiting processions or assemblages on the highways;
(d) Designating particular highways or roadways for use by traffic moving in one direction as authorized in section 49-628, Idaho Code;
(e) Establishing speed limits for vehicles in public parks notwithstanding the provisions of subsection (1)(c) of section 49-683, Idaho Code;
(f) Designating any highway as a through highway or designating any intersection or junction of roadways as
a stop or yield intersection or junction;
(g) Restricting the use of streets or highways as authorized in chapter 9, title 49, Idaho Code;
(h) Regulating or prohibiting the turning of vehicles or specified types of vehicles;
(i) Altering or establishing speed limits as authorized in section 49-683, Idaho Code;
(j) Requiring written accident reports as authorized in section 49-1015, Idaho Code;
(k) Designating no-passing zones as authorized in section 49-627, Idaho Code;
(l) Prohibiting or regulating the use of controlled-access roadways by any class or kind of traffic as authorized in section 49-633, Idaho Code;
(m) Prohibiting or regulating the use of heavily traveled streets by any class or kind of traffic found to be incompatible with the normal and safe movement of traffic;
(n) Establishing minimum speed limits as authorized in section 49-684, Idaho Code;
(o) Designating and regulating traffic on play streets;
(p) Prohibiting pedestrians from crossing a roadway in a business district or any designated highway except in a crosswalk as authorized in section 49-587, Idaho Code;
(q) Restricting pedestrian crossings at unmarked crosswalks as authorized in section 49-588, Idaho Code;
(r) Regulating persons propelling pushcarts;
(s) Regulating persons upon skates, coasters, sleds and other toy vehicles;
(t) Adopting and enforcing such temporary or experimental regulations as may be necessary to cover emergencies or special conditions;
(u) Prohibiting drivers of ambulances from exceeding maximum speed limits;
(v) Adopting such other traffic regulations as are specifically authorized by this title.
(2) No local authority shall erect or maintain any official traffic-control device at any location so as to require traffic on any state highway to stop before entering or crossing any intersecting highway unless approval in writing has first been obtained from the Idaho transportation department.
(3) No ordinance or regulation enacted under subdivisions (d), (e), (f), (g), (h), (i), (k), (l), (m), (n), (o), (p), or (q) of subsection (1) of this section shall be
effective until official traffic-control devices giving notice of such local traffic regulations are erected upon or at the entrances to the highway or part thereof affected as may be most appropriate.

49-583. ADOPTION BY REFERENCE. Local authorities by ordinance may adopt by reference all or any part of the Idaho motor vehicle laws, rules of the road, chapters 5, 6 and 7, title 49, Idaho Code, without publishing or posting in full the provisions thereof, provided that not less than three (3) copies are available for public use and examination in the office of the clerk.

49-584. BOARD OF TRANSPORTATION TO ADOPT SIGN MANUAL. The Idaho transportation board shall adopt a manual and specifications for a uniform system of traffic-control devices consistent with the provisions of this title for use upon highways within this state. Such uniform system shall correlate with, and so far as possible, conform to the system set forth in the most recent edition of the manual on uniform traffic control devices for streets and highways and other standards issued or endorsed by the federal highway administrator.

49-585. IDAHO TRANSPORTATION DEPARTMENT TO PLACE SIGNS ON ALL STATE HIGHWAYS. (1) The Idaho transportation department shall place and maintain such traffic-control devices, conforming to its manual and specifications, upon all state highways as it shall deem necessary to indicate and to carry out the provisions of this title or to regulate, warn, or guide traffic.

(2) No local authority shall place or maintain any traffic-control device upon any highway under the jurisdiction of the Idaho transportation department except by the latter's permission.

49-586. LOCAL TRAFFIC-CONTROL DEVICES. Local authorities in their respective jurisdictions shall place and maintain such traffic-control devices upon highways under their jurisdiction as they may deem necessary to indicate and to carry out the provisions of this title, or local traffic ordinances, or to regulate, warn or guide traffic. All such
traffic-control devices hereafter erected shall conform to the state manual and specifications referred to in section 49-584, Idaho Code.

49-587. AUTHORITY TO RESTRICT PEDESTRIAN CROSSINGS. Local authorities by ordinance and the Idaho transportation department by erecting appropriate official traffic-control devices, are hereby empowered within their respective jurisdictions to prohibit pedestrians from crossing any roadway in a business district or any designated highways except in a crosswalk.

49-588. AUTHORITY TO CLOSE UNMARKED CROSSWALKS. The Idaho transportation department and local authorities in their respective jurisdictions may, after an engineering and traffic investigation, designate unmarked crosswalk locations where pedestrian crossing is prohibited or when pedestrians must yield the right-of-way to vehicles. Such restrictions shall be effective only when official traffic-control devices indicating the restrictions are in place.

49-589. AUTHORITY FOR STOP SIGNS AND YIELD SIGNS. The Idaho transportation department with reference to state highways, and local authorities with reference to other roadways under their jurisdiction may erect and maintain stop signs, yield signs, or other official traffic-control devices to designate through highways, or to designate intersections or other roadway junctions at which vehicular traffic on one (1) or more of the roadways should yield, or stop and yield, before entering the intersection or junction.

49-590. REGULATIONS RELATIVE TO SCHOOL BUSES. (1) The director in cooperation with the state board of education shall adopt and enforce regulations not inconsistent with this title to govern the design and operation of all school buses when owned and operated by any school district or privately owned and operated under contract with any school district in this state, and such regulations shall by reference be made a part of any such contract with a school district. Every school district, its officers and employees, and every person employed under contract by a school district shall be subject to said regulations.

(2) Any officer or employee of any school or school
district operating a school bus who violates any of said regulations may be guilty of misconduct and subject to removal from office or employment. Any person operating a school bus under contract with a school or school district who fails to comply with any said regulations may be guilty of breach of contract and such contract may be cancelled after notice of hearing by the responsible officers of such school or school district.

49-591. DESIGNATION OF AUTHORIZED EMERGENCY VEHICLES. The director shall designate any particular vehicle as an authorized emergency vehicle upon a finding that designation of that vehicle is necessary to the preservation of life or property, or to the execution of emergency governmental functions.

49-592. ABANDONED VEHICLES. (1) No person shall abandon a motor vehicle, trailer or semitrailer upon any highway.

(2) No person shall abandon a vehicle upon any public or private property without the express or implied consent of the owner or person in lawful possession or control of the property.

(3) Whenever any vehicle shall be left unattended for more than twenty-four (24) hours on any portion of a highway outside an incorporated city, any sheriff or member of the Idaho state police may provide for the removal of such vehicle to the nearest garage or other place of safe storage.

(4) 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.

(5) Upon removal of a vehicle from a highway under subsections (3) and (4) of this section, the officer causing the vehicle to be removed shall:

(a) Immediately notify the department of law enforcement upon such form as the department shall prescribe of such removal together with such other information as may be required by the department;

(b) The department shall, upon the receipt of such report:

1. Make a check of its records to determine whether or not said vehicle is wanted or stolen;

2. Determine the state where the same is regis-
tered and titled, the name and address of the registered owner and the name and address of any lienholder;

3. Notify the registered owner and any lienholder by certified mail of the location of said vehicle and that the same may be recovered by the owner or any lienholder by the payment of the cost of recovering, storage and other costs of the impounding and preserving said vehicle within sixty (60) days of mailing of said notice;

(6) In the event the owner or lienholder has not paid the costs against said vehicle and taken the same into his possession within sixty (60) days of the mailing of the notice mentioned in subsection 3 of this section, the department shall sell the same at a public auction by giving a ten (10) calendar day public notice of sale by advertising in a newspaper published in the county where said vehicle is situated, or if there is no newspaper published in the county then by posting notices of the sale in three (3) most public places in the county, for a period of ten (10) calendar days before the sale. Proceeds from the sale shall be used first by the department to repay all costs incurred in the recovery, impounding, storage, cost of sale and any other costs connected therewith. The remainder, if any, shall be paid to the owner of the vehicle.

49-593. REMOVAL OF TRAFFIC HAZARDS. (1) It shall be the responsibility of the owner of real property to remove from such property any hedge, shrubbery, fence, wall or other sight obstructions of any nature except buildings and trees where these sight obstructions constitute a traffic hazard. The above sight obstructions shall not extend more than three (3) feet in height above the existing center line road elevation within the vision triangle of vehicle operators. The boundaries of the vision triangle being defined by measuring from the intersection of the edges of two (2) adjacent roadways forty (40) feet along each roadway and connecting the two (2) points with a straight line. The sight distance obstruction is also applicable to railroad-highway grade crossings with vision triangle defined by measuring forty (40) feet along the railroad property line.

(2) When the Idaho transportation department or any local authority determines upon the basis of an engineering and traffic investigation that such a traffic hazard exists,
it shall notify the owner and order that the hazard be removed within fifteen (15) days.

(3) The failure of the owner to remove such traffic hazard within fifteen (15) days shall constitute a misdemeanor and every day said owner shall fail to remove said obstruction shall be a separate and distinct offense.

49-594. RIGHTS OF OWNERS OF REAL PROPERTY. Nothing in this title shall be construed to prevent the owner of real property used by the public for purposes of vehicular travel by permission of the owner, and not as a matter of right, from prohibiting such use, or from requiring other or different or additional conditions than those specified in this title, or otherwise regulating such use as may seem best to such owner.

49-595. SALE OF NONCONFORMING TRAFFIC-CONTROL DEVICES. A person shall not sell nor offer for sale any sign, signal, marking or other device intended to regulate, warn or guide traffic unless it conforms with the state manual and specifications adopted under section 49-584, Idaho Code.

SECTION 3. That Title 49, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 6, Title 49, Idaho Code, and to read as follows:

49-601. PROVISIONS OF THIS TITLE REFER TO VEHICLES UPON THE HIGHWAYS -- EXCEPTIONS. The provisions of this title 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.

49-602. REQUIRED OBEDIENCE TO TRAFFIC LAWS. It is unlawful and unless otherwise declared in this title with respect to particular offenses, it is a misdemeanor for any person to do any act forbidden, or fail to perform any act required in this title.

49-603. OBEDIENCE TO TRAFFIC DIRECTION. No person shall willfully fail or refuse to comply with any lawful order or direction of any police officer, fireman, or uniformed adult school crossing guard invested by law with authority to direct, control or regulate traffic.
49-604. PERSONS RIDING ANIMALS OR DRIVING ANIMAL-DRAWN VEHICLES. Every person riding an animal or driving any animal-drawn vehicle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this title, except those provisions of this title which, by their very nature, can have no application.

49-605. PERSONS WORKING ON HIGHWAYS -- EXCEPTIONS. Unless specifically made applicable, the provisions of this title shall not apply to persons, motor vehicles and equipment while actually engaged in work upon a highway but shall apply to such persons and vehicles when traveling to or from such work.

49-606. AUTHORIZED EMERGENCY VEHICLES. (1) The driver of an authorized emergency vehicle, when responding to an emergency call or when in the pursuit of an actual or suspected violator of the law or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section, but subject to the conditions herein stated:

(2) The driver of an authorized emergency vehicle may:
   (a) Park or stand, irrespective of the provisions of this title;
   (b) Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;
   (c) Exceed the maximum speed limits so long as he does not endanger life or property;
   (d) Disregard regulations governing direction of movement or turning in specified directions.

(3) The exemptions herein granted to an authorized emergency vehicle shall apply only when such vehicle is making use of an audible signal having a decibel rating of at least one hundred (100) at a distance of ten (10) feet and/or is displaying a flashing light or lights visible in a 360 degree arc at a distance of one thousand (1000) feet under normal atmospheric conditions or both. Only a police vehicle operated as an emergency vehicle shall display at least one (1) blue light and all other authorized emergency vehicles shall display at least one (1) red light meeting the above visibility requirements.

(4) The foregoing provisions shall not relieve the
driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others.

49-611. OBEDIENCE TO AND REQUIRED TRAFFIC-CONTROL DEVICES. (1) The driver of any vehicle shall obey the instructions of any official traffic-control device applicable thereto placed or held in accordance with the provisions of this title, unless otherwise directed by a police officer, subject to the exceptions granted the driver of an authorized emergency vehicle by this title.

(2) No provisions of this title for which official traffic-control devices are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official device is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular section does not state that official traffic-control devices are required, such section shall be effective even though no devices are erected and in place.

(3) Whenever official traffic-control devices are placed or held in position approximately conforming to the requirements of this title, such devices shall be presumed to have been so placed or held by the official act or direction of lawful authority, unless the contrary shall be established by competent evidence.

(4) Any official traffic-control device placed or held pursuant to the provisions of this title and purporting to conform to the lawful requirement pertaining to such devices shall be presumed to comply with the requirements of this title, unless the contrary shall be established by competent evidence.

49-612. TRAFFIC-CONTROL SIGNAL LEGEND. Whenever traffic is controlled by traffic-control signals exhibiting different colored lights, or colored lighted arrows, successively one at a time or in combination, only the colors green, red and yellow shall be used, except for special pedestrian signals carrying a word legend, and said lights shall indicate and apply to drivers of vehicles and pedestrians as follows:

(1) Green indication:
   (a) Vehicular traffic facing a circular green signal may proceed straight through or turn right or left
unless a sign at such place prohibits either of such turns. But vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited.

(b) Vehicular traffic facing a green arrow signal, shown alone or in combination with another indication, may cautiously enter the intersection only to make the movement indicated by such arrow, or such other movement as is permitted by other indications shown at the same time. Such vehicular traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.

(c) Unless otherwise directed by a pedestrian-control signal, as provided in section 49-613, Idaho Code, pedestrians facing any green signal, except when the sole green signal is a turn arrow, may proceed across the roadway within any marked or unmarked crosswalk.

(2) Steady yellow indication:
(a) Vehicular traffic facing a steady circular yellow or yellow arrow signal is thereby warned that the related green movement is being terminated or that a red indication will be exhibited immediately thereafter.
(b) Pedestrians facing a steady circular yellow or yellow arrow signal, unless otherwise directed by a pedestrian-control signal as provided in section 49-613, Idaho Code, are thereby advised that there is insufficient time to cross the roadway before a red indication is shown and no pedestrian shall then start to cross the roadway.

(3) Steady red indication:
(a) Vehicular traffic facing a steady circular red signal alone shall stop at a clearly marked stop line or crosswalk or if none, then before entering the intersection and shall remain standing until an indication to proceed is shown except as provided in subsection (3)(b) of this section.
(b) Except when a sign is in place prohibiting a turn, vehicular traffic facing a steady red signal may cautiously enter the intersection to turn right, after stopping as required in subsection (3)(a) of this section. Vehicles may also cautiously enter the intersection on a steady red signal to turn left onto a one-
way roadway after stopping as required in subsection (3)(a) of this section. Such vehicular traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.

(c) Vehicular traffic facing a steady red arrow indication shall not enter the intersection to make the movement indicated by the arrow and, unless entering the intersection to make a movement permitted by another indication shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then before entering the intersection and shall remain standing until an indication permitting the movement indicated by such red arrow is shown.

(d) Unless otherwise directed by a pedestrian-control signal as provided in section 49-613, Idaho Code, pedestrians facing a circular red or red arrow signal alone shall not enter the roadway.

(4) In the event an official traffic-control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any such sign or marking the stop shall be made at the signal.

49-613. PEDESTRIAN CONTROL SIGNALS. Whenever special pedestrian-control signals exhibiting the words "Walk" or "Don't Walk" are in place, such signals shall indicate as follows:

(1) Flashing or Steady Walk - Pedestrians facing such signal may proceed across the roadway in the direction of the signal. Every driver of a vehicle shall yield the right-of-way to such pedestrians.

(2) Flashing or Steady Don't Walk - No pedestrian shall start to cross the roadway in the direction of such signal, but any pedestrian who has partially completed his crossing on the "Walk" signal shall proceed to a sidewalk or safety island while the "Don't Walk" signal is showing.

49-614. FLASHING SIGNALS. (1) Whenever an illuminated flashing red or yellow light is used in a traffic signal or with a traffic sign, it shall require obedience by vehicular
traffic as follows:

(a) Flashing red (stop signal) - When a red lens is illuminated with rapid intermittent flashes, drivers of vehicles shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering it, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.

(b) Flashing yellow (caution signal) - When a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection or past such signal only with caution.

(2) This section shall not apply at railroad grade crossings. Conduct of drivers of vehicles approaching railroad grade crossings shall be governed by the rules as set forth in section 49-671, Idaho Code.

49-615. DISPLAY OF UNAUTHORIZED SIGNS, SIGNALS OR MARKINGS. (1) No person shall place, maintain or display upon or in view of any highway any unauthorized sign, signal, marking or device which purports to be or is an imitation of or resembles an official traffic-control device or railroad sign or signal, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of any official traffic-control device or any railroad sign or signal.

(2) No person shall place or maintain nor shall any public authority permit upon any highway any official traffic-control device bearing thereon any commercial advertising, except for business signs included as a part of official roadside area information panels approved by the Idaho transportation department.

(3) This section shall not be deemed to prohibit the erection upon private property adjacent to highways of signs giving useful directional information and of a type that cannot be mistaken for official signs.

(4) Every such prohibited sign, signal or marking is hereby declared to be a public nuisance and the authority having jurisdiction over the highway is hereby empowered to remove the same or cause it to be removed without notice.
DEVICES OR RAILROAD SIGNS OR SIGNALS. No person shall, without lawful authority, attempt to or in fact alter, twist, deface, injure, knock down, remove or interfere with the effective operation of any official traffic-control device or any railroad sign or signal or any inscription, shield or insignia thereon, or any other part thereof.

49-617. LANE USE CONTROL SIGNALS. When lane use control signals are placed over individual lanes, said signals shall indicate and apply to drivers of vehicles as follows:

1. Green indication - Vehicular traffic may travel in any lane over which a green signal is shown.
2. Steady yellow indication - Vehicular traffic is thereby warned that a lane control change is being made.
3. Steady red indication - Vehicular traffic shall not enter or travel in any lane over which a red signal is shown.
4. Flashing yellow indication - Vehicular traffic may use the lane only for the purpose of approaching and making a left turn.

49-621. DRIVE ON RIGHT SIDE OF ROADWAY - EXCEPTIONS.
(1) Upon all roadways of sufficient width a vehicle shall be driven upon the right half of the roadway except as follows:
   (a) When overtaking and passing another vehicle proceeding in the same direction under the rules governing such movement;
   (b) When an obstruction exists making it necessary to drive to the left of the center of the roadway; provided any person so doing shall yield the right-of-way to all vehicles traveling in the proper direction upon the unobstructed portion of the highway within such distance as to constitute an immediate hazard;
   (c) Upon a roadway divided into three (3) marked lanes for traffic under the rules applicable thereon; or
   (d) Upon a roadway restricted to one-way traffic.
(2) Upon all roadways any vehicle proceeding at less than the normal speed of the traffic at the time and place and under the conditions then existing, shall be driven in the right-hand lane then available for traffic, or as close as practicable to the right-hand curb or edge of the roadway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn at an intersection or into a private road or driveway.
(3) Upon any roadway having four (4) or more lanes for
moving traffic and providing for two-way movement of traffic, no vehicle shall be driven to the left of the center line of a roadway, except when authorized by an official traffic-control device designating certain lanes to the left side of the center of the roadway for use by traffic not otherwise permitted to use such lanes, or except as permitted under subsection (1)(b) hereof. However, this subsection shall not be construed as prohibiting the crossing of the center line in making a left turn into or from an alley, private road or driveway.

49-622. PASSING VEHICLES PROCEEDING IN OPPOSITE DIRECTIONS. Drivers of vehicles proceeding in opposite directions shall pass each other to the right; and upon roadways having width for not more than one (1) line of traffic in each direction each driver shall give to the other at least one-half the main traveled portion of the roadway as nearly as possible.

49-623. OVERTAKING A VEHICLE ON THE LEFT. The following rules shall govern the overtaking and passing of vehicles proceeding in the same direction, subject to those limitations, exceptions and special rules hereinafter stated:

(1) The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle.

(2) Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.

49-624. WHEN PASSING ON THE RIGHT IS PERMITTED. (1) The driver of a vehicle may overtake and pass upon the right of another vehicle only under the following conditions:

(a) When the vehicle overtaken is making or about to make a left turn;

(b) Upon a roadway with unobstructed pavement of sufficient width for two (2) or more lines of vehicles moving lawfully in the direction being traveled by the overtaking vehicle.

(2) The driver of a vehicle may overtake and pass another vehicle upon the right only under conditions permit-
ting such movement in safety. Such movement shall not be made by driving off the roadway.

49-625. LIMITATIONS ON OVERTAKING ON THE LEFT. No vehicle shall be driven to the left side of the center of the roadway in overtaking and passing another vehicle proceeding in the same direction unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be completely made without interfering with the operation of any vehicle approaching from the opposite direction or any vehicle overtaken. In every event the overtaking vehicle must return to an authorized lane of travel as soon as practicable and in the event the passing movement involves the use of a lane authorized for vehicles approaching from the opposite direction, before coming within two hundred (200) feet of any approaching vehicle.

49-626. FURTHER LIMITATIONS ON DRIVING ON LEFT OF CENTER OF ROADWAY. (1) No vehicle shall be driven on the left side of the roadway under the following conditions:
   (a) When approaching or upon the crest of a grade or a curve in the highway where the driver's view is obstructed within such distance as to create a hazard in the event another vehicle might approach from the opposite direction;
   (b) When approaching within one hundred (100) feet of or traversing any intersection or railroad grade crossing, unless otherwise indicated by official traffic-control devices;
   (c) When the view is obstructed upon approaching within one hundred (100) feet of any bridge, viaduct or tunnel.
(2) The foregoing limitations shall not apply upon a one-way roadway, nor under the conditions described in subsection (1)(b) of section 49-621, Idaho Code, nor to the driver of a vehicle turning left into or from an alley, private road or driveway.

49-627. NO PASSING ZONES. (1) The Idaho transportation department and local authorities are hereby authorized to determine those portions of any highway under their respective jurisdictions where overtaking and passing or driving on the left side of the roadway would be especially hazardous and may by appropriate signs or markings on the roadway indicate the beginning and end of such zones and when such
signs or markings are in place and clearly visible to an ordinarily observant person, every driver of a vehicle shall obey the directions thereof.

(2) Except that a motorist may drive to the left of such pavement markings to complete a passing maneuver started in advance of the no-passing zone providing the requirements of section 49-625, Idaho Code, are met.

(3) This section does not apply under the conditions described in subsection (1)(b) of section 49-621, Idaho Code, nor to the driver of a vehicle turning into, or from an alley, private road or driveway.

49-628. ONE-WAY ROADWAYS. (1) The Idaho transportation department and local authorities with respect to highways under their respective jurisdictions may designate any highway, roadway, part of a roadway or specific lanes upon which vehicular traffic shall proceed in one (1) direction at all or such times as shall be indicated by official traffic-control devices.

(2) Upon a roadway so designated for one-way traffic, a vehicle shall be driven only in the direction designated at all or such times as shall be indicated by official traffic-control devices.

49-629. DRIVING ON ROADWAYS LANED FOR TRAFFIC. Whenever any roadway has been divided into two (2) or more clearly marked lanes for traffic the following rules in addition to all others consistent herewith shall apply:

(1) A vehicle shall be driven as nearly as practicable entirely within a single lane and shall not be moved from such lane until the driver has first ascertained that such movement can be made with safety.

(2) Upon a roadway which is divided into three (3) lanes and provides for two-way movement of traffic, a vehicle shall not be driven in the center lane except when overtaking and passing another vehicle traveling in the same direction when such center lane is clear of traffic within a safe distance, or in preparation for making a left-turn or where such center lane is at the time allocated exclusively to traffic moving in the same direction that the vehicle is proceeding and such allocation is designated by an official traffic-control device.

(3) Official traffic-control devices may be erected directing specified traffic to use a designated lane or designate those lanes to be used by traffic moving in a par-
ticular direction regardless of the center of the roadway and drivers of vehicles shall obey the directions of every such device.

(4) Official traffic-control devices may be installed prohibiting the changing of lanes on sections of roadway and drivers of vehicles shall obey the directions of every such device.

49-630. FOLLOWING TOO CLOSELY. (1) The driver of a vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of such vehicles, the traffic upon and the condition of the highway.

(2) The driver of any truck or motor vehicle drawing another vehicle when traveling upon a roadway outside of a business or residence district and which is following another truck or motor vehicle drawing another vehicle shall, whenever conditions permit, leave sufficient space so that an overtaking vehicle may enter and occupy such space without danger, except that this shall not prevent a truck or motor vehicle drawing another vehicle from overtaking and passing any vehicle or combination of vehicles.

(3) Motor vehicles being driven upon any roadway outside of a business or residence district in a caravan or motorcade, whether or not towing other vehicles, shall be so operated as to allow sufficient space between each such vehicle or combination of vehicles so as to enable any other vehicle to enter and occupy such space without danger. This provision shall not apply to funeral processions.

49-631. DRIVING ON DIVIDED HIGHWAYS. Whenever any highway has been divided into two (2) or more roadways by leaving an intervening space or by a physical barrier or a clearly indicated dividing section so constructed as to impede vehicular traffic, every vehicle shall be driven only upon the right-hand roadway unless directed or permitted to use another roadway by official traffic-control devices or police officers. No vehicle shall be driven over, across or within any such dividing space, barrier or section, except through an opening in such physical barrier, dividing section or space or at a cross-over or intersection as established, unless specifically prohibited by public authority.

49-632. RESTRICTED ACCESS. No person shall drive a
vehicle onto or from any controlled-access roadway except at such entrances and exits as are established by public authority.

49-633. RESTRICTIONS ON USE OF CONTROLLED-ACCESS ROADWAY. (1) The Idaho transportation department by resolution or order of its board entered in its minutes, and local authorities by ordinance, may regulate or prohibit the use of any controlled-access roadway or highway within their respective jurisdictions by any class or kind of traffic which is found to be incompatible with the normal and safe movement of traffic.

(2) The Idaho transportation department or the local authority adopting any such prohibition shall erect and maintain official traffic-control devices on the controlled-access highway on which such prohibitions are applicable and when in place no person shall disobey the restrictions stated on such devices.

49-634. TURNING OUT OF SLOW MOVING VEHICLES. On a two-lane highway outside an urban area where passing is unsafe because of oncoming traffic or other conditions, the driver of a vehicle traveling slower than the normal speed of traffic and behind which three (3) or more vehicles are formed in line, shall turn off the roadway at the nearest place designated as a turnout or wherever sufficient area for a safe turnout exists, in order to permit the following vehicles to pass.

49-641. VEHICLE APPROACHING OR ENTERING INTERSECTION. (1) When two (2) vehicles approach or enter an intersection from different highways at approximately the same time, the driver of the vehicle on the left shall yield the right-of-way to the vehicle on the right.

(2) The right-of-way rule declared in subsection (1) of this section is modified at through highways and otherwise as stated in this title.

49-642. VEHICLE TURNING LEFT. The driver of a vehicle intending to turn to the left within an intersection or into an alley, private road or driveway shall yield the right-of-way to any vehicle approaching from the opposite direction which is within the intersection, or so close thereto as to constitute an immediate hazard.
49-643. STOP SIGNS AND YIELD SIGNS. (1) Preferential right-of-way may be indicated by stop signs or yield signs as authorized in section 49-589, Idaho Code.

(2) Except when directed to proceed by a police officer or traffic-control signal, every driver of a vehicle approaching a stop sign shall stop at a clearly marked stop line, or before entering the crosswalk on the near side of the intersection, at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering it. After having stopped, the driver shall yield the right-of-way to any vehicle in the intersection approaching on another roadway so closely as to constitute an immediate hazard during the time when such driver is moving across or within the intersection or junction of roadways.

(3) The driver of a vehicle approaching a yield sign shall in obedience to such sign slow down to a speed reasonable for the existing conditions and, if required for safety to stop, shall stop at a clearly marked stop line, or before entering the crosswalk on the near side of the intersection, or at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering it. After slowing or stopping, the driver shall yield the right-of-way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time such driver is moving across or within the intersection or junction of roadways. Provided, however, that if such a driver is involved in a collision with a vehicle in the intersection or junction or roadways, after driving past a yield sign without stopping, such collision shall be deemed prima facie evidence of his failure to yield right-of-way.

49-644. VEHICLE ENTERING ROADWAY. The driver of a vehicle about to enter or cross a roadway from any place other than another roadway shall yield the right-of-way to all vehicles approaching on the roadway to be entered or crossed.

49-645. OPERATION OF VEHICLES ON APPROACH OF AUTHORIZED EMERGENCY VEHICLES. (1) Upon the immediate approach of an authorized emergency vehicle making use of an audible or visible signal, meeting the requirements of section 49-606, Idaho Code, the driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position
parallel to, and as close as possible to, the nearest edge or curb of the roadway lawful for parking and clear of any intersection and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer.

(2) This section shall not operate to relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway.

49-646. HIGHWAY CONSTRUCTION AND MAINTENANCE. (1) The driver of a vehicle shall yield the right-of-way to any vehicle or pedestrian actually engaged in work upon a highway within any highway construction or maintenance area indicated by official traffic-control devices.

(2) The driver of a vehicle shall yield the right-of-way to any authorized vehicle obviously and actually engaged in work upon a highway whenever such vehicle displays flashing lights meeting the requirements of section 49-828, Idaho Code.

49-661. REQUIRED POSITION AND METHOD OF TURNING. The driver of a vehicle intending to turn shall do so as follows:

(1) Right turns. - Both the approach for a right turn and the right turn shall be made as close as practicable to the right-hand curb or edge of the roadway.

(2) Left turns. - The driver of a vehicle intending to turn left shall approach the turn in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of such vehicle. Whenever practicable the left turn shall be made to the left of the center of the intersection and so as to leave the intersection or other location in the extreme left-hand lane lawfully available to traffic moving in the same direction on the roadway being entered.

(3) The Idaho transportation department and local authorities in their respective jurisdictions may cause official traffic-control devices to be placed and thereby require and direct that a different course from that specified in this section be traveled by turning vehicles and when such devices are so placed no driver shall turn a vehicle other than as directed and required by such devices.

(4) Two-way left turn lanes. - Where a special lane for making left turns by drivers proceeding in opposite
directions has been indicated by official traffic-control devices:

(a) A left turn shall not be made from any other lane.
(b) A vehicle shall not be driven in the lane except when preparing for or making a left turn from or into the roadway or when preparing for or making a U-turn when otherwise permitted by law.

49-662. LIMITATIONS ON TURNING AROUND. (1) The driver of any vehicle shall not turn such vehicle so as to proceed in the opposite direction unless such movement can be made in safety and without interfering with other traffic.

(2) No vehicle shall be turned so as to proceed in the opposite direction upon any curve, or upon the approach to or near the crest of a grade, where such vehicle cannot be seen by the driver of any other vehicle approaching from either direction within five hundred (500) feet or where a no-passing zone has been established in conformance with section 49-627, Idaho Code.

49-663. STARTING PARKED VEHICLE. No person shall start movement of a vehicle which is stopped, standing or parked unless and until such movement can be made with reasonable safety.

49-664. TURNING MOVEMENTS AND REQUIRED SIGNALS. (1) No person shall turn a vehicle or move right or left upon a roadway unless and until such movement can be made with reasonable safety nor without giving an appropriate signal in the manner hereinafter provided.

(2) A signal of intention to turn or move right or left when required shall be given continuously to warn other traffic. On controlled-access highways and before turning from a parked position, such signal shall be given continuously for not less than five (5) seconds and, in all other instances, for not less than the last one hundred (100) feet traveled by the vehicle before turning.

(3) No person shall stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal in the manner provided herein to the driver of any vehicle immediately to the rear when there is opportunity to give such signal.

(4) The signals required on vehicles by section 49-665, Idaho Code, shall not be flashed on one (1) side only on a disabled vehicle, flashed as a courtesy or "do pass" signal.
to operators of other vehicles approaching from the rear, nor be flashed on one (1) side only of a parked vehicle except as may be necessary for compliance with this section.

49-665. SIGNALS BY HAND AND ARM OR SIGNAL LAMPS. (1) Any stop or turn signal when required herein shall be given either by means of hand and arm, or by signal lamps, except as otherwise provided in subsection (2) of this section.

(2) Any motor vehicle in use on a highway shall be equipped with, and the required signal shall be given by, signal lamps when the distance from the center of the top of the steering post to the left outside limit of the body, cab or load of such vehicle exceeds twenty-four (24) inches, or when the distance from the center of the top of the steering post to the rear limit of the body or load thereof exceeds fourteen (14) feet. The latter measurements shall apply to any single vehicle, also to any combination of vehicles.

49-666. METHOD OF GIVING HAND AND ARM SIGNALS. All signals herein required given by hand and arm shall be given from the left side of the vehicle in the following manner and such signals shall indicate as follows:

(1) Left turn. - Hand and arm extended horizontally.
(2) Right turn. - Hand and arm extended upward.
(3) Stop or decrease speed. - Hand and arm extended downward.

49-671. OBEDIENCE TO SIGNAL INDICATING APPROACH OF TRAIN. (1) Whenever any person driving a vehicle approaches a railroad grade crossing under any of the circumstances stated in this section, the driver of such vehicle shall stop within fifty (50) feet but not less than fifteen (15) feet from the nearest rail of such railroad, and shall not proceed until he can do so safely. The foregoing requirements shall apply when:

(a) A clearly visible electric or mechanical signal device gives warning of the immediate approach of a railroad train;
(b) A crossing gate is lowered or when a human flagman gives or continues to give a signal of the approach or passage of a railroad train;
(c) A railroad train approaching within approximately fifteen hundred (1,500) feet of the highway crossing emits a signal audible from such distance and such rail-
road train, by reason of its speed or nearness to such crossing, is an immediate hazard;

(d) An approaching railroad train is plainly visible and is in hazardous proximity to such crossing.

(2) No person shall drive any vehicle through, around or under any crossing gate or barrier at a railroad crossing while such gate or barrier is closed or is being opened or closed.

49-672. 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 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, 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 liability on the part of the governmental authorities on account of the absence of any stop sign at a crossing shall be determined as provided by law.

49-673. CERTAIN VEHICLES MUST STOP AT ALL RAILROAD GRADE CROSSINGS. (1) Except as provided in subsection (2) of this section, the driver of any vehicle described in regulations issued pursuant to subsection (3) of this section, before crossing at grade any track or tracks of a railroad, shall stop such vehicle within fifty (50) feet but not less than fifteen (15) feet from the nearest rail of
such railroad and while so stopped shall listen and look in both directions along such track for any approaching train, and for signals indicating the approach of a train and shall not proceed until he can do so safely. After stopping as required herein and upon proceeding when it is safe to do so the driver of any said vehicle shall cross only in such gear of the vehicle that there will be no necessity for manually changing gears while traversing such crossing and the driver shall not manually shift gears while crossing the track or tracks.

(2) This section shall not apply at:
(a) Any railroad grade crossing at which traffic is controlled by a police officer or human flagman;
(b) Any railroad grade crossing at which traffic is regulated by a traffic-control signal;
(c) Any railroad grade crossing protected by crossing gates or an alternately flashing light signal intended to give warning of the approach of a railroad train;
(d) Any railroad grade crossing at which an official traffic-control device gives notice that the stopping requirement imposed by this section does not apply.

(3) The department of law enforcement shall adopt such regulations as may be necessary describing the vehicles which must comply with the stopping requirements of this section. In formulating such regulations, the department shall give consideration to the number of passengers carried by the vehicle and the hazardous nature of any substance carried by the vehicle in determining whether such vehicle shall be required to stop. Such regulations shall correlate with and so far as possible conform to the most recent regulation of the United States department of transportation.

49-674. MOVING HEAVY EQUIPMENT AT RAILROAD GRADE CROSSINGS. (1) No person shall operate or move any crawler-type tractor, steam shovel, derrick, roller, or any equipment or structure having a normal operating speed of ten (10) or less miles per hour or a vertical body or load clearance of less than one-half (1/2) inch per foot of the distance between any two (2) adjacent axles or in any event of less than nine (9) inches, measured above the level surface of a roadway, upon or across any tracks at a railroad grade crossing without first complying with this section.

(2) Notice of any such intended crossing shall be given to a station agent of such railroad and a reasonable time be given to such railroad to provide proper protection at such
crossing.

(3) Before making any such crossing the person operating or moving any such vehicle or equipment shall first stop the same not less than fifteen (15) feet nor more than fifty (50) feet from the nearest rail of such railroad and while so stopped shall listen and look in both directions along such track for any approaching train and for signals indicating the approach of a train, and shall not proceed until the crossing can be made safely.

(4) No such crossing shall be made when warning is given by automatic signal or crossing gates or a flagman or otherwise of the immediate approach of a railroad train or car. If a flagman is provided by the railroad, movement over the crossing shall be under his direction.

49-675. EMERGING FROM ALLEY, DRIVEWAY OR BUILDING. The driver of a vehicle emerging from an alley, building, private road or driveway within a business or residence district shall stop such vehicle immediately prior to driving onto a sidewalk or onto the sidewalk area extending across such alley, building entrance, road or driveway, or in the event there is no sidewalk area, shall stop at the point nearest the street to be entered where the driver has a view of approaching traffic thereon.

49-676. OVERTAKING AND PASSING SCHOOL BUS. (1) The driver of a vehicle meeting or overtaking from either direction any school bus stopped on the highway shall stop before reaching such school bus when there is in operation on said school bus visual signals specified in this title and said driver shall not proceed until such school bus resumes motion or the the visual signals are no longer actuated.

(2) Every school bus shall be equipped with visual signals meeting the requirements of this title, which may be actuated by the driver of said school bus whenever, but only whenever, such vehicle is stopped on the highway for the purpose of receiving or discharging school children. A school bus may be equipped with flashing yellow lights meeting the requirements of this title which may be actuated by the driver of said school bus to indicate the school bus is preparing to stop and prior to actuation of the flashing red lights. A school bus driver shall not actuate said special visual signals:

(a) In business districts and on urban arterial streets designated by the Idaho transportation department or
local authorities;
(b) At intersections or other places where traffic is controlled by traffic-control signals or police officers; or
(c) In designated school bus loading areas where the bus is entirely off the roadway.
(3) Every school bus shall bear upon the front and rear thereof plainly visible signs containing the words "SCHOOL BUS" in letters not less than eight (8) inches in height. When a school bus is being operated upon a highway for purposes other than the actual transportation of children either to or from school all markings thereon indicating "school bus" shall be covered or concealed. When any school bus is sold and is no longer to be used for the transportation of pupils, before it may again be used on the highways of this state it shall be painted another color than school bus chrome and all school bus markings obliterated.
(4) The driver of a vehicle need not stop upon a highway on meeting or passing a school bus when;
(a) On a highway having more than three (3) lanes; or
(b) On a highway with separate roadways where the school bus is on a different roadway; or
(c) The school bus is stopped in a loading zone which is a part of or adjacent to such highway; or
(d) Pedestrians are not permitted to cross the roadway.

49-681. BASIC RULE AND MAXIMUM SPEED LIMITS. (1) Basic rules. - No person shall drive a vehicle at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing. Consistent with the foregoing, every person shall drive at a safe and appropriate speed when approaching and crossing an intersection or railroad grade crossing, when approaching and going around a curve, when approaching a hill crest, when traveling upon any narrow or winding roadway, and when special hazards exist with respect to pedestrians or other traffic or by reason of weather or highway conditions.
(2) Maximum speed limits. - Where no special hazard exists that requires lower speed for compliance with subsection (1) of this section the limits as hereinafter authorized shall be maximum lawful speeds, and no person shall drive a vehicle at a speed in excess of such maximum limits:
(a) Thirty-five (35) miles per hour in any urban district;
(b) Fifty-five (55) miles per hour in other locations. The maximum speed limits set forth in this section may be altered as authorized in sections 49-683 and 49-684, Idaho Code.

(3) Penalty. - When the maximum speed on a given highway is set at fifty-five (55) miles per hour, and the maximum posted speed was more than fifty-five (55) miles per hour prior to the emergency declared by P.L. 93-239, the maximum fine that shall be imposed for exceeding fifty-five (55) miles per hour, but not exceeding the posted limits prior to the emergency, shall be five dollars ($5.00). In addition, no jail sentence shall be imposed on such a conviction, nor shall a conviction result in violation point counts as prescribed in section 49-330, Idaho Code. A conviction under this paragraph shall not be deemed to be a moving traffic violation for the purpose of establishing rates of motor vehicle insurance charged by a casualty insurer.

49-682. ESTABLISHMENT OF STATE SPEED ZONES. Whenever the Idaho transportation board shall determine upon the basis of an engineering and traffic investigation that any maximum speed hereinbefore set forth is greater or less than is reasonable or safe under the conditions found to exist at any intersection or other place or upon any part of the state highway system, the board may determine and declare a reasonable and safe maximum limit thereat, not exceeding a maximum limit of fifty-five (55) miles per hour, which shall be effective when appropriate signs giving notice thereof are erected. Such a speed limit may be declared to be effective at all times or at such times as are indicated upon the said signs; and differing limits may be established for different times of day, different types of vehicles, varying weather conditions, and other factors bearing on safe speeds, which shall be effective when posted upon appropriate fixed or variable signs.

49-683. WHEN LOCAL AUTHORITIES MAY AND SHALL ALTER SPEED LIMITS. (1) Whenever local authorities in their respective jurisdictions determine on the basis of an engineering and traffic investigation that the speed limit permitted under this title is greater or less than is reasonable and safe under the conditions found to exist upon a highway or part of a highway, the local authority may determine and declare a reasonable and safe maximum limit thereon
which:
(a) Decreases the limit within an urban district; or
(b) Increases the limit within an urban district but not to more than fifty-five (55) miles per hour; or
(c) Decreases the limit outside an urban district, but not to less than thirty-five (35) miles per hour.

(2) Local authorities in their respective jurisdictions shall determine by an engineering and traffic investigation the proper maximum speed not exceeding a maximum limit of fifty-five (55) miles per hour for all arterial streets and shall declare a reasonable and safe maximum limit thereon which may be greater or less than the limit permitted under this title for an urban district.

(3) Any altered limit established as hereinabove authorized shall be effective at all times or during hours of darkness or at other times as may be determined when appropriate signs giving notice thereof are erected upon such street or highway.

(4) Any alteration of maximum limits on state highways or extensions thereof in a municipality by local authorities shall not be effective until such alteration has been approved by the Idaho transportation department.

49-684. MINIMUM SPEED REGULATION. (1) No person shall drive a motor vehicle at such a slow speed as to impede the normal and reasonable movement of traffic except when reduced speed is necessary for safe operation or in compliance with the law.

(2) Whenever the Idaho transportation department or local authorities within their respective jurisdictions determine on the basis of an engineering and traffic investigation that slow speeds on any highway or part of a highway impede the normal and reasonable movement of traffic, the transportation department or such local authority may determine and declare a minimum speed limit below which no person shall drive a vehicle except when necessary for safe operation or in compliance with law and that limit shall be effective when posted upon appropriate fixed or variable signs.

49-685. SPECIAL SPEED LIMITATIONS. (1) No person shall drive a vehicle over any bridge or other elevated structure constituting a part of a highway at a speed which is greater than the maximum speed which can be maintained with safety to such bridge or structure, when such structure is posted
as provided in this section.

(2) The Idaho transportation department and local authorities on highways under their respective jurisdictions may conduct an investigation of any bridge or other elevated structure constituting a part of a highway, and if it shall thereupon find that such structure cannot with safety to itself withstand vehicles traveling at the speed otherwise permissible under the title, the Idaho transportation department or local authorities shall determine and declare the maximum speed of vehicles which such structure can safely withstand, and shall cause or permit suitable signs stating such maximum speed to be erected and maintained before each end of such structure.

(3) Upon the trial of any person charged with a violation of this section, proof of said determination of the maximum speed by the Idaho transportation department or local jurisdictions and the existence of the said signs shall constitute conclusive evidence of the maximum speed which can be maintained with safety to such bridge or structure.

49-686. CHARGING VIOLATIONS AND RULE IN CIVIL ACTIONS. (1) In every charge of violation of any speed regulation in this title, the complaint or citation shall specify the speed at which the defendant is alleged to have been driving; also the speed limit applicable within the district or at the location.

(2) The provision of this title declaring maximum speed limitations shall not be construed to relieve the plaintiff in any civil action from the burden of proving negligence on the part of the defendant as the proximate cause of an accident.

49-687. RACING ON PUBLIC HIGHWAYS. (1) No person shall drive any vehicle in any race, speed competition or contest, drag race or acceleration contest, test of physical endurance, exhibition of speed or acceleration, or for the purpose of making a speed record, and no person shall in any manner participate in any such race, competition, contest, test or exhibition.

(2) Drag race is defined as the operation of two (2) or more vehicles from a point side by side at accelerating speeds in a competitive attempt to outdistance each other, or the operation of one (1) or more vehicles over a common selected course, from the same point to the same point, for
the purpose of comparing the relative speeds or power of acceleration of such vehicle or vehicles within a certain distance or time limit.

(3) Racing is defined as the use of one (1) or more vehicles in an attempt to outgain, outdistance, or prevent another vehicle from passing, to arrive at a given destination ahead of another vehicle or vehicles, or to test the physical stamina or endurance of drivers over long distance driving routes.

(4) This section shall not prohibit the use of the roadways of this state for organized motoring activities where speed or acceleration is not the objective of the contest but rather the prime objective is the precise measurement of time and distance within the posted legal speed limits.

(5) This section shall not prohibit organized motoring activities upon the roadways of this state where speed is a primary objective of the contest when prior written permission is obtained from the authority having jurisdiction over the area to be used and prior notification is given to law enforcement agencies in the area to be used.

49-691. STOPPING, STANDING OR PARKING OUTSIDE BUSINESS OR RESIDENTIAL DISTRICTS. (1) Outside a business or residential district no person shall stop, park or leave standing any vehicle, whether attended or unattended, upon the roadway when it is practicable to stop, park or so leave such vehicle off the roadway, but in every event in unobstructed width of the highway opposite a standing vehicle shall be left for the free passage of other vehicles and a clear view of such stopped vehicle shall be available from a distance of two hundred (200) feet in each direction upon such highway.

(2) This section and sections 49-693 and 49-694, Idaho Code, shall not apply to the driver of any vehicle which is disabled in such manner and to such extent that it is impossible to avoid stopping and temporarily leaving the vehicle in such position.

49-692. OFFICERS AUTHORIZED TO REMOVE VEHICLES. (1) Whenever any police officer finds a vehicle in violation of any of the provisions of section 49-691, Idaho Code, 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 roadway.
(2) Any police officer is hereby authorized to remove or cause to be removed to a place of safety any unattended vehicle illegally left standing upon any highway, bridge, causeway, or in any tunnel, in such position or under such circumstances as to obstruct the normal movement of traffic.

(3) Any police officer is hereby authorized to remove or cause to be removed to the nearest garage or other place of safety any vehicle found upon a highway when:
   (a) Report has been made that such vehicle has been stolen or taken without the consent of its owner, or
   (b) The person or persons in charge of such vehicle are unable to provide for its custody or removal, or
   (c) When the person driving or in control of such vehicle is arrested for an alleged offense for which the officer is required by law to take the person arrested before a proper magistrate without unnecessary delay.

(4) 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 nearest garage or other place of safety.

49-693. STOPPING, STANDING OR PARKING PROHIBITED IN SPECIFIED PLACES. (1) Except when necessary to avoid conflict with other traffic, or in compliance with law or the directions of a police officer or official traffic control device, no person shall:
   (a) Stop, stand or park a vehicle:
       1. On the roadway side of any vehicle stopped or parked at the edge or curb of a street;
       2. On a sidewalk;
       3. Within an intersection;
       4. On a crosswalk;
       5. Between a safety zone and the adjacent curb or within thirty (30) feet of points on the curb immediately opposite the ends of a safety zone, unless a different length is indicated by signs or markings;
       6. Alongside or opposite any street excavation or
obstruction when stopping, standing, or parking would obstruct traffic;
7. Upon any bridge or other elevated structure upon a highway or within a highway tunnel;
8. On any railroad tracks;
9. On any controlled-access highway;
10. At any place where official traffic-control devices prohibit stopping.

(b) Stand or park a vehicle, whether occupied or not, except momentarily to pick up or discharge a passenger or passengers:
1. In front of a public or private driveway;
2. Within fifteen (15) feet of a fire hydrant;
3. Within twenty (20) feet of a crosswalk at an intersection;
4. Within thirty (30) feet upon the approach to any flashing signal, stop sign, yield sign or traffic-control signal located at the side of a roadway;
5. Within twenty (20) feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five (75) feet of said entrance (when properly sign-posted);
6. At any place where official traffic-control devices prohibit standing.

(c) Park a vehicle, whether occupied or not, except temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers:
1. Within fifty (50) feet of the nearest rail of a railroad crossing;
2. At any place where official traffic-control devices prohibit parking.

(2) No person shall move a vehicle not lawfully under his control into any such prohibited area or away from a curb such a distance as is unlawful.

49-694. ADDITIONAL PARKING REGULATIONS. (1) Except as otherwise provided in this section, every vehicle stopped or parked upon a two-way roadway shall be so stopped or parked with the right-hand wheels parallel to and within eighteen (18) inches of the right-hand curb or as close as practicable to the right edge of the right-hand shoulder.

(2) Except when otherwise provided by local ordinances,
every vehicle stopped or parked upon a one-way roadway shall be so stopped or parked parallel to the curb or edge of the roadway, in the direction of authorized traffic movement, with its right-hand wheels within eighteen (18) inches of the right-hand curb or as close as practicable to the right edge of the right-hand shoulder, or with its left-hand wheels within eighteen (18) inches of the left-hand curb or as close as practicable to the left edge of the left-hand shoulder.

(3) Local authorities may permit angle parking on any roadway, except that angle parking shall not be permitted on any federal-aid or state highway unless the Idaho transportation department has determined that the roadway is of sufficient width to permit angle parking without interfering with the free movement of traffic.

(4) The Idaho transportation department with respect to highways under its jurisdiction may place official traffic-control devices prohibiting, limiting, or restricting the stopping, standing or parking of vehicles on any highway where in its opinion such stopping, standing or parking is dangerous to those using the highway or where the stopping, standing or parking of vehicles would unduly interfere with the free movement of traffic thereon. No person shall stop, stand or park any vehicle in violation of the restrictions indicated by such devices.

SECTION 4. That Title 49, Idaho Code, be, and the same is hereby amended by the addition of NEW SECTIONS, to be known and designated as sections 49-701, 49-702, 49-703, 49-704, 49-705, 49-706, 49-707, 49-708, 49-709, 49-710, 49-711, 49-712, 49-713, 49-714, 49-721, 49-722, 49-723, 49-724, 49-725, 49-726, 49-727, 49-728, 49-729, 49-730, 49-731, 49-732, and 49-733, Idaho Code, and to read as follows:

49-701. UNATTENDED MOTOR VEHICLE. No person driving or in charge of a motor vehicle shall permit it to stand unattended without first stopping the engine, locking the ignition, removing the key from the ignition, effectively setting the brake thereon and, when standing upon any grade, turning the front wheels to the curb or side of the highway.

49-702. LIMITATIONS ON BACKING. (1) The driver of a vehicle shall not back the same unless such movement can be made with safety and without interfering with other traffic.
(2) The driver of a vehicle shall not back the same upon any shoulder or roadway of any controlled-access highway.

49-703. DRIVING UPON SIDEWALK. No person shall drive any vehicle other than by human power upon a sidewalk or sidewalk area except upon a permanent or duly authorized temporary driveway.

49-704. OBSTRUCTION TO DRIVER'S VIEW OR DRIVING MECHANISM. (1) No person shall drive a vehicle when it is so loaded or when there are in the front seat such a number of persons, exceeding three (3), as to obstruct the view of the driver to the front or the sides of the vehicle or as to interfere with the driver's control over the driving mechanism of the vehicle.

(2) No passenger in a vehicle shall ride in such position as to interfere with the driver's view ahead or to the sides, or to interfere with his control over the driving mechanism of the vehicle.

(3) No vehicle shall be operated except under adverse weather conditions when the windows of such vehicle are coated with ice, snow, sleet, or dust to the extent that the driver's view ahead, sides or rear of the vehicle are obstructed.

49-705. OPENING AND CLOSING VEHICLE DOORS. No person shall open the door of a motor vehicle on a side available to moving traffic unless and until it is reasonably safe to do so, and can be done without interfering with the movement of other traffic, nor shall any person leave a door open on a side of a vehicle available to moving traffic for a period of time longer than necessary to load or unload passengers.

49-706. RIDING IN HOUSE TRAILERS. No person or persons shall occupy a house trailer while it is being moved upon a public highway.

49-707. DRIVING ON MOUNTAIN HIGHWAYS. The driver of a motor vehicle traveling through defiles or canyons or on mountain highways shall hold such motor vehicle under control and as near the right-hand edge of the roadway as reasonably possible and, except when driving entirely to the right of the center of the roadway, shall give audible warning with the horn of such motor vehicle upon approaching any
curve where the view is obstructed within a distance of two hundred (200) feet along the highway.

49-708. COASTING PROHIBITED. (1) The driver of any motor vehicle when traveling upon a downgrade shall not coast with the gear or transmission of such vehicle in neutral.

(2) The driver of a truck or bus when traveling upon a downgrade shall not coast with the clutch disengaged.

49-709. FOLLOWING FIRE APPARATUS PROHIBITED. The driver of any vehicle other than one on official business shall not follow any fire apparatus traveling in response to a fire alarm closer than five hundred (500) feet or stop such vehicle within five hundred (500) feet of any fire apparatus stopped in answer to a fire alarm.

49-710. CROSSING FIRE HOSE. No vehicle shall be driven over any unprotected hose of a fire department when laid down on any street, private road or driveway to be used at any fire or alarm of fire, without the consent of the fire department official in command.

49-711. PUTTING GLASS, ETC. ON HIGHWAY PROHIBITED. (1) No person shall throw or deposit upon any highway any glass bottle, glass, nails, tacks, wire, cans or any other substance likely to injure any person, animal or vehicle upon such highway.

(2) Any person who drops, or permits to be dropped or thrown, upon any highway any destructive or injurious material shall immediately remove the same or cause it to be removed.

(3) Any person removing a wrecked or damaged vehicle from a highway shall remove any glass or other injurious substance dropped upon the highway from such vehicle.

49-712. STOP WHEN TRAFFIC OBSTRUCTED. No driver shall enter an intersection or a marked crosswalk or drive onto any railroad grade crossing unless there is sufficient space on the other side of the intersection, crosswalk or railroad grade crossing to accommodate the vehicle he is operating without obstructing the passage of other vehicles, pedestrians or railroad trains notwithstanding any traffic control signal indication to proceed.
49-713. SNOWMOBILE OPERATION LIMITED. (1) No person shall operate a snowmobile on any controlled-access highway.

(2) No person shall operate a snowmobile on any other highway except when crossing the highway at a right angle, when use of the highway by other motor vehicles is impossible because of snow, or when such operation is authorized by the authority having jurisdiction over the highway.

49-714. RAILROAD TRAINS NOT TO UNNECESSARILY BLOCK CROSSINGS. No person or government agency shall operate any train in such a manner as to prevent vehicular use of any roadway for a period of time in excess of fifteen (15) consecutive minutes except:

(1) When necessary to comply with signals affecting the safety of the movement of trains;

(2) When necessary to avoid striking any object or person on the track;

(3) When the train is stopped to comply with a governmental safety regulation;

(4) When the train is disabled;

(5) When the train is in motion except while engaged in switching operations;

(6) When there is no vehicular traffic waiting to use the crossing;

49-721. PEDESTRIAN OBEDIENCE TO TRAFFIC-CONTROL DEVICES AND TRAFFIC REGULATIONS. (1) A pedestrian shall obey the instructions of any official traffic-control devices specifically applicable to him, unless otherwise directed by a police officer.

(2) Pedestrians shall be subject to traffic and pedestrian-control signals as provided in sections 49-612 and 49-613, Idaho Code.

(3) At all other places, pedestrians shall be accorded the privileges and shall be subject to the restrictions stated in this title.

49-722. PEDESTRIANS' RIGHT-OF-WAY IN CROSSWALKS. (1) When traffic-control signals are not in place or not in operation the driver of a vehicle shall yield the right-of-way, slowing down or stopping, if need be, to so yield to a pedestrian crossing the roadway within a crosswalk when the pedestrian is upon the half of the roadway upon which the vehicle is traveling, or when the pedestrian is approaching so closely from the opposite half of the roadway
as to be in danger.

(2) No pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close as to constitute an immediate hazard.

(3) Subsection (1) of this section shall not apply under the conditions stated in subsection (2) of section 49-723, Idaho Code.

(4) Whenever any vehicle is stopped at a marked crosswalk or at an unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle.

(5) Except where otherwise indicated by a crosswalk or other official traffic-control devices a pedestrian shall cross the roadway at right angles to the curb or by the shortest route to the opposite curb.

49-723. CROSSING AT OTHER THAN CROSSWALKS. (1) Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles upon the roadway.

(2) Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right-of-way to all vehicles upon the roadway.

(3) Between adjacent intersections at which traffic-control signals are in operation, pedestrians shall not cross at any place except in a marked crosswalk.

(4) No pedestrian shall cross a roadway intersection diagonally unless authorized by official traffic-control devices; and, when authorized to cross diagonally, pedestrians shall cross only in accordance with the official traffic-control devices pertaining to such crossing movements.

49-724. DRIVERS TO EXERCISE DUE CARE. Notwithstanding other provisions of this title or the provisions of any local ordinance, every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian or any person propelling a human-powered vehicle and shall give an audible signal when necessary and shall exercise proper precaution upon observing any child or any obviously confused, incapacitated or intoxicated person.
49-725. PEDESTRIANS TO USE RIGHT HALF OF CROSSWALKS. Pedestrians shall move, whenever practicable, upon the right half of crosswalks.

49-726. PEDESTRIANS ON HIGHWAYS. (1) Where a sidewalk is provided and its use is practicable, it shall be unlawful for any pedestrian to walk along and upon an adjacent roadway.

(2) Where a sidewalk is not available, any pedestrian walking along and upon a highway shall walk only on a shoulder, as far as practicable from the edge of the roadway.

(3) Where neither a sidewalk nor a shoulder is available, any pedestrian walking along and upon a highway shall walk as near as practicable to an outside edge of the roadway, and, if on a two-way roadway, shall walk only on the left side of the roadway.

(4) Except as otherwise provided in this title, any pedestrian upon a roadway shall yield the right-of-way to all vehicles upon the roadway.

49-727. PEDESTRIANS SOLICITING RIDES OR BUSINESS, ETC. (1) No person shall stand in a roadway for the purpose of soliciting a ride.

(2) No person shall stand on a highway for the purpose of soliciting employment, business or contributions from the occupant of any vehicle.

(3) No person shall stand on or in proximity to a street or highway for the purpose of soliciting the watching or guarding of any vehicle while parked or about to be parked on a street or highway.

49-728. DRIVING THROUGH SAFETY ZONE PROHIBITED. No vehicle shall at any time be driven through or within a safety zone.

49-729. PEDESTRIANS' RIGHT-OF-WAY ON SIDEWALKS. The driver of a vehicle crossing a sidewalk shall yield the right-of-way to any pedestrian and all other traffic on the sidewalk.

49-730. PEDESTRIANS YIELD TO AUTHORIZED EMERGENCY VEHICLES. (1) Upon the immediate approach of an authorized emergency vehicle making use of an audible or visual signal meeting the requirements of section 49-606, Idaho Code, or of a police vehicle properly and lawfully making use of an
audible signal only, every pedestrian shall yield the right-of-way to the authorized emergency vehicle.

(2) This section shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway nor from the duty to exercise due care to avoid colliding with any pedestrian.

49-731. BLIND PEDESTRIAN HAS RIGHT-OF-WAY. The driver of a vehicle shall yield the right-of-way to any blind pedestrian carrying a clearly visible white cane or accompanied by a guide dog.

49-732. PEDESTRIANS UNDER INFLUENCE OF ALCOHOL OR DRUGS. A pedestrian who is under the influence of alcohol or any drug to a degree which renders himself a hazard shall not walk or be upon a highway except on a sidewalk.

49-733. BRIDGE AND RAILROAD SIGNALS. (1) No pedestrian shall enter or remain upon any bridge or approach thereto beyond the bridge signal, gate, or barrier after a bridge operation signal indication has been given.

(2) No pedestrian shall pass through, around, over, or under any crossing gate or barrier at a railroad grade crossing or bridge while such gate or barrier is closed or is being opened or closed.

Approved March 25, 1977.
AN ACT
RELATING TO QUARTERS FOR THE DEPARTMENT OF HEALTH AND WELFARE; REPEALING SECTION 56-218, IDAHO CODE, TO REMOVE THE REQUIREMENT THAT EACH COUNTY FURNISH ADEQUATE QUARTERS FOR THE PERSONNEL OF THE DEPARTMENT OF HEALTH AND WELFARE; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 56-218, Idaho Code, be, and the same is hereby repealed.

SECTION 2. This act shall be in full force and effect on and after July 1, 1978.

Approved March 25, 1977.
CHAPTER 154
(S.B. No. 1082, As Amended in the House)

AN ACT
RELATING TO MURDER; AMENDING SECTION 18-4001, IDAHO CODE, TO INCLUDE KILLING BY TORTURE IN THE DEFINITION OF MURDER; AMENDING SECTION 18-4003, IDAHO CODE, TO SPECIFY THOSE MURDERS WHICH ARE MURDERS OF THE FIRST DEGREE; AMENDING SECTION 18-4004, IDAHO CODE, TO PROVIDE THAT, SUBJECT TO MITIGATING OR AGGRAVATING CIRCUMSTANCES, A PERSON GUILTY OF MURDER OF THE FIRST DEGREE SHALL BE PUNISHED BY DEATH OR LIFE IMPRISONMENT; AMENDING SECTION 19-2515, IDAHO CODE, TO ESTABLISH THE PROCEDURE FOR DETERMINING MITIGATING OR AGGRAVATING CIRCUMSTANCES IN CAPITAL CASES, AND TO ESTABLISH STATUTORY AGGRAVATING CIRCUMSTANCES, AT LEAST ONE OF WHICH MUST BE FOUND TO EXIST BEFORE A DEATH SENTENCE CAN BE IMPOSED; ADDING A NEW SECTION 19-2827, IDAHO CODE, TO PROVIDE FOR SUPREME COURT REVIEW OF DEATH SENTENCES AND TO PROVIDE FOR PRESERVATION OF RECORDS; REPEALING SECTION 19-2112, IDAHO CODE; AMENDING SECTION 19-2132, IDAHO CODE, TO REQUIRE THE COURT TO INSTRUCT ON LESSER OFFENSES WHEN SUPPORTED BY ANY REASONABLE VIEW OF THE EVIDENCE; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 18-4001, Idaho Code, be, and the same is hereby amended to read as follows:

18-4001. MURDER DEFINED. Murder is the unlawful killing of a human being with malice aforethought or the intentional application of torture to a human being, which results in the death of a human being. Torture is the intentional infliction of extreme and prolonged pain with the intent to cause suffering. It shall also be torture to inflict on a human being extreme and prolonged acts of brutality irrespective of proof of intent to cause suffering. The death of a human being caused by such torture is murder irrespective of proof of specific intent to kill; torture causing death shall be deemed the equivalent of intent to kill.

SECTION 2. That Section 18-4003, Idaho Code, be, and the same is hereby amended to read as follows:

18-4003. DEGREES OF MURDER. (a) All murder which is
perpetrated by means of poison, or lying in wait, or torture, when torture is inflicted with the intent to cause suffering, to execute vengeance, to extort something from the victim, or to satisfy some sadistic inclination, or which is perpetrated by any other kind of wilful, deliberate and premeditated killing is murder of the first degree.

(b) Any murder of any peace officer of this state or of any municipality or political subdivision thereof when the officer is acting in the line of duty and is known or should be known by the perpetrator of the murder to be an officer so acting shall be murder of the first degree, executive officer, officer of the court, fireman, judicial officer or prosecuting attorney who was acting in the lawful discharge of an official duty, and was known or should have been known by the perpetrator of the murder to be an officer so acting, shall be murder of the first degree.

(c) Any murder committed by a person under a sentence for murder of the first or second degree, including such persons on parole or probation from such sentence, shall be murder in the first degree.

(d) Any murder committed in the perpetration of, or attempt to perpetrate, arson, rape, robbery, kidnapping or mayhem is murder of the first degree.

(e) Any murder committed by a person incarcerated in a penal institution upon a person employed by the penal institution, another inmate of the penal institution or a visitor to the penal institution shall be murder of the first degree.

(f) Any murder committed by a person while escaping or attempting to escape from a penal institution is murder of the first degree.

(g) All other kinds of murder are of the second degree.

SECTION 3. That Section 18-4004, Idaho Code, be, and the same is hereby amended to read as follows:

18-4004. PUNISHMENT FOR MURDER. Every person guilty of murder in the first degree shall suffer death or imprisonment for life. Every person guilty of murder in the second degree is punishable by imprisonment in the state prison not less than ten (10) years and the imprisonment may extend to life.

SECTION 4. That Section 19-2515, Idaho Code, be, and the same is hereby amended to read as follows:

19-2515. INQUIRY INTO MITIGATING OR AGGRAVATING CIRCUM-
STANCES -- SENTENCE IN CAPITAL CASES -- STATUTORY AGGRAVATING CIRCUMSTANCES -- JUDICIAL FINDINGS. (a) After a plea or verdict of guilty, where a discretion is conferred upon the court as to the extent of the punishment, the court, upon the oral or written suggestion of either party that there are circumstances which may be properly taken into view either in aggravation or mitigation of the punishment, may, in its discretion, hear the same summarily, at a specified time, and upon such notice to the adverse party as it may direct.

(b) Where a person is convicted of an offense which may be punishable by death, a sentence of death shall not be imposed unless the court finds at least one (1) statutory aggravating circumstance. Where the court finds a statutory aggravating circumstance the court shall sentence the defendant to death unless the court finds that mitigating circumstances which may be presented outweigh the gravity of any aggravating circumstance found and make imposition of death unjust.

(c) In all cases in which the death penalty may be imposed, the court shall, after conviction, order a presentence investigation to be conducted according to such procedures as are prescribed by law and shall thereafter convene a sentencing hearing for the purpose of hearing all relevant evidence and arguments of counsel in aggravation and mitigation of the offense. At such hearing, the state and the defendant shall be entitled to present all relevant evidence in aggravation and mitigation. Should any party present aggravating or mitigating evidence which has not previously been disclosed to the opposing party or parties, the court shall, upon request, adjourn the hearing until the party desiring to do so has had a reasonable opportunity to respond to such evidence. Evidence admitted at trial shall be considered and need not be repeated at the sentencing hearing. Evidence offered at trial but not admitted may be repeated or amplified if necessary to complete the record.

(d) Upon the conclusion of the evidence and arguments in mitigation and aggravation the court shall make written findings setting forth any statutory aggravating circumstance found. Further, the court shall set forth in writing any mitigating factors considered and, if the court finds that mitigating circumstances outweigh the gravity of any aggravating circumstance found so as to make unjust the imposition of the death penalty, the court shall detail in writing its reasons for so finding.

(e) Upon making the prescribed findings, the court shall impose sentence within the limits fixed by law.

(f) The following are statutory aggravating circum-
stances, at least one (1) of which must be found to exist beyond a reasonable doubt before a sentence of death can be imposed:

(1) The defendant was previously convicted of another murder.
(2) At the time the murder was committed the defendant also committed another murder.
(3) The defendant knowingly created a great risk of death to many persons.
(4) The murder was committed for remuneration or the promise of remuneration or the defendant employed another to commit the murder for remuneration or the promise of remuneration.
(5) The murder was especially heinous, atrocious or cruel, manifesting exceptional depravity.
(6) By the murder, or circumstances surrounding its commission, the defendant exhibited utter disregard for human life.
(7) The murder was one defined as murder of the first degree by section 18-4003, Idaho Code, subsections (b), (c), (d), (e) or (f), and it was accompanied with the specific intent to cause the death of a human being.
(8) The defendant, by prior conduct or conduct in the commission of the murder at hand, has exhibited a propensity to commit murder which will probably constitute a continuing threat to society.
(9) The murder was committed against a former or present peace officer, executive officer, officer of the court, judicial officer or prosecuting attorney because of the exercise of official duty.
(10) The murder was committed against a witness or potential witness in a criminal or civil legal proceeding because of such proceeding.

SECTION 5. That Chapter 28, Title 19, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 19-2827, Idaho Code, and to read as follows:

19-2827. REVIEW OF DEATH SENTENCES -- PRESERVATION OF RECORDS. (a) Whenever the death penalty is imposed, and upon the judgment becoming final in the trial court, the sentence shall be reviewed on the record by the supreme court of Idaho. The clerk of the trial court, within ten (10) days after receiving the transcript, shall transmit the entire record and transcript to the supreme court of Idaho and to the attorney general together with a notice prepared by the clerk and a report prepared by the trial judge setting forth
the findings required by section 19-2515(d), Idaho Code, and such other matters concerning the sentence imposed as may be required by the supreme court. The notice shall set forth the title and docket number of the case, the name of the defendant and the name and address of his attorney, a narrative statement of the judgment, the offense, and punishment prescribed. The report may be in the form of a standard questionnaire prepared and supplied by the supreme court of Idaho.

(b) The supreme court of Idaho shall consider the punishment as well as any errors enumerated by way of appeal.

(c) With regard to the sentence the court shall determine:

(1) Whether the sentence of death was imposed under the influence of passion, prejudice, or any other arbitrary factor, and
(2) Whether the evidence supports the judge's finding of a statutory aggravating circumstance from among those enumerated in section 19-2515, Idaho Code, and
(3) Whether the sentence of death is excessive or disproportionate to the penalty imposed in similar cases, considering both the crime and the defendant.

(d) Both the defendant and the state shall have the right to submit briefs within the time provided by the court, and to present oral argument to the court.

(e) The court shall include in its decision a reference to those similar cases which it took into consideration. In addition to its authority regarding correction of errors, the court, with regard to review of death sentences, shall be authorized to:

(1) Affirm the sentence of death; or
(2) Set the sentence aside and remand the case for resentencing by the trial judge based on the record and argument of counsel.

(f) The sentence review shall be in addition to direct appeal, if taken, and the review and appeal shall be consolidated for consideration.

(g) The supreme court shall collect and preserve the records of all cases in which the penalty of death was imposed from and including the year 1975.

SECTION 6. That Section 19-2112, Idaho Code, be, and the same is hereby repealed.

SECTION 7. That Section 19-2132, Idaho Code, be, and the same is hereby amended to read as follows:

19-2132. INSTRUCTIONS TO JURY -- REQUESTS -- INSTRUC--
TIONS ON INCLUDED OFFENSES. (a) In charging the jury, the court must state to them all matters of law necessary for their information. Either party may present to the court any written charge and request that it be given. If the court thinks it correct and pertinent, it must be given; if not, it must be refused. Upon each charge presented and given or refused, the court must indorse and sign its decision. If part be given and part refused, the court must distinguish, showing by the indorsement what part of the charge was given and what part refused.

(b) The court shall instruct the jury on lesser included offenses when they are supported by any reasonable view of the evidence.

SECTION 8. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

CHAPTER 155
(H.B. No. 226, As Amended)

AN ACT
AMENDING SECTION 67-6526, IDAHO CODE, RELATING TO AREAS OF CITY IMPACT, TO PROVIDE FOR A CHANGE IN DATES BY WHICH LOCAL GOVERNMENTS SHALL COMPLY WITH REQUIREMENTS RELATING TO AREAS OF CITY IMPACT, TO PROVIDE FOR SEPARATE ORDINANCES FOR THE DELIMITING OF THE AREA OF CITY IMPACT AND FOR THE APPLICATION OF PLANS AND ORDINANCES FOR THE AREA OF CITY IMPACT, AND TO PROVIDE FOR REPRESENTATION ON CITY AND JOINT PLANNING, ZONING OR PLANNING AND ZONING COMMISSIONS FOR RESIDENTS OF AREAS OF CITY IMPACT.

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

SECTION 1. That Section 67-6526, Idaho Code, be, and the same is hereby amended to read as follows:

67-6526. AREAS OF CITY IMPACT — NEGOTIATION PROCEDURE. (a) The governing board of each county and each city therein shall, prior to January 1, 1977, adopt by ordinance following the notice and hearing procedures provided in section 67-6509, Idaho Code, a map identifying an area of city impact within the unincorporated area of the county. By mutual agreement, this date may be extended to January 1, 1978. The separate ordinance identifying an area of city impact providing for application of plans and ordinances for the area of city impact shall also be adopted no later than July 1, 1978. This separate ordinance shall provide for one of the following:

(1) Application of the city plan and ordinances adopted under this chapter to the area of city impact; or

(2) Application of the county plan and ordinances adopted under this chapter to the area of city impact; or

(3) Application of any mutually agreed upon plan and ordinances adopted under this chapter to the area of city impact.

Areas of city impact, together with plan and ordinance requirements, may cross county boundaries by agreement of the city and county concerned if the city is within three (3) miles of the adjoining county.

(b) If the requirements of section 67-6526(a), Idaho
Code, are not met, the county commissioners for the county concerned, together with three (3) elected city officials designated by the mayor of the city and confirmed by the council, shall, within thirty (30) days, select three (3) city or county residents. These nine (9) persons shall, by majority vote, recommend to the city and county governing boards an area of city impact together with plan and ordinance requirements. The recommendations shall be acted upon by the governing boards within sixty (60) days of receipt. If the city or county fails to enact ordinances providing for an area of city impact, plan, and ordinance requirements, the city or county may seek a declaratory judgment from the district court identifying the area of city impact, and plan and ordinances requirements. In defining an area of city impact, the following factors shall be considered: (1) trade area; (2) geographic factors; and (3) areas that can reasonably be expected to be annexed to the city in the future.

(c) If areas of city impact overlap, the cities involved shall negotiate boundary adjustments to be recommended to the respective city councils. If the cities cannot reach agreement, the board of county commissioners shall, upon a request from either city, within thirty (30) days, recommend adjustments to the areas of city impact which shall be adopted by ordinance by the cities following the notice and hearing procedures provided in section 67-6509, Idaho Code. If any city objects to the recommendation of the board of county commissioners, the city shall, within sixty (60) days from receipt of the recommendation, seek a declaratory judgment from the district court adjusting the areas of city impact.

(d) Areas of city impact, plan, and ordinance requirements shall remain fixed until both governing boards agree to renegotiate. In the event the city and county cannot agree, the judicial review process of subsection (b) shall apply. Renegotiations shall begin within thirty (30) days after written request by the city or county and shall follow the procedures for original negotiation provided in this section.

(e) Prior to negotiation or renegotiation of areas of city impact, plan, and ordinance requirements, the governing boards shall submit the questions to the planning, zoning, or planning and zoning commission for recommendation. Each commission shall have a reasonable time fixed by the governing board to make its recommendations to the governing board.

(f) This section shall not preclude growth and develop-
ment in areas of any county within the state of Idaho which are not within the areas of city impact provided for herein.

(g) If the area of impact has been delimited pursuant to the provisions of subsection (a)(1) of this section, persons living within the delimited area of impact shall be entitled to representation on the planning, zoning, or the planning and zoning commission of the city of impact. Such representation shall as nearly as possible reflect the proportion of population living within the city as opposed to the population living within the areas of impact for that city. To achieve such proportional representation, membership of the planning, zoning or planning and zoning commission may exceed twelve (12) persons, notwithstanding the provisions of subsection (a) of section 67-6504, Idaho Code. In instances where a city has combined either or both of its planning and zoning functions with the county, representation on the resulting joint planning, zoning or planning and zoning commission shall as nearly as possible reflect the proportion of population living within the impacted city, the area of city impact outside the city, and the remaining unincorporated area of the county. Membership on such a joint planning, zoning or planning and zoning commission may exceed twelve (12) persons, notwithstanding the provisions of subsection (a) of section 67-6504, Idaho Code.

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CHAPTER 156
(H.B. No. 173, As Amended in the Senate)

AN ACT
RELATING TO THE YOUTH REHABILITATION ACT; AMENDING SECTION 16-1807, IDAHO CODE, TO PROVIDE THAT IF AN INFORMAL ADJUSTMENT IS MADE, IT SHALL PROVIDE FOR RESTITUTION WHEN PROPERTY IS LOST OR DAMAGED; AMENDING SECTION 16-1811, IDAHO CODE, TO ALLOW A PRIVATE CITIZEN TO DETAIN A CHILD; AMENDING SECTION 16-1814, IDAHO CODE, TO PROVIDE THAT THE COURT MAY REQUIRE RESTITUTION IN ITS DECREES; AMENDING SECTION 16-1816, IDAHO CODE, TO PROVIDE THAT THE VICTIM OF ANY MISCONDUCT MAY INSPECT CERTAIN RECORDS; AND AMENDING SECTION 16-1817, IDAHO CODE, TO PROVIDE THAT IT IS A MISDEMEANOR FOR ANY PERSON TO AID OR CAUSE A CHILD TO PERFORM AN ACT WHICH WOULD BRING THE CHILD WITHIN THE JURISDICTION OF THE YOUTH REHABILITATION ACT.

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

SECTION 1. That Section 16-1807, Idaho Code, be, and the same is hereby amended to read as follows:

16-1807. INFORMATION -- INVESTIGATION -- PETITION. Any peace officer, any prosecuting attorney, or any authorized representatives of the board of trustees of school districts of this state, having knowledge of a child who is within the purview of this act may file a petition with the court in such form as may be required by the court. Said individual or agency shall be responsible for providing the evidence to support the allegations made in the petition, provided this in no way shall relieve peace officers from enforcement of the law as set forth in section 31-2227, Idaho Code. The court shall make a preliminary inquiry to determine whether the interests of the public or of the child require that further action be taken. Such inquiry may be made through the county probation officer, if available, or the field agent of the board. Thereupon, the court may make such informal adjustment as is practicable, or dismiss the petition, or set the matter for hearing. If an informal adjustment is made, it shall provide for full or partial restitution in the manner and form prescribed by the court when the offense involves loss or damage of property of another.
Probation officers shall not file a petition unless the child has previously been under the jurisdiction of the court. The petition and all subsequent court documents shall be entitled "In the interest of ...., a child under eighteen (18) years of age." The petition may be made upon information and belief but it shall be made under oath. It shall set forth plainly: (1) the facts which bring the child within the purview of this act; (2) the name, age, and residence of the child; (3) the names and residences of his parents and spouse, if any; (4) the name and residence of his legal guardian, if there be one, or the person or persons having custody or control of the child, or of the nearest known relative if no parent or guardian can be found. If any of the facts herein required are not known by the petitioner the petition shall so state.

SECTION 2. That Section 16-1811, Idaho Code, be, and the same is hereby amended to read as follows:

16-1811. APPREHENSION AND RELEASE OF CHILDREN -- DETENTION. 1. A peace officer may take a child into custody, or a private citizen may detain a child until the child can be delivered forthwith into the custody of a peace officer, without order of the court:
   (a) when he has reasonable cause to believe that the child has committed an act which would be a felony if committed by an adult; or
   (b) when in the presence of a peace officer or private citizen the child has violated any local, state or federal law or municipal ordinance; or
   (c) when there are reasonable grounds to believe the child has run away from his parents, guardian or legal custodian.

A peace officer may take a child into custody at any time upon a written order or warrant signed by the judge or other magistrate in the judge's absence when there is reasonable cause to believe the child has committed an act which would be a misdemeanor if committed by an adult where such misdemeanor was committed out of the presence of the officer. Such taking into custody shall not be deemed an arrest. Jurisdiction of the court shall attach from the time the child is taken into custody. When an officer takes a child into custody, he shall notify the parent, guardian or custodian of the child as soon as possible. Unless otherwise ordered by the court, or unless it appears to the officer taking the child into custody that it is contrary to the welfare of society or the child, such child shall be
released to the custody of his parent or other responsible adult upon written promise, signed by such person, to bring the child to the court at a stated time. Such written promise shall be submitted to the court as soon as possible. If such person shall fail to produce the child as agreed, or upon notice from the court, a summons for such person may be issued by the court and a warrant may be issued for apprehension of the child.

2. When a child is not released he shall be taken forthwith to the court or place of detention specified by the court and then not later than twenty-four (24) hours, excluding Saturdays, Sundays and holidays, shall be brought before the court.

3. The person in charge of a detention facility shall give immediate notice to the court that the child is in his custody.

4. No child shall be held in detention longer than twenty-four (24) hours, exclusive of Saturdays, Sundays and holidays, unless a petition has been filed and the court has signed the detention order.

5. As soon as a child is detained by court order, his parents, guardian or legal custodian shall be informed by notice in writing on forms prescribed by the court that they may have a prompt hearing regarding release or detention.

6. Neither fingerprints nor photographs shall be taken of any child taken into custody without consent of the judge, unless a peace officer determines it necessary for the detection and apprehension of an unknown offender. When fingerprints are taken, copies of the fingerprint cards shall not be sent to central, state or federal depositories except in national security cases or marked "for identification only"; and cards shall be removed from the local police file and destroyed by the local police chief, sheriff, or city or county clerk, whoever is responsible for the files: (a) if the decision after investigation of the case is that no basis for court jurisdiction exists; or (b) when the individual charged reaches his twenty-first birthday, if there has been no record of violation of law after reaching his eighteenth birthday.

7. Peace officers' records of children shall be kept separate from records of adults and shall not be open to public inspection.

SECTION 3. That Section 16-1814, Idaho Code, be, and the same is hereby amended to read as follows:

16-1814. DECREE -- PROBATION -- COMMITMENT -- MEDICAL
OR REMEDIAL TREATMENT. When a child is found by the court to come within the provisions of section 16-1803 hereof, the court shall so decree and in its decree shall make a finding of the facts upon all allegations of the petition and conclusions of law therefrom, provided, however, that no decree other than one of discharge shall be entered until an inquiry into the environment, past history, and physical and mental condition of the child has been made and a written report of such inquiry has been presented to and considered by the court. Upon entry of its decree, the court may proceed as follows:

1. Place the child on probation under supervision in his own home or in the legal custody of a suitable person or licensed private agency or institution, provided, however, any commitment other than to the youth rehabilitation division shall not relieve the county of the support of the child. Probation shall not be ordered or administered as punishment, but as a measure for the protection, guidance and well-being of the child and his family. Probation methods 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. Whenever a child has been placed on probation in his own home for one (1) year, he shall be automatically discharged unless the youth rehabilitation division or probation officer requests of the court and receives an extension of time to determine the desirability of a discharge. If, in the court's opinion, the child fails to respond to probation treatment, the court may take any other action authorized by this section.

2. Commit the child to jail for correction under reasonable surveillance of an adult for periods not in excess of thirty (30) days for any one (1) offense, provided that such incarceration shall be in a place where the child is segregated from adult offenders.

3. Commit the child to the legal custody of the board or a private institution or agency authorized to care for children or to place them in family homes, providing said private institution, home or agency gives its consent and is licensed by the state department of public assistance, or is approved by the court, or if such institution or agency is in another state, by the analogous department of that state. When a person or licensed agency has been granted legal custody, it shall have the right to determine where and with whom the child shall live, provided that placement of the child does not remove him from the territorial jurisdiction of the court without consent of the court. An individual
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granted legal custody shall exercise the rights and responsibility personally unless otherwise authorized by the court. Such commitment shall be for an indeterminate period but in no event shall continue beyond the child's twenty-first birthday. A private institution or agency vested with legal custody shall make a periodic review of the case of each child committed to it and report to the court at intervals not exceeding one (1) year. The youth rehabilitation division or any person or agency having legal custody may petition the court for a change of legal status of the child. The child, parent or guardian may petition the court for review of the board's decision regarding any change in placement and/or treatment determinations of that agency, provided, there shall not be more than one (1) review of any change nor more than one (1) review every three (3) months. When a child is committed to the board, the court shall appoint the sheriff of the county from which the child is committed or any probation officer or agent of the board to take said child to the place designated by the board or its representative, provided, that the sheriff may delegate this responsibility to an assistant. The expense of conveying said child to the designated place shall be paid by the county from which said child is committed. In placing a child under the custody of an individual or private agency or institution, the court and the board, in dealing with children committed to it, shall, whenever practicable, select a person, agency or institution governed by persons of the same religious faith as that of the parents of such child, or in case of a difference in the religious faith of the parents, then of the religious faith of the child, or if the religious faith of the child is not ascertainable, then of the faith of either of the parents.

4. Cause any child to be examined or treated by a physician, psychiatrist or psychologist, and for such purpose may place the child in a hospital or other facility, provided this shall not be construed as limiting the right of a parent, guardian or person standing in loco parentis in providing any medical or remedial treatment recognized or permitted under the laws of this state, and provided further, the court shall be prohibited from committing the child to the state-industrial-training-school--state youth services center for observation and evaluation.

5. Order such other care and treatment as the court may deem best, except as herein otherwise provided. In support of any order or decree the court may require the parents, guardian or other persons having the custody of the child, or any other person who has been found by the court to be
encouraging, causing or contributing to the acts or condi-
tions which bring the child within the purview of this
chapter, to do or refrain from doing any acts required or
forbidden by law, when the judge deems such requirement
necessary for the welfare of the child. In case of failure
to comply with such requirement, the court may proceed
against such person for contempt of court. No adjudication
by the court of the status of any child shall be deemed a
conviction nor shall such adjudication operate to impose any
of the civil disabilities ordinarily resulting from convic-
tion, nor shall any child be found guilty as or be deemed a
criminal by reason of such adjudication. The disposition
made of a child or any evidence given in the court, shall
not operate to disqualify the child in any future civil ser-
vice application or appointment. Whenever the court shall
commit a child to any institution or agency it shall trans-
mit with the order of commitment a summary of its informa-
tion concerning the child which may aid in protection, guid-
ance and well-being of the child, and such institution or
agency shall give to the court such information concerning
such child as the court may at any time require.

6. In all cases where a child is charged with violating
any state law or any ordinance or regulation of any county,
city or village in this state pertaining to the operation of
a motor vehicle the disposition shall be the same as pro-
vided by law or ordinance for a like traffic offense when
committed by an adult; provided, however, that upon such
conviction the court may, in imposing sentence upon said
child, suspend or revoke the driver's permit or license of
said child whether or not empowered so to do under any other
law relating to specific traffic violations.

7. In cases where there is loss or damage of property,
the court may provide for full or partial restitution in the
manner and form prescribed by the court.

SECTION 4. That Section 16-1816, Idaho Code, be, and
the same is hereby amended to read as follows:

16-1816. RECORDS -- PRIVILEGED INFORMATION. The court
shall maintain records of all cases brought before it. In
proceedings under this act the following records shall not
be withheld from public inspection, except on court order,
which order must be made in writing in each case: the court
docket, petitions, complaints, information, motions and
other papers filed in any case; transcripts of testimony
taken by the court; and findings, verdicts, judgments,
orders, decrees and other papers filed in proceedings before
the court. These records shall be open to inspection by the parties and their attorneys, by an institution or agency to which custody of a child has been transferred, by an individual who has been appointed guardian with consent of the court, by persons having a legitimate interest in the proceedings; and, pursuant to rule or special order of the court, by persons conducting pertinent research studies, and by persons, institutions, and agencies having a legitimate interest in the protection, welfare or treatment of the child. Reports of social and clinical studies or examinations made pursuant to this act shall be withheld from public inspection, except that facts contained in such reports shall be furnished upon request in a manner determined by the court to persons and governmental and private agencies and institutions conducting pertinent research studies or having a legitimate interest in the protection, welfare and treatment of the child. All information obtained and social records prepared in the discharge of official duty by an employee of the court shall not be disclosed directly or indirectly to anyone other than the court or others entitled under this act to receive such information, unless and until otherwise ordered by the court.

The victim of misconduct shall always be entitled to the name of the child involved, the name of the child's parents or guardian, and their addresses and telephone numbers, if available in the records of the court.

SECTION 5. That Section 16-1817, Idaho Code, be, and the same is hereby amended to read as follows:

16-1817. ENCOURAGING VIOLATIONS. Any person who by any act or neglect encourages, aids or causes a child to come within the purview or jurisdiction of this act, or who after notice that a driver's license of any such child has been suspended or revoked under the provisions of this chapter knowingly permits or encourages said child to operate a motor vehicle during the period that such driver's license is suspended shall be guilty of a misdemeanor. The court may impose conditions upon any person found guilty under this section, and so long as such person shall comply therewith to the satisfaction of the court, the sentence imposed may be suspended.

AN ACT

RELATING TO THE SALARIES OF PROSECUTING ATTORNEYS; AMENDING SECTION 31-3113, IDAHO CODE, TO INCREASE THE SALARIES OF CERTAIN PROSECUTING ATTORNEYS, TO PROVIDE FOR SALARIES DURING THE TRANSITION PERIOD BEFORE THE NEW COUNTY FISCAL YEAR, MAKING THE LATAH PROSECUTING ATTORNEY FULL TIME, AND PROVIDING AN EXCEPTION TO THE FULL TIME RULE; 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. The annual salaries of the prosecuting attorneys in the various counties shall be as set forth as follows:

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Ada</td>
<td>$26,700</td>
<td>$30,000</td>
</tr>
<tr>
<td>Adams</td>
<td>$7,750</td>
<td>$8,400</td>
</tr>
<tr>
<td>Bannock</td>
<td>$17,500 to $25,000</td>
<td>$25,000</td>
</tr>
<tr>
<td>Bear Lake</td>
<td>$6,700</td>
<td>$6,000</td>
</tr>
<tr>
<td>Benewah</td>
<td>$7,250</td>
<td>$9,200</td>
</tr>
<tr>
<td>Bingham</td>
<td>$18,700</td>
<td>$17,000</td>
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<tr>
<td>Blaine</td>
<td>$18,700</td>
<td>$18,000</td>
</tr>
<tr>
<td>Boise</td>
<td>$7,600</td>
<td>$3,600</td>
</tr>
<tr>
<td>Bonner</td>
<td>$12,700</td>
<td>$16,000</td>
</tr>
<tr>
<td>Bonneville</td>
<td>$12,700</td>
<td>$13,500</td>
</tr>
<tr>
<td>Boundary</td>
<td>$12,700</td>
<td>$18,000</td>
</tr>
<tr>
<td>Butte</td>
<td>$7,700</td>
<td>$7,700</td>
</tr>
<tr>
<td>Camas</td>
<td>$10,700</td>
<td>$10,000</td>
</tr>
<tr>
<td>Canyon</td>
<td>$20,000</td>
<td>$20,000</td>
</tr>
<tr>
<td>Caribou</td>
<td>$8,700</td>
<td>$8,100</td>
</tr>
<tr>
<td>Cassia</td>
<td>$12,700</td>
<td>$15,600</td>
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<td>$6,000</td>
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<tr>
<td>Elmore</td>
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<td>$16,000</td>
</tr>
<tr>
<td>Franklin</td>
<td>$6,700</td>
<td>$7,600</td>
</tr>
</tbody>
</table>
If the prosecuting attorney of a county is not a resident of that county, the county commissioners shall set the salary of the prosecuting attorney, not to exceed the amount prescribed for the county in this section. The prosecuting attorneys in the following counties are required to devote full time to the discharge of their duties: Bannock, Canyon, Latah. With the unanimous approval of the board of county commissioners, and with the consent of the prosecuting attorney, the prosecuting attorney may contract with any city within the county to prosecute nonconflicting misdemeanors in those counties where the prosecuting attorneys are required to devote full time to the discharge of their duties.

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, 1977.

CHAPTER 158

(H.B. No. 267, 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, AND TO PROVIDE FOR SALARIES DURING THE TRANSITION PERIOD BEFORE THE NEW COUNTY FISCAL YEAR; AND DECLARING AN EMERGENCY AND PROVIDING FOR RETROACTIVE APPLICATION.

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

SECTION 1. That Section 31-3104, 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>Jan.1,1977, to Sept.30,1977</th>
<th>October 1 to September 30</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ada</td>
<td>$20,700</td>
<td>$21,000</td>
</tr>
<tr>
<td>Adams</td>
<td>$15,750</td>
<td>$21,000</td>
</tr>
<tr>
<td>Bannock</td>
<td>$10,125</td>
<td>$15,000</td>
</tr>
<tr>
<td>Bear Lake</td>
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<td>$3,900</td>
</tr>
<tr>
<td>Benewah</td>
<td>$4,950</td>
<td>$6,600</td>
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<tr>
<td>Bingham</td>
<td>$7,500</td>
<td>$10,000</td>
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<tr>
<td>Blaine</td>
<td>$3,600</td>
<td>$4,800</td>
</tr>
<tr>
<td>Boise</td>
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<td>$4,500</td>
</tr>
<tr>
<td>Bonner</td>
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<td>$13,500</td>
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<td>$11,000</td>
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<tr>
<td>Boundary</td>
<td>$4,950</td>
<td>$6,600</td>
</tr>
<tr>
<td>Butte</td>
<td>$1,800</td>
<td>$2,400</td>
</tr>
<tr>
<td>Camas</td>
<td>$9,000</td>
<td>$12,000</td>
</tr>
<tr>
<td>Canyon</td>
<td>$3,000</td>
<td>$3,900</td>
</tr>
<tr>
<td>Caribou</td>
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<td>$3,900</td>
</tr>
<tr>
<td>Cassia</td>
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<td>$2,000</td>
</tr>
<tr>
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<tr>
<td>Elmore</td>
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<td>$4,800</td>
</tr>
<tr>
<td>Franklin</td>
<td>$2,700</td>
<td>$3,900</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 and retroactively to January 1, 1977.

CHAPTER 159
(S.B. No. 1318)

AN ACT
RELATING TO THE UNIFORM BUILDING CODE ADVISORY ACT; AMENDING
SECTION 39-4116, IDAHO CODE, TO PROVIDE THAT ENFORCEMENT
OF THE UNIFORM BUILDING CODE ADVISORY ACT SHALL BE
OPTIONAL WITH COUNTY AND CITY GOVERNMENTS, AND TO PRO-
VIDE REQUIREMENTS WHEN LOCAL OPTION ENFORCEMENT BECOMES
EFFECTIVE; DECLARING AN EMERGENCY AND PROVIDING EFFEC-
TIVE DATE REQUIREMENTS FOR 1977.

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

SECTION 1. That Section 39-4116, Idaho Code, be, and
the same is hereby amended to read as follows:

39-4116. ENFORCEMENT -- ASSISTANCE. (1) Local govern-
ments shall may, effective January 1, 1977, July 1 of any
year, by affirmative action by resolution or ordinance taken
by the governing board of a local government, prior to
December 31 of the previous year, comply with the codes
enumerated in this act, and such codes, rules and regula-
tions promulgated pursuant to this act, and such inspection
and enforcement may be provided by the local government, or
shall may be provided by the department if such local
government opts to comply with the provisions of this act
but not to provide such inspection and enforcement, except
that the department shall retain jurisdiction of inspection
and enforcement of construction standards enumerated in
section 39-4109(10), Idaho Code, for mobile homes and
recreational vehicles, and for inspection and enforcement of
construction standards for manufactured buildings and
commercial coaches, whether or not a local government opts
to comply with the other provisions of this act. Any deci-
sion to comply with the provisions of this act must be com-
municated to the director in writing, and compliance must be
for an entire year commencing July 1.

(2) All building code inspectors, including those of
local governments which have opted to comply with the provi-
sions of this act, shall be certified as provided by section

(3) The department may contract to assist a local
government in such matters as technical assistance, code
interpretation, education, training, personnel, and information and dissemination of information and statistics.

(4) The department may conduct or sponsor pre-entry and in-service education and training programs on the technical, legal, and administrative aspects of building code administration and enforcement. For this purpose, it may cooperate and contract with educational institutions, local, state, regional or national building officials' organizations, and any other appropriate organization.

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

(2) For 1977 only, a local government may opt to comply with the provisions of chapter 41, title 39, Idaho Code, at any time prior to June 30, 1977, and shall so notify the director.

Approved March 29, 1977.
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 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 prescription drugs 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; 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) 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) The sale of tangible personal property relating to funeral services by a licensed funeral establishment.

(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.

(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.

Approved March 29, 1977.
CHAPTER 161
(S.B. No. 1126)

AN ACT
RELATING TO PUBLIC EMPLOYEES' RETIREMENT SYSTEMS; AMENDING
SECTION 59-1211, IDAHO CODE, TO REQUIRE ALL COUNTIES TO
BECOME PARTICIPANTS IN THE PUBLIC EMPLOYEE RETIREMENT
SYSTEM BEFORE JULY 1, 1978.

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

SECTION 1. That Section 59-1211, Idaho Code, be, and
the same is hereby amended to read as follows:

59-1211. RETIREMENT SYSTEM NOT AFFECTED. Nothing in
this act shall apply to or affect the public employee
retirement system of Idaho as established under chapter 13,
title 59, Idaho Code, the policemen's retirement fund as
established under chapter 15, title 50, Idaho Code, the
firemen's retirement fund as established under chapter 14,
title 72, Idaho Code, the judges retirement fund as estab­
lished under chapter 20, title 1, Idaho Code, or the retire­
ment system of the department of employment as established
under chapter 13, title 72, Idaho Code, as heretofore or
hereafter amended or supplemented.

Provided, however, for the purpose of standardizing
retirement benefits for all county employees, any county
not participating in the public employee retirement system
of Idaho on July 1, 1977 shall apply for membership in said
system no later than July 1, 1978, in accordance with the
provisions of section 59-1309, Idaho Code. Any existing
retirement program, shall be terminated prior to the date
of entry into the public employee retirement system of
Idaho.

Approved March 29, 1977.
CHAPTER 162
(S.B. No. 1098)

AN ACT

RELATING TO OUTFITTERS AND GUIDES; AMENDING SECTION 36-2102, IDAHO CODE, TO REDEFINE THE TERMS "OUTFITTER" AND "GUIDE" AND THE TYPES OF RECREATIONAL ACTIVITIES ENCOMPASSED BY SUCH TERMS; AMENDING SECTION 36-2106, 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 36-2109, 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 THEREFOR HAS NO ADVERSE INFORMATION AGAINST HIM ON FILE; AMENDING SECTION 36-2113, 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 DECLARING AN EMERGENCY.

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

SECTION 1. That Section 36-2102, Idaho Code, be, and the same is hereby amended to read as follows:

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, 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.

(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 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.

(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.

SECTION 2. That Section 36-2106, Idaho Code, be, and the same is hereby amended to read as follows:

36-2106. APPOINTMENT AND QUALIFICATION OF MEMBERS—ORGANIZATION OF BOARD. One (1) member shall be a member of the Idaho fish and game commission, or a person selected by that body, 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 (1) of the positions held by an outfitter or guide, either through expiration of term, death, resignation or removal, the Idaho outfitters and guides association shall submit to the governor the names of two (2) qualified 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 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.

SECTION 3. That Section 36-2109, Idaho Code, be, and the same is hereby amended to read as follows:

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, 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 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 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 36-2113, Idaho Code, be, and the same is hereby amended to read as follows:

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-licencsee'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 li-
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cense. For the purposes of this chapter, the term "convic-
tion" shall mean a final conviction and/or a forfeiture of
bail or collateral deposited to secure a defendant's appear-
ance 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 li-
censed outfitter in the three (3) year period next preceding
the date of application for an outfitter's or guide's li-
cense.

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 appli-
cable provision of this act, or for violation of any lawful
rule, regulation, or order of the outfitter's and guide's
board.
SECTION 5. 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 29, 1977.

CHAPTER 163

(H.B. No. 306)

AN ACT

RELATING TO ABORTION REPORTS; AMENDING CHAPTER 2, TITLE 39,
IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-273,
IDAHO CODE, TO PROVIDE FOR FORMS TO BE ISSUED BY THE
BUREAU OF VITAL STATISTICS FOR THE REPORTING OF
ABORTIONS, AND TO PROVIDE FOR COMPILATIONS OF THE
REPORTS.

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

SECTION 1. That Chapter 2, 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 39-273,
Idaho Code, and to read as follows:

39-273. ABORTION REPORTING FORMS — COMPILATIONS.
(a) The bureau of vital statistics shall establish an abor­
tion reporting form, which shall be used for the reporting
of every abortion performed in this state. However, no
information shall be collected which would identify the
abortee. Such form shall be prescribed by the department and
shall include as a minimum the items required by the stan­
dard reporting form as recommended by the national center
for health statistics, of the United States department of
health, education, and welfare.

The completed form shall be filed by the attending
physician and sent to the bureau of vital statistics within
fifteen (15) days after the end of each reporting month. The
submitted form shall be an original, typed or written leg­
ibly in durable ink, and shall not be deemed complete unless
the omission of any item of information required shall have
been disclosed or satisfactorily accounted for. Carbon
copies shall not be acceptable.

(b) The department of health and welfare shall prepare
and keep on permanent file compilations of the information
submitted on the abortion reporting forms pursuant to such
rules and regulations as established by the department of
health and welfare, which compilations shall be a matter of
public record.

Approved March 29, 1977.
CHAPTER 164

(H.B. No. 33)

AN ACT

RELATING TO THE SALE OF PUBLIC SCHOOL BONDS; AMENDING SECTION 33-1108, IDAHO CODE, RELATING TO THE PRINTING OF BONDS BY STRIKING THE PROVISION THAT THE DEPARTMENT OF PUBLIC INVESTMENTS MAY PAY PRINTING COSTS; REPEALING SECTION 33-1110, IDAHO CODE, RELATING TO THE PREFERENTIAL RIGHT OF STATE TO PURCHASE; AMENDING SECTION 33-1111, IDAHO CODE, RELATING TO THE SALE OF BONDS, BY PROVIDING THAT THE BOARD OF TRUSTEES SHALL GIVE NOTICE OF ITS INTENT TO SELL A BOND ISSUE, AND STRIKING REFERENCE TO THE DEPARTMENT OF FINANCE.

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

SECTION 1. That Section 33-1108, Idaho Code, be, and the same is hereby amended to read as follows:

33-1108. PRINTING OF BONDS. Bonds and coupons shall be printed or lithographed in the form prescribed by section 33-1107, Idaho Code, at the expense of the purchaser purchasing the same from the issuing district.

SECTION 2. That Section 33-1110, Idaho Code, be, and the same is hereby repealed.

SECTION 3. That Section 33-1111, Idaho Code, be, and the same is hereby amended to read as follows:

33-1111. SALE OF BONDS. When the department of finance offers to purchase but a part of an issue of bonds, or submits a no-bid thereon, or when the board of trustees believes that a more advantageous bid may be received, it the board of trustees shall give notice of its purpose to sell such a bond issue.

The notice shall be published in a newspaper published in this state, once each week for four (4) consecutive weeks. Said notice shall describe the issue of bonds; shall state that the board of trustees will receive sealed bids
until a specified day and hour; and that said bids will be opened at a regular or special meeting of the board at a time and place to be named in the notice. Said notice may require such deposits of forfeits as the board may deem necessary, but no deposit shall be required of the department of finance.

At the meeting held at the time and place named in the notice, the board of trustees shall open the bids, and may sell the same to whomever shall make the bid most advantageous to the school district, and the deposits of the unsuccessful bidders shall thereupon be returned to them. Should the successful bidder fail or refuse to tender payment of the amount required for the purchase of the issue within ten (10) days after tender to him of the executed bonds and a certified copy of the bond proceedings, his deposit shall be forfeited; and the board may in its judgment accept the bid next most advantageous, or re-advertise the issue as before.

The board of trustees may reject any or all bids, and sell the bonds at private sale when this be found to be in the best interest of the district.

No school bond shall at any time be sold at less than its par value.

Approved March 29, 1977.
CHAPTER 165
(H.B. No. 188, As Amended in the Senate)

AN ACT
RELATING TO THE YOUTH REHABILITATION ACT; REPEALING SECTION 16-1806, IDAHO CODE; AND ADDING A NEW SECTION 16-1806, IDAHO CODE, PROVIDING COMPREHENSIVE STANDARDS AND PROCEDURES FOR DETERMINING WHETHER JURISDICTION UNDER THE YOUTH REHABILITATION ACT SHOULD BE WAIVED IN FAVOR OF CRIMINAL PROCEEDINGS OR RETAINED IN JUVENILE COURT.

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 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 16-1806, Idaho Code, and to read as follows:

16-1806. WAIVER OF JURISDICTION AND TRANSFER TO OTHER COURTS. (1) After the filing of a petition and after full investigation and hearing, the court may waive jurisdiction under the youth rehabilitation act over the child and order that the child be held for adult criminal proceedings when:
(a) A child is alleged to have committed an act after he or she became fifteen (15) years of age which would be a crime if committed by an adult; or
(b) 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) years of age which would be a felony if committed by an adult, and the court finds that the adult is not committable to an institution for the mentally deficient or mentally ill, is not treatable in any available institution or facility available to the state designed for the care and treatment of children, or that the safety of the community requires the adult continue under restraint; or
(c) An adult already under the jurisdiction of the court is alleged to have committed a crime while an adult.

(2) A motion to waive jurisdiction under the youth rehabilitation act and prosecute a child under the criminal
law may be made by the prosecuting attorney, the child, or by motion of the court upon its own initiative. The motion shall be in writing and contain the grounds and reasons in support thereof.

(3) Upon the filing of a motion to waive jurisdiction under the youth rehabilitation act, the court shall enter an order setting the motion for hearing at a time and date certain and shall order a full and complete investigation of the circumstances of the alleged offense to be conducted by the board, or such other state agency or investigation officer designated by the court.

(4) Upon setting the time for the hearing upon the motion to waive jurisdiction, the court shall give written notice of said hearing to the child, and the parents, guardian or custodian of the child, and the prosecuting attorney, at least ten (10) days before the date of the hearing, or a lesser period stipulated by the parties, and such notice shall inform the child and the parents, guardian or custodian of the child of their right to court appointed counsel in accordance with these rules. Service of the notice shall be made in the manner prescribed for service of a summons under section 16-1809, Idaho Code.

(5) The hearing upon the notice to waive jurisdiction shall be held in the same manner as an evidentiary hearing upon the original petition and shall be made part of the record.

(6) If as a result of the hearing on the motion to waive jurisdiction the court shall determine that jurisdiction should not be waived, the petition shall be processed in the customary manner as a youth rehabilitation act proceeding. However, in the event the court determines, as a result of the hearing, that youth rehabilitation act jurisdiction should be waived and the child should be prosecuted under the criminal laws of the state of Idaho, the court shall enter findings of fact and conclusions of law upon which it bases such decision together with a decree waiving youth rehabilitation act jurisdiction and binding the child over to the authorities for prosecution under the criminal laws of the state of Idaho.

(7) No motion to waive youth rehabilitation act jurisdiction shall be recognized, considered, or heard by the court in the same case once the court has entered an order or decree in that case that said child has come within the purview of the youth rehabilitation act, and all subsequent proceedings after the decree finding the child within the purview of the youth rehabilitation act must be under and pursuant to the youth rehabilitation act and not as a crim-
inal proceeding.

(8) In considering whether or not to waive juvenile court jurisdiction over the child, the juvenile court shall consider the following factors:

(a) The seriousness of the offense and whether the protection of the community requires isolation of the child beyond that afforded by juvenile facilities;

(b) Whether the alleged offense was committed in an aggressive, violent, premeditated, or willful manner;

(c) Whether the alleged offense was against persons or property, greater weight being given to offenses against persons;

(d) The maturity of the child as determined by considerations of his home, environment, emotional attitude, and pattern of living;

(e) The child's record and previous history of contacts with the juvenile justice system;

(f) The likelihood of rehabilitation of the child by use of facilities available to the court;

(g) The amount of weight to be given to each of the factors listed in subsection (8) of this section is discretionary with the court, and a determination that the minor is not a fit and proper subject to be dealt with under the juvenile court law may be based on any one or a combination of the factors set forth above, which shall be recited in the order of waiver.

(9) If the 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 chapter, may certify the case for disposition to the court of the county in which the child or adult resides upon being notified 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 jurisdiction.

Approved March 29, 1977.
AN ACT
RELATING TO COOPERATION BETWEEN FIRE PROTECTION DISTRICTS;
AMENDING SECTION 31-1430A, IDAHO CODE, TO AUTHORIZE CO-
OPERATION BETWEEN FIRE PROTECTION DISTRICTS WITHIN THE
STATE OF IDAHO AND COOPERATION BETWEEN DISTRICTS AND
INCORPORATED CITIES AND VILLAGES.

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

SECTION 1. That Section 31-1430A, Idaho Code, be, and
the same is hereby amended to read as follows:

31-1430A. COOPERATION BETWEEN FIRE PROTECTION DISTRICTS
IN IDAHO AND FIRE PROTECTION DISTRICTS AND MUNICIPALITIES OF
OTHER STATES. Fire protection districts created under this
act are hereby empowered to enter into written agreements
with fire protection districts within the state of Idaho and
of neighboring states and with incorporated cities and vil-
lages within the state of Idaho and of neighboring states
for their mutual protection or for the protection of either
of the contracting parties.

Such agreements may provide for a consideration of
mutual protection or for protection at a fixed monetary con-
sideration or a monetary consideration based on the reason-
able value of services actually rendered under the agree-
ment. Any monetary consideration payable under such agree-
ments by a fire protection district created under this act
may be paid only out of the treasury of such fire protection
district.

Approved March 29, 1977.
CHAPTER 167
(S.B. No. 1171)

AN ACT
RELATING TO HOLIDAYS; AMENDING SECTION 67-5327, IDAHO CODE, TO PROVIDE THAT WHEN HOLIDAYS FALL ON SATURDAY OR SUNDAY, THE PRECEDING FRIDAY OR THE NEXT MONDAY SHALL BE A HOLIDAY; AMENDING SECTION 73-108, IDAHO CODE, TO PROVIDE THAT WHEN HOLIDAYS FALL ON SATURDAY OR SUNDAY, THE PRECEDING FRIDAY OR THE NEXT MONDAY SHALL BE A HOLIDAY.

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

SECTION 1. That Section 67-5327, Idaho Code, be, and the same is hereby amended to read as follows:

67-5327. DEFINITIONS. The following terms as used in this act are hereby defined as follows:
(a) "Appointing authority" means the officer, board, commission, person or group of persons authorized by statute or lawfully delegated authority to make appointments to or employ personnel in any department.
(b) "Classified employee" means any person appointed to or holding a position in any department of the state of Idaho which position is subject to the provisions of chapter 53, title 67, Idaho Code.
(c) "Department" means any department, agency, institution or office of the state of Idaho.
(d) "Holiday" means the following:
January 1 (New Year's Day);
Third Monday in February (Washington's Birthday);
Last Monday in May (Decoration Day);
July 4 (Independence Day);
First Monday in September (Labor Day);
Second Monday in October (Columbus Day);
November 11 (Veterans Day);
Fourth Thursday in November (Thanksgiving);
December 25 (Christmas).
In addition, the term "holiday" shall mean any day so designated by the president of the United States or the governor of this state for a public fast, thanksgiving or holiday. When any legal holiday falls on a Saturday, the preceding Friday shall be a holiday; and when any legal holiday falls on a Sunday, the following Monday shall be a holiday.
(e) "Overtime work" means time worked in excess of forty (40) hours in a period of one hundred sixty-eight (168) consecutive hours or in the case of those employees covered, any work week established for an employee under the provisions of the Fair Labor Standards Act of 1938, as amended.

(f) "Vacation leave" means a period of exemption from work granted to employees during which time said employees shall be compensated. The term shall not include compensatory time for overtime work.

SECTION 2. That Section 73-108, Idaho Code, be, and the same is hereby amended to read as follows:

73-108. HOLIDAYS ENUMERATED. Holidays, within the meaning of these compiled laws, are:

Every Sunday;
January 1 (New Year's Day);
Third Monday in February (Washington's Birthday);
Last Monday in May (Decoration Day);
July 4 (Independence Day);
First Monday in September (Labor Day);
Second Monday in October (Columbus Day);
November 11 (Veterans Day);
Fourth Thursday in November (Thanksgiving Day);
December 25 (Christmas);

Every day appointed by the President of the United States, or by the governor of this state, for a public fast, thanksgiving, or holiday.

Any reference in a law of the state of Idaho to the observance of a legal public holiday on a day other than the day prescribed for the observance of such a holiday by this section shall, on and after the effective date of this act, be considered a reference to the day for the observance of such holiday prescribed in this section. Any legal holiday that falls on Saturday, the preceding Friday shall be a holiday and any legal holiday enumerated herein other than Sunday that falls on Sunday, the following Monday shall be a holiday.

Approved March 29, 1977.
CHAPTER 168
(S.B. No. 1176, As Amended in the House)

AN ACT
RELATING TO PAYMENTS FROM EMPLOYEE BENEFIT PLANS; ADDING A NEW SECTION 32-913, IDAHO CODE, TO PROVIDE PROTECTION TO AN EMPLOYER FOR MAKING PAYMENTS FROM EMPLOYEE BENEFITS PLANS WHEN HE HAS NOT RECEIVED NOTICE OF AN ADVERSE CLAIM AGAINST SUCH BENEFITS.

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

SECTION 1. That Chapter 9, Title 32, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 32-913, Idaho Code, and to read as follows:

32-913. PAYMENTS FROM EMPLOYEE BENEFIT PLANS -- ADVERSE CLAIMS. Whenever payment or refund is made to an employee, former employee, or such person's beneficiary or heirs, legatees or estate pursuant to a written retirement, death, stock, or other employee benefit plan or savings plan such payment or refund shall fully discharge the employer, former employer, and any trustee or insurance company making such payment or refund from all adverse claims thereto unless such payment or refund is made within twenty (20) days following the death of such employee or former employee or unless before such payment or refund is made, the employer or former employer, where the payment or refund is made by the employer or former employer, has received at its principal place of business within this state or home office, written or oral notice by or on behalf of some other person that such other person claims to be entitled to such payment or refund or some part thereof, or where a trustee or insurance company is making the payment or refund, such notice has been received by the trustee or insurance company at its home office or its principal place of business within this state. Should said payment or refund be comprised in whole or in part of stock of any corporation, such corporation may accept said stock for transfer as directed by the employer, former employer, or the trustee making such payment or refund, and shall be entitled to treat the transferee as the owner of said stock for all purposes unless the corporation has received, at its home office, written or
oral notice by or on behalf of some other person that such other person claims to be entitled to such stock or to some interest therein. This section shall not affect any claim or right to any such payment or refund or part thereof as between all persons other than the employer or former employer and the trustee or insurance company making such payment or refund or the corporation accepting such stock for transfer.

Approved March 29, 1977.

CHAPTER 169
(S.B. No. 1184)

AN ACT
RELATING TO PENALTIES FOR VIOLATION OF THE CAMPAIGN CONTRIBUTIONS AND LOBBYIST REGISTRATION LAW; AMENDING SECTION 67-6625, IDAHO CODE, TO PROVIDE CODE REFERENCES; AND AMENDING CHAPTER 66, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-6625A, IDAHO CODE, TO PROVIDE PENALTIES FOR LATE FILING OF REQUIRED STATEMENTS OR REPORTS.

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. VIOLATIONS -- CIVIL FINE -- MISDEMEANOR PENALTY -- PROSECUTION -- LIMITATION. (a) Any person who violates the provisions of sections 67-6603 -- 67-6614A, 67-6617, 67-6619, 67-6620, 67-6621(a) or 67-6624, Idaho Code, shall be liable for a civil fine not to exceed 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 -- 67-6614A, 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 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.

SECTION 2. That Chapter 66, 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 67-6625A, Idaho Code, and to read as follows:

67-6625A. LATE FILING OF STATEMENT OR REPORT -- FEES. If any person fails to file a report or statement on or before a specified date, he shall be liable in the amount of ten dollars ($10.00) per day after the deadline until the statement or report is filed, to the secretary of state. Liability need not be enforced by the secretary of state if on an impartial basis he determines that the late filing was not willful and that enforcement of the liability will not further the purposes of the act, except that no liability shall be waived if a statement or report is not filed within five (5) days after receiving written notice of the filing requirement from the secretary of state.

The failure to file a report or statement within five (5) days after receiving notice from the secretary of state may subject the person required to file such report to the additional penalties prescribed in section 67-6625, Idaho Code.

Approved March 29, 1977.
CHAPTER 170
(S.B. No. 1198)

AN ACT
RELATING TO APPEALS AND PETITIONS FOR WRITS IN THE SUPREME COURT; AMENDING SECTION 7-201, IDAHO CODE, TO PROVIDE THAT WRITS OF CERTIORARI WHICH MAY BE DENOMINATED AS WRITS OF REVIEW SHALL BE PROCESSED IN THE MANNER PROVIDED BY RULE OF THE SUPREME COURT; AMENDING SECTION 7-202, IDAHO CODE, TO STRIKE THE OBSOLETE REFERENCE THEREIN TO PROBATE OR JUSTICE'S COURT AND INSERT IN LIEU THEREOF THE MAGISTRATES DIVISION OF THE DISTRICT COURT; REPEALING SECTIONS 7-203, 7-204, 7-205, 7-206, 7-207, 7-209, 7-210, 7-211 AND 10-509, IDAHO CODE, RELATING TO THE PROCESSING OF WRITS OF REVIEW IN THE SUPREME COURT; REPEALING CHAPTER 1, TITLE 13, IDAHO CODE, RELATING TO THE APPEAL OF JUDGMENTS OR ORDERS IN A CIVIL ACTION TO THE SUPREME COURT AND THE DESIGNATION OF PARTIES THEREIN; REPEALING CHAPTER 2, TITLE 13, IDAHO CODE, RELATING TO THE JUDGMENTS AND ORDERS APPEALABLE TO THE SUPREME COURT FROM THE DISTRICT COURT IN CIVIL ACTIONS AND SPECIFYING THE PROCEDURE FOR PROCESSING SUCH APPEAL; AMENDING CHAPTER 2, TITLE 13, IDAHO CODE, BY ADDING A NEW SECTION 13-201, IDAHO CODE, TO PROVIDE THAT AN APPEAL MAY BE TAKEN TO THE SUPREME COURT FROM THE DISTRICT COURT IN ANY CIVIL ACTION IN THE MANNER PRESCRIBED BY RULE OF THE SUPREME COURT; AMENDING CHAPTER 2, TITLE 13, IDAHO CODE, BY ADDING A NEW SECTION 13-202, IDAHO CODE, TO PROVIDE THAT THE STAY OF PROCEEDINGS PENDING APPEAL TO THE SUPREME COURT IN A CIVIL ACTION SHALL BE AS PROVIDED BY RULE OF THE SUPREME COURT; AMENDING CHAPTER 2, TITLE 13, IDAHO CODE, BY ADDING A NEW SECTION 13-203, IDAHO CODE, TO PROVIDE THAT THE RECORD ON APPEAL SHALL CONSIST OF A CLERK'S RECORD AND REPORTER'S TRANSCRIPT TO BE PREPARED, PROCESSED AND TRANSMITTED TO THE SUPREME COURT AS PROVIDED BY RULE OF THE SUPREME COURT; REPEALING CHAPTER 28, TITLE 19, IDAHO CODE, RELATING TO CRIMINAL APPEALS BY THE DEFENDANT OR BY THE STATE AND PROVIDING A PROCEDURE FOR PROCESSING SUCH APPEALS; AMENDING CHAPTER 28, TITLE 19, IDAHO CODE, BY ADDING A NEW SECTION 19-2801, IDAHO CODE, TO PROVIDE THAT AN APPEAL MAY BE TAKEN TO THE SUPREME COURT FROM THE DISTRICT COURT IN ANY CRIMINAL ACTION IN THE MANNER PRESCRIBED BY RULE OF THE SUPREME COURT; AMENDING CHAPTER
28, TITLE 19, IDAHO CODE, BY ADDING A NEW SECTION 19-2802, IDAHO CODE, TO PROVIDE THAT THE STAY OF EXECUTION OF A SENTENCE AND THE CUSTODY OF A DEFENDANT ON APPEAL TO THE SUPREME COURT SHALL BE AS PROVIDED BY RULE OF THE SUPREME COURT; AMENDING CHAPTER 28, TITLE 19, IDAHO CODE, BY ADDING A NEW SECTION 19-2803, IDAHO CODE, TO PROVIDE THAT THE RECORD ON APPEAL TO THE SUPREME COURT IN CRIMINAL ACTIONS SHALL INCLUDE A CLERK'S RECORD AND REPORTER'S TRANSCRIPT TO BE PREPARED, PROCESSED AND TRANSMITTED TO THE SUPREME COURT AS PROVIDED BY RULE OF THE SUPREME COURT AND TO PROVIDE FOR ARGUMENT OF A CRIMINAL APPEAL AS PRESCRIBED BY RULE OF THE SUPREME COURT AND PROVIDING THAT THE DEFENDANT SHALL NOT HAVE THE RIGHT TO APPEAR AT THE TIME OF ORAL ARGUMENT UNLESS OTHERWISE ORDERED BY THE SUPREME COURT.

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

SECTION 1. That Section 7-201, Idaho Code, be, and the same is hereby amended to read as follows:

7-201. DESIGNATION. The writ of certiorari may be denominated the writ of review and shall be processed in the manner provided by rule of the supreme court.

SECTION 2. That Section 7-202, Idaho Code, be, and the same is hereby amended to read as follows:

7-202. WHEN GRANTED. A writ of review may be granted by any court except the magistrates division of the district court, when an inferior tribunal, board or officer exercising judicial functions, has exceeded the jurisdiction of such tribunal, board or officer, and there is no appeal, nor, in the judgment of the court, any plain, speedy and adequate remedy.

SECTION 3. That Sections 7-203, 7-204, 7-205, 7-206, 7-207, 7-209, 7-210, 7-211 and 10-509, Idaho Code, be, and the same are hereby repealed.

SECTION 4. That Chapter 1, Title 13, Idaho Code, be, and the same is hereby repealed.

SECTION 5. That Chapter 2, Title 13, Idaho Code, be, and the same is hereby repealed.

SECTION 6. That Chapter 2, Title 13, Idaho Code, be,
and the same is hereby amended by the addition thereto of a
NEW SECTION, to be known and designated as Section 13-201,
Idaho Code, and to read as follows:

13-201. CIVIL JUDGMENTS AND ORDERS APPEALABLE -- TIME
FOR TAKING APPEALS. An appeal may be taken to the supreme
court from a district court in any civil action by such par­
ties from such orders and judgments, and within such times
and in such manner as prescribed by rule of the supreme
court.

SECTION 7. That Chapter 2, Title 13, Idaho Code, be,
and the same is hereby amended by the addition thereto of a
NEW SECTION, to be known and designated as Section 13-202,
Idaho Code, and to read as follows:

13-202. STAY OF PROCEEDINGS PENDING APPEAL. Upon and
after an appeal of a judgment or order of the district court
in a civil action, the judgment or order appealed from, or
any other order or proceeding in the action may be stayed by
the district court or the supreme court as provided by rule
of the supreme court.

SECTION 8. That Chapter 2, Title 13, Idaho Code, be,
and the same is hereby amended by the addition thereto of a
NEW SECTION, to be known and designated as Section 13-203,
Idaho Code, and to read as follows:

13-203. RECORD ON APPEAL. The clerk's record and
reporter's transcript in an appeal of a civil action to the
supreme court shall contain such portions and documents of
the proceedings in the district court, and be prepared,
processed and transmitted to the supreme court as provided
by rule of the supreme court.

SECTION 9. That Chapter 28, Title 19, Idaho Code, be,
and the same is hereby repealed.

SECTION 10. That Chapter 28, Title 19, Idaho Code, be,
and the same is hereby amended by the addition thereto of a
NEW SECTION, to be known and designated as Section 19-2801,
Idaho Code, and to read as follows:

19-2801. CRIMINAL JUDGMENTS AND ORDERS APPEALABLE --
TIME FOR TAKING APPEALS. An appeal may be taken to the
supreme court from the district court in a criminal action
by such parties from such judgments and orders of the dis-
strict court, and within such times and in such manner as prescribed by rule of the supreme court.

SECTION 11. That Chapter 28, Title 19, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 19-2802, Idaho Code, and to read as follows:

19-2802. STAY OF EXECUTION -- CUSTODY OF DEFENDANT. An appeal to the supreme court from a judgment of conviction stays the execution of the judgment in all capital cases, and in all other cases the judgment may be stayed by the district court or the supreme court as provided by rule of the supreme court. Custody of the defendant shall be specified by the district court or in any order staying execution of the judgment.

SECTION 12. That Chapter 28, Title 19, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 19-2803, Idaho Code, and to read as follows:

19-2803. RECORD ON APPEAL -- ORAL ARGUMENT. The clerk's record and the reporter's transcript in an appeal of a criminal action to the supreme court shall contain such portions and documents of the proceedings of the district court, and be prepared, processed and transmitted to the supreme court as provided by rule of the supreme court. Argument of a criminal appeal shall be as prescribed by rule of the supreme court, but the defendant shall not have any right to appear at the time of oral argument unless otherwise ordered by the supreme court.

Approved March 29, 1977.
CHAPTER 171
(S.B. No. 1186, As Amended in the House)

AN ACT
RELATING TO STATE PRINTING CONTRACTS; AMENDING SECTION 60-103, IDAHO CODE, TO ALLOW CONTRACTS FOR PRINTING TO AN OUT-OF-STATE PRINTER WHEN HIS BID IS MORE THAN TEN PER CENT LOWER THAN THE LOWEST IN-STATE BID.

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

SECTION 1. That Section 60-103, Idaho Code, be, and the same is hereby amended to read as follows:

60-103. EXCEPTION IN CASE OF EXCESSIVE CHARGE — EXCEPTIONS FOR LACK OF PRODUCTION FACILITIES ON BIDS ON STATE WORK. (a) Whenever it shall be established that any charge for printing, engraving, binding or stationery work is in excess of the charge usually made to private individuals for the same kind and quality of work, then the state or county officer or officers having such work in charge shall have power to have such work done outside of said county or state, but nothing in this chapter shall be construed to oblige any of said officers to accept any unsatisfactory work.

(b) Any work referred to in section 60-101, Idaho Code, and which is to be executed for or on behalf of the state may be executed outside of this state in any case (1) where the execution of such work shall require the use of a technique or process which cannot be performed through the use of physical production facilities located within this state and the use of such technique or process is essential to a necessary function to be served by the printing, binding, engraving or stationery work required; or (2) where, after requests for proposals or bids have been made or notice thereof has been given as required by section 67-1698 67-5718, Idaho Code, as amended, no bid or proposal is made thereon by any person, firm or corporation proposing to execute such work within this state, or (3) where, after requests for proposals or bids have been made or notice thereof given as required by section 67-5718, Idaho Code, the lowest bid from a person, firm or corporation proposing to execute such work within this state is more than ten per cent (10%) more than the lowest bid from a person, firm or
corporation proposing to execute such work outside this state.

Approved March 29, 1977.

CHAPTER 172
(S.B. No. 1180)

AN ACT
RELATING TO THE WATER RESOURCE BOARD; AMENDING SECTION 42-1734, IDAHO CODE, TO EXPLICITLY RECITE THAT THE WATER RESOURCE BOARD SHALL EXERCISE ITS POWERS AND DUTIES SUBJECT TO THE PROVISIONS OF THE ADMINISTRATIVE PROCEDURES ACT, TO PROVIDE A PROCESS FOR PRESENTING WRITTEN TESTIMONY IN RESPONSE TO PUBLISHED PROPOSALS FOR POLICY PROGRAMS, TO PROVIDE A MINIMUM TIME PERIOD BETWEEN PUBLICATION OF A PROPOSAL AND THE LAST DATE ON WHICH TESTIMONY WILL BE ACCEPTED, TO PROVIDE FOR PRESERVATION OF WRITTEN COMMENTS, AND TO PROVIDE REVIEW OF BOARD POLICIES ON AT LEAST A QUINQUENNIAL BASIS.

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

SECTION 1. That Section 42-1734, Idaho Code, be, and the same is hereby amended to read as follows:

42-1734. POWERS AND DUTIES. The board shall, subject to the provisions of chapter 52, title 67, Idaho Code, have the following powers and duties:

(a) To have and exercise all of the rights, powers, duties and privileges vested by article 15, section 7, of the constitution of this state in the water resource agency, and the water resource board, herein created, is hereby constituted the water resource agency;

(b) To progressively formulate an integrated, coordinated program for conservation, development and use of all unappropriated water resources of this state, based upon studies and after public hearings in affected areas at which all interested parties shall be given the opportunity to appear, or to present written testimony in response to published proposals for such policy programs. A minimum of sixty (60) days shall be allowed between publication of a proposal and the date on which no further testimony on the proposal will be accepted. All comments in writing shall be preserved as a part of the record of the board. In adopting such program the board shall be guided by these criteria:

(1) Existing rights, established duties, and the relative priorities of water established in article 15, section
3, of the constitution of Idaho, shall be protected and preserved;

(2) Optimum development in the interest of and for the benefit of the state as a whole shall be achieved by integration and coordination of use of water and augmentation of existing supplies for all beneficial purposes;

(3) Adequate and safe water supplies for human consumption and maximum supplies for other beneficial uses shall be preserved and protected;

(4) Subject to the primary use of water for the beneficial uses now or hereafter prescribed by law, minimum stream flow for aquatic life and the minimization of pollution shall be fostered and encouraged and consideration shall be given to the development and protection of water recreation facilities;

(5) Watershed conservation practices consistent with sound engineering and economic principles shall be encouraged;

(6) To provide for review and reevaluation of the program on at least a quinquennial basis, with amendments to be adopted in substantially the same manner as original programs.

(c) To institute judicial proceedings to have water rights established by court decree on any stream, lake or underground water basin; in such proceedings court costs of the action, including the survey and determination of water uses by the director of the department of water resources, shall be borne by the state.

(d) To appear, when requested by the governor, on behalf of and represent the state in matters related to its duties in any proceeding, negotiation, or hearing involving the federal government or other state; provided, however, that compact commissions now established by law shall continue to act but in so doing shall report to it;

(e) To accept, receive, initiate, investigate, consider and promote such water projects as it deems to be in the public interest.

(f) To generate and wholesale hydroelectric power at the site of production if such power production is connected with another purpose for such project;

(g) To file applications and obtain permits in the name of the board, to appropriate, store, or use the unappropriated waters of any body, stream, or other surface or underground source of water for specific water projects. Such filings and appropriations by the board, or any water rights owned or claimed by the board, shall be made in the same manner and subject to all of the state laws relating to
appropriation of water, with the exception that the board will not be required to pay any fees required by the laws of this state for its appropriations. The filings and appropriations by the board shall be subject to contest or legal action the same as any other filing and appropriation and such filings and appropriations shall not have priority over or affect existing prior water rights of any kind or nature; provided that the board shall have the right to file for water rights with appropriate officials of other states as trustee for project users, and to do all things necessary in connection therewith;

(h) To finance said projects with revenue bonds or such moneys as may be available;

(i) To acquire, purchase, lease, or exchange land, rights, water rights, easements, franchises and other property deemed necessary or proper for the construction, operation and maintenance of water projects;

(j) To exercise, in accordance with the provisions of title 7, chapter 7, Idaho Code, the right of eminent domain to acquire property necessary for the construction of projects, both land and water;

(k) To cooperate in all water studies, planning, research, or activities with any state or local agency in this state, or any other state or any federal agency and to enter into contracts with federal, state and local governmental agencies to effect this purpose;

(l) When a comprehensive state water plan is adopted, copies thereof shall be filed in the office of the governor and director of the department, and published and distributed generally;

(m) To present to the governor for presentation to the legislature not later than the 30th (of November) of each November prior to the convening of a regular legislative session the final report containing the complete plans, costs and feasibility estimates for any water project which the board recommends that the state construct in accordance with the multiple use water resource policy and plan; and to construct any water project specifically authorized by the legislature.

(n) To enter into contracts with political subdivisions, municipal entities, individuals and others for the sale and lease of water, use of water, water storage, electric power, or other service, to turn over projects to water users after pay-out and to lease facilities, sell, lease or dispose of surplus facilities subject to the provisions of applicable law;

(o) To enter into contracts to effect the purposes of
this act.

(p) To sue and be sued;

(q) To study and examine pollution of rivers, streams, lakes and ground water, and to advise, cooperate and counsel with the state board of health and welfare in a manner designed to avoid inhibition of economic development and at the same time insure the right of the people to comfortably enjoy our water resources and accomplish the establishment of water quality criteria;

(r) To call upon any other state agency for cooperation, assistance or use of information available to such agency; provided, however, if such agency is required to make substantial expenditures in responding to such request, appropriate arrangements for compensation may be accomplished;

(s) To issue revenue bonds for water projects, pledge any revenues available to the board to secure said bonds, exclusive of any revenues derived from legislative appropriations, and pool revenues from one or more projects constructed or operated by the board;

(t) To formulate and recommend, prior to each session of the legislature, proposed legislation that may be necessary to assist it in effecting a proper plan for conservation, development and utilization of water resources and to report to each session of the legislature on the public business entrusted to its care and the financial affairs of the board. In the period between legislative sessions, the board shall deposit with the legislative council statements describing all actions taken and projects undertaken by it;

(u) To issue procedural and operative rules and regulations as may be necessary for the conduct of its business;

(v) To appoint advisory boards when deemed desirable to aid in the execution of its powers;

(w) To take such other action as may be necessary to carry out its duties and powers under this act and the constitution of the state of Idaho.

Approved March 29, 1977.
AN ACT
RELATING TO OPEN MEETINGS; AMENDING SECTION 67-2342, IDAHO CODE, TO PROHIBIT SECRET VOTES IN PUBLIC MEETINGS; AMENDING SECTION 67-2344, IDAHO CODE, TO PROVIDE THAT MINUTES OF EXECUTIVE SESSIONS SHALL CONTAIN SUFFICIENT DETAIL TO CONVEY THE GENERAL TENOR OF THE MEETING; AMENDING SECTION 67-2345, IDAHO CODE, TO PROVIDE CONDITIONS WHEN EXECUTIVE SESSIONS ARE AUTHORIZED; AMENDING SECTION 67-2346, IDAHO CODE, TO DELETE APPLICATION OF THE ACT TO THE STATE LEGISLATURE; AND AMENDING CHAPTER 23, TITLE 67, IDAHO CODE, BY THE ADDITION THERETO OF A NEW SECTION 67-2347, IDAHO CODE, TO PROVIDE THAT ACTION TAKEN IN VIOLATION OF THE OPEN MEETING PROVISIONS SHALL BE NULL AND VOID.

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

SECTION 1. That Section 67-2342, Idaho Code, be, and the same is hereby amended to read as follows:

67-2342. GOVERNING BODIES — REQUIREMENT FOR OPEN PUBLIC MEETINGS. (1) All meetings of a governing body of a public agency shall be open to the public and all persons shall be permitted to attend any meeting except as otherwise provided by this act. No decision at a meeting of a governing body of a public agency shall be made by secret ballot.

(2) A governing body shall not hold a meeting at any place where discrimination on the basis of race, creed, color, sex, age or national origin is practiced.

SECTION 2. That Section 67-2344, Idaho Code, be, and the same is hereby amended to read as follows:

67-2344. WRITTEN MINUTES OF MEETINGS. (1) The governing body of a public agency shall provide for the taking of written minutes of all its meetings. Neither a full transcript nor a recording of the meeting is required, except as otherwise provided by law. All minutes shall be available to the public within a reasonable time after the meeting, and shall include at least the following information:
(a) all members of the governing body present;
(b) all motions, resolutions, orders, or ordinances proposed and their disposition;
(c) the results of all votes, and upon the request of a member, the vote of each member, by name;

(2) Minutes of executive sessions may be limited to material the disclosure of which is not inconsistent with the provisions of section 67-2345, Idaho Code, but shall contain sufficient detail to convey the general tenor of the meeting.

SECTION 3. 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 hiring 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 evaluation, dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent, or public school student;
(c) to conduct deliberations concerning labor negotiations or to acquire an interest in real property which is not owned by a public agency;
(d) to consider records that are exempt by law from public inspection;
(e) to consider preliminary negotiations involving matters of trade or commerce in which the governing body is in competition with governing bodies in other states or nations;
(f) 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, Idaho Code, 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.

SECTION 4. That Section 67-2346, Idaho Code, be, and the same is hereby amended to read as follows:

67-2346. OPEN LEGISLATIVE MEETINGS REQUIRED. The provisions of this act shall apply to each house of the legislature of the state of Idaho. All meetings of any standing, special or select committee of either house of the legislature of the state of Idaho shall be open to the public at all times, and any person may attend any meeting of a standing, special or select committee, but may participate in the committee only with the approval of the committee itself.

SECTION 5. That Chapter 23, 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 67-2347, Idaho Code, and to read as follows:

67-2347. VIOLATIONS. Any action taken at any meeting which fails to comply with the provisions of sections 67-2340 through 67-2346, Idaho Code, shall be null and void.

Approved March 29, 1977.
CHAPTER 174

(S.B. No. 1134, As Amended)

AN ACT

RELATING TO SCHOOL DISTRICT PARTICIPATION IN UNEMPLOYMENT COMPENSATION INSURANCE; AMENDING CHAPTER 13, TITLE 72, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 72-1349C, IDAHO CODE, PROVIDING FOR PAYMENTS BY SCHOOL DISTRICTS; AMENDING CHAPTER 13, TITLE 72, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 72-1366A, IDAHO CODE, BY EXTENDING EXEMPTION FROM ELIGIBILITY TO SCHOOL DISTRICT EMPLOYEES EMPLOYED DURING SUCCEEDING YEARS OR TERMS.

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

SECTION 1. That Chapter 13, Title 72, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 72-1349C, Idaho Code, and to read as follows:

72-1349C. FINANCING OF BENEFIT PAYMENTS BY SCHOOL DISTRICTS. (a) School districts shall finance benefits as provided in section 72-1349B, Idaho Code, paragraph (b), subparagraph (2), by reimbursement of payments and shall make payment in advance as follows: At the end of each calendar quarter after January 1, 1978, the state board of education shall transfer from the public school income fund to the director an aggregate sum equal to one per cent (1%) of the previous quarter's total payroll of all school districts of the state, unless the director determines that a lesser percentage will cover the cost of payment of benefits to the employees of the school districts. Such payments shall become due and payable within thirty (30) days following the quarter ending.

(b) At the end of each taxable year after January 1, 1978, the director shall compute the benefit costs attributable to each of the several school districts individually as provided in section 72-1349B, Idaho Code, paragraph (b), subparagraph (1). When payments exceed benefit costs, the school districts shall be credited collectively on subsequent benefit costs with the overpayment. When payments are not sufficient to pay benefit costs each school district shall be billed individually its proportionate share, determined in relation to the benefits paid to its employees, of
the additional amount necessary to pay such costs, and such amounts are not reimbursable from the sales tax fund.

SECTION 2. That Chapter 13, Title 72, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 72-1366A, Idaho Code, and to read as follows:

72-1366A. PERSONAL ELIGIBILITY CONDITIONS -- SCHOOL DISTRICT EMPLOYEES. The personal eligibility conditions of a benefit claimant, in addition to those provided in section 72-1366, Idaho Code, are those with respect to service performed after December 31, 1977, in a school district. Benefits shall not be paid based on such services for any week of unemployment commencing during the period between two (2) successive school years' terms, or during a period of paid sabbatical leave provided for in the individual's contract, to any individual if such individual performs such services in the first of such school years or terms and if there is a contract or reasonable assurance that such individual will perform services in any such capacity for any school district in the second of such school years or terms.

Approved March 30, 1977.
CHAPTER 175
(S.B. No. 1196)

AN ACT
RELATING TO PROSTITUTION; REPEALING SECTION 18-5613, IDAHO CODE; ADDING A NEW SECTION 18-5613, IDAHO CODE, PROVIDING NEW DEFINITIONS FOR PROSTITUTION, BY DEFINING SEXUAL CONDUCT AND SEXUAL CONTACT, AND MAKING A THIRD CONVICTION FOR PROSTITUTION A FELONY; AND ADDING A NEW SECTION 18-5614, IDAHO CODE, MAKING THE PATRONIZATION OF A PROSTITUTE A MISDEMEANOR.

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

SECTION 1. That Section 18-5613, Idaho Code, be, and the same is hereby repealed.

SECTION 2. That Chapter 56, 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 18-5613, Idaho Code, and to read as follows:

18-5613. PROSTITUTION. (1) A person is guilty of prostitution when he or she: (a) engages in or offers or agrees to engage in sexual conduct, or sexual contact with another person in return for a fee; or (b) is an inmate of a house of prostitution; or (c) loiters in or within view of any public place for the purpose of being hired to engage in sexual conduct or sexual contact.

(2) Prostitution is a misdemeanor, provided, however, that on a third or subsequent conviction for prostitution, it shall be a felony.

(3) Definitions:
(a) "Sexual conduct" means sexual intercourse or deviate sexual intercourse.
(b) "Sexual contact" means any touching of the sexual organs or other intimate parts of a person not married to the actor for the purpose of arousing or gratifying the sexual desire of either party.
(c) "House of prostitution" means a place where prostitution or promotion of prostitution is regularly carried on by one or more persons under the control, management or supervision of another.
(d) "Inmate" means a person who engages in prostitution
in or through an agency of a house of prostitution.
(e) "Public place" means any place to which the public
or any substantial group thereof has access.

SECTION 3. That Chapter 56, 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 18-5614,
Idaho Code, and to read as follows:

18-5614. PATRONIZING A PROSTITUTE. (1) A person is
guilty of patronizing a prostitute when he or she:
(a) pays or offers or agrees to pay another person a
fee for the purpose of engaging in an act of sexual con­
duct or sexual contact;
(b) enters or remains in a house of prostitution for
the purpose of engaging in sexual conduct or sexual con­
tact.
(2) Patronizing a prostitute is a misdemeanor.

Approved March 30, 1977.
CHAPTER 176
(S.B. No. 1140, As Amended)

AN ACT
RELATING TO THE FINANCING OF SEWAGE TREATMENT WORKS; AMENDING SECTION 39-3602, IDAHO CODE, TO AMEND THE DEFINITION OF "ELIGIBLE PROJECT" AND TO PROVIDE OTHER DEFINITIONS; AMENDING SECTION 39-3603, IDAHO CODE, TO PROVIDE RESERVATION OF FUNDS AS PAYMENT TOWARDS THE COSTS OF ADMINISTERING THE GRANTS PROGRAM; AMENDING SECTION 39-3604, IDAHO CODE, TO PROVIDE STATE GRANTS FOR UP TO NINETY PER CENT OF THE ELIGIBLE SEWAGE WORKS PROJECT COSTS AND TO PROVIDE TERMS OF CONTRACTS BETWEEN THE BOARD AND MUNICIPALITIES; AMENDING SECTION 39-3606, IDAHO CODE, RELATING TO APPROPRIATION OF THE WATER POLLUTION CONTROL FUND, TO PROVIDE FOR THE REPAYMENT OF WATER POLLUTION CONTROL BONDS AND ADMINISTRATION OF THE GRANTS PROGRAM; AND PROVIDING DIRECTION TO THE IDAHO CODE COMMISSION.

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

SECTION 1. That Section 39-3602, Idaho Code, be, and the same is hereby amended to read as follows:

39-3602. DEFINITIONS. A. "Sewage treatment works" means any facility for the purpose of collecting, treating, neutralizing or stabilizing sewage or industrial wastes of a liquid nature, including treatment by disposal plants, the necessary intercepting, outfall and outlet sewers, pumping stations integral to such plants or sewers, equipment and furnishings thereof and their appurtenances.

B. "Construction" means the erection, building, acquisition, alteration, reconstruction, improvement or extension of sewage treatment works, preliminary planning to determine the economic and engineering feasibility of sewage treatment works, the engineering, architectural, legal, fiscal and economic investigations, reports and studies, surveys, designs, plans, working drawings, specifications, procedures, and other action necessary in the construction of sewage treatment works, and the inspection and supervision of the construction of sewage treatment works.

C. "Eligible project" means a project for construction of sewage treatment works:

1. For which approval of the Idaho board of health and
welfare is required under section 39-118, Idaho Code;
2. Which is, in the judgment of the Idaho board of health and welfare, eligible for water pollution abatement assistance, whether or not federal funds are then available therefor;
3. Which conforms with applicable rules and regulations of the Idaho board of health and welfare; and
4. Which is, in the judgment of the Idaho board of health and welfare, necessary for the accomplishment of the state's policy of water purity as stated in this--act--section 39-3601, Idaho Code; and
5. Which is needed, in the judgment of the Idaho board of health and welfare, to correct existing water pollution problems or public health hazards and to provide reasonable reserve capacity to prevent future water pollution problems or public health hazards.

D. "Municipality" means any county, city, special service district or other governmental entity having authority to dispose of sewage, industrial wastes, or other wastes, any Indian tribe or authorized Indian tribal organization, or any combination of two (2) or more of the foregoing acting jointly, in connection with an eligible project.
E. "Board" means the Idaho board of health and welfare.
F. "Department" means the Idaho department of health and welfare.
G. "Director" means the director of the Idaho department of health and welfare.
H. "Non-domestic wastewater" means wastewater whose source of contamination is not principally human excreta.

SECTION 2. That Section 39-3603, Idaho Code, be, and the same is hereby amended to read as follows:

39-3603. AUTHORIZATION OF GRANTS -- DESIGNATION OF ADMINISTERING AGENCY -- RESERVATION OF FUNDS FOR ADMINISTRATION -- CRITERIA -- PRIORITY PROJECTS -- ELIGIBLE PROJECTS.
A. The state of Idaho is hereby authorized to make grants, as funds are available, to any municipality to assist said municipality in the construction of sewage treatment works.
B. The Idaho board of health and welfare shall be the agency for administration of funds granted by this state, and may reserve up to two per cent (2%) of the moneys accruing annually to the water pollution control fund to be appropriated annually for the purpose of administering the grants program established pursuant to this section.
C. In allocating state grants under this act, the Idaho
board of health and welfare shall give consideration to water pollution control needs and protection of public health.

D. Pursuant to subsection C the Idaho board of health and welfare shall establish a list of priority projects and it shall be used as a method for allocation of funds granted under this act.

SECTION 3. That Section 39-3604, Idaho Code, be, and the same is hereby amended to read as follows:

39-3604. PAYMENTS BY STATE BOARD OF HEALTH AND WELFARE -- CONTRACTS WITH MUNICIPALITIES -- RULES AND REGULATIONS -- APPROVAL OF ATTORNEY GENERAL -- AUDIT OF PAYMENTS. A. The Idaho board of health and welfare may make payments not to exceed twenty-five-per-cent-(25%) ninety per cent (90%) of the estimated reasonable cost of the eligible project, providing that the state grant shall not result in an aggregate state-federal grant exceeding ninety-per-cent-(90%)--of--the project.

B. The Idaho board of health and welfare may, in the name of the state of Idaho, enter into contracts with municipalities, and any such municipality may enter into a contract with the Idaho board of health and welfare, concerning eligible projects. Any such contract may include such provisions as may be agreed upon by the parties thereto, and shall include, in substance, the following provisions:

1. An estimate of the reasonable cost of the project as determined by the Idaho board of health and welfare.
2. An agreement by the municipality, binding for the actual service life of the sewage treatment works:
   a. To proceed expeditiously with, and complete, the project in accordance with plans approved pursuant to section 39-112 39-118, Idaho Code.
   b. To commence operation of the sewage treatment works on completion of the project, and not to discontinue operation or dispose of the sewage treatment works without the approval of the board of health and welfare.
   c. To operate and maintain the sewage treatment works in accordance with applicable provisions, rules and regulations of the board of health and welfare.
   d. To secure approval of the board of health and welfare before applying for federal assistance for pollution abatement, in order to maximize the amounts of such assistance received or to be
To make available on an equitable basis the services of the sewage treatment works to the residents and commercial and industrial establishments of areas it was designed to serve.

e. To provide for the payment of the municipality's share of the cost of the project.

f. To develop and to secure the approval of the department of plans for the operation and maintenance of the sewage treatment works; and of plans and programs for the recovery of the capital costs and operating expenses of the works.

g. To allow the state to give grants of up to ninety per cent (90%) of the estimated reasonable cost of an eligible project to a municipality which does not have a non-domestic wastewater source which (1) contributes ten per cent (10%) or more of the organic or hydraulic loading of the works or (2) requires the installation of special treatment processes which add an increment of ten per cent (10%) or more to the capital cost of the works.

The state may make grants of up to twenty-five percent (25%) of the estimated reasonable cost of an eligible project to a municipality which has such a non-domestic wastewater source; and

h. To provide for the accumulation of funds through the use of taxing powers, through charges made for services, through revenue bonds, or otherwise, for the purposes of (1) capital replacement and (2) future improvement, betterment, and extension of such works occasioned by increased wastewater loadings on the works.

3. The terms under which the Idaho board of health and welfare may unilaterally terminate the contract and/or seek repayment from the municipality of sums already paid pursuant to the contract for noncompliance by the municipality with the terms and conditions of the contract and the provisions of this subsection.

C. The board of health and welfare may adopt rules and regulations necessary for the making and enforcing of contracts hereunder and establishing procedures to be followed in applying for state grants herein authorized as shall be necessary for the effective administration of the grants program.

D. All contracts entered into pursuant to this section shall be subject to approval by the attorney general as to form. All payments by the state pursuant to such contracts shall be made after audit and upon warrant as provided by
law on vouchers approved by the director of the department.

SECTION 4. That Section 39-3606, Idaho Code, be, and the same is hereby amended to read as follows:

39-3606. Appropriation of Water Pollution Control Fund -- Purpose of Act. All sewage treatment works construction moneys in the water pollution control fund are hereby perpetually appropriated for the purposes of this act chapter. The purposes of this act chapter are:

1. To provide the state's matching share of grants made under the provisions of this act chapter.

2. To provide revenue for the payment of general obligation bonds issued pursuant to this act section 39-3607, Idaho Code, and the provisions of section 57-article-VIII-of-the--constitution--of-the--state-of-Idaho general obligation refunding bonds issued pursuant to chapter 115, 1973 Laws of the state of Idaho.

3. To provide for the administration of the grants program established pursuant to this chapter.

SECTION 5. Should one or more sections of the Idaho Code amended in this act be amended by other acts in this session of the legislature, and such amendments can be construed without conflict, all such amendments shall be in full force and effect.

Approved March 30, 1977.
CHAPTER 177
(S.B. No. 1152, As Amended)

AN ACT
RELATING TO ESTABLISHING SALARIES FOR STATE EMPLOYEES;
AMENDING SECTION 67-5309B, IDAHO CODE, TO PROVIDE THAT
STATE EMPLOYEES MAY APPEAL THE PERSONNEL COMMISSION'S
ASSIGNMENT OF JOB CLASSIFICATIONS TO A PAY GRADE, TO
PROVIDE THAT THE COMMISSION MAY REASSIGN JOB CLASSIFI-
CATIONS UPON DETERMINATION OF ERROR, AND TO PROVIDE
EFFECTIVE DATES FOR REASSIGNMENT, AND DECLARING AN EMER-
GENCY.

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

SECTION 1. That Section 67-5309B, Idaho Code, be, and
the same is hereby amended to read as follows:

67-5309B. ESTABLISHING SALARIES. (a) The commission
shall determine the relative worth of each job classifi-
cation established pursuant to section 67-5309, Idaho Code,
and, in making such determination, shall utilize a job pro-
file system similar in content and method to the guide chart
profile method developed by Hey 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, allo-
cated 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 rele-
vant 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 consumer price index, and anticipated adjustments in the average weekly wage in the state of Idaho, as defined and determined pursuant to section 72-409, Idaho Code.

(d) After the initial allocation of a job classification 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 legislature. 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 legislature 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.

(e) If any employee or appointing authority believes that an error has been made in the assignment of a job classification, an appeal may be made to the personnel commission as provided in section 67-5316, Idaho Code. All of such appeals must be made prior to January 1, 1978, unless such time is specifically extended by law. Upon determination of error, the personnel commission may reassign the affected job classification to an appropriate pay grade. The personnel commission shall determine the effective date of such reassignments which shall not require further approval as set forth in subsection (d) 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, 1977.
CHAPTER 178
(S.B. No. 1138)
AN ACT
RELATING TO PAYMENT OF STATE OFFICERS AND EMPLOYEES; AMENDING SECTION 1-1102, IDAHO CODE, TO PROVIDE FOR PAYMENT OF SALARIES OF DISTRICT COURT REPORTERS ON REGULAR PAY PERIODS; AMENDING SECTION 59-501, IDAHO CODE, TO PROVIDE FOR PAYMENT OF SALARIES TO ELECTED OFFICERS OF THE EXECUTIVE DEPARTMENT ON REGULAR PAY PERIODS; AMENDING SECTION 59-502, IDAHO CODE, TO PROVIDE FOR PAYMENT OF SALARIES TO JUDGES ON REGULAR PAY PERIODS; REPEALING SECTION 59-507, IDAHO CODE, ENACTED AS SECTION 59-503, IDAHO CODE, BY CHAPTER 321, LAWS OF 1957, RELATING TO THE SALARY OF THE LIEUTENANT GOVERNOR; REPEALING SECTION 59-909, IDAHO CODE, RELATING TO THE TIME OF PAYMENT OF SALARIES FOR CERTAIN ADMINISTRATIVE OFFICERS; AMENDING SECTION 59-1304, IDAHO CODE, TO PROVIDE FOR CONTRIBUTIONS TO THE RETIREMENT SYSTEM FROM EMPLOYEES ON A PAY PERIOD BASIS; AMENDING SECTION 59-1305, IDAHO CODE, TO PROVIDE FOR CONTRIBUTIONS TO THE RETIREMENT SYSTEM FROM POLICE OFFICERS AND FIREMEN ON A PAY PERIOD BASIS; AMENDING SECTION 59-1332, IDAHO CODE, TO PROVIDE FOR EMPLOYER REPORTS TO THE RETIREMENT SYSTEM ON A PAYROLL PERIOD DIFFERENT FROM A MONTHLY PAYROLL PERIOD, AS WELL AS ON A MONTHLY PAYROLL PERIOD; AMENDING SECTION 61-212, IDAHO CODE, TO PROVIDE FOR PAYMENT OF SALARIES OF MEMBERS OF THE PUBLIC UTILITIES COMMISSION ON REGULAR PAY PERIODS; AND AMENDING SECTION 67-2012, IDAHO CODE, TO PROVIDE FOR SUBMISSION OF PAYROLL VOUCHERS ON REGULAR PERIODS; AND REPEALING SECTION 1-409, IDAHO CODE, RELATING TO SALARY OF CLERK OF THE SUPREME COURT.

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 sixteen thousand dollars ($16,000) per annum, to be paid monthly on regular pay periods not less frequently than
monthly as determined by order of the Supreme Court. 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.

SECTION 2. That Section 59-501, Idaho Code, be, and the same is hereby amended to read as follows:

59-501. SALARIES OF STATE ELECTIVE OFFICERS -- MONTHLY REGULAR PAYMENT -- TRAVELING EXPENSES -- FEES PROPERTY OF STATE. The governor, lieutenant governor, secretary of state, state auditor, state treasurer, attorney general and superintendent of public instruction shall, during their continuance in office, and commencing on the first Monday in January, 1975 receive for their services compensation as follows:

Governor, $33,000 per annum;
 lieutenant Governor, $8,000 per annum;
 Secretary of State, $21,500 per annum;
 State Auditor, $21,500 per annum; said salary to be audited by the State Treasurer;
 Attorney General, $25,000 per annum;
 State Treasurer, $21,500 per annum; and
 State Superintendent of Public Instruction, $23,000 per annum.

Such compensation shall be paid monthly on regular pay periods as due out of the state treasury, and shall be in full for all services by said officers respectively rendered in any official capacity or employment whatever during their respective terms of office; but no increase of compensation shall affect the salaries of such officers during their
present terms of office; provided, however, that the actual and necessary expenses of the governor, lieutenant governor, secretary of state, attorney general, state auditor, state treasurer, and superintendent of public instruction while traveling within the state, or between points within the state, in the performance of official duties, shall be allowed and paid by the state; not however, exceeding such sum as shall be appropriated for such purpose.


No officer named in this section shall receive, for the performance of any official duty any fee for his own use, but all fees fixed by law for the performance by either of them, of any official duty, shall be collected in advance and deposited with the state treasurer to the credit of the state.

SECTION 3. 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 salary of the judges of the district courts shall be twenty-eight thousand five hundred dollars ($28,500) per annum. Salaries of magistrates shall be as prescribed by section 1-2205(c), Idaho Code. Salaries shall be paid monthly on regular pay periods not less frequently than monthly as determined by order of the Supreme Court 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 4. That Section 59-507, Idaho Code, enacted as Section 59-503, Idaho Code, by Chapter 321, Laws of 1957, be, and the same is hereby repealed.

SECTION 5. That Section 59-509, Idaho Code, be, and the
same is hereby repealed.

SECTION 6. That Section 59-1304, Idaho Code, be, and the same is hereby amended to read as follows:

59-1304. MONTHLY CONTRIBUTIONS FROM EMPLOYEES. The monthly contribution for a member who is not classified as a police officer or fireman shall equal four and one-half per cent (4.5%) of his monthly pay period salary.

SECTION 7. That Section 59-1305, Idaho Code, be, and the same is hereby amended to read as follows:

59-1305. MONTHLY CONTRIBUTIONS -- FROM POLICEMEN, AND FIREMEN. The monthly contribution for a member who is classified as a police officer or fireman shall equal five and four-tenths per cent (5.4%) of his monthly pay period salary.

SECTION 8. 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 for those officers and employees paid monthly, 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.

By the end of the succeeding payroll period for those officers and employees paid on other than a monthly period, 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 payroll period. 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 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 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 fiscal year.

SECTION 9. 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 on regular pay periods 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.

SECTION 10. That Section 67-2012, Idaho Code, be, and the same is hereby amended to read as follows:

67-2012. PAYROLL -- VOUCHERS. For all institutions or departments where the officers and employees are paid a fixed monthly salary, a voucher may be submitted in the form of a monthly regular periodic payroll covering the compensation of such officers and employees. Subject to the rules of the state board of examiners, a warrant will be issued by the state auditor to each person carried on such rolls for the amount shown thereon. The vouchers must contain a certificate from the head of the department or institution to the effect that the services were necessary in the public service, that they were actually rendered as charged, that the rate of pay of each individual carried thereon has been lawfully fixed by proper authority and that the account is correct and just.

SECTION 11. That Section 1-409, Idaho Code, be, and the same is hereby repealed.

Approved March 30, 1977.
CHAPTER 179
(S.B. No. 1137, As Amended)

AN ACT
RELATING TO THE EMPLOYMENT SECURITY LAW, PROVIDING EXTENSION
OF UNEMPLOYMENT INSURANCE COVERAGE TO CERTAIN CLASSES OF
EMPLOYEES AND EXCLUDING COVERAGE TO CERTAIN CLASSES OF
EMPLOYEES; AMENDING SECTION 72-1315, IDAHO CODE, BY PRO-
VIDING ADDITIONAL DEFINITIONS OF COVERED EMPLOYERS TO
INCLUDE AGRICULTURAL LABOR, DOMESTIC SERVICE EMPLOYEE,
EMPLOYEES OF GOVERNMENTAL ENTITIES, EMPLOYEES OF A NON-
PROFIT ORGANIZATION AND PROVIDING FOR OPTIONAL COVERAGE
AT THE DISCRETION OF THE EMPLOYER; AMENDING SECTION
72-1316, IDAHO CODE, BY STRIKING CERTAIN EXCEPTIONS TO
COVERED EMPLOYMENT; REPEALING SECTION 72-1316A, IDAHO
CODE, RELATING TO COVERAGE OF STATE EMPLOYEES; AMENDING
CHAPTER 13, TITLE 72, IDAHO CODE, BY THE ADDITION OF A
NEW SECTION 72-1316A, IDAHO CODE, RELATING TO EXEMPTION
FROM COVERAGE, BY PROVIDING ADDITIONAL SPECIFIC EXEMP-
TIONS; REPEALING SECTION 72-1316.1, IDAHO CODE, RELATING
TO CONTRIBUTIONS TO THE UNEMPLOYMENT COMPENSATION TRUST
FUND BY THE STATE OF IDAHO; REPEALING SECTION 72-1320,
IDAHO CODE, RELATING TO THE DEFINITION OF "EMPLOYER";
AMENDING CHAPTER 13, TITLE 72, IDAHO CODE, BY THE ADDI-
TION OF A NEW SECTION 72-1320, IDAHO CODE, BY PROVIDING
A DEFINITION OF "CREW LEADER"; AMENDING SECTION
72-1322B, IDAHO CODE, BY REDEFINING AN "EDUCATIONAL
INSTITUTION" TO INCLUDE PRIMARY AND SECONDARY SCHOOLS;
AMENDING CHAPTER 13, TITLE 72, IDAHO CODE, BY THE ADDI-
TION OF A NEW SECTION 72-1322C, IDAHO CODE, BY DEFINING
A "GOVERNMENTAL ENTITY"; AMENDING SECTION 72-1327, IDAHO
CODE, DEFINING "STATE", BY EXTENDING THE DEFINITION TO
INCLUDE PUERTO RICO AND THE VIRGIN ISLANDS; AMENDING
SECTION 72-1342, IDAHO CODE, BY ALLOWING A WAIVER OF
CONFIDENTIALITY BETWEEN EMPLOYER AND EMPLOYEE, REQUIRING
THE DIRECTOR OF THE DEPARTMENT OF EMPLOYMENT TO MAKE
CERTAIN INFORMATION AVAILABLE UPON REQUEST BY A PUBLIC
AGENCY ADMINISTERING AID TO FAMILIES WITH DEPENDENT
CHILDREN AND CHILD SUPPORT PAYMENT PROGRAMS; AMENDING
SECTION 72-1349, IDAHO CODE, RELATING TO PAYMENT OF
UNEMPLOYMENT INSURANCE TAX CONTRIBUTIONS, BY STRIKING
THOSE PROVISIONS RELATING TO NONPROFIT ORGANIZATIONS;
AMENDING CHAPTER 13, TITLE 72, IDAHO CODE, BY THE ADDI-
TION OF A NEW SECTION 72-1349A, IDAHO CODE, PROVIDING
FOR COVERAGE OF NONPROFIT ORGANIZATIONS; AMENDING
CHAPTER 13, TITLE 72, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 72-1349B, IDAHO CODE, BY REQUIRING COVERAGE OF STATE GOVERNMENTAL ENTITIES AND PROVIDING OPTIONAL METHODS OF PAYMENT OF CONTRIBUTIONS; AMENDING SECTION 72-1352, IDAHO CODE, BY REMOVING PROVISIONS RELATING TO GOVERNMENTAL ENTITIES; AMENDING SECTION 72-1366, IDAHO CODE, BY EXTENDING EXEMPTIONS FROM ELIGIBILITY TO CERTAIN EMPLOYEES OF ALL PUBLIC EDUCATIONAL INSTITUTIONS, CERTAIN PROFESSIONAL ATHLETES, AND ILLEGAL ALIENS; AMENDING SECTION 72-1367A, IDAHO CODE, BY DEFINING WHAT SHALL CONSTITUTE A TRIGGERING OF EXTENDED UNEMPLOYMENT COMPENSATION BENEFITS AND PROVIDING FOR UNEMPLOYMENT LEVELS WHICH TERMINATE EXTENDED BENEFITS; AMENDING CHAPTER 13, TITLE 72, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 72-1380, IDAHO CODE, BY PROVIDING FEDERAL REIMBURSEMENT TO THE STATE FOR BENEFITS PAID TO NEWLY COVERED WORKERS DURING THE TRANSITION PERIOD; AMENDING CHAPTER 13, TITLE 72, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 72-1316B, BY PROVIDING TERMINATION OF COVERAGE OF CERTAIN GOVERNMENTAL ENTITIES; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 72-1315, Idaho Code, be, and the same is hereby amended to read as follows:

72-1315. COVERED EMPLOYER. The term "covered employer" means:

(a) Any person who, in any calendar quarter in either the current or preceding calendar year paid for services in covered employment wages of $300 or more, or for some portion of a day in each of twenty (20) different calendar weeks, whether or not consecutive, in either the current or preceding calendar year employed at least one (1) individual (irrespective of whether the same individual was in employment in each such day). For purposes of this subsection there shall not be taken into account any wages paid to, or in employment of, an employee performing domestic services referred to in subsection (h) of this section.

(b) All individuals performing services within this state for an employer who maintains two (2) or more separate establishments within this state shall be deemed to be performing services for a single employer for all the purposes of this act.

(c) Each individual engaged to perform or assist in performing the work of any person in the service of an employer shall be deemed to be engaged by such employer for
all the purposes of this act, whether such individual was engaged or paid directly by such employer or by such person, provided the employer had actual or constructive knowledge of the work.

(b) Any employer (whether or not an employer at the time of acquisition) who acquires the organization, trade, or business or substantially all the assets thereof, of another who at the time of such acquisition was a covered employer.

(e) In the case of agricultural labor, any person who:

(1) during any calendar quarter in the calendar year or the preceding calendar year paid wages in cash of twenty thousand dollars ($20,000) or more for agricultural labor, or

(2) on each of some twenty (20) days during the calendar year or during the preceding calendar year, each day being in a different calendar week, employed at least ten (10) individuals in employment in agricultural labor for some portion of the day.

(3) Such labor is not agricultural labor performed before January 1, 1980, by an individual who is an alien admitted to the United States to perform agricultural labor pursuant to sections 214(c) and 101(a)(15)(H) of the Immigration and Nationality Act.

(f) A crew leader who furnishes members of a crew to perform agricultural labor for another person if:

(1) such crew leader holds a valid certificate of registration under the Farm Labor Contractor Registration Act of 1963; or

(2) substantially all the members of such crew operate or maintain tractors, mechanized harvesting or crop-dusting equipment, or any other mechanized equipment, which is provided by such crew leader; and

(3) if such individual is not an employee of such other person within the meaning of section 72-1316(d), Idaho Code.

(g) In the case of any individual who is furnished by a crew leader to perform agricultural labor for another person, such other person and not the crew leader shall be treated as the employer of such individual if such crew leader is not, under the provisions of subsection (f) of this section, considered to be the employer and such other person shall be treated as having paid cash remuneration to such individual in an amount equal to the amount of cash remuneration paid to such individual by the crew leader.
(either on his behalf or on behalf of such other person) for
the agricultural labor performed for such other person.

(h) In the case of domestic service in a private home,
local college club, or local chapter of a college fraternity
or sorority, with respect to any calendar year, any person
who during any calendar quarter in the calendar year or the
preceding calendar year paid wages in cash of one thousand
dollars ($1,000) or more for such service.

1. a person treated as a covered employer under this
subsection (h) shall not be treated as a covered
employer with respect to wages paid for any service
other than domestic service referred to in this subsec-
tion (h) unless such person is treated as a covered
employer under subsection (a) or (e) of this section,
with respect to such other service.

(i) Any governmental entity as defined in section
72-1322C, Idaho Code.

(j) A nonprofit organization as defined in subsection
(a) of section 72-1349A, Idaho Code.

(k) An employer who has elected coverage pursuant to
the provisions of subsection (c) of section 72-1352, Idaho
Code.

SECTION 2. 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:--

1. Agricultural-labor, as-defined-by-section--72-1364,
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. Service--performed--by--an--individual--in--the
employ-of-his-spouse;

4. Service--performed--by--a--child--under--the--age--of
twenty-one--{2i}--years--in--the--employ-of-his--father--or--mother;

5. Service--performed--by--a--student--or--students--enrolled
in--a--b bona--fide--secondary-school--program--administered--by--an
accredited-school-district--which--includes--work--training
experience--not--exceeding--twenty--{20}--hours--per--week;

6. 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—aet—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—law7—all—of—the—provisions—of—this—aet—shall—be
applicable—to—such—instrumentalities—and—to—services—per-
formed—for—such—instrumentalities—in—the—the—same—manner—to
the—the—same—extent—and—on—the—the—same—terms—as—to—all—other—cov-
ered—employers—persons—and—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—the—same—manner—and—with—in—the—the—same—period—as—is—provided
in—section——72—1957—Idaho—Code—with—respect—to—contribu-
tions—erroneously—collected7

{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—of—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—237—subtitle—E—of—the—Federal
Internal—Revenue—Code—of—19547

{6}—Service—performed—in—the—employ—of—any—public
institution—or—instrumentality—which—requires—its—operating
funds—primarily—through—direct—or—indirect—taxation—including—but—not—limited—to—counties—munipalities—highway
districts—drainage—districts—cemetry—districts—and—school—districts—provided—however—that—service—performed
in—the—employ—of—irrigation—districts—and—soil—conservation
districts—shall—he—considered—covered—employment7

{7}—Service—performed7

{A}—In—the—employ—of—(1)—a—church—or—convention—or
association—of—churches—solely—in—religious—activities—or
{2}—an—organisation—which—is—operated—primarily—for—reli-
gious—purposes—and—which—is—operated—supervised—control-
led—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-education7—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

{B)—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

{B)—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—;

{B)—Service—with—respect—to—which—unemployment—compensation—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—{(10)—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—soliciator—if—all—such service—performed—by—such—individual—for—such—person—is—per formed—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.

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

(iii)—Services performed in the employ of a school or college by a student who is enrolled and regularly attending classes at such school or college.

(iv)—Services 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 act, services shall be deemed to be in covered employment 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, and the Virgin Islands.

SECTION 3. That Section 72-1316A, Idaho Code, be, and the same is hereby repealed.

SECTION 4. That Chapter 13, Title 72, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 72-1316A, Idaho Code, and to read as follows:

72-1316A. EXEMPT EMPLOYMENT. The term "exempt employment" means:

(a) Agricultural labor, as defined by section 72-1304, Idaho Code, unless after December 31, 1977, the individual's
service was for a person who:

(1) during any calendar quarter in the current calendar year or the preceding calendar year paid wages in cash of twenty thousand dollars ($20,000) or more for agricultural labor; or

(2) on each of some twenty (20) days during the calendar year or during the preceding calendar year, each day being in a different calendar week, employed at least ten (10) individuals in employment in agricultural labor for some portion of the day in which case such service shall be considered service in covered employment;

(b) Service performed as domestic service in a private home, local college club, or local chapter of a college fraternity or sorority unless after December 31, 1977, the service was performed for a person who paid wages in cash of one thousand dollars ($1,000) or more to individuals employed in such domestic service in any calendar quarter in the calendar year or the preceding calendar year, in which case such service shall be considered covered employment.

(c) (1) Service performed by an individual in the employ of his spouse;

(2) Service performed by a child under the age of twenty-one (21) years in the employ of his father or mother;

(3) 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;

(d) 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;

(e) Service performed in the employ of a governmental entity in the exercise of duties:
   (1) as an elected official;
   (2) as a member of a legislative body, or a member of the judiciary, of a state or political subdivision thereof;
   (3) as a member of the state national guard or air national guard;
   (4) as an employee serving on a temporary basis in case of fire, storm, snow, earthquake, flood, or similar emergency; or
   (5) in a position which, under or pursuant to the law of this state, is designated as (i) a major nontenured policy making or advisory position, or (ii) a policy making or advisory position the performance of the duties of which ordinarily does not require more than eight (8) hours per week;

(f) Prior to January 1, 1978, for a hospital in a state prison or other state correctional institution by an inmate of the prison or correctional institution and after December 31, 1977, by an inmate of a custodial or penal institution.

(g) Service performed:
   (1) in the employ of (i) a church or convention or association of churches, solely in religious activities, or (ii) 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
   (2) in the employ of an institution of higher education, if it is devoted primarily to preparation of a student for the ministry or training candidates to become members of a religious order; or
   (3) 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
   (4) 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

(5) 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.

(h) 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.

(i) 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.

(j) 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.

(k) 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.

(l) 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.

(m) 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.

(n) 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.

(o) Service performed in the employ of a hospital by a
patient during the time that he is a patient of such hospital.

SECTION 5. That Section 72-1316.1, Idaho Code, be, and the same is hereby repealed.

SECTION 6. That Section 72-1320, Idaho Code, be, and the same is hereby repealed.

SECTION 7. That Chapter 13, Title 72, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 72-1320, Idaho Code, and to read as follows:

72-1320. CREW LEADER. The term "crew leader" means an individual who:
(a) furnishes individuals to perform agricultural labor for any other person,
(b) pays (either on his behalf or on behalf of such other person) the individuals so furnished by him for the agricultural labor performed by them, and
(c) has not entered into a written agreement with such other person under which such individual is designated as an employee of such other person.

SECTION 8. That Section 72-1322B, Idaho Code, be, and the same is hereby amended to read as follows:

72-1322B. INSTITUTION-OF-HIGHER-EDUCATION EDUCATIONAL INSTITUTION DEFINED. For purposes of this act, "institution of higher education" means an educational institution which:
(a) Admits as regular students only individuals having a certificate of graduation from a high school, or the recognized equivalent of such a certificate; and
(b) Is legally authorized in this state to provide a program of education beyond high school; and
(c) Provides an educational program for which it awards a bachelor's or higher degree, or provides a program which is acceptable for full credit toward such a degree, a program of post-graduate or post-doctoral studies, or a program of training to prepare students for gainful employment in a recognized occupation.
(b) A primary or secondary school which provides edu-
cation through grade twelve (12).

SECTION 9. That Chapter 13, Title 72, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 72-1322C, Idaho Code, and to read as follows:

72-1322C. GOVERNMENTAL ENTITY DEFINED. When used in this act the term "governmental entity" means a state, or any political subdivision of a state, or a instrumentality of a state or a political subdivision thereof.

SECTION 10. That Section 72-1327, Idaho Code, be, and the same is hereby amended to read as follows:

72-1327. STATE. The term "state" includes, in addition to the states of the United States of America, the District of Columbia and the Dominion of Canada, the commonwealth of Puerto Rico, and the Virgin Islands.

SECTION 11. That Section 72-1342, Idaho Code, be, and the same is hereby amended to read as follows:

72-1342. DISCLOSURE OF INFORMATION. Except as hereinafter otherwise provided, information obtained from any employer or individual pursuant to the administration of this act, and determinations of the benefit rights of any individual shall be held confidential and shall not be disclosed or be open to public inspection in any manner revealing the individual's or the employer's identity. Provided, however, that if all interested parties waive in writing the right to hold said information confidential, said information may be disclosed. Any claimant (or his legal representative) shall be supplied with information from the records available to the director, to the extent necessary for the proper presentation of the claim in any proceedings under this act with respect thereto. Any cost reimbursement employer shall be supplied with information from the records available to the director to the extent necessary to identify or determine actual or potential costs for which it may be required to reimburse the department. Subject to such restrictions as the director may by regulation prescribe, such information may be made available to any agency of this or any other state, or any federal agency, charged with the administration of any unemployment
compensation law or the maintenance of a system of public employment offices, or the bureau of internal revenue of the United States department of the treasury. Upon request therefor the director shall furnish to any agency of the United States charged with the administration of public works or assistance through public employment, the name, address, ordinary occupation, and employment status of each recipient of benefits and such recipient's rights to further benefits under this act. It shall be the duty of the director to assure that each employment office in this state upon written request of a public agency administering or supervising the administration of a state plan approved under part A of title IV of the Social Security Act or of a public agency charged with any duty or responsibility under any program or activity authorized or required under part D of title IV of such act, shall (and, notwithstanding any other provision of law, is hereby authorized to) furnish to such agency making the request, from any data contained in the files of any such employment office, information with respect to any individual specified in the request as to (A) whether such individual is receiving, has received, or has made application for, unemployment compensation, and the amount of any such compensation being received by such individual, (B) the current (or most recent) home address of such individual, and (C) whether such individual has refused an offer of employment and, if so, a description of the employment so offered and terms, conditions, and rate of pay therefor. The director may request the comptroller of the currency of the United States to cause an examination of the correctness of any return or report of any national banking association rendered pursuant to the provisions of this act, and may in connection with such request transmit any such report or return to the comptroller of the currency of the United States as provided in section 1606(c) of the Federal Internal Revenue Code.

SECTION 12. 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.

1. 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 for any reason including but not limited to payments made as a result of a determination of 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 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.

2. 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 contribu-
tions.--Such election shall not be terminable by the
organization for that and the next year.

{C}--The director shall notify each nonprofit organiza-
tion of any determination which he may make of its status as
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 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 contribu-
tions 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 of 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),(i)--above during such quarter or other pre-
scribed period which is paid as a result of wages earned in
the employ of such organization.

2.--Bond on surety requirements.--Any nonprofit organiza-
tion 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.

(B)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.

(B)2 Any nonprofit organization becoming delinquent in making payment in lieu of contributions as required in paragraph (A)1 and paragraph (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.

(B) 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 72-13687, Idaho Code.

(g) 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 13. That Chapter 13, Title 72, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 72-1349A, Idaho Code, and to read as follows:

72-1349A. FINANCING OF BENEFIT PAYMENTS BY NONPROFIT ORGANIZATIONS. (a) Benefits paid to employees of nonprofit organizations shall be financed in accordance with the provisions of this section. For the purpose of this section, 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 section or of this act.

(1) Liability for contributions and election of reimbursements. Any nonprofit organization shall pay contributions under the provisions of section 72-1349, Idaho Code, 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, 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 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 paid for any reason as herein provided in paragraph (a)(1) above during such quarter or other prescribed period which is 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 costs. When payments
exceed benefit costs, the employer will be credited on subsequent benefit costs with the overpayment, or given a refund upon request. When payments are not sufficient to pay such benefit costs, the employer will be billed the additional amount necessary to pay such costs.

(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 payments 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 costs and payment credits as provided in section 72-1368, Idaho Code.

(b) 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 14. That Chapter 13, Title 72, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 72-1349B, Idaho Code, and to read as follows:

72-1349B. FINANCING OF BENEFIT PAYMENTS BY GOVERNMENTAL ENTITIES. (a) Benefits paid to employees of any governmental entity, as defined by Section 72-1322C, Idaho Code, shall be financed in accordance with the provisions of section 72-1349, Idaho Code, unless the governmental entity elects in accordance with the provisions of this section 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, 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 a governmental entity, any sums recovered by the department from a benefit claimant as a result of said payments shall be credited to the account of the governmental entity 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 the governmental entity 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 the governmental entity and the total wages utilized in paying such benefits.

(1) Any governmental entity 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, 1978, if such governmental entity is, or becomes subject to this act on January 1, 1978; or the date of the determination that such organization is subject if it becomes subject after January 1, 1978, such election shall be effective for not less than twelve (12) months and will continue to be in effect until terminated. The governmental entity 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 for good cause extend the period within which a notice of election, or a notice of termination must be filed.

(2) Any governmental entity which has been paying contributions under this act for a period subsequent to January 1, 1978, 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 governmental entity for that and the next year.

(3) The director shall notify the governmental entity 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.

(b) Reimbursement payments. Payments in lieu of contributions shall be made in accordance with the provisions of this paragraph including either subparagraph (1) or subparagraph (2).

(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 governmental entity which as 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 subsection (a) above during such quarter or other prescribed period which is paid as a result of wages earned in the employ of such organization.

(2) Payment in advance. Any governmental entity 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 governmental entity shall pay one per cent (1%) of its total quarterly payroll, unless the director determines that a lesser percentage will cover the cost of payment of benefits to the employees of said governmental entity. 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 governmental entity, as provided in subsection (1) above. The director will then debit the employer's account with these costs. When payments exceed benefit costs, the employer will be credited on subsequent benefit costs with the overpayment, or given a refund upon request. When payments are not sufficient to pay benefit costs the employer will be billed the additional amount necessary to pay such costs.

(A) Any governmental entity becoming delinquent in making payment in lieu of contributions as required in (1) and (2) 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.

(B) Appeals procedure. The governmental entity making payments in lieu of contributions may appeal the director's determination of benefit costs and payment credits as provided in section 72-1368, Idaho Code.

(c) 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 15. 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 (2) 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 unem-
ployment compensation or insurance law of any other state or
of the federal government, and which are performed by indi-
viduals 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 ser-
vices 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.

{(i)--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--for
any--reason--including-but-not-limited-to-payments-made-as-a
result-of-a-determination-or-payments-erroneously-or--incorrect-
ly--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-pay-
ments-shall-be-credited-to-the-account-of-the-political-sub-
division-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--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--elec-
tion;--The-election-may-exclude-those-services-excluded-pur-
suant-to-the-provisions-of-section-72-13167--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 16. 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 unemployment for failure to comply with the provisions of this subsection if such failure is due to an illness or disability which occurs after he has filed a claim and registered for work and no suitable work has been available for him after
the beginning of such illness or disability; and, provided further, that no claimant shall be deemed to be unavailable for the whole of the week who, because of compelling personal circumstance, is required to be absent from his normal market area, provided that such absence does not exceed a major portion of the week.

(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 individual than those prevailing for similar work in the locality of the work offered;

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

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

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

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

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

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

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

(m) Benefits based on service in employment defined in sections 72-1316A–72-1349(g), 72-1349A, 72-1349B, 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) consecutive academic
(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.

(o) With respect to service performed after December 31, 1977, in an instructional, research, or principal administrative capacity for an educational institution, benefits shall not be paid based on such services for any week of unemployment commencing during the period between two (2) successive academic years, or during a similar period between two (2) regular but not successive terms, or during a period of paid sabbatical leave provided for in the individual's contract, to any individual if such individual performs such services in the first of such academic years (or terms) and if there is a contract or a reasonable assurance that such individual will perform services in any such capacity for any educational institution in the second of such academic years or terms.

(p) Benefits shall not be paid after December 31, 1977,
based on service, substantially all of which consist of participating in sports or athletic events or training or preparing to so participate, for any week which commences during the period between two (2) successive sport seasons (or similar periods) if such individual performed such services in the first of such seasons (or similar periods) and there is a reasonable assurance that such individual will perform such services in the later of such seasons (or similar periods).

(q) Benefits shall not be paid after December 31, 1977, based on service performed by an alien unless such alien is an individual who has been lawfully admitted for permanent residence or otherwise is permanently residing in the United States under color of law (including an alien who is lawfully present in the United States as a result of the application of the provisions of section 203(a)(7) or section 212(d)(5) of the Immigration and Nationality Act).

SECTION 17. That Section 72-1367A, Idaho Code, be, and the same is hereby amended to read as follows:

72-1367A. EXTENDED UNEMPLOYMENT COMPENSATION BENEFITS. The state of Idaho hereby adopts an extended unemployment compensation benefits program to be governed by and interpreted by the provisions of this section.

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

(1) "Extended benefit period" means a period which

(A) begins with the third week after whichever of the following weeks occurs first;

1. a week for which there is a national "on" indicator; or

2. a week for which there is a state "on" indicator; and

(B) ends with either of the following weeks, whichever occurs later;

1. the third week after the first week for which there is both a national "off" indicator and a state "off" indicator; or

2. the thirteenth consecutive week of such period;

Provided, that no extended benefit period may begin by reason of a state "on" indicator before the fourteenth week following the end of a prior extended benefit period which was in effect with respect to this state; and Provided, further, that within the period beginning on the effective date
of this amendment [February 3, 1971] and ending on December 31, 1971, an extended benefit period may become effective and be terminated in this state solely by reason of a state "on" and a state "off" indicator, respectively.

(2) There is a "national 'on' indicator" for a week if the United States secretary of labor determines that for each of the three (3) most recent completed calendar months ending before such week, the rate of insured unemployment, seasonally adjusted, for all states equaled or exceeded four point five per centum (4.5%) for weeks beginning after December 31, 1976, there is a national "on" indicator for a week if, for the period consisting of such week and the immediately preceding twelve (12) weeks, the rate of insured unemployment (seasonally adjusted) for all states equaled or exceeded four point five per centum (4.5%) (determined by reference to the average monthly covered employment for the first four (4) of the most recent six (6) calendar quarters ending before the close of such period).

(3) There is a "national 'off' indicator" for a week if the United States secretary of labor determines that for each of the three (3) most recent completed calendar months ending before such week, the rate of insured unemployment, seasonally adjusted, for all states was less than four point five per centum (4.5%) (determined by reference to the average monthly covered employment for the first four (4) of the most recent six (6) calendar quarters ending before the close of such period).

(4) For weeks beginning after December 31, 1977, there is a "state 'on' indicator" for this state for a week if the director determines, in accordance with the regulations of the United States secretary of labor, that for the period consisting of such week and the immediately preceding twelve (12) weeks, the rate of insured unemployment, not seasonally adjusted, under this act:

(A) equaled or exceeded one hundred twenty (120) per cent of the average of such rates for the corresponding thirteen (13) week period ending in each of the preceding two (2) calendar years; and

(B) equaled or exceeded four per cent (4%) and

(C) provided that with respect to benefits for weeks of
unemployment beginning after December 31, 1977, the
determination of whether there has been a state "on" or
"off" indicator beginning or ending any extended benefit
period shall be made under this subsection as if it did
not contain paragraph (A), and the figure "4" contained
in paragraph (B) were "5" except that, notwithstanding
any such provision of this subsection, any week for
which there would otherwise be a state "on" indicator
shall continue to be such a week and shall not be deter-
mined to be a week for which there is a state "off"
indicator.
(5) There is a "state 'off' indicator" for this state
for a week if the director determines, in accordance with
the regulations of the United States secretary of labor,
that for the period consisting of such week and the immedi-
ately preceding twelve (12) weeks, the rate of insured unem-
ployment, not seasonally adjusted, under this act:
(A) was less than one hundred twenty per cent (120%) of
the average of such rates for the corresponding thirteen
(13) week period ending in each of the preceding two (2)
calendar years; or
(B) was less than four per cent (4%).
(6) During any period when the federal law which estab-
lishes the extended unemployment compensation program does
not require the application of the percentages enumerated in
paragraphs (a)(2) and (3) of this section for determining
whether there have been federal "on" or "off" indicators for
the beginning or ending of any extended benefit periods the
director shall have discretion to waive those percentages
and to adopt the percentages enumerated in the federal law
for said period and during any period when said federal law
does not require the application of the one hundred twenty
per cent (120%) criteria for determining whether there have
been state "on" or "off" indicators for the beginning or
ending of any extended benefit periods, the director shall
have the discretion to waive the one hundred twenty per cent
(120%) provisions of this section.
(7) "Rate of insured unemployment," for purposes of
paragraphs (4) and (5) of this subsection, means the per-
centage derived by dividing:
(A) the average weekly number of individuals filing
claims in this state for weeks of unemployment with respect
to the most recent thirteen (13) consecutive week period, as
determined by the director on the basis of his reports to
the United States secretary of labor; by
(B) the average monthly employment covered under this act for the first four (4) of the most recent six (6) completed calendar quarters ending before the end of such thirteen (13) week period.

(8) "Regular benefits" means benefits payable to an individual under this act or under any other state law (including benefits payable to federal civilian employees and to exservicemen pursuant to 5 U.S.C. chapter 85) other than extended benefits.

(9) "Extended benefits" means benefits (including benefits payable to federal civilian employees and to exservicemen pursuant to 5 U.S.C. chapter 85) payable to an individual under the provisions of this section for weeks of unemployment in his eligibility period.

(10) "Eligibility period" of an individual means the period consisting of the weeks in his benefit year which begin in an extended benefit period and, if his benefit year ends within such extended benefit period, any weeks thereafter which begin in such period.

(11) "Exhaustee" means an individual who, with respect to any week of unemployment in his eligibility period:

(A) has received, prior to such week, all of the regular benefits that were available to him under this act or any regular or extended benefits available to him under any other state law (including benefits payable to federal civilian employees and exservicemen under 5 U.S.C. chapter 85) in his current benefit year that includes such week; provided that for the purposes of this subparagraph, an individual shall be deemed to have received all of the regular benefits that were available to him although as a result of a pending appeal with respect to wages that were not considered in the original monetary determination in his benefit year, he may subsequently be determined to be entitled to added regular benefits; or

(B) his benefit year having expired prior to such week, has no or insufficient wages on the basis of which he could establish a new benefit year that would include such week; and

(C) has no right to unemployment benefits or allowances, as the case may be, under the railroad unemployment insurance act, the trade expansion act of 1962, the automotive products trade act of 1965 and such other federal laws as are specified in regulations issued by the United States secretary of labor; and has not received and is not seeking unemployment benefits under the unemployment compensation
law of the Virgin Islands or of Canada; but if he is seeking such benefits and the appropriate agency finally determines that he is not entitled to benefits under such law he is considered an exhaustee.

(12) "State law" means the unemployment insurance law of any state, approved by the United States secretary of labor under section 3304 of the Internal Revenue Code of 1954.

(b) Effect of state law provisions relating to regular benefits on claims for, and the payment of, extended benefits. Except when the result would be inconsistent with the other provisions of this section, as provided in the regulations of the director, the provisions of this act which apply to claims for, or the payment of, regular benefits shall apply to claims for, and the payment of, extended benefits.

(c) Eligibility requirements for extended benefits. An individual shall be eligible to receive extended benefits with respect to any week of unemployment in his eligibility period only if the director finds that with respect to such week:

(1) he is an "exhaustee" as defined in subsection (a) (11),

(2) he has satisfied the requirements of this act for the receipt of regular benefits that are applicable to individuals claiming extended benefits, including not being subject to a disqualification for the receipt of benefits.

(d) Weekly extended benefit amount. The weekly extended benefit amount payable to an individual for a week of total unemployment in his eligibility period shall be an amount equal to the weekly benefit amount payable to him during his applicable benefit year.

(e) Total extended benefit amount. The total extended benefit amount payable to an eligible individual with respect to his applicable benefit year shall be the least of the following amounts:

(1) fifty per cent (50%) of the total amount of regular benefits which were payable to him under this act in his applicable benefit year;

(2) thirteen (13) times his weekly benefit amount which was payable to him under this act for a week of total unemployment in the applicable benefit year;

(3) provided that the amount so determined shall be reduced by the total amount of extended benefits paid, or being paid, to the individual under the provision of section
72-1367A, Idaho Code, as such law existed prior to the effective date (February 3, 1971) of this act, for weeks of extended unemployment in the individual's benefit year which began prior to the effective date of the federal-state extended benefit period which is current in the week for which the individual first claims such benefits.

(f) (1) Beginning and termination of extended benefit period. Whenever an extended benefit period is to become effective in this state, or in all states, as a result of a state or a national "on" indicator, or an extended benefit period is to be terminated in this state as a result of a state "off" indicator or state and national "off" indicators, the director shall make an appropriate public announcement;

(2) computations required by the provisions of subsection (a)(7) shall be made by the director, in accordance with regulations prescribed by the United States secretary of labor.

(g) Irrespective of any of the other provisions of this act, none of the benefits paid pursuant to the provisions of this section shall be charged to an employer's account for purposes of experience rating.

SECTION 18. That Chapter 13, Title 72, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 72-1380, Idaho Code, and to read as follows:

72-1380. FEDERAL REIMBURSEMENT FOR BENEFITS PAID TO NEWLY COVERED WORKERS DURING TRANSITION PERIOD. With respect to weeks of unemployment beginning on or after January 1, 1978, wages for insured work shall include wages paid for previously uncovered services. For the purposes of this subsection, the term "previously uncovered services" means services:

(A) Which were not employment as defined in section 72-1316, Idaho Code, and were not services covered pursuant to section 72-1315, Idaho Code, at any time during the one (1) year period ending December 31, 1975; and

(B) Which

(1) were performed in agricultural labor for a covered agricultural employer as defined in subsection (e) of section 72-1315, Idaho Code, or domestic service performed for a covered employer as defined in subsection (h) of section 72-1315, Idaho Code, or

(2) services performed by an employee of a political subdivision of this state as provided in sub-
section (i) of section 72-1315, Idaho Code, or by an employee of a nonprofit educational institution which is not an institution of higher education, as provided in subsection (a) of section 72-1322B, Idaho Code;

except to the extent that assistance under title II of the Emergency Jobs and Unemployment Assistance Act of 1974 was paid on the basis of such services.

(C) The experience rating account of any employer shall not be charged for the benefits paid pursuant to the provisions of this section to any individual whose base period wages includes wages for previously uncovered services to the extent that such individual would not have been eligible to receive such benefits had the law not provided for the payment of benefits on the basis of such previously uncovered services.

(D) Any employer which elects to make payments in lieu of contributions into the unemployment compensation fund shall not be liable to make such payments with respect to benefits paid pursuant to the provisions of this section to any individual whose base period wages includes wages for previously uncovered services which are reimbursable under the law to the extent that such individual would not have been eligible to receive such benefits had the law not provided for payment of benefits on the basis of such previously uncovered services.

SECTION 19. That Chapter 13, Title 72, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 72-1316B, Idaho Code, and to read as follows:

72-1316B. TERMINATION OF COVERAGE OF CERTAIN GOVERNMENTAL ENTITIES. Any extension of unemployment insurance coverage to political subdivisions of the state mandated by the act of congress known as public law 94-566 shall become elective pursuant to the provisions of section 72-1352(c), Idaho Code, in the event such coverage is either declared unconstitutional or null and void by the supreme court of the United States, or is repealed by an act of congress.

SECTION 20. This act shall be in full force and effect on and after January 1, 1978.

Approved March 30, 1977.
CHAPTER 180
(S.B. No. 1136, As Amended)

AN ACT
RELATING TO CAMPAIGN CONTRIBUTIONS AND REPORTING; AMENDING SECTION 67-6602, IDAHO CODE, TO PROVIDE THAT THE TERM "CONTRIBUTION" DOES NOT INCLUDE PERSONAL FUNDS USED TO PAY CANDIDATE FILING FEES, AND TO PROVIDE FOR AN EXPANDED DEFINITION OF "POLITICAL COMMITTEE"; REPEALING SECTION 67-6613, IDAHO CODE, RELATING TO CONTENTS OF REPORTS; AMENDING CHAPTER 66, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-6612, IDAHO CODE, TO PROVIDE FOR THE CONTENT OF REPORTS OF CAMPAIGN CONTRIBUTIONS OR EXPENDITURES; AMENDING CHAPTER 66, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-6614A, IDAHO CODE, TO PROVIDE THAT THE PERSON RESPONSIBLE FOR COMMUNICATIONS ADVOCATING THE ELECTION OR DEFEAT OF A CANDIDATE MUST BE IDENTIFIED ON SUCH COMMUNICATION; AMENDING SECTION 67-6623, IDAHO CODE, TO PROVIDE THAT STATEMENTS AND INFORMATION RELATING TO CAMPAIGN CONTRIBUTIONS AND EXPENDITURES AND TO LOBBYISTS BE RETAINED BY THE SECRETARY OF STATE FOR FOUR YEARS.

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

SECTION 1. That Section 67-6602, Idaho Code, be, and the same is hereby amended to read as follows:

67-6602. DEFINITIONS. As used in this act, the following terms have the following meanings:
(a) "Candidate" means an individual who has taken affirmative action to seek nomination or election to public office. An individual shall be deemed to have taken affirmative action to seek such nomination or election to public office when he first:
(1) Receives contributions or makes expenditures or reserves space or facilities with intent to promote his candidacy for office; or
(2) Announces publicly or files for office.
(b) "Compensation" includes any advance, conveyance, forgiveness of indebtedness, deposit, distribution, loan, payment, gift, pledge or transfer of money or anything of
value, and any contract, agreement, promise or other obligation, whether or not legally enforceable, to do any of the foregoing, for services rendered or to be rendered, but does not include reimbursement of expenses if such reimbursement does not exceed the amount actually expended for such expenses and is substantiated by an itemization of such expenses.

(c) "Contribution" includes any advance, conveyance, forgiveness of indebtedness, deposit, distribution, loan, payment, gift, pledge, subscription or transfer of money or anything of value, and any contract, agreement, promise or other obligation, whether or not legally enforceable, to make a contribution, in support of or in opposition to any candidate, political committee or measure. Such term also includes personal funds or other property of a candidate or members of his household expended or transferred to cover expenditures incurred in support of such candidate but does not include personal funds used to pay the candidate filing fee. Such term also includes the rendering of personal and professional services for less than full consideration, but does not include ordinary home hospitality or the rendering of "part-time" personal services of the sort commonly performed by volunteer campaign workers or advisors or incidental expenses not in excess of twenty-five dollars ($25.00) personally paid for by any volunteer campaign worker. "Part-time" services for the purposes of this definition, means services in addition to regular full-time employment, or, in the case of an unemployed person or persons engaged in part-time employment, services rendered without compensation or reimbursement of expenses from any source other than the candidate or political committee for whom such services are rendered. For the purposes of this act, contributions, other than money or its equivalents shall be deemed to have a money value equivalent to the fair market value of the contribution.

(d) "Election" means any general, special or primary election.

(e) "Election campaign" means any campaign in support of or in opposition to a candidate for election to public office and any campaign in support of, or in opposition to, a measure.

(f) "Expenditure" includes any payment, contribution, subscription, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable,
to make an expenditure. The term "expenditure" also includes
a promise to pay, a payment or a transfer of anything of
value in exchange for goods, services, property, facilities
or anything of value for the purpose of assisting, bene-
fiting or honoring any public official or candidate, or
assisting in furthering or opposing any election campaign.

(g) "Lobby" and "lobbying" each mean attempting through
contacts with, or causing others to make contact with, mem-
ers of the legislature or legislative committees, to influ-
ence the approval, modification or rejection of any legis-
lation by the legislature of the State of Idaho or any
committee thereof.

(h) "Lobbyist" includes any person who lobbies.

(i) "Lobbyist's employer" means the person or persons
by whom a lobbyist is employed, directly or indirectly, and
all persons by whom he is compensated for acting as a lobby-
ist.

(j) "Measure" means any proposal, to be voted state-
wide, submitted to the people for their approval or rejec-
tion at an election, including any initiative, referendum
or revision of or amendment to the state constitution.

(k) "Nonbusiness Entity" means any group (of two (2) or
more individuals), corporation, association, firm, partner-
ship, committee, club or other organization except any such
group, corporation, association, firm, partnership, commit-
tee, club or other organization which:

(1) has as its principal purpose the conduct of busi-
ness activities for profit; and

(2) did not during the immediately preceding calendar
year receive contributions, gifts or membership fees, which
in the aggregate exceeded ten per cent (10%) of its total
receipts for such year.

(l) "Person" means an individual, corporation, associ-
ation, firm, partnership, committee, club or other organiza-
tion or group of persons.

(m) "Political committee" means any person having as
primary purpose the receipt of contributions or the making
of expenditures in support of, or opposition to, any candidate
or candidates, or any measure, and is specifically intended
to include parties as defined in sections 34-109 and 34-501, Idaho Code. (1) any person specifically designated to sup-
port or oppose any candidate or measure; or

(2) any person, including a political party as defined in
sections 34-109 and 34-501, Idaho Code, and its local
committees, which receives contributions or makes expendi-
tures in an amount exceeding five hundred dollars ($500) in any calendar year for the purpose of supporting or opposing one (1) or more candidates or measures.

(n) "Political treasurer" means an individual appointed by a candidate or political committee as provided in section 67-6603, Idaho Code.

(o) "Public office" means any state office or position, including state senator and state representative, that is filled by election.

SECTION 2. That Section 67-6612, Idaho Code, be, and the same is hereby repealed.

SECTION 3. That Chapter 66, 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 67-6612, Idaho Code, and to read as follows:

67-6612. CONTENTS OF REPORTS. (a) A statement filed under sections 67-6607, 67-6608 or 67-6610, Idaho Code, shall set forth:

1) Under contributions, a list of all the contributions received, including funds or property of the candidate used to cover expenditures. The statement shall list the full name and complete address of each person who contributed an aggregate amount of more than fifty dollars ($50.00), and the amount contributed by that person. The statement may list as a single item the total amount of contributions of fifty dollars ($50.00) or less each obtained in similar fashion.

2) Under expenditures the name and address of each person to whom an expenditure was made in the amount of twenty-five dollars ($25.00) or more, and the amount, date, and purpose of each such expenditure. Each expenditure in the amount of twenty-five dollars ($25.00) or more shall be vouched for by a receipt or cancelled check or an accurate copy thereof. The statement may list as a single item the total amount of expenditures less than twenty-five dollars ($25.00) without showing the exact amount of or vouching for each such expenditure. Anything of value paid for or contributed by any person shall be listed both as an expenditure and as a contribution.

SECTION 4. That Chapter 66, 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 67-6614A, Idaho Code, and to read as follows:
67-6614A. PUBLICATION OR DISTRIBUTION OF POLITICAL STATEMENTS. Whenever any person makes an expenditure for the purpose of financing communications expressly advocating the election or defeat of a candidate through any broadcasting station, newspaper, magazine, outdoor advertising facility, direct mailing, or any other type of general public political advertising, the person responsible for such communication shall be clearly indicated on such communication.

SECTION 5. That Section 67-6623, Idaho Code, be, and the same is hereby amended to read as follows:

67-6623. DUTIES OF SECRETARY OF STATE. The Secretary of State is charged with enforcement of the provisions of this act, and in addition to duties otherwise prescribed herein, it shall be his duty: (a) to prescribe forms for statements and other information required to be filed by this act, and to furnish such forms and instruction manual to persons required to file such statements and information;
(b) to make statements and other information filed with him available for public inspection and copying during regular office hours, and to make copying facilities available at a charge not to exceed actual cost;
(c) to preserve such statements and other information for a period of six (6) years from date of receipt;
(d) to make investigations with respect to statements filed under the provisions of this act, and with respect to alleged failures to file any statement required under the provisions of this act, and upon complaint by any person with respect to alleged violations of any part of this act;
(e) to report suspected violations of law to the appropriate law enforcement authorities;
(f) to prescribe and publish rules and regulations, in accordance with the provisions of Chapter 52, Title 67, Idaho Code, and to take such other actions as may be appropriate to carry out the provisions of this act.

Approved March 30, 1977.
C. 181 '77
IDAHO SESSION LAWS 507

CHAPTER 181
(S.B. No. 1032)

AN ACT
RELATING TO TRUSTEES OF TAX EXEMPT PROGRAMS; AMENDING CHAPTER 1, TITLE 26, IDAHO CODE, BY ADDING A NEW SECTION 26-108, IDAHO CODE, ALLOWING COMMERCIAL BANKS, NOT HAVING TRUST POWERS, 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 1, 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 26-108, Idaho Code, and to read as follows:

26-108. COMMERCIAL BANK AS TRUSTEE. Any commercial bank, not having trust powers, 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 bank or in obligations or securities issued by such bank. All funds held in such fiduciary capacity by any such bank 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, 1977.
CHAPTER 182  
(S.B. No. 1050)  
AN ACT  
RELATING TO THE DEFINITION OF FIXTURES AND THE PRIORITY OF SECURITY INTEREST IN FIXTURES UNDER THE UNIFORM COMMERCIAL CODE; AMENDING SECTION 28-9-313, IDAHO CODE, TO PROVIDE THAT THE LAW OF THIS STATE OTHER THAN THE UNIFORM COMMERCIAL CODE DETERMINES WHETHER AND WHEN GOODS, OTHER THAN GOODS INCORPORATED INTO A STRUCTURE IN THE MANNER OF LUMBER, BRICKS, TILE, CEMENT, GLASS AND THE LIKE, BECOME FIXTURES AND TO PROVIDE THAT A SECURITY INTEREST WHICH ATTACHES TO GOODS BEFORE THEY BECOME FIXTURES TAKES PRIORITY AS TO THE GOODS OVER THE CLAIMS OF ALL PERSONS WHO HAVE AN INTEREST IN THE REAL ESTATE EXCEPT AS STATED IN SUBSECTION (4) OF SECTION 28-9-313, IDAHO CODE.

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

SECTION 1. That Section 28-9-313, Idaho Code, be, and the same is hereby amended to read as follows:

28-9-313. PRIORITY OF SECURITY INTERESTS IN FIXTURES.  
(1) The rules of this section do not apply to goods incorporated into a structure in the manner of lumber, bricks, tile, cement, glass, metal work and the like and no security interest in them exists under this chapter unless the structure remains personal property under applicable law. A fixture as used in this act is hereby defined to mean that which is affixed to the realty or at least so mechanically fitted as to become a part thereof and not to be separable without material injury to the freehold or which is necessary to the continued existence or operation of the enterprise or institution as it is carried on upon the premises. The law of this state, other than this act, determines whether and when other goods become fixtures. This act does not prevent creation of an encumbrance upon fixtures or real estate pursuant to the law applicable to real estate.

(2) A security interest which attaches to goods before they become fixtures shall become invalid after the goods become affixed as against any person having an interest in the real estate at the time the goods become affixed who has not expressly consented in writing to the preservation of the security interest or disclaimed in writing any interest in the goods as fixtures provided however that such
security---interest---is---valid---against---all---persons---subsequently
acquiring---takes---priority---as---to---the---goods---over---the---claims---of
all---persons---who---have---an---interest---in---the---real---estate---except
as---stated---in---subsection---(4)---and---except---as---against---a---successor---in---interest---to---such---person---having---an---interest---in---the
real---estate---at---the---time---the---goods---became---affixed.

(3) A security interest which attaches to goods after
they---become---fixtures---is---valid---against---all---persons---subsequently---acquiring---interests---in---the---real---estate---except---as---stated---in---subsection---(4)---but---is---invalid---against---any---person
with---an---interest---in---the---real---estate---at---the---time---the---security
interest---attaches---to---the---goods---who---has---not---in---writing---con­
sented---to---the---security---interest---or---disclaimed---in---writing---an
interest---in---the---goods---as---fixtures.

(4) The security interests described in subsections---(2)
and---(3)---do---not---take---priority---over
(a)---a---subsequent---purchaser---for---value---of---any---interest---in
the---real---estate;---or
(b)---a---creditor---with---a---lien---on---the---real---estate---subse­
quently---obtained---by---judicial---proceedings;---or
(c)---a---creditor---with---a---prior---encumbrance---of---record---on
the---real---estate---to---the---extent---that---he---makes---subsequent
advances
if---the---subsequent---purchase---is---made,---the---lien---by---judicial
proceedings---is---obtained,---or---the---subsequent---advance---under---the
prior---encumbrance---is---made---or---contracted---for---without---knowl­
dge---of---the---security---interest---and---before---it---is---perfected.---A
purchaser---of---the---real---estate---at---a---foreclosure---sale---other
than---an---encumbrancer---purchasing---at---his---own---foreclosure---sale
is---a---subsequent---purchaser---within---this---section.

(5) When---under---subsection---(2)---or---(3)---and---(4)---a---secured
party---has---priority---over---the---claims---of---all---persons---who---have
interests---in---the---real---estate,---he---may,---on---default,---subject---to
the---provisions---of---Part---5,---remove---his---collateral---from---the
real---estate---but---he---must---reimburse---any---encumbrancer---or---owner
of---the---real---estate---who---is---not---the---debtor---and---who---has---not
otherwise---agreed---for---the---cost---of---repair---of---any---physical
injury,---but---not---for---any---diminution---in---value---of---the---real
estate---caused---by---the---absence---of---the---goods---removed---or---by---any
necessity---for---replacing---them.---A---person---entitled---to---reim­
bursement---may---refuse---permission---to---remove---until---the---secured
party---gives---adequate---security---for---the---performance---of---this
obligation.

Approved---March---30,---1977.
RELATING TO THE STATE BRAND BOARD; AMENDING SECTION 25-1101, IDAHO CODE, TO STRIKE REFERENCE TO THE STATE BRAND FUND; AMENDING SECTION 25-1105, IDAHO CODE, TO STRIKE REFERENCE TO THE STATE BRAND FUND AND TO PROVIDE THAT BOARD SALARIES AND EXPENSES SHALL BE PAID FROM APPROPRIATIONS MADE THEREFORE; AMENDING SECTION 25-1106, IDAHO CODE, TO PROVIDE NAME CHANGES TO CONFORM WITH THE STATE'S ACCOUNTING SYSTEM; AMENDING SECTION 25-1106A, IDAHO CODE, TO PROVIDE NAME CHANGES TO CONFORM WITH THE STATE'S ACCOUNTING SYSTEM; AMENDING SECTION 25-1107, IDAHO CODE, TO PROVIDE NAME CHANGES, TO STRIKE OBSOLETE REFERENCES, AND TO PROVIDE FOR THE CREATION OF A BRAND RECORDING ACCOUNT; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 25-1101, Idaho Code, be, and the same is hereby amended to read as follows:

25-1101. BOARD CREATED -- MEMBERSHIP AND ORGANIZATION. There shall be in the department of law enforcement of the state of Idaho a state brand board and such board is hereby created. The state brand board, hereinafter called the board, shall consist of five (5) members, three (3) of whom shall be experienced in, and while serving as a member of such board, continuously and principally, engaged in, the production of beef cattle in Idaho and no two (2) of whom shall be from the same county; one (1) of whom shall be experienced in, and while serving as a member of such board, continuously and principally, engaged in, the feeding of cattle, and one (1) of whom shall be experienced in, and while serving as a member of such board, continuously and principally, engaged as a dairy milk producer; said members shall be appointed by the governor. The term of office of each member of said board shall be five (5) years, excepting that of the members of said board first appointed, one (1) shall be appointed to hold office until the first Monday in January, 1975, one (1) until the first Monday of January, 1976, and one (1) until the first Monday of January, 1977, one (1) until the first Monday of January, 1978, and one (1) until the first Monday of January, 1979. Vacancies occurring on the board other than by expiration of the term, shall be
filled for the unexpired term only. Each of such members of
the board, before entering upon the duties of his office,
shall take and subscribe to the constitutional oath of
office, and be bonded to the state of Idaho in the time,
form and manner provided by chapter 8, title 59, Idaho Code.
The members of the board shall receive for their services
the sum of twenty-five dollars ($25.00) per day and actual
expenses incurred while in the discharge of their duties.
Said compensation shall be paid from-the-state-brand-fund in
the same manner as other expenses of the state brand depart­
ment are paid. Each member of said board shall be a quali­
fied elector of the county from which he is chosen and must
reside during his term of office, within the state of Idaho. Said board must hold a meeting quarterly and at any other
times if so requested by any member of the board. The gover­
nor shall appoint the members of such board both initially
and thereafter as vacancies occur therein, from the recom­
mendations of the executive committee or board of directors
of the Idaho cattlemen's association, the Idaho cattle
feeders association and Idaho dairymen's association. Each
such recommendation shall be of at least two (2) persons for
each appointment to be made by the governor. If no such
recommendation is made within thirty (30) days after the
occurrence of any vacancy in the membership of such board,
then the appointment may be made without such recommenda­
tion. If the person or persons recommended are not deemed
eligible or fit by the governor, then he shall request two
(2) additional names from the respective industry segment. A
member of such board shall be ineligible to hold any other
state or federal office providing full-time employment, or
any county or elective office. After due notice and public
hearing, the governor may remove any member for cause.

The board shall elect one (1) of its members chairman,
and there shall be a state brand inspector who shall serve
as secretary of such board. The board is empowered to make
rules and regulations for governing itself, and such rules
and regulations as it may deem necessary for the enforcement
of all of the duties of the state brand inspector, the laws
of the state of Idaho providing registration and use of
stock growers' brands, and the laws of the state of Idaho
providing inspection and other requirements for the trans­
portation of cattle, horses and mules, and all laws of the
state enacted for the identification, inspection and trans­
portation of cattle, horses, and mules, and all laws of the
state designed to prevent theft and butchering of livestock.
SECTION 2. That Section 25-1105, Idaho Code, be, and the same is hereby amended to read as follows:

25-1105. BOARD TO AUDIT CLAIMS AND MAKE ANNUAL REPORT. The board shall audit all bills for salaries and expenses incurred by it that may be payable from the-state-brand-fund appropriations made therefore, which claims shall be audited and allowed and paid as other claims against the state. The board shall make an annual report in writing to the governor on or before the first day of December in each year, giving a statement of the transactions of the board and facts relating to the cattle industry in this state.

SECTION 3. That Section 25-1106, Idaho Code, be, and the same is hereby amended to read as follows:

25-1106. FEES -- STATE BRAND FUND ACCOUNT. All fees of every kind collected by the office of the state brand inspector or under any rules or regulations made pursuant to the provisions of chapters 12, 13 and 14, title 25, Idaho Code, shall be deposited in the state treasury and kept in a special and separate account in the dedicated fund to be known as the "state brand fund account"; said fund account is hereby appropriated for the use and expenditure of said board in carrying out the provisions of this act and in the performance of all of its duties and the duties of the state brand inspector and in carrying out the rules and regulations which shall be made by said board, and for salaries and wages and other expenses of the office of the state brand inspector, the state brand board, and its employees for the purpose of fulfilling the duties of such office, and said fund account is hereby declared to be a continuing fund account.

SECTION 4. 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 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 account.

SECTION 5. That Section 25-1107, Idaho Code, be, and the same is hereby amended to read as follows:

25-1107. DISPOSITION OF RECORDING FEES. All fees received for the recording and renewal of brands under the provisions of chapters 12 and 13 of title 25, Idaho Code, and all amendments thereto, shall be credited to the state brand fund recording account, which the state auditor is authorized and directed to establish in the agency asset fund in the state treasury. All interest earned from investment of moneys in the brand recording account shall accrue to the account.

SECTION 6. This act shall be in full force and effect on and after July 1, 1977.

Approved March 30, 1977.
CHAPTER 184
(S.B. No. 1102)

AN ACT
RELATING TO CERTIFICATION AND COLLECTION OF CITY TAXES;
AMENDING SECTION 50-1007, IDAHO CODE, TO PERMIT CERTIFICATION BY CITIES OF TAXES FOR GENERAL EXPENSES WITHIN STATUTORY LIMITS FOR EITHER THE CURRENT FISCAL YEAR OR THE ENSUING FISCAL YEAR; PROVIDING FOR THE ISSUANCE OF TAX ANTICIPATION NOTES OR BONDS DURING THE TRANSITION FISCAL YEAR 1977; DECLARING AN EMERGENCY AND PROVIDING FOR RETROACTIVE APPLICATION.

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

SECTION 1. 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 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 either the current or 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 2. Cities and counties may issue tax anticipation notes or bonds during the transitional fiscal year 1977, January through September 30, based upon the amount to
be certified to the county commissioners prior to the second Monday of September, 1977, and subject to the percentage limitations set forth in section 63-3102, Idaho Code. Each city or county may make only one (1) certification, either for the current or the ensuing fiscal year.

SECTION 3. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval, and retroactively to January 1, 1977.

Approved March 30, 1977.

CHAPTER 185
(S.B. No. 1109, As Amended in the House)
AN ACT
RELATING TO THE UNIFORM CONTROLLED SUBSTANCE ACT; AMENDING SECTION 37-2732, IDAHO CODE, TO PROVIDE A PENALTY FOR KNOWINGLY BEING PRESENT AT OR ON PREMISES OF ANY PLACE WHERE ILLEGAL CONTROLLED SUBSTANCES ARE BEING MANUFACTURED OR CULTIVATED, OR ARE BEING HELD FOR DISTRIBUTION, TRANSPORTATION, DELIVERY, ADMINISTRATION, USE, OR TO BE GIVEN AWAY, TO PROVIDE A FINE OF THREE HUNDRED DOLLARS AND A COUNTY JAIL SENTENCE OF NINETY DAYS FOR A MISDEMEANOR VIOLATION, TO REDUCE THE FELONY FINE FROM FIFTEEN THOUSAND DOLLARS TO TEN THOUSAND DOLLARS, AND BY PRESCRIBING THE OFFENSES AND PENALTIES FOR CONSPIRACY UNDER THE UNIFORM CONTROLLED SUBSTANCES ACT.

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

SECTION 1. That Section 37-2732, Idaho Code, be, and the same is hereby amended to read as follows:

37-2732. PROHIBITED ACTS A -- PENALTIES. (a) Except as authorized by this act, it is unlawful for any person to manufacture or deliver, or possess with intent to manufacture or deliver, a controlled substance.

(1) Any person who violates this subsection with respect to:

(A) a controlled substance classified in schedule I which is a narcotic drug or a controlled substance classified in schedule II, is guilty of a felony and upon conviction may be imprisoned for a term of years not to exceed life imprisonment, or fined not more than twenty-five thousand dollars ($25,000), or both;

(B) any other controlled substance which is a nonnarcotic drug classified in schedule I, or a controlled
substance classified in schedule III, is guilty of a felony and upon conviction may be imprisoned for not more than five (5) years, fined not more than fifteen thousand dollars ($15,000), or both;

(C) a substance classified in schedule IV, is guilty of a felony and upon conviction may be imprisoned for not more than three (3) years, fined not more than ten thousand dollars ($10,000), or both;

(D) a substance classified in schedule V, is guilty of a misdemeanor and upon conviction may be imprisoned for not more than one (1) year, fined not more than five thousand dollars ($5,000), or both.

(b) Except as authorized by this act, it is unlawful for any person to create, deliver, or possess with intent to deliver, a counterfeit substance.

(1) Any person who violates this subsection with respect to:

(A) a counterfeit substance classified in schedule I which is a narcotic drug, or a counterfeit substance classified in schedule II, is guilty of a felony and upon conviction may be imprisoned for not more than fifteen (15) years, fined not more than twenty-five thousand dollars ($25,000), or both;

(B) any other counterfeit substance classified in schedule I which is a nonnarcotic drug contained in schedule I or a counterfeit substance contained in schedule III, is guilty of a felony and upon conviction may be imprisoned for not more than five (5) years, fined not more than fifteen thousand dollars ($15,000), or both;

(C) a counterfeit substance classified in schedule IV, is guilty of a felony and upon conviction may be imprisoned for not more than three (3) years, fined not more than ten thousand dollars ($10,000), or both;

(D) a counterfeit substance classified in schedule V or a noncontrolled counterfeit substance, is guilty of a misdemeanor and upon conviction may be imprisoned for not more than one (1) year, fined not more than five thousand dollars ($5,000), or both.

(c) It is unlawful for any person to possess a controlled substance unless the substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of his professional practice, or except as otherwise authorized by this act.

(1) Any person who violates this subsection and has in his possession a controlled substance classified in schedule I which is a narcotic drug or a controlled substance classified in schedule II, is guilty of a felony and upon convic-
tion may be imprisoned for not more than three (3) years, or fined not more than five thousand dollars ($5,000), or both.

(2) Any person who violates this subsection and has in his possession a controlled substance which is a nonnarcotic drug classified in schedule I or a controlled substance classified in schedules III, IV and V is guilty of a misdemeanor and upon conviction thereof may be imprisoned for not more than one (1) year, or fined not more than one thousand dollars ($1,000), or both.

(d) It shall be unlawful for any person to frequent places be present at or on premises of any place where he knows illegal controlled substances are being manufactured or cultivated, or are being held for distribution, transportation, delivery, administration, use, or to be given away. A violation of this section shall deem those persons guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than five three hundred dollars ($500 300) and not more than thirty ninety (30 90) days in the county jail, or both.

(e) If any person is found to possess marihuana, which for the purposes of this subsection shall be restricted to all parts of the plants of the genus Cannabis, and not a derivative or an extract thereof, in an amount greater than three (3) ounces net weight, it shall be a felony and upon conviction may be imprisoned for not more than five (5) years, or fined not more than fifteen ten thousand dollars ($157000 10,000), or both.

(f) If two (2) or more persons conspire to commit any offense defined in this act, said persons shall be punishable by a fine or imprisonment, or both, which may not exceed the maximum punishment prescribed for the offense, the commission of which was the object of the conspiracy.

Approved March 30, 1977.
CHAPTER 186
(S.B. No. 1123)

AN ACT
RELATING TO THE LAW ENFORCEMENT PLANNING COMMISSION; AMENDING SECTION 19-5112, IDAHO CODE, BY PROVIDING $25.00 PER DIEM COMPENSATION TO THE FOUR INTERESTED CITIZEN MEMBERS OF THE COMMISSION FOR EACH DAY OF ATTENDANCE AT COMMISSION MEETINGS; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 19-5112, Idaho Code, be, and the same is hereby amended to read as follows:

19-5112. NO COMPENSATION -- REIMBURSEMENT FOR EXPENSES. Members of the commission, except the four (4) interested citizen members provided for in subsections (j) and (k) of section 19-5102, Idaho Code, who shall receive a per diem of twenty-five dollars ($25.00) per day for each day of attendance at commission meetings in addition to necessary travel and expenses, shall serve without compensation, but may be reimbursed from commission funds for necessary travel and expenses in conformity with state law and federal regulations.

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, 1977.
CHAPTER 187
(S.B. No. 1128)

AN ACT
RELATING TO THE EXAMINATION OF MOTOR CLUBS AND MOTOR CLUB AGENTS; AMENDING CHAPTER 23, TITLE 49, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 49-2331, IDAHO CODE, PROVIDING FOR THE CONDUCT OF EXAMINATIONS OF MOTOR CLUBS AND MOTOR CLUB AGENTS BY THE DIRECTOR OF THE DEPARTMENT OF INSURANCE.

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

SECTION 1. That Chapter 23, 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 49-2331, Idaho Code, and to read as follows:

49-2331. EXAMINATION. (1) If necessary to determine its financial condition, ability to fulfill and manner of fulfillment of its obligations, the nature of its obligations, and compliance with the law, the director of the department of insurance may examine the affairs, transactions, accounts, records, and assets of each authorized motor club insofar as motor club service as defined in section 49-2301, Idaho Code, is concerned. The director may examine each motor club no more often than every two (2) years, unless the director has sufficient evidence to determine that the motor club to be examined is in an unstable financial condition, or is not fulfilling or cannot fulfill its service contract obligations.

Any such examination made shall be at the expense of the motor club.

Approved March 30, 1977.
AN ACT
AMENDING SECTION 1, SENATE BILL 1243, AS ENACTED BY THE FIRST REGULAR SESSION, FORTY-FOURTH
IDAHO LEGISLATURE, RELATING TO LEGISLATIVE INTENT WITH RESPECT TO EXPENDITURES FOR
PUBLIC SCHOOL SUPPORT BY DECREASING THE GENERAL ACCOUNT PORTION BY $994,200 AND INCREASING THE ENDOWMENT INCOME PORTION BY $144,800; AMENDING SECTION 2, SENATE BILL 1243, AS ENACTED BY THE FIRST REGULAR SESSION, FORTY-FOURTH IDAHO LEGISLATURE, RELATING TO THE APPROPRIATION FOR THE PUBLIC SCHOOL FOUNDATION PROGRAM BY DECREASING THE APPROPRIATION FROM THE GENERAL ACCOUNT TO THE PUBLIC SCHOOL INCOME FUND BY $994,200; AMENDING SENATE BILL 1243, AS ENACTED BY THE FIRST REGULAR SESSION, FORTY-FOURTH IDAHO LEGISLATURE, BY ADDING A NEW SECTION APPROPRIATING $994,200 FROM THE GENERAL ACCOUNT TO THE PUBLIC SCHOOL INCOME FUND FOR PAYMENT OF PAST EXPENDITURES BY THE ENDOWMENT FUND INVESTMENT BOARD FROM EARNINGS OF THE PUBLIC SCHOOL ENDOWMENT FUND.

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

SECTION 1. That Section 1, Senate Bill 1243, as enacted by the First Regular Session, Forty-fourth Idaho Legislature, be, and the same is hereby amended to read as follows:

SECTION 1. It is legislative intent that the following amounts shall be expended from state sources for the designated programs for public schools for the period July 1, 1977, through June 30, 1978:

<table>
<thead>
<tr>
<th>FROM:</th>
<th>FOR PUBLIC SCHOOL SUPPORT</th>
<th>FOR PUBLIC SCHOOL EMPLOYEES' RETIREMENT</th>
<th>FOR PUBLIC SCHOOL EMPLOYEES' SOCIAL SECURITY</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Account</td>
<td>$ 88,277,900</td>
<td>$ 11,946,700</td>
<td></td>
<td>$99,224,600</td>
</tr>
<tr>
<td>Federal Revenue</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sharing Fund</td>
<td>8,900,000</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sales Tax:</td>
<td>11,440,000</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>School Districts</td>
<td>(9,680,000)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Counties</td>
<td>(1,760,000)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Endowment Income</td>
<td>$ 994,200</td>
<td></td>
<td></td>
<td>$ 994,200</td>
</tr>
<tr>
<td>Mineral royalties, car company tax and miscellaneous receipts</td>
<td>2,980,000</td>
<td></td>
<td></td>
<td>2,980,000</td>
</tr>
<tr>
<td>Liquor Funds</td>
<td>103,200</td>
<td></td>
<td></td>
<td>103,200</td>
</tr>
</tbody>
</table>
Vocational Education  
1,180,000  
TOTAL  
$123,905,300  
120,955,900

SECTION 2. That Section 2, Senate Bill 1243, as enacted by the First Regular Session, Forty-fourth Idaho Legislature, be, and the same is hereby amended to read as follows:

SECTION 2. There is hereby appropriated out of the account and fund enumerated the following moneys, to be deposited with the public school income fund for the designated programs for the period July 1, 1977, through June 30, 1978:

<table>
<thead>
<tr>
<th>FROM:</th>
<th>FOR PUBLIC SCHOOL FOUNDATION PROGRAM</th>
<th>FOR PUBLIC SCHOOL EMPLOYEES' RETIREMENT PROGRAM</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Account</td>
<td>$ 88,727,100</td>
<td>$ 11,946,700</td>
<td>$ 100,673,800</td>
</tr>
<tr>
<td>Federal Revenue Sharing Fund</td>
<td>8,900,000</td>
<td>8,900,000</td>
<td>17,800,000</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$ 97,627,100</td>
<td>$ 20,846,700</td>
<td>$ 118,473,800</td>
</tr>
</tbody>
</table>

SECTION 3. That Senate Bill 1243, as enacted by the First Regular Session, Forty-fourth Idaho Legislature, be, and the same is hereby amended by the addition of a section 5 to read as follows:

SECTION 5. There is hereby appropriated from the General Account to the Public School Income Fund the amount of $994,200 for full and final payment of expenditures incurred and paid in current and prior years by the Endowment Fund Investment Board from earnings on public school endowment fund investments.

Approved March 30, 1977.
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 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 accounts for the period July 1, 1977, through June 30, 1978:

<table>
<thead>
<tr>
<th>PROGRAM</th>
<th>PERSONNEL</th>
<th>OPERATING</th>
<th>CAPITAL</th>
<th>COSTS</th>
<th>EXPENDITURES</th>
<th>OUTLAY</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. EDUCATION AND SUPPORT SERVICES: FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Account</td>
<td>$1,483,900</td>
<td>$ 225,800</td>
<td>$ 20,000</td>
<td>$1,729,700</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>State School for the Deaf &amp; Blind</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Income Account</td>
<td>22,900</td>
<td></td>
<td></td>
<td>22,900</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Deaf and Blind Children Account</td>
<td>105,300</td>
<td></td>
<td></td>
<td>105,300</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Miscellaneous Receipts Account</td>
<td>26,100</td>
<td></td>
<td></td>
<td>26,100</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>$1,589,200</td>
<td>$ 274,800</td>
<td>$ 20,000</td>
<td>$1,884,000</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>B. SPECIAL SERVICES: FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Deaf &amp; Blind Children Account</td>
<td>$ 65,000</td>
<td>$ 27,100</td>
<td>$ 22,700</td>
<td>$ 114,800</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>GRAND TOTAL</td>
<td>$1,654,200</td>
<td>$ 301,900</td>
<td>$ 42,700</td>
<td>$1,998,800</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Approved March 30, 1977.
AN ACT

APPROPRIATING MONEYS FROM THE ACCOUNT ENUMERATED TO THE STATE TREASURER TO BE EXPENDED FOR THE DESIGNATED PROGRAM, ACCORDING TO DESIGNATED EXPENSE CLASSES FROM THE LISTED ACCOUNT FOR THE PERIOD JULY 1, 1977, THROUGH JUNE 30, 1978; AND EXPRESSING LEGISLATIVE INTENT WITH RESPECT TO CERTAIN EXPENDITURES.

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

SECTION 1. There is hereby appropriated to the State Treasurer the following amount, to be expended for the designated program, according to expense classes designated therein from the listed account for the period July 1, 1977, through June 30, 1978:

<table>
<thead>
<tr>
<th>A. TREASURY:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>FOR:</td>
<td></td>
</tr>
<tr>
<td>Personnel Costs</td>
<td>$234,500</td>
</tr>
<tr>
<td>Operating Expenditures</td>
<td>87,200</td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>1,500</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$323,200</td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
</tr>
<tr>
<td>General Account</td>
<td>$323,200</td>
</tr>
</tbody>
</table>

SECTION 2. It is legislative intent that an amount, not to exceed $1,000 of the amounts appropriated in Section 1, may be used at the discretion of the State Treasurer to assist in defraying expenses relating to or resulting from the discharge of the State Treasurer's official duties. Such moneys shall be exempted from the provisions of Chapter 36, Title 67, Idaho Code, and Section 67-3516, Idaho Code.

Approved March 30, 1977.
AN ACT
AMENDING SECTION 4, CHAPTER 337, LAWS OF 1976, RELATING TO THE APPROPRIATION TO THE SECRETARY OF STATE, BY INCREASING THE APPROPRIATION FROM THE MISCELLANEOUS RECEIPTS FUND BY $10,000; AND AMENDING SECTION 5, CHAPTER 337, LAWS OF 1976, RELATING TO THE APPROPRIATION TO THE SECRETARY OF STATE BY INCREASING THE APPROPRIATION FROM THE GENERAL FUND BY $112,000; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 4, Chapter 337, Laws of 1976, be, and the same is hereby amended to read as follows:

SECTION 4. There is hereby appropriated to the Secretary of State for the functions to be performed by the Idaho Commission on Arts and Humanities the following amounts, to be expended for designated programs according to expense classes designated therein from the listed funds for the period July 1, 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>ARTS AND HUMANITIES COMMISION:</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>$37,200</td>
<td>$9,100</td>
<td></td>
<td>$46,300</td>
<td></td>
</tr>
<tr>
<td>Miscellaneous Receipts Fund</td>
<td>5,000</td>
<td></td>
<td></td>
<td>5,000</td>
<td></td>
</tr>
<tr>
<td></td>
<td>15,000</td>
<td></td>
<td></td>
<td>15,000</td>
<td></td>
</tr>
<tr>
<td>Idaho Commission on Arts &amp; Humanities</td>
<td>$11,800</td>
<td>$9,700</td>
<td>$288,400</td>
<td>$311,900</td>
<td>373,200</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$51,000</td>
<td>$98,800</td>
<td>$288,400</td>
<td>$637,200</td>
<td>373,200</td>
</tr>
</tbody>
</table>

SECTION 2. That Section 5, Chapter 337, Laws of 1976, be, and the same is hereby amended to read as follows:

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 $262,000 from the General Fund, to be expended from the trustee and benefit expense classification for the period July 1, 1976 through June 30, 1977.

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, 1977.
AN ACT
APPROPRIATING MONEYS FROM THE ACCOUNTS ENUMERATED TO THE STATE BOARD OF EDUCATION FOR VOCATIONAL EDUCATION, TO BE EXPENDED FOR DESIGNATED PROGRAMS IN THE PRESCRIBED EXPENDITURE CLASSIFICATIONS FOR THE PERIOD JULY 1, 1977, THROUGH JUNE 30, 1978; REAPPROPRIATING $100,000 OF THE GENERAL FUND MONEYS APPROPRIATED IN CHAPTER 25, LAWS OF 1976, FOR THE PURPOSES SPECIFIED; AUTHORIZING THE TRANSFER OF MONEYS BETWEEN PROGRAMS; AND PROVIDING EFFECTIVE DATES.

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 in the prescribed expenditure classifications for the period July 1, 1977, through June 30, 1978:

FOR MAJOR PROGRAMS:

- Administration and Supervision: $879,000
- General Programs: 3,433,800
- Post Secondary Programs: 8,773,400
- Advisory Council: 61,900

TOTAL: $13,148,100

BY LINE ITEM TO BE EXPENDED FOR ALL PROGRAMS:

- Personnel Costs: $735,300
- Operating Expenditures: 197,300
- Capital Outlay: 8,300
- Trustee & Benefit Payments: 12,207,200

TOTAL: $13,148,100

FROM:

- General Account: $10,465,000
- Vocational Education Amendments of 1968 Account: 2,621,200
- Vocational Education Advisory Council Account: 61,900

TOTAL: $13,148,100

SECTION 2. Of the general fund moneys appropriated by Section 1, subsection c, of Chapter 253, Laws of 1976, to the State Board of Education for Vocational Education for the Emergency Training Program, $100,000 is hereby reserved from expenditure for the balance of fiscal year 1977, and is
reappropriated to the State Board of Education for Vocational Education for the Emergency Training Program, for the period July 1, 1977, through June 30, 1978.

SECTION 3. The moneys appropriated by designated programs in Section 1 may be transferred between such programs, so long as the aggregate dollar amount of transfers does not exceed 10 percent of the smaller of the program's appropriation.

SECTION 4. This act shall be in full force and effect on and after July 1, 1977, except for section 2 hereof. An emergency existing therefor, which emergency is hereby declared to exist, section 2 shall be in full force and effect on and after passage and approval of this act.

Approved March 30, 1977.
CHAPTER 193
(H.B. No. 263)

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 accounts for the period July 1, 1977, through June 30, 1978:

<table>
<thead>
<tr>
<th>FOR PROGRAM</th>
<th>FOR PERSONNEL</th>
<th>FOR OPERATING COSTS</th>
<th>FOR CAPITAL EXPENDITURES</th>
<th>FOR CAPITAL OUTLAY</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>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 Acct. $76,900</td>
<td>$ 40,000</td>
<td>$ 2,400</td>
<td>$ 119,300</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Human Rights Account</td>
<td>$ 45,800</td>
<td>$ 9,800</td>
<td></td>
<td>$ 55,600</td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>$ 122,700</td>
<td>$ 49,800</td>
<td>$ 2,400</td>
<td>$ 174,900</td>
<td></td>
</tr>
</tbody>
</table>

Approved March 30, 1977.
AN ACT

RELATING TO OFFICIAL NEWSPAPERS OF CITIES; AMENDING SECTION 50-213, IDAHO CODE, TO PROVIDE THAT IF THERE IS NO NEWSPAPER PUBLISHED IN THE CITY, THE OFFICIAL NEWSPAPER MAY BE PUBLISHED IN THE COUNTY OR THE NEAREST IDAHO NEWSPAPER OF GENERAL CIRCULATION IN THE CITY.

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

SECTION 1. That Section 50-213, Idaho Code, be, and the same is hereby amended to read as follows:

50-213. OFFICIAL NEWSPAPER. The city council of each city shall, by ordinance, designate a newspaper within the provisions of title 60, Idaho Code, to be the official newspaper of that city. Said newspaper shall be one published within said city, or if none there be, then a newspaper published within the county in which said city is situated, or if none there be, then a the nearest Idaho newspaper of general circulation within the city.

Approved March 30, 1977.
CHAPTER 195
(H.B. No. 175, As Amended)

AN ACT
RELATING TO DEFERRED COMPENSATION PROGRAMS FOR PUBLIC EMPLOYEES; REPEALING SECTION 59-513, IDAHO CODE; AMENDING CHAPTER 5, TITLE 59, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 59-513, IDAHO CODE, TO PROVIDE THAT ANY GOVERNMENTAL ENTITY MAY CONTRACT WITH ITS EMPLOYEES TO DEFER ALL OR A PORTION OF AN EMPLOYEE'S COMPENSATION TO OBTAIN FAVORABLE INCOME TAX TREATMENT; PROVIDING FOR AN EXPRESSION OF LEGISLATIVE INTENT; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 59-513, Idaho Code, be, and the same is hereby repealed.

SECTION 2. That Chapter 5, 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 59-513, Idaho Code, and to read as follows:

59-513. DEFERRED COMPENSATION PROGRAMS FOR EMPLOYEES OF STATE OR POLITICAL SUBDIVISIONS. The state of Idaho, and any county, city, or political subdivision of the state acting through its governing body, is hereby authorized to contract with an employee to defer all or a portion of that employee's income, and may subsequently with the consent of the employee, invest such deferred income in a funding medium for the purpose of funding a deferred compensation program for the employee.

The state board of examiners shall supervise and regulate the deferred compensation program for state employees, and may adopt rules and regulations to implement such a program.

The governing body of any county, city, or political subdivision of the state, shall supervise and regulate the deferred compensation program for its employees.

In no event shall the amount of income an employee elects to defer exceed the total annual salary, or compensation under the existing salary schedule or classification plan applicable to such employee in such year. Any income
deferred under such a plan shall continue to be included as regular compensation for the purpose of computing the retirement contributions and pension benefits earned by any employee, but any sum so deferred shall not be included in the computation of any income taxes withheld on behalf of any such employee.

Coverage of an employee under a deferred compensation plan under this section shall not render such employee ineligible for simultaneous membership and participation in the pension systems for public employees which are otherwise provided for.

For the purpose of this act the state auditor is authorized to make such deductions from salary for any employee of the state who has authorized such deductions in writing, and the state board of examiners may designate administrative agents for the state of Idaho to execute all necessary agreements pertaining to the deferred compensation program.

For the purposes of this act, the term "employee" includes elected or appointed officials.

SECTION 3. The legislature of the state of Idaho desires that the state board of examiners adopt a deferred compensation program which provides for investment in all types of funding media.

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, 1977.
AN ACT
RELATING TO LIQUIDATION OF INSURERS; ADDING A NEW SECTION 41-3337, IDAHO CODE, TO PROVIDE A SYSTEM OF DISBURSEMENT OF ASSETS IN A LIQUIDATION OF AN INSURER.

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

SECTION 1. That Chapter 33, 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 41-3337, Idaho Code, and to read as follows:

41-3337. DISBURSEMENT OF ASSETS. (1) Within one hundred twenty (120) days of a final determination of insolvency of a company by a court of competent jurisdiction of this state, the receiver shall make application to the court for approval of a proposal to disburse assets out of such company's marshalled assets, from time to time as such assets become available, to the Idaho insurance guaranty association and to any similar organization in another state. The Idaho insurance guaranty association and any similar organizations in other states shall hereinafter be referred to collectively as the associations.

(2) Such proposal shall at least include provision for:
(a) reserving amounts for the payment of the expenses of administration and wages as required by section 41-3327, Idaho Code.
(b) disbursement of the assets marshalled to date and subsequent disbursements of assets as they become available.
(c) equitable allocation of disbursements to each of the associations entitled thereto; and
(d) the securing by the receiver from each of the associations entitled to disbursements pursuant to this section of an agreement to return to the receiver such assets previously disbursed as may be required to pay claims which fall within a priority equal to or higher than that of the associations. No bond shall be required of any such association.

(3) The receiver's proposal shall provide for disbursements to the associations in amounts at least equal to the
payments made or to be made thereby for which such associations could assert claims against the receiver, and shall further provide that if the assets available for disbursement from time to time do not equal or exceed the amount of such payments made or to be made by the associations, then disbursements shall be in the amount of available assets.

(4) Notice of such application shall be given to the associations in and to the commissioners of insurance of each of the states. Any such notice shall be deemed to have been given when deposited in the United States certified mails, first class postage prepaid, at least thirty (30) days prior to submission of such application to the court. Action on the application may be taken by the court provided the above required notice has been given and provided further that the receiver's proposal complies with subsection (2)(a) and (2)(d) of this section.

Approved March 30, 1977.
AN ACT
RELATING TO AUTHORITY OF BOARD OF TRUSTEES OF ANY SCHOOL DISTRICT; AMENDING CHAPTER 8, TITLE 33, IDAHO CODE, BY THE ADDITION THERETO OF A NEW SECTION 33-801A, IDAHO CODE, PROVIDING THAT THE BOARD OF TRUSTEES OF EACH SCHOOL DISTRICT MAY CREATE A GENERAL FUND CONTINGENCY RESERVE NOT TO EXCEED TWO AND ONE-HALF PER CENT OF THE TOTAL GENERAL FUND BUDGET OR ONE HUNDRED THOUSAND DOLLARS FOR CONTINGENCIES DURING THE FISCAL YEAR.

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

SECTION 1. That Chapter 8, Title 33, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 33-801A, Idaho Code, and to read as follows:

33-801A. GENERAL FUND CONTINGENCY RESERVE. The board of trustees of any school district may create and establish a general fund contingency reserve within the annual school district budget. Such general fund contingency reserve shall not exceed two and one-half per cent (2 1/2%) of the total general fund budget, but not to exceed one hundred thousand dollars ($100,000). Disbursements from said fund may be made by resolution from time to time as the board of trustees determines necessary for contingencies that may arise. The balance of said fund shall not be accumulated beyond the budgeted fiscal year. If any money remains in the contingency reserve it shall be treated as an item of income in the following year's budget.

Approved March 30, 1977.
Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. 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., January 1, 1980, 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.

Approved March 30, 1977.
CHAPTER 199
(H.B. No. 126, As Amended)

AN ACT
RELATING TO PHYSICIANS AND SURGEONS; REPEALING SECTIONS 54-1801, 54-1802, 54-1803, 54-1804, 54-1805, 54-1806, 54-1807, 54-1808, 54-1810, 54-1811, 54-1812, 54-1813, 54-1814 AND 54-1816, IDAHO CODE; ADDING A NEW SECTION 54-1801, IDAHO CODE, PROVIDING A SHORT TITLE; ADDING A NEW SECTION 54-1802, IDAHO CODE, PROVIDING A STATEMENT OF PURPOSE; ADDING A NEW SECTION 54-1803, IDAHO CODE, PROVIDING DEFINITIONS; ADDING A NEW SECTION 54-1804, IDAHO CODE, PROVIDING PENALTIES FOR THE UNLAWFUL PRACTICE OF MEDICINE; ADDING A NEW SECTION 54-1805, IDAHO CODE, PROVIDING FOR THE STATE BOARD OF MEDICINE; ADDING A NEW SECTION 54-1806, IDAHO CODE, PROVIDING THE POWER OF THE STATE BOARD OF MEDICINE; ADDING A NEW SECTION 54-1807, IDAHO CODE, PROVIDING FOR THE REGISTRATION OF EXTERNS, INTERNS, RESIDENTS AND PHYSICIANS ASSISTANTS; ADDING A NEW SECTION 54-1808, IDAHO CODE, PROVIDING FOR THE ISSUANCE OF LICENSES; ADDING A NEW SECTION 54-1810, IDAHO CODE, PROVIDING LICENSURE BY WRITTEN EXAMINATION; ADDING A NEW SECTION 54-1811, IDAHO CODE, PROVIDING FOR LICENSURE BY ENDORSEMENT; ADDING A NEW SECTION 54-1812, IDAHO CODE, PROVIDING FOR LICENSURE OF GRADUATES OF FOREIGN MEDICAL SCHOOLS; ADDING A NEW SECTION 54-1813, IDAHO CODE, PROVIDING FOR TEMPORARY LICENSURE AND REGISTRATION; ADDING A NEW SECTION 54-1814, IDAHO CODE, PROVIDING GROUNDS OF MEDICAL DISCIPLINE; PROVIDING TRANSITION; AND PROVIDING FOR SEVERABILITY.

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

SECTION 1. That Sections 54-1801, 54-1802, 54-1803, 54-1804, 54-1805, 54-1806, 54-1807, 54-1808, 54-1810, 54-1811, 54-1812, 54-1813, 54-1814 and 54-1816, Idaho Code, be, and the same are hereby repealed.

SECTION 2. 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 54-1801, Idaho Code, and to read as follows:

54-1801. SHORT TITLE. This chapter may be cited as the "Medical Practice Act."
SECTION 3. 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 54-1802, Idaho Code, and to read as follows:

54-1802. PURPOSE. Recognizing that the practice of medicine is a privilege granted by the state of Idaho and is not a natural right of individuals, the purpose of this chapter is to assure the public health, safety and welfare in the state by the licensure and regulation of physicians, and the exclusion of unlicensed persons from the practice of medicine.

SECTION 4. 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 54-1803, Idaho Code, and to read as follows:

54-1803. DEFINITIONS. (1) The "practice of medicine" means:
(a) To investigate, diagnose, treat, correct, or prescribe for any human disease, ailment, injury, infirmity, deformity, or other condition, physical or mental, by any means or instrumentality, or
(b) To apply principles or techniques of medical science in the prevention of any of the conditions listed in subsection (a) of this section, or
(c) To offer, undertake, attempt to do or hold oneself out as able to do any of the acts described in subsections (a) and (b) of this section.
(2) The word "board" means the state board of medicine.
(3) The term "physician" means any person who holds a license to practice medicine and surgery, osteopathic medicine and surgery, or osteopathic medicine, provided further, that others authorized by law to practice any of the healing arts shall not be considered physicians for the purposes of this chapter.
(4) A "license to practice medicine and surgery" means a license issued by the board to a person who was graduated from an acceptable school of medicine and who has fulfilled the licensing requirements of this chapter.
(5) A "license to practice osteopathic medicine and surgery" means a license issued by the board to a person who either graduated from an acceptable osteopathic school of medicine subsequent to January 1, 1963, or who has been licensed by endorsement of a license issued by another state where a composite examining board exists and where physi-
cians licensed to practice medicine and surgery and osteopathic physicians take the same examination and hold equal licenses, and who has fulfilled the licensing requirements of this chapter.

(6) A "license to practice osteopathic medicine" means a license issued by the state board of medicine to a person who graduated from an acceptable osteopathic school of medicine and who prior to January 1, 1963 has fulfilled the licensing requirements of this chapter.

(7) The word "person," the word "he" and the word "his" means a natural person.

(8) An "acceptable school of medicine" means any school of medicine or school of osteopathic medicine which meets the standards or requirements of a national medical school accrediting organization acceptable to the board.

(9) The word "extern" means a bona fide student enrolled in an acceptable school of medicine who has not received his degree.

(10) The word "intern" or "resident" means any person who has completed a course of study at an acceptable school of medicine and who is enrolled in a post-graduate medical training program.

(11) The word "physician's assistant" means any person who is a graduate of an acceptable training program and who is qualified by general education, training, experience and personal character to render patient services under the direction of a physician. Nothing in this act shall be construed to authorize physician's assistants to perform those specific functions and duties specifically delegated by law to those persons licensed as pharmacists under chapter 17, title 54, Idaho Code, as dentists or dental hygienists under chapter 9, title 54, Idaho Code, or as optometrists under chapter 15, title 54, Idaho Code.

SECTION 5. 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 54-1804, Idaho Code, and to read as follows:

54-1804. UNLICENSED PRACTICE -- PENALTIES AND REMEDIES RELATING TO UNLICENSED PRACTICE. (1) Under the circumstances described and subject in each case to the limitations stated, the following persons, though not holding a license to practice medicine in this state, may engage in activities included in the practice of medicine:

(a) A medical officer of the armed forces of the United States, of the United States public health service, or of the veteran's administration, while engaged in the
performance of his official duties;
(b) A person residing in another state or country and authorized to practice medicine there, who is called in consultation by a person licensed in this state to practice medicine, or who for the purpose of furthering medical education is invited into this state to conduct a lecture, clinic, or demonstration, while engaged in activities in connection with the consultation, lecture, clinic, or demonstration, so long as he does not open an office or appoint a place to meet patients or receive calls in this state;
(c) A person authorized to practice medicine in another state or country while rendering medical care in a time of disaster or while caring for an ill or injured person at the scene of an emergency and while continuing to care for such person;
(d) An extern, intern, resident or physician's assistant who is registered with the board as provided in this chapter and while engaged in programs authorized pursuant to rules and regulations of the board;
(e) A person authorized or licensed by this state to engage in activities which may involve the practice of medicine;
(f) A person engaged in good faith in the practice of the religious tenets of any church or religious beliefs;
(g) A person administering a remedy, diagnostic procedure or advice as specifically directed by a physician;
(h) A person rendering aid in an emergency, where no fee for the service is contemplated, charged or received;
(i) A person administering a family remedy to a member of the family;
(2) Except as provided in subsection (1) of this section, it is unlawful for any person to practice medicine in this state without a license and upon conviction thereof, he shall be imprisoned for not less than six (6) months nor more than one (1) year, or shall be fined not less than one thousand dollars ($1,000) nor more than three thousand dollars ($3,000), or shall be punished by both fine and imprisonment.
(3) Except as provided in subsections (1)(a), (1)(b), and (1)(c) above, it is unlawful for any person to assume or use the title or designation "medical doctor," "medical physician," "osteopathic doctor," "osteopathic physician," "M.D." or "D.O." or any other title, designation, words, letters, abbreviation, sign, card, or device to indicate to the public that such person is licensed to practice medicine pursuant to this chapter unless such person is so licensed,
and upon conviction thereof, such person shall be imprisoned for not less than six (6) months nor more than one (1) year, or shall be fined not less than five hundred dollars ($500) nor more than three thousand dollars ($3,000), or shall be punished by both fine and imprisonment.

(4) When a person has been the recipient of services constituting the unlawful practice of medicine, whether or not he knew the rendition of the services was unlawful, proof of the rendition of such unlawful services by the recipient or his personal representative in an action against the provider of such services for damages allegedly caused by the services constitutes prima facie evidence of negligence shifting the burden of proof to such provider of unlawful services. The following damages in addition to any other remedies provided by law may be recovered in such an action:

(a) The amount of any fees paid for the unlawful services.

(b) Reasonable attorney fees and court costs.

(5) The board shall refer all violations of this section made known to it to appropriate prosecuting attorneys. The board may render assistance to a prosecuting attorney in the prosecution of a case pursuant to this section.

SECTION 6. 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 54-1805., Idaho Code, and to read as follows:

54-1805. THE STATE BOARD OF MEDICINE ESTABLISHED.

(1) There is hereby established in the department of self-governing agencies a state board of medicine to be composed of eight (8) members. The membership of the state board of medicine as it exists on the effective date of this act is hereby confirmed as members of the board for the terms to which they were originally appointed.

(2) The board shall consist of eight (8) members. The director of the department of law enforcement shall be a member of the board. The other seven (7) members shall be physicians who are residents of this state and engaged in the active practice of medicine in this state, and shall be appointed by the governor in the manner hereinafter set forth. All appointments to the board shall be for six (6) year terms. The board shall consist of six (6) members who are licensed to practice medicine and surgery in this state and one (1) member who is licensed to practice osteopathic medicine or osteopathic medicine and surgery in this state.
Whenever a term of a member of the board who is licensed to practice medicine and surgery expires or becomes vacant, the Idaho medical association shall nominate three (3) persons licensed to practice medicine and surgery for each such vacancy, and forward such nominations to the governor who shall appoint from among such nominees, one (1) person to be a member of the board to fill such vacancy. Whenever a term of the member of the board who is licensed to practice osteopathic medicine or osteopathic medicine and surgery expires or becomes vacant, the Idaho osteopathic association shall nominate three (3) persons licensed to practice osteopathic medicine or osteopathic medicine and surgery for such vacancy, and shall forward the nominations to the governor who shall appoint from among such nominees one (1) person to be a member of the board to fill such vacancy. Appointments to fill vacancies occurring from some other reason than expiration of a term for which a member was appointed, shall be made in the same manner as hereinabove set forth for the unexpired term. The governor may remove any member of the board from the membership of the board, who is guilty of malfeasance, misfeasance or nonfeasance.

(3) The board shall elect a chairman from its membership. The members of the board except for state employees shall receive their actual and necessary expenses while engaged upon the business of the board, and a per diem of fifty dollars ($50.00) for each day of actual service. Five (5) members of the board shall constitute a quorum, and the board may act by virtue of a majority vote of members present at a meeting.

SECTION 7. 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 54-1806, Idaho Code, and to read as follows:

54-1806. POWERS AND DUTIES. The board shall have the authority to:

(1) Hire or appoint employees, including an executive director, investigators, attorneys, consultants and independent hearing examiners.

(2) Establish pursuant to the administrative procedures act rules and regulations for administration of this chapter, including rules and regulations governing all activities of persons employed as physician's assistants by persons licensed to practice medicine in this state.

(3) Conduct investigations and examinations and hold hearings.

(4) The board, the board of professional discipline or
its hearing officer shall have the power in any disciplinary proceeding pursuant to this chapter 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 at any hearing and for that purpose the board may issue a subpoena for any witnesses or a subpoena duces tecum to compel the production of any books, records of 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 is served and returned. The fees and mileage of the witnesses shall be the same as that allowed in the district courts in criminal cases, which fees and mileage shall be paid from any funds in the state treasury in the same manner as other expenses of the board are paid. In any case of disobedience to, or neglect of, any subpoena or subpoena duces tecum served upon any person, or the refusal of any witness to testify to any matter regarding which he may lawfully be interrogated, it shall be the duty of 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 compliance with the subpoena by proceedings for contempt as in the case of disobedience of the requirements of a subpoena issued from such court or for refusal to testify therein. The licensed person accused in such proceedings shall have the same right of subpoena upon making application to the board therefor.

(5) Seek injunctive relief prohibiting the unlawful practice of medicine.

(6) Make and enter into contracts.

(7) Operate, manage, superintend and control the licensure of physicians.

(8) Develop and submit a proposed budget setting forth the amount necessary to perform its functions.

(9) Perform such other duties as set forth in the laws of this state.

(10) Provide such other services and perform such other functions as are necessary to fulfill its responsibilities.

(11) Provide for reasonable fees through rules and regulations for administrative costs and assess costs reasonably and necessarily incurred in the enforcement of this chapter when a licensee has been found to be in violation of this chapter.

(12) Prepare an annual report.
SECTION 8. 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 54-1807, Idaho Code, and to read as follows:

54-1807. STATE BOARD OF MEDICINE -- REGISTRATION. (1) Externs, interns and residents must register with the board prior to the commencement of any activities constituting the practice of medicine in this state. Registration shall include disclosure of the applicant's prior education and training, the program or course of study the extern, intern or resident intends to follow, the physicians or group of physicians who will supervise the program or course of study, and such other information as the board deems relevant. The board shall reserve the right to approve any such program or course of study and shall require registration by the supervising physician. A registration fee shall be fixed by the board, and registration must be renewed annually.

(2) Physician's assistants must register with the board prior to the commencement of activities which may involve the practice of medicine in this state. The registration requirements shall include passage of an examination acceptable to the board. The board shall determine and limit the scope of activities of physician's assistants on the basis of completed courses of study or programs of instruction they have received. Upon completion of registration, the board shall authorize physician's assistants to assist a physician or group of physicians who are qualified and approved by the board to employ physician's assistants to engage in activities as limited by the board. The board shall fix a registration fee, and registration must be renewed annually.

SECTION 9. 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 54-1808, Idaho Code, and to read as follows:

54-1808. BOARD TO ISSUE LICENSES. (1) The board shall issue licenses to practice medicine and surgery, and osteopathic medicine and surgery, to persons who have qualified therefor in accordance with the provisions of this act. The board may refuse licensure if it finds that the applicant has engaged in conduct prohibited by section 54-1814, Idaho Code. Provided, that the board shall take into consideration the rehabilitation of the applicant and other mitigating circumstances. Such licenses shall be issued
after payment of a licensing fee in an amount to be fixed by the board, and such licenses shall be issued for a period of not less than one (1) year nor more than five (5) years, the exact period to be fixed by the board. Licenses to practice medicine and surgery, osteopathic medicine and surgery, and osteopathic medicine shall be renewed on their expiration upon completion of a renewal application and upon payment of a renewal fee, the amount of which is to be fixed by the board.

(2) The board may renew on an inactive basis, the license of a physician who is not practicing medicine in this state. The board shall fix and collect an inactive license fee for each inactive license renewal, and each inactive license shall be issued for a period of not less than one (1) year nor more than five (5) years, the exact period to be fixed by the board. A physician holding an inactive license may not engage in the practice of medicine in this state. If a physician wishes to convert his inactive license to an active license, he must account to the board for that period of time in which he held an inactive license.

(3) Whenever the board determines that an applicant for a license to practice medicine and surgery, or osteopathic medicine and surgery is not qualified for such a license pursuant to the provisions of this act, the board shall notify the applicant by certified mail of its denial of licensure and the reasons for denial.

SECTION 10. 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 54-1810, Idaho Code, and to read as follows:

54-1810. LICENSURE BY WRITTEN EXAMINATION. (1) Any person seeking to be licensed to practice medicine and surgery or osteopathic medicine or osteopathic medicine and surgery in this state must successfully complete the following requirements before a license will be issued:

(a) Each applicant must submit a completed written application to the board on forms furnished by the board which shall require proof of graduation from a medical school acceptable to the board and successful completion of a post-graduate training program acceptable to the board.

(b) Each applicant must pass an examination conducted by or acceptable to the board which shall thoroughly test the applicant's fitness to practice medicine. If an applicant fails to pass the examination on two (2) separate occasions, he shall not be eligible to take the
examination for at least one (1) year, and before taking the examination again, he must make a showing to the board that he has successfully engaged in a course of study for the purpose of improving his ability to engage in the practice of medicine. Applicants who fail two (2) separate examinations in another state, territory, or district of the United States or Canada, must make the same showing of successful completion of a course of study prior to examination for licensure.

(c) Each applicant shall be personally interviewed by the board or a designated committee of the board. The interview shall be conducted to review the applicant's qualifications and professional credentials.

SECTION 11. 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 54-1811, Idaho Code, and to read as follows:

54-1811. LICENSURE BY ENDORSEMENT. Any person seeking to be licensed to practice medicine in this state who is licensed to practice medicine in another state must successfully complete the following requirements before a license to practice medicine will be issued:

(1) Each applicant must submit a completed written application to the board on forms furnished by the board which shall require proof of graduation from a medical school acceptable to the board and successful completion of a post-graduate training program acceptable to the board and which contains proof that the applicant has any one of the following qualifications:

(a) The applicant is a diplomate of the national board of medical examiners or the national board of examiners for osteopathic physicians and surgeons;
(b) The applicant holds a valid, unrevoked, unsuspended license to practice medicine and surgery, or osteopathic medicine and surgery in a state, territory or district of the United States or Canada, and the applicant demonstrates that he possesses the requisite qualifications to provide the same standard of health care as provided by licensed physicians in this state. The board may require further examination to establish such qualifications.

(2) Each applicant shall be personally interviewed by the board or a designated committee of the board. The interview shall be conducted to review the applicant's qualifications and professional credentials.
SECTION 12. 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 54-1812, Idaho Code, and to read as follows:

54-1812. GRADUATES OF MEDICAL SCHOOLS LOCATED OUTSIDE OF THE UNITED STATES AND CANADA. In addition to the other licensure requirements of this chapter, the board may require by rule and regulation that graduates of medical schools located outside of the United States and Canada provide additional information to the board concerning the medical school attended. The board may also require such graduates to take an additional examination, and the board shall require proof by such graduates that the degree they received would entitle them to practice medicine in the country in which the medical school is located. The board may refuse to issue a license to an applicant who graduated from a medical school located outside of the United States and Canada if it finds that such applicant does not possess the requisite qualifications to provide the same standard of health care as provided by licensed physicians in this state.

SECTION 13. 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 54-1813, Idaho Code, and to read as follows:

54-1813. TEMPORARY LICENSE AND REGISTRATION. (1) The board may by regulation provide for the issuance of a temporary license to a person licensed to practice medicine and surgery or osteopathic medicine and surgery in some other state, territory or district of the United States or Canada or to a person who is a diplomate of the national board of medical examiners or a diplomate of the national board of examiners for osteopathic physicians and surgeons, provided that such temporary license shall be issued only to persons who have made an application for a permanent license in this state. The board shall fix and collect a fee for a temporary license and it shall be valid from the date of issuance to the next regular meeting of the board, unless extended by the board.

(2) The board may by regulation provide for temporary registration of externs, interns, residents and physician's assistants. The board shall fix and collect a fee for the temporary registration and it shall specify the time period of the temporary registration.
SECTION 14. 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 54-1814, Idaho Code, and to read as follows:

54-1814. GROUNDS FOR MEDICAL DISCIPLINE. Every person licensed to practice medicine or registered as an extern, intern, resident or physician's assistant in this state is subject to discipline by the board pursuant to the procedures and powers set forth in section 54-1806A, Idaho Code, upon any of the following grounds:

(1) Conviction of a felony, or a crime involving moral turpitude, or the entering of a plea of guilty or the finding of guilt by a jury or court of commission of a felony or a crime involving moral turpitude.

(2) Use of false, fraudulent or forged statements or documents, diplomas or credentials in connection with any licensing or other requirements of this act.

(3) Practicing medicine under a false or assumed name in this or any other state.

(4) Advertising the practice of medicine in any unethical or unprofessional manner.

(5) Knowingly aiding or abetting any person to practice medicine who is not authorized to practice medicine as provided in this chapter.

(6) Performing or procuring an unlawful abortion or aiding or abetting the performing or procuring of an unlawful abortion.

(7) The provision of health care which fails to meet the standard of health care provided by other qualified physicians in the same community or similar communities, taking into account his training, experience and the degree of expertise to which he holds himself out to the public.

(8) Division of fees or gifts or agreement to split or divide fees or gifts received for professional services with any person, institution or corporation in exchange for referral.

(9) Giving or receiving or aiding or abetting the giving or receiving of rebates, either directly or indirectly.

(10) Inability to obtain or renew a license to practice medicine, or revocation of, or suspension of a license to practice medicine by any other state, territory, district of the United States or Canada, unless it can be shown that such action was not related to the competence of the person to practice medicine or to any conduct designated herein.

(11) Prescribing or furnishing narcotic or hallucinogenic drugs to addicted persons to maintain their
addictions and level of usage without attempting to treat the primary condition requiring the use of narcotics.

(12) Prescribing or furnishing narcotic, hypnotic, hallucinogenic, stimulating or dangerous drugs for other than treatment of any disease, injury or medical condition.

(13) Failure to safeguard the confidentiality of medical records or other medical information pertaining to identifiable patients, except as required or authorized by law.

(14) The direct promotion by a physician of the sale of drugs, devices, appliances or goods to a patient that are unnecessary and not medically indicated.

(15) Abandonment of a patient.

(16) Wilfully and intentionally representing that a manifestly incurable disease or injury or other manifestly incurable condition can be permanently cured.

(17) Failure to supervise the activities of externs, interns, residents or physician's assistants as required by the registration documentation of this chapter.

(18) Practicing medicine when a license pursuant to this chapter is suspended, revoked or inactive.

(19) Practicing medicine in violation of a voluntary restriction or terms of probation pursuant to this chapter.

(20) Refusing to divulge to the board upon demand the means, method, device or instrumentality used in the treatment of a disease, injury, ailment, or infirmity.

SECTION 15. Nothing in this act shall be construed to invalidate the license of any person holding a valid, unrevoked and unsuspended license to practice medicine and surgery, osteopathic medicine and surgery and osteopathic medicine in this state on the effective date of this act. The rules and regulations of the board in effect at the time of enactment of this act, and the fees fixed by the statutes repealed by this act shall remain in full force and effect until the board has adopted supplemental rules and regulations pursuant to this chapter.

SECTION 16. The provisions of this chapter or the application of such provision to any person or circumstance is declared invalid for any reason, such declaration shall not affect the validity of remaining portions of this chapter.

Approved March 30, 1977.
CHAPTER 200
(H.B. No. 71, As Amended in the Senate)

AN ACT
RELATING TO THE HOSPITAL MEDICAL LIABILITY ACT; AMENDING
SECTION 14, CHAPTER 162, LAWS OF 1975, BY CHANGING THE
AUTOMATIC REPEALING PROVISION FROM JUNE 1, 1977 TO JUNE
1, 1979; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 14, Chapter 162, Laws of 1975,
be, and the same is hereby amended to read as follows:

SECTION 14. An emergency existing therefor, which emer­
gency is hereby declared to exist, this act shall be in full
force and effect on and after June 1, 1975, and is hereby
repealed on and after June 1, 1979.

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, 1977.
AN ACT
RELATING TO THE DEFINITION OF CONSUMER LOAN FOR PURPOSES OF 
THE CONSUMER CREDIT CODE; AMENDING SECTION 28-33-301, 
IDAHO CODE, TO PROVIDE THAT CONSUMER LOAN DOES NOT 
INCLUDE CERTAIN CREDIT TRANSACTIONS FOR AGRICULTURAL 
PURPOSES.

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

SECTION 1. That Section 28-33-301, Idaho Code, be, and 
the same is hereby amended to read as follows:

28-33-301. APPLICABILITY -- INFORMATION REQUIRED. (1) 
For purposes of this Part, consumer loan includes a loan 
secured primarily by an interest in land without regard to 
the rate of the loan finance charge if the loan is otherwise 
a consumer loan (section 28-33-104); except that for the 
purpose of this Part, a consumer loan does not include 
credit transactions primarily for agricultural purposes in 
which the total amount to be financed exceeds $25,000, even 
though secured by an interest in land.

(2) The lender shall disclose to the debtor to whom 
credit is extended with respect to a consumer loan the 
information required by either this Part, or the Federal 
Consumer Credit Protection Act.

(3) For the purposes of subsection (2), information 
which would otherwise be required pursuant to the Federal 
Consumer Credit Protection Act is sufficient even though the 
transaction is one of a class of credit transactions 
exempted from that act pursuant to regulation of the board 
of governors of the federal reserve system.

Approved March 30, 1977.
AN ACT

EXPRESSION LEGISLATIVE INTENT WITH RESPECT TO EXPENDITURES FOR THE OFFICE OF THE STATE BOARD OF EDUCATION; AND APPROPRIATING MONEYS FROM THE ACCOUNTS ENUMERATED TO THE STATE BOARD OF EDUCATION FOR THE OFFICE OF THE STATE BOARD OF EDUCATION TO BE EXPENDED FOR DESIGNATED PROGRAMS, ACCORDING TO DESIGNATED EXPENSE CLASSES FROM THE LISTED ACCOUNTS FOR THE PERIOD JULY 1, 1977, THROUGH JUNE 30, 1978; REAPPROPRIATING THE BALANCE OF GENERAL FUND MONEYS APPROPRIATED BY SECTION 3, CHAPTER 241, LAWS OF 1976, TO THE STATE BOARD OF EDUCATION AND THE BOARD OF REGENTS OF THE UNIVERSITY OF IDAHO FOR THE PURPOSES SPECIFIED; AND PROVIDING EFFECTIVE DATES.

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

SECTION 1. It is legislative intent that the expenditures for the Office of the State Board of Education not exceed the following amounts for the period July 1, 1977, through June 30, 1978:

<table>
<thead>
<tr>
<th>FOR:</th>
<th>FROM:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel Costs</td>
<td>General Account</td>
</tr>
<tr>
<td>Operating Expenditures</td>
<td></td>
</tr>
<tr>
<td>Capital Outlay</td>
<td></td>
</tr>
<tr>
<td>Trustee &amp; Benefit Payments</td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td></td>
</tr>
<tr>
<td>$ 725,900</td>
<td>$3,604,700</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 accounts for the period July 1, 1977, through June 30, 1978:

<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. STATE BOARD OF 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 Account</td>
<td>$ 16,000</td>
<td>$ 21,500</td>
<td></td>
<td></td>
<td>$ 37,500</td>
</tr>
</tbody>
</table>
II. GENERAL ADMINISTRATION:
FROM:
General Account $254,100 $84,800 $1,200 $340,100
Continuing Education -
Title I - HEA Account 31,800 11,000 $141,500 $184,300
TOTAL $285,900 $95,800 $1,200 $317,900
324,700
III. STATEWIDE EDUCATIONAL PLANNING & REPORTING SYSTEM:
FROM:
General Account $213,800 $220,600 $2,000 $436,400
Local School District Contributions Account 176,300 27,600 2,000 205,900
TOTAL $390,100 $248,200 $4,000 $642,300
IV. EDUCATIONAL TELEVISION:
FROM:
General Account $33,900 $7,000 $1,112,800 $1,153,700
Idaho State Commission for Higher Education Account 776,200 776,200
TOTAL $33,900 $7,000 $1,889,000 $1,929,900
V. MEDICAL EDUCATION:
FROM:
General Account $1,434,000 $1,434,000
VI. SCHOLARSHIPS & GRANTS:
FROM:
General Account $203,000 $203,000
Idaho State Commission for Higher Education Account 100,000 100,000
TOTAL $303,000 $303,000
GRAND TOTAL $725,900 $372,500 $5,200 $3,857,500 $4,961,100

SECTION 3. The balance of the moneys authorized to be expended for emergency purposes by Section 5, Chapter 241, Laws of 1976, from the general fund moneys appropriated in Section 3, Chapter 241, Laws of 1976, to the State Board of Education and the Board of Regents of the University of Idaho at colleges and universities, is hereby reappropriated to the State Board of Education and the Board of Regents of the University of Idaho for the period July 1, 1977, through June 30, 1978, to be used for contingencies for those agencies, institutions, offices, departments and programs under the administration of 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 which may arise during fiscal year 1978. In the event such moneys, or any portion thereof, are not needed for emergency purposes, such moneys shall not be used for any other purpose and shall revert to the general account as of June 30, 1978.

SECTION 4. This act shall be in full force and effect on and after July 1, 1977, except for section 3 hereof. Section 3 of this act shall be in full force and effect on and after June 30, 1977.
CHAPTER 203
(H.B. No. 264)

AN ACT
EXPRESSING LEGISLATIVE INTENT WITH RESPECT TO EXPENDITURES FOR THE PUBLIC UTILITIES COMMISSION; AND APPROPRIATING MONEYS FROM THE LISTED ACCOUNTS TO THE PUBLIC UTILITIES COMMISSION TO BE EXPENDED FOR DESIGNATED PROGRAMS, ACCORDING TO DESIGNATED EXPENSE CLASSES FROM THE LISTED ACCOUNTS FOR THE PERIOD JULY 1, 1977, THROUGH JUNE 30, 1978.

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, 1977, through June 30, 1978:

<table>
<thead>
<tr>
<th>FOR:</th>
<th>PERSONNEL COSTS</th>
<th>OPERATING EXPENDITURES</th>
<th>CAPITAL OUTLAY</th>
</tr>
</thead>
<tbody>
<tr>
<td>FROM:</td>
<td>General Account</td>
<td>Public Utilities Commission Account</td>
<td></td>
</tr>
<tr>
<td></td>
<td>$1,042,300</td>
<td>395,700</td>
<td>1,100</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$1,439,100</td>
<td></td>
<td></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 accounts for the period July 1, 1977, through June 30, 1978:

<table>
<thead>
<tr>
<th>PROGRAM</th>
<th>PERSONNEL COSTS</th>
<th>OPERATING EXPENDITURES</th>
<th>CAPITAL OUTLAY</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. UTILITIES REGULATION:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
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<td>B. TRANSPORTATION REGULATION:</td>
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C. ADMINISTRATION:
FROM:
General Account
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Public Utilities
  Commission Account
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    69,700
    200
    238,400
TOTAL $ 308,400 $ 69,700 $ 200 $ 378,300

D. ACCOUNTING AND FINANCE:
FROM:
Public Utilities
  Commission Account
    $ 193,000
    $ 113,500
    $ 306,500
GRAND TOTAL $1,042,300 $ 395,700 $ 1,100 $1,439,100

Approved March 30, 1977.
CHAPTER 204

(H.B. No. 184)

AN ACT

RELATING TO THE ESTABLISHMENT OF HOSPITAL TRUSTS FOR INSURING AGAINST PUBLIC LIABILITY CLAIMS; AMENDING SECTION 41-114, IDAHO CODE, TO EXEMPT A HOSPITAL TRUST FROM ALL OF THE PROVISIONS OF THE IDAHO INSURANCE CODE; AMENDING TITLE 41, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER TO BE KNOWN AND DESIGNATED AS CHAPTER 37, TITLE 41, IDAHO CODE, TO AUTHORIZE THE ESTABLISHMENT, MAINTENANCE, ADMINISTRATION AND OPERATION OF ANY TRUST ESTABLISHED BY A GROUP OF HOSPITALS, LICENSED AS SUCH BY THE STATE OF IDAHO, FOR THE PURPOSE OF INSURING AGAINST GENERAL PUBLIC LIABILITY CLAIMS, INCLUDING BUT NOT LIMITED TO, CLAIMS BASED UPON MALPRACTICE; DECLARING THE PURPOSE OF THIS CHAPTER AND THAT SUCH HOSPITAL TRUSTS ARE OF LEGISLATIVE CONCERN; DEFINING VARIOUS TERMS; LIMITING THE OBLIGATION AND LIABILITIES OF ANY HOSPITAL PARTICIPATING IN SUCH A TRUST TO THE OBLIGATION TO PAY THE CONTRIBUTIONS REQUIRED OF IT BY A TRUST AGREEMENT TO WHICH IT IS A PARTY; REQUIRING REGISTRATION OF HOSPITAL TRUSTS; STATING QUALIFICATIONS OF HOSPITAL TRUSTS FOR REGISTRATION; PROVIDING FOR REGISTRATION PROCEDURE AND FEE AND FOR GRANTING OR DENIAL OF REGISTRATION, SPECIFYING POWERS OF A HOSPITAL TRUST; STATING LEGAL LIABILITY OF TRUST FUNDS FOR PAYMENT OF CLAIMS, AND FIDUCIARY CHARACTER OF SUCH FUNDS; GOVERNING THE INVESTMENT OF TRUST FUND MONIES; REQUIRING CERTAIN RESERVES; REQUIRING MAINTENANCE OF RECORDS AND ACCOUNTS OF TRUST FUND TRANSACTIONS AND AFFAIRS AND ANNUAL STATEMENT THEREOF TO THE DIRECTOR OF INSURANCE, AND PROVIDING FOR A FILING FEE; LEVying SPECIFIED TAX ON HOSPITAL TRUSTS; PROVIDING FOR EXAMINATION OF THE BOOKS AND RECORDS OF HOSPITAL TRUSTS BY THE DIRECTOR OF INSURANCE AND FOR THE COST OF SUCH EXAMINATION; DESIGNATING WHO MAY BE A TRUSTEE OR ADMINISTRATOR OF A HOSPITAL TRUST, REQUIRING BONDING OF ALL INDIVIDUALS HANDLING TRUST FUND RECEIPTS AND DISBURSEMENTS; SPECIFYING THE AMOUNT IN CERTAIN TERMS OF SUCH BONDING; PROHIBITING CERTAIN TRANSACTIONS BY TRUSTEES, ADMINISTRATORS AND OTHERS RESPONSIBLE FOR HOSPITAL TRUST MANAGEMENT, AND PROVIDING FOR REMOVAL OF PERSONNEL IN MATTERS INVOLVING CONFLICTS OF INTEREST; PROHIBITING POLITICAL CONTRIBUTIONS BY HOSPITAL TRUSTS; AUTHORIZING
THE DIRECTOR OF INSURANCE AND ATTORNEY GENERAL TO ACT FOR RECOVERY OF CERTAIN TRUST FUND DEPLETIONS; PROVIDING FOR TERMINATION OF REGISTRATION OF A HOSPITAL TRUST FOR SPECIFIED CAUSES AND FOR TERMINATION PROCEDURE AND REVIEWS; REQUIRING LIQUIDATION OF THE TRUST FUNDS UPON TERMINATION OF REGISTRATION, AND PROCEDURE FOR LIQUIDATION OF SOLVENT AND INSOLVENT TRUST FUNDS; MAKING CHAPTER 2, TITLE 41, IDAHO CODE, AND CHAPTER 13, TITLE 41, IDAHO CODE, ALSO APPLICABLE AS TO HOSPITAL TRUSTS; PROVIDING PENALTIES FOR VIOLATION OF THE ACT OR LAWFUL RULES AND REGULATIONS, FOR FALSE STATEMENTS AND REPRESENTATIONS, FAILURE OF DISCLOSURE, FALSE ENTRIES IN BOOKS AND IN REPORTS; AUTHORIZING THE DIRECTOR OF INSURANCE TO MAKE RULES AND REGULATIONS FOR THE EFFECTUATION OF THIS ACT AND PROCEDURES THEREFOR; PROVIDING THAT THIS ACT SHALL APPLY TO AND SHALL CONFER ALL RIGHTS, PRIVILEGES, EXEMPTIONS AND IMMUNITIES ON ANY TRUST ESTABLISHED FOR THE PURPOSES CONTEMPLATED BY THIS ACT, AND THE GRANTORS, MEMBERS, BENEFICIARIES, PARTICIPANTS AND TRUSTEES THEREOF; PROVIDING THAT THE COVERAGE PROVIDED BY HOSPITAL TRUSTS SHALL BE DEEMED INSURANCE FOR THE PURPOSES OF CHAPTER 42, TITLE 39, IDAHO CODE; PROVIDING THAT CERTIFICATION OF MEMBERSHIP IN A HOSPITAL TRUST SHALL MEET THE CERTIFICATION REQUIREMENTS OF THE HOSPITAL-MEDICAL LIABILITY ACT; AND PROVIDING THAT THE PROVISIONS OF THIS ACT ARE SEVERABLE.

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

SECTION 1. That Section 41-114, Idaho Code, be, and the same is hereby amended to read as follows:

41-114. APPLICATION OF CODE AS TO PARTICULAR TYPES OF INSURERS. No provision of this code shall apply with respect to:

(1) Domestic mutual benefit insurers (as identified in chapter 30), except as stated in chapter 30 (Mutual Benefit Associations).

(2) County mutual insurers (as identified in chapter 31), except as stated in chapter 31 (County Mutual Insurers).

(3) Fraternal benefit societies (as identified in chapter 32), except as stated in chapter 32 (Fraternal Benefit Societies).

(4) Hospital and medical service corporations (as identified in chapter 34), except as stated in chapter 34 (Hospital and Medical Service Corporations).
(5) Hospital trusts (as identified in chapter 43), except as stated in said chapter 43 (Idaho Hospital Liability Trust Act).

SECTION 2. That Title 41, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 37, Title 41, Idaho Code, and to read as follows:

CHAPTER 37

IDAHO HOSPITAL LIABILITY TRUST ACT

41-3701. DECLARATION OF PURPOSE. It is the purpose of this act to authorize the establishment, maintenance, administration and operation of hospital trusts, established by agreement of any hospitals of this state to insure against general public liability claims, to provide standards for financial soundness of such trusts and to protect the interests of the members covered thereby. The legislature of the state of Idaho declares that the existence and operation of such hospital trusts are matters of legislative concern, vitally affecting the rights and interests of the citizens of this state.

41-3702. DEFINITIONS. For the purpose of this act unless context otherwise requires:

(1) "Director" is the director of the department of insurance of this state.

(2) "Administrator" is a person, if other than the trustee, employed by the trustee to administer a hospital trust.

(3) "Trustee" is the trustee, whether a single or multiple trustee, of the hospital trust.

(4) "Person" is any individual, corporation, association, firm, syndicate, organization or other entity.

(5) "Contribution" is the amount paid or payable by a member into a trust fund.

(6) "Hospital trust" is any trust established pursuant to the provisions of this act by agreement of any hospitals, properly licensed by the state of Idaho, with such hospitals as grantors and beneficiaries of the trust, for the purpose of insuring against general public liability claims based upon acts or omissions of such hospitals, including but not limited to, claims based upon malpractice. A hospital trust may also insure against general public liability claims, including but not limited to, malpractice claims based upon acts or omissions of any employee, authorized volunteer
worker or member of a medical staff committee, while acting within the scope of his duties as such, of a member hospital.

(7) "Hospital" means a place devoted primarily to the maintenance and operation of facilities for the diagnosis, treatment or care for not less than twenty-four (24) hours in any week of two (2) or more nonrelated individuals suffering from illness, disease, injury, deformity, or requiring care because of old age, or a place devoted primarily to providing for not less than twenty-four (24) hours in any week of obstetrical or other medical or nursing care for two (2) or more nonrelated individuals. The term "hospital" includes public health centers in general, tuberculosis, mental, chronic disease and other types of hospitals, and related facilities, such as laboratories, out-patient departments, hospital-affiliated nursing homes, nurses' homes and training facilities, and central service facilities operated in connection with hospitals.

41-3703. TRUST AGREEMENTS AMONG A GROUP OF HOSPITALS AUTHORIZED. The establishment, maintenance, administration and operation of any trust, established by agreement of hospitals, properly licensed by the state of Idaho, with such hospitals as grantors and beneficiaries, for the purpose of insuring against general public liability claims based upon acts or omissions of such hospitals, including but not limited to, claims based upon malpractice, is hereby authorized. A hospital trust may also insure against general public liability claims, including but not limited to, malpractice claims based upon acts or omissions of any employee, authorized volunteer worker or member of a medical staff committee, while acting within the scope of his duties as such, of a member hospital. Such hospitals may, by trust agreement among themselves and a trustee or trustees of their selection, specify the terms, conditions and provisions of such a trust, upon compliance with the conditions set forth in this act.

41-3704. TITLE TO PROPERTY OF TRUSTS—LIABILITY OF TRUSTS AND TRUSTEES. The trustee of trusts established pursuant to this act shall hold the legal title to all property at any time belonging to the trust. They shall have control over such property as well as the control and management of the business and affairs of the trust. Liability to third persons for any act, omission or obligation of a trustee of a trust, when acting in such capacity, shall extend to the whole of the trust estate, or so much thereof as may be
necessary to discharge such obligation, but no trustee shall be personally liable for such act, omission or obligation, except as provided herein. The trustee shall have such powers as to the investment of the trust estate as may be set out in the declaration of trust and in section 41-3712, Idaho Code, without regard to the type of investments to which trustees generally are restricted by the provisions of title 68, Idaho Code. In addition, the trustee shall have any powers, whether conferred upon them by the trust agreement or otherwise, to perform all acts necessary or desirable to the conduct of the business of a public liability insurer.

41-3705. OBLIGATION OF PARTICIPATING HOSPITALS LIMITED. No hospital which is a participant in a hospital trust as grantor, member, beneficiary or otherwise, shall be liable or obligated to the trust, to the trustee, to any grantor, member or beneficiary, to any creditor of the trust, or to any other person by virtue of its participation other than for the payment of its full agreed contribution to the trust in accordance with the trust agreement. No participating hospital shall incur any other liability of any nature whatsoever because of or arising out of its participation in a hospital trust.

41-3706. REGISTRATION. Every hospital trust established pursuant to the provisions of this act shall be registered with the director as hereinafter provided.

41-3707. QUALIFICATIONS FOR REGISTRATION. The director shall not register a hospital trust which is not qualified therefor. To be qualified, a hospital trust:
(1) Must require all contributions to be paid in advance and to be deposited in and disbursed from a trust fund duly created and existing under an adequate written trust agreement between the hospitals.
(2) Must have, or provide for, a trustworthy and responsible trustee, and for competent administration of the trust fund and plan.
(3) Must provide that the administrator or trustee on behalf of the trust fund, as the case may be, shall furnish to each member of the trust a written statement adequately and clearly stating all rights and obligations of the members of the trust, together with all applicable restrictions, limitations, and exclusions, and the procedure for filing a claim.
(4) Must be actuarially sound; that is, assets, income
and other financial resources of the trust fund must be adequate under reasonable estimates for payment of all claims, claims adjustment expenses, taxes, expenses and other obligations.

(5) Must otherwise be in compliance with this chapter.

41-3708. APPLICATION FOR REGISTRATION -- FEE. (1) Application for registration of a hospital trust shall be made to the director, on forms furnished and designed by him for the purpose of eliciting information as to whether the trust is qualified for registration. The application shall be signed and verified by at least one (1) of the trustees. If the trustee is a corporation, the verification shall be by a duly authorized corporate officer.

(2) The application shall be accompanied by:
(a) A copy of the trust agreement under which the trust fund is to exist and operate;
(b) A copy of the proposed written statement referred to in subsection (3) of section 41-3707, Idaho Code;
(c) A written statement of reasonably projected income and disbursements of the trust fund for the twelve (12) month period commencing with date of application and showing also the amount reserved and financial resources available as of the end of such period for claims incurred and not paid or incurred and not reported;
(d) A current certified audited financial statement;
(e) Such other relevant documentation and information as the director may reasonably require.

(3) At time of filing the application, the applicant shall pay to the director a nonrefundable filing fee of twenty-five dollars ($25.00). The director shall promptly remit all such fees to the state treasurer for credit to the general fund of the state.

41-3709. GRANT OR DENIAL OF REGISTRATION. (1) The director shall act upon an application for registration of a hospital trust with all reasonable promptness. He may make such investigation of the proposal as he deems advisable. If the director finds that the application is complete and that the plan meets the qualifications stated in section 41-3707, Idaho Code, he shall issue and deliver a certificate of registration in appropriate form to the applicant; otherwise, the director shall refuse to register the plan and shall give written notice of such refusal to the applicant, stating the reasons therefor.

(2) All procedures and policies concerning the grant or denial of registration of any hospital trust are subject to
the provisions of chapter 52, title 67, Idaho Code, as well as the rules of practice and procedure of the department of insurance.

41-3710. TRUST FUND -- POWERS. The trust fund of a hospital trust shall have power:

(1) To have and use an appropriate descriptive name;
(2) To sue and be sued in its own name;
(3) To contract in its own name. All such contracts in writing shall be signed by the trustee of the trust, and if there is more than one (1) trustee, the contract may be so executed by one (1) trustee if so authorized by all trustees;
(4) To borrow money and give security therefor; and
(5) To engage exclusively in transactions authorized or required by this act, or reasonably incidental thereto.

41-3711. TRUST FUND -- LIABILITY. (1) The trust fund of a hospital trust shall be legally liable for payment of all appropriate claims to the extent provided for in the trust agreement.

(2) Funds in the trust fund are fiduciary funds and are not liable for any obligation of a member of the trust except those obligations arising from general public liability claims as more specifically provided for herein.

41-3712. INVESTMENT OF TRUST FUND. (1) The trustee may invest reserves and other funds available for the purpose in the trust fund of a hospital trust in the following kinds of investments only:

(a) General obligations of the United States government, or of any state, district, commonwealth, or territory of the United States, or of any municipality, county, or other political subdivision or agency thereof.
(b) Obligations, the payment of principal and interest of which is guaranteed by any such government or agency.
(c) Corporate bonds and similar obligations meeting the requirements specified for investment of funds of insurers under section 41-711, Idaho Code.
(d) Collateral loans, payment of principal and interest of which is adequately secured by securities in which the trust fund could lawfully invest direct.
(e) Deposits, savings accounts, and share accounts in established banks and savings and loan associations located in the United States.

(2) The trustee is expressly prohibited from investing
trust fund moneys in:

(a) Any loan to or security of any member of the trust.
(b) Real estate or loans thereon.
(c) Any personal loan, other than a collateral loan referred to in subsection (1)(d) above, but subject to subdivision (a) of this subsection (2).

(3) All such investments shall be made and held in the name of the trust fund, and the interest and yield thereon shall inure to the account of the trust fund.

(4) No investment shall be made unless authorized in writing by the trustee and so shown in the records of the trust fund.

(5) Any person who authorizes any investment of trust fund moneys in violation of this section shall, in addition to other penalty therefor, be liable for all loss suffered by the trust fund on account of the investment.

(6) No investment made in violation of this section shall constitute an "asset" in any determination of the financial condition of the trust fund.

41-3713. RESERVES. (1) A hospital trust shall establish and maintain the following reserves or financial resources, including but not limited to, bank credit:

(a) An amount sufficient for payment of claims against the trust fund, including both claims reported and not yet paid and claims incurred but not yet reported.
(b) An amount for unearned contributions as computed pro rata on the basis of the unexpired portion of the period for which the contribution has been paid.
(c) An amount adequate under reasonable estimates for payment of all claims, claims adjustment expenses, taxes, expenses and other obligations.

(2) In any determination of the financial condition of the trust fund, the reserves or financial resources relating to subsections (a), (b) and (c) above shall constitute liabilities.

41-3714. RECORDS AND ACCOUNTS -- ANNUAL STATEMENT. (1) The trustees of a hospital trust shall cause full and accurate records and accounts to be entered and maintained covering all financial transactions and affairs of the trust fund.

(2) Within sixty (60) days after close of calendar year, the trustee shall make an annual statement in writing summarizing the financial transactions of the trust fund for such calendar year and its financial condition at the end of such year in accordance with this act and generally accepted
and applicable accounting principles. The statement shall otherwise be in form and require information as prescribed by the director; and the financial information therein shall be certified by the accountant by whom such information was prepared and audited. The trustee shall promptly deliver a copy of the statement to each member of the trust, and keep a copy thereof on file in the business office of the trust.

(3) On or before expiration of such sixty (60) day period the trustee shall cause an original of the annual statement to be filed with the director. The trust fund shall pay a filing fee of twenty-five dollars ($25.00) to the director on filing the statement. The director shall promptly deposit such fee with the state treasurer for credit to the general fund of the state.

41-3715. TAXES. (1) There is hereby levied upon hospital trusts the tax provided for in this section. Each hospital trust upon registration with the director of the department of insurance, and annually thereafter, shall pay to the director a tax computed at the rate of one per cent (1%) of the total contributions to be made to the trust during that year.

(2) The state of Idaho hereby preempts the field of imposing excise, privilege, franchise, income, license and similar taxes, licenses and fees upon hospital trust funds; and no county, city, municipality, district, school district, or other political subdivision or agency of Idaho shall levy upon hospital trust funds any such tax, license or fee additional to such as are levied by the legislature of Idaho in this act.

(3) The tax levied herein, together with the fees provided for in this act shall be in lieu of any and all income taxes and other excise taxes, licenses and fees payable to the state of Idaho.

(4) The director shall promptly remit all such tax payments received by him to the state treasurer for credit to the general fund of the state.

41-3716. EXAMINATION OF BOOKS, RECORDS AND ACCOUNTS. (1) The books, records, accounts and affairs of a hospital trust shall be subject to examination by the director, by competent examiners duly authorized by him in writing, at such times or intervals as the director deems advisable. The purposes of the examination shall be to determine compliance of the trust with applicable laws, financial condition and actuarial adequacy of the trust fund, and as to other factors materially related to the trust's manage-
(2) The trustee shall make the books, records and accounts of the trust and trust fund available to the examiner and otherwise facilitate the examination.

(3) The examiner shall conduct the examination expeditiously, make his report of the examination in writing, and deliver a copy thereof to the trustee and the director. The trustee shall have two (2) weeks after receipt of the report within which to recommend to the director such corrections or changes therein as the trustee may deem appropriate. After making such corrections or changes, if any, as he deems proper, the director shall file the report in his office as a document open to public inspection, and deliver to the trustee a copy of the report as so corrected or changed.

(4) The costs of the examination shall be borne by the trust fund of the hospital trust. The trustee shall pay to the examiner and other persons assisting in making the examination, the actual travel expenses, reasonable living expense allowance, and compensation, at reasonable rates customary for such examination and as approved by the director, necessarily incurred on account of the examination, upon presentation of a detailed account of all such charges and expenses. A consolidated account of all such charges and expenses for the examination shall be certified to in duplicate by the trustee of the hospital trust examined, one (1) copy of which shall be retained by the trust and the other copy filed in the department as a public record.

41-3717. TRUSTEES -- ADMINISTRATORS -- BONDING. (1) Either an individual or a corporation may be a trustee of the trust fund. Either an individual, firm, or corporation may be an administrator of a hospital trust.

(2) A member of the trust shall be neither a trustee nor the administrator, but this provision shall not be deemed to prohibit an individual who is otherwise an employee of such a member from being trustee or administrator.

(3) The trustee shall cause all individuals handling receipts and disbursements for the trust fund to be bonded at all times under a fidelity bond issued by a surety insurer authorized to transact such insurance in this state. The bond shall be in favor of the trust fund and for such aggregate penalty amount, not less than twenty-five thousand dollars ($25,000), as the director may deem reasonably advisable in relation to amount of funds to be so handled. The bond shall be noncancellable except upon not less than
thirty (30) days advance notice in writing to the trustee and the director. The cost of the bond shall be borne by the trust fund.

41-3718. PROHIBITED PECUNIARY INTERESTS IN PLAN MANAGEMENT. (1) No trustee, administrator, or other person having responsibility for the management of a hospital trust or the investment or other handling of trust funds shall:
(a) Receive directly or indirectly or be pecuniarily interested in any fee, commission, compensation, or emolument, other than salary or other similar compensation regularly fixed and allowed for services regularly rendered to the hospital trust, arising out of any transaction to which the trust fund is or is to be a party.
(b) Receive compensation as a consultant to the hospital trust while also acting as a trustee or administrator, or as an employee of either.
(c) Have any direct or indirect material pecuniary interest in any loan or investment of the trust fund.
(2) The director may, after reasonable notice and a hearing, require removal of a trustee or prohibit the trustee from employing or retaining or continuing to employ or retain any person in the administration of the trust fund or hospital trust upon finding that continuation of the trustee or such employment or retention involves a conflict of interest not in the best interests of the trust or adversely affecting interests of members.

41-3719. POLITICAL CONTRIBUTIONS PROHIBITED. No trustee shall make or knowingly permit the making, directly or indirectly, of any political contribution by or from any hospital trust fund.

41-3720. RECOVERY OF DEPLETED FUNDS. If after notice and hearing the director finds that any hospital trust fund has been depleted by reason of any wrongful or negligent act or omission of a trustee or any other person, he shall transmit a copy of his findings to the attorney general of this state, who may bring an action in the name of the people of this state, or intervene in any action brought by or on behalf of a member for the recovery of the amount of such depletion, for the benefit of the trust fund.

41-3721. TERMINATION OF REGISTRATION. (1) The director shall terminate the registration of a hospital trust upon written request of the trustee, or if he finds, after an
examination, that the trust fund is insolvent.

(2) The director may terminate the registration of a hospital trust for violation of this act, or failure of the trustee to file the annual statement with the director and pay the tax within the time required under sections 41-3713 and 41-3714, Idaho Code, or if he finds, after an examination of the trust fund and the hospital trust:

(a) That the hospital trust no longer meets the qualifications required by section 41-3707, Idaho Code, and that the deficiency will not or cannot be remedied within a reasonable time;
(b) That as a matter of frequent practice, claims are not being fairly and promptly paid;
(c) That the cost of administering the hospital trust is excessive in relation to the character and volume of service being rendered in the administration; or
(d) That the trust fund has been subject to fraudulent or dishonest practices on the part of the trustee, administrator, consultant, or any member thereof.

(3) The director shall so terminate the registration by his written order given to the trustee last of record and to each member last of record. The order shall state the grounds upon which made and its effective date. The order shall be subject to judicial review in the same manner as applies to official orders of the director in general.

41-3722. LIQUIDATION OF TRUST FUND. (1) Upon termination of administration, the trust fund of a hospital trust shall be liquidated.

(2) Liquidation shall be conducted by its trustee under a plan of liquidation in writing filed with the director, found by the director to be fair and equitable to all persons having a pecuniary interest in the trust fund, and approved by him. Any balance remaining after payment or adequate provision for all claims and charges against the trust fund shall be disposed of in such manner as is provided for in the plan of liquidation. Unless under the plan of liquidation liability for all unpaid claims and obligations of the trust fund has been assumed by other financially responsible person or persons, the existence of surplus funds for such disposition shall not be determined prior to expiration of two (2) years after termination of the registration.

(3) The plan of liquidation of an insolvent trust fund, after such plan has been approved by the director, shall be binding upon all persons pecuniarily interested in the trust fund. Pending the effectuation of the plan of liquidation of
an insolvent trust fund the director may impose such pro-
hibitions or restrictions upon disbursement or use of trust
fund moneys as he deems advisable for the protection of all
interested persons.

(4) If the trust fund is then insolvent and a plan of
liquidation thereof satisfactory to the director as being
fair and equitable is not filed with him within sixty (60)
days after the effective date of termination of the plan's
registration, or if liquidation of a solvent trust fund is
not being carried out in accordance with the plan of
liquidation theretofore approved by him, the director shall
liquidate the trust fund under the applicable provisions of
chapter 33, title 41, Idaho Code (rehabilitation and
liquidation), and for the purpose the trust fund shall be
deemed to be an insolvent domestic insurer.

41-3723. OTHER PROVISIONS APPLICABLE. Chapter 2, title
41, Idaho Code (the director of the department of insur-
ance), and chapter 13, title 41, Idaho Code (trade practices
and frauds), to the extent applicable and not in conflict
with the express provisions of this act, shall also apply
with respect to hospital trusts, and for the purpose such
trusts shall be deemed to be "insurers."

41-3724. PENALTIES. (1) Any person who willfully vio-
lates or causes or induces violation of any provision of
this act or any lawful rule or regulation of the director
issued thereunder, shall be subject to penalty as provided
in subsection (4) of this section.

(2) An person who makes a false statement or repre-
sentation of a material fact, knowing it to be false, or who
knowingly fails to disclose a material fact in any applica-
tion, examination, or statement required under this act or
by lawful rule or regulation of the director thereunder,
shall be subject to penalty as provided in subsection (4) of
this section.

(3) Any person who makes a false entry in any book,
record, statement, or report required by this act or lawful
rule or regulation of the director thereunder to be kept by
him for any self-funded plan, with intent to injure or
defraud the trust fund or any member thereof, or to deceive
any one authorized or entitled to examine the affairs of the
hospital trust, shall be subject to penalty as provided in
subsection (4) of this section.

(4) For each such violation, act or omission referred
to in this section, unless greater penalty is provided
therefor under any other applicable law, the offender shall
upon conviction thereof be subject to a fine of not more than one thousand dollars ($1,000) and to imprisonment for not more than one (1) year, or to both such fine and imprisonment.

41-3725. RULES AND REGULATIONS. (1) The director may make reasonable rules and regulations necessary for or as an aid to effectuation of any provision of this act. No such rule or regulation shall extend, modify, or conflict with any provision of this act and the reasonable implications thereof.

(2) Such rules and regulations, or any amendment thereof, shall be made by the director only after a public hearing thereon of which the director has given written notice not less than thirty (30) days in advance to the trustee of each hospital trust then registered with him. If reasonably possible the director shall include with the notice a copy of the proposed rules and regulations or amendment, or a condensed summary of material proposed provisions.

(3) All procedures and policies concerning the promulgation of such rules and regulations, or any amendment thereof, are subject to the provisions of chapter 52, title 67, Idaho Code, and the rules of practice and procedure of the department of insurance.

41-3726. APPLICATION OF CHAPTER. All of the provisions of this act shall apply to and confer all rights, privileges, exemptions and immunities upon any hospital trust established for the purposes contemplated by this act, and the grantors, members, beneficiaries, participants and trustees thereof.

41-3727. INSURANCE. The coverage provided by a hospital trust established pursuant to this act shall be deemed insurance for the purposes of the requirements of title 39, chapter 42, Idaho Code.

41-3728. CERTIFICATE OF MEMBERSHIP. Certification of membership in a hospital trust established pursuant to this act, in the form provided for in sections 39-4208 and 39-4209, Idaho Code, shall meet the certification requirements of the hospital-medical liability act.

41-3729. 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 30, 1977.

CHAPTER 205
(S.B. No. 1219)

AN ACT
RELATING TO LIVESTOCK; AMENDING CHAPTER 14, TITLE 25, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 25-1416, IDAHO CODE, TO PROVIDE FOR TRANSFER OF TITLE TO LIVESTOCK, AND TO PROVIDE FOR THE SIGNATURE OF THE SELLER AND A WARNING ON CERTIFICATES OF BRAND INSPECTION.

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

SECTION 1. That Chapter 14, Title 25, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 25-1416, Idaho Code, and to read as follows:

25-1416. TRANSFER OF TITLE FOR LIVESTOCK. (a) Legal title to all livestock, as defined in section 25-1401, Idaho Code, shall pass from the seller to the buyer when the seller indicates by personal signature, on the certificate of brand inspection, as such certificate is provided for in this chapter, that satisfactory payment has been made.

(b) The state brand board, pursuant to its authority to promulgate rules and regulations as provided in section 25-1413, Idaho Code, shall cause to be printed on all brand certificate forms a signature line whereon the seller can indicate that satisfactory payment has been made, and a warning that title to livestock does not pass until the seller has attested by personal signature that satisfactory payment has been made.

Approved March 30, 1977.
CHAPTER 206
(S.B. No. 1074)
AN ACT
RELATING TO CERTAIN EXPENDITURES OF THE INVESTMENT BOARD;
AMENDING SECTION 57-727, IDAHO CODE, TO PROVIDE THAT
SALARIES AND OTHER EXPENSES OF THE INVESTMENT BOARD
SHALL BE FROM APPROPRIATIONS MADE THEREFOR; AND DECLAR­
ing AN EMERGENCY.

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

SECTION 1. That Section 57-727, Idaho Code, be, and the
same is hereby amended to read as follows:

57-727. INVESTMENT TRUSTEE -- STAFF -- LEGAL ADVISORS.
(1) With the approval of two-thirds (2/3) of the members of
the board; an investment trustee may be employed who shall
perform such managerial activities and functions as the
board may direct. The investment trustee shall serve at the
pleasure of the board in an exempt position. The investment
trustee shall be employed by the board. The salary of the
investment trustee shall be set by the board, subject to
approval of the governor, and be paid from income-earned
from-the-investment-of-the-endowment-funds appropriations
made therefor. The investment trustee shall be bonded in an
amount established by the board.

(2) The board may authorize the employment of whatever
staff it deems necessary for the administration of the
board's business. The investment trustee shall hire such
authorized staff who shall hold their respective positions
subject to the rules and regulations of the Idaho personnel
commission. The salaries of all staff members shall be paid
from income-earned-from-the-investment-of-the-endowment
funds-as-the-board-may-direct appropriations made therefor.

(3) The director of the department of finance shall
have access to any and all books and records maintained by
the investment trustee and his staff as the board may deem
necessary.

(4) The board shall be furnished adequate and qualified
legal advisors by the attorney general's office.

(5) All current expenses, capital outlay, and travel
expenses shall be paid from income-earned-from-investment-of
the-funds-as-the-board-may-direct appropriations made
therefor.

(6) The board shall, upon request of the agency
involved, furnish advice to the treasurer, the manager of the state insurance fund, and the public employees retirement board, and the board may, upon request of the agency, invest funds of the requesting agency.

SECTION 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, 1977.

CHAPTER 207
(S.B. No. 1224)
AN ACT
RELATING TO REAPPRAISAL OF PROPERTY FOR PROPERTY TAX PURPOSES; AMENDING SECTION 63-202A, IDAHO CODE, TO CLARIFY THE POWER OF THE STATE TAX COMMISSION TO REQUIRE REAPPRAISALS AND TO MAKE INCIDENTAL ORDERS NECESSARY TO SUCH REAPPRAISALS.

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

SECTION 1. That Section 63-202A, Idaho Code, be, and the same is hereby amended to read as follows:

63-202A. COMPLIANCE OF PUBLIC OFFICERS WITH ASSESSMENT AND EQUALIZATION RULES, REGULATIONS AND ORDERS OF STATE TAX COMMISSION. (1) Every public officer shall comply with any lawful order, rule or regulation of the state tax commission made pursuant to the provisions of title 63, Idaho Code.

(2) Whenever it appears to the state tax commission that any public officer or employee whose duties relate to the assessment or equalization of assessments of property for taxation has failed to comply with any law relating to such duties, or the rules of the state tax commission made in pursuance thereof, the state tax commission, after a hearing on the facts, may issue its order directing the public officer or employee to comply with such law or rule. An order of the state tax commission may require a county to conduct a revaluation of some or all of the property within the county as the tax commission may find necessary to promote uniformity of taxation within the county. When necessary for the implementation of such an order, the tax commission is empowered to reconvene a county board of equalization for a period not to exceed ninety (90) days beyond
the date otherwise prescribed for the adjournment of such board for the sole purpose of permitting the board to hear and determine protests of valuations resulting from such ordered reappraisal provided that such protests are filed on or before the date otherwise prescribed for the adjournment of the board of equalization and that such extension is necessary for the proper completion of the board's duties. The order may further permit the certification of estimated values by the county to the state tax commission subject to the approval of the tax commission if necessary to permit the board of equalization to properly complete its work and such values, when approved by the tax commission, may be used to set levies if actual values are unavailable on the date prescribed for setting levies.

(3) If such public officer or employee, for a period of ten (10) days after service on him of the state tax commission's order, neglects or refuses to comply therewith, the state tax commission may apply to a judge of the district court of the county in which the public officer holds office for an order, returnable within five (5) days from the date thereof, to compel such public officer or employee to comply with such law or rule, or to show cause why he should not be compelled so to do.

(4) Any order issued by the judge pursuant thereto shall be final; provided, however, that any person aggrieved by such order may appeal to the Supreme Court of the state of Idaho in the manner provided for appeals in other civil actions. An appeal as provided for herein shall not stay any order issued by any judge pursuant hereto pending such appeal.

(5) The remedy provided in this section shall be cumulative and shall not exclude the state tax commission from exercising any other power or right delegated to it.

Approved March 30, 1977.
CHAPTER 208

(S.B. No. 1263, As Amended in the House)

AN ACT
RELATING TO RAPE; AMENDING SECTION 18-6101, IDAHO CODE, TO STRIKE THE PROVISION THAT A MAN CANNOT RAPE HIS WIFE; ADDING A NEW SECTION 18-6105, IDAHO CODE, LIMITING THE INTRODUCTION OF EVIDENCE OF PAST SEXUAL CONDUCT BY THE PROSECUTING WITNESS; ADDING A NEW SECTION 18-6106, IDAHO CODE, TO PROVIDE THAT A PERSON CONVICTED OF RAPE MAY BE ORDERED TO PAY COSTS INCURRED BY THE VICTIM; AND ADDING A NEW SECTION 18-6107, IDAHO CODE, TO PROVIDE THAT A SPOUSE CANNOT BE CONVICTED OF THE RAPE OF THE OTHER SPOUSE EXCEPT UNDER LIMITED CIRCUMSTANCES.

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

SECTION 1. That Section 18-6101, Idaho Code, be, and the same is hereby amended to read as follows:

18-6101. RAPE DEFINED. Rape is an act of sexual intercourse accomplished with a female not-the-wife-of-the-perpetrator under either of the following circumstances:

1. Where the female is under the age of eighteen years.
2. Where she is incapable, through lunacy or any other unsoundness of mind, whether temporary or permanent, of giving legal consent.
3. Where she resists, but her resistance is overcome by force or violence.
4. Where she is prevented from resistance by threats of immediate and great bodily harm, accompanied by apparent power of execution; or by any intoxicating narcotic, or anaesthetic substance administered by or with the privy of the accused.
5. Where she is at the time unconscious of the nature of the act, and this is known to the accused.
6. Where she submits under the belief that the person committing the act is her husband, and the belief is induced by artifice, pretense or concealment practiced by the accused, with intent to induce such belief.

SECTION 2. That Chapter 61, 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 18-6105,
Idaho Code, and to read as follows:

18-6105. In prosecutions for the crime of rape, evidence of the prosecuting witness' previous sexual conduct shall not be admitted nor reference made thereto in the presence of the jury, except as provided hereinafter. The defendant may make application to the court before or during the trial for the admission of evidence concerning the previous sexual conduct of the prosecuting witness. Upon such application the court shall conduct a hearing out of the presence of the jury as to the relevancy of such evidence of previous sexual conduct and shall limit the questioning and control the admission and exclusion of evidence upon trial. Nothing in this section shall limit the right of either the state or the accused to impeach credibility by the showing of prior felony convictions.

SECTION 3. That Chapter 61, 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 18-6106, Idaho Code, and to read as follows:

18-6106. Persons convicted of offenses covered under this chapter may be ordered by the court to provide restitution to the victim for specific costs incurred by the victim as a result of injury or loss caused by the criminal act.

SECTION 4. That Chapter 61, 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 18-6107, Idaho Code, and to read as follows:

18-6107. No person shall be convicted of rape for any act or acts with that person's spouse, except as provided hereafter:
1. A spouse has initiated legal proceedings for divorce or legal separation; or
2. The spouses have voluntarily been living apart for one hundred eighty (180) days or more.

Approved March 30, 1977.
CHAPTER 209
(S.B. No. 1251)

AN ACT
RELATING TO RECORDS FILED WITH THE SECRETARY OF STATE;
AMENDING CHAPTER 9, TITLE 67, IDAHO CODE, BY THE ADDI-
TION OF A NEW SECTION 67-914, IDAHO CODE, TO PROVIDE
THAT RECORDS FILED WITH THE SECRETARY OF STATE HAVING AN
OFFICIAL VALUE MAY, UNDER CERTAIN CONDITIONS, BE REMOVED
FROM THE OFFICE FOR STORAGE.

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

SECTION 1. 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 67-914, Idaho Code, and to read as follows:

67-914. RECORDS INFREQUENTLY USED HAVING OFFICIAL VALUE
-- REMOVAL. Records filed with the secretary of state having
an official value, but which are used infrequently, may, on
order of the state board of examiners, be removed from the
office of the secretary of state to any suitable place of
storage.

Approved March 30, 1977.
AN ACT
RELATING TO BEAUTIFICATION OF STATE HIGHWAYS; AMENDING CHAPTER 18, TITLE 40, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 40-2810, IDAHO CODE, DECLARING A LEGISLATIVE POLICY RELATING TO TOURIST RELATED SIGNS WHICH WERE LAWFULLY CREATED UNDER STATE LAW IN FORCE AT THE TIME OF THEIR ERECTION AND THE REMOVAL OF WHICH WOULD WORK A SUBSTANTIAL ECONOMIC HARDSHIP IN THE DEFINED AREA WITHIN THE STATE OF IDAHO, AND DEFINING TOURIST RELATED ADVERTISING SIGN; AMENDING SECTION 40-2828, IDAHO CODE, TO PROVIDE THAT THE IDAHO TRANSPORTATION DEPARTMENT, UPON RECEIPT OF A CERTIFIED COPY OF AN ORDINANCE FROM A BOARD OF COUNTY COMMISSIONERS OR A CITY COUNCIL, SHOWING THAT THE REMOVAL OF A TOURIST RELATED ACTIVITY WOULD CAUSE AN ECONOMIC HARDSHIP ON A DEFINED AREA, MAY FORWARD THE ORDINANCE TO THE SECRETARY OF THE UNITED STATES DEPARTMENT OF TRANSPORTATION FOR INCLUSION AS A DEFINED HARDSHIP AREA QUALIFYING FOR EXEMPTIONS PURSUANT TO SECTION 131(o), TITLE 23, UNITED STATES CODE; PROVIDING THAT THE ORDINANCE MUST BE ACCOMPANIED BY ECONOMIC STUDIES REQUIRED BY FEDERAL RULES AND REGULATIONS AND MUST SHOW THAT THE TOURIST RELATED ADVERTISING DEVICES PROVIDE INFORMATION IN THE INTEREST OF THE TRAVELING PUBLIC AND THAT THE REMOVAL OF THE DISPLAYS WILL WORK A SUBSTANTIAL ECONOMIC HARDSHIP IN A DEFINED AREA; PROVIDING THAT SUCH ORDINANCE AND ECONOMIC STUDIES MUST BE SUBMITTED TO THE IDAHO TRANSPORTATION DEPARTMENT PRIOR TO JULY 1, 1978; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Chapter 28, Title 40, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 40-2810, Idaho Code, and to read as follows:

40-2810. LEGISLATIVE POLICY -- TOURIST RELATED ADVERTISING DEVICES. (a) The state of Idaho herewith finds and determines that the removal of tourist related signs which were lawfully created under state law in force at the time of their erection which do not conform to the requirements
of 23 United States Code 131(o) which provide directional information about goods and services in the interest of the traveling public and which were in existence on May 6, 1976, may work a substantial economic hardship in defined areas within the state of Idaho.

(b) As used in this act, "tourist related advertising sign" means any sign which advertises a specific public or private facility, accommodation or service, at a particular location or site, including but not limited to the following: overnight lodging, camp site, food service, recreational facility, tourist attraction, educational or historical site or feature, automotive service, facility or garage.

SECTION 2. That Section 40-2828, Idaho Code, be, and the same is hereby amended to read as follows:

40-2828. GENERAL PROHIBITIONS. Notwithstanding any other provision of this act, no advertising display shall be erected or maintained within six hundred sixty (660) feet from the edge of the right-of-way of the interstate and primary system of highways within this state except the following:

(1) Directional or other official signs or notices that are required or authorized by law, informational or directional signs regarding telephone service, emergency telephone signs, buried or underground cable markers and above cable closures.

(2) Signs advertising the sale or lease of property upon which they are located.

(3) Displays advertising activities conducted on the property upon which they are located, provided that not more than one (1) such sign, visible to traffic proceeding in any one (1) direction, and advertising activities being conducted upon the real property where the sign is located may be permitted more than fifty (50) feet from the advertising activity.

(4) Displays located within areas zoned industrial, business or commercial under authority of state law, or in unzoned industrial or commercial areas as determined by the department pursuant to section 40-2829, Idaho Code.

(5) Displays erected or maintained pursuant to regulation of the department designed to give information in the specific interest of the traveling public and all nonconforming tourist related advertising signs in defined hardship areas which provide specific directional information to the traveling public and are approved by the secretary of transportation pursuant to 23 United States Code 131
subsection (o).

(6) Signs lawfully in existence on October 22, 1965, determined to be landmark signs, including signs on farm structures or natural surfaces, of historic or artistic significance, the preservation of which would be consistent with the purposes of this chapter.

(7) On or after the date of passage and approval of this act, no advertising structure or display shall be erected or maintained in this state, other than those allowed pursuant to subparagraphs (2), (3) and (4) of this section, which are located beyond six hundred sixty (660) feet of the right-of-way, located outside of urban areas, visible from the main traveled way of the system, and erected with the purpose of their message being read from that main traveled way of the system, and erected within the purpose of the message being read from that main traveled way.

(8) The Idaho department of transportation, by and through its director, may, upon receipt of a certified copy of an ordinance from a board of county commissioners, or a city council, accompanied by all economic studies required by federal rules and regulations showing that the removal of tourist related advertising activities would cause an economic hardship on a defined area, forward the ordinance to the secretary of the United States department of transportation for inclusion as a defined hardship area, qualifying for exemption pursuant to section 131(o), title 23, United States Code. The ordinance and economic studies shall show that (1) the tourist related advertising devices provide directional information about goods and services in the interest of the traveling public, and (2) that the removal of the specific directional advertising displays will work a substantial economic hardship in the defined area. County boards of commissioners and city councils shall have until July 1, 1978 to complete and submit the ordinance and economic studies as required by this act.

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

Approved March 30, 1977.
AN ACT
APPROPRIATING MONEYS FROM THE GENERAL ACCOUNT 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
account to be expended for the designated program, according
to expense classes designated for the period July 1, 1977,
through June 30, 1978:

<table>
<thead>
<tr>
<th>LIEUTENANT GOVERNOR PROGRAM:</th>
<th>FOR PERSONNEL COSTS</th>
<th>FOR OPERATING EXPENDITURES</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>FROM: General Account</td>
<td>$39,000</td>
<td>$17,600</td>
<td>$56,600</td>
</tr>
</tbody>
</table>

Approved March 30, 1977.
AN ACT
RELATING TO THE FISH AND GAME FUND; AMENDING SECTION 36-107, IDAHO CODE, TO EXPAND THE USES OF THE BIG GAME RANGE AND UPLAND GAME BIRD MANAGEMENT ACCOUNT TO INCLUDE ACQUIRING ACCESS AND TO INCLUDE ACQUIRING AND REHABILITATING WATERFOWL HABITATS.

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

SECTION 1. That Section 36-107, Idaho Code, be, and the same is hereby amended to read as follows:

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 and Waterfowl Management Account. For the purpose of acquiring access and acquiring and rehabilitating big game ranges and upland game bird and waterfowl 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 sections 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 acquiring access and for the acquisition and rehabilitation of big game ranges and upland game bird and waterfowl 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.

Approved March 30, 1977.
CHAPTER 213
(S.B. No. 1022, As Amended, As Amended in the House)

AN ACT
TO BE KNOWN AS THE IDAHO CREDIT UNION ACT RELATING TO CREDIT UNIONS AND CONTAINING A COMPREHENSIVE RECODIFICATION OF THE LAWS RELATING TO CREDIT UNIONS; REPEALING CHAPTER 21, TITLE 26, IDAHO CODE; AMENDING TITLE 26, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER TO BE KNOWN AS CHAPTER 21, TITLE 26, IDAHO CODE; PROVIDING FOR THE ORGANIZATION OF CREDIT UNIONS; PROVIDING CORPORATE POWERS AND RESTRICTIONS ON CORPORATE POWERS; PROVIDING FOR RESTRICTIONS ON THE OPERATIONS OF CREDIT UNIONS; PROVIDING FOR THE ADMINISTRATION OF THE ACT; PROVIDING FOR THE ORGANIZATION OF CORPORATE CREDIT UNIONS AND FOR CORPORATE POWERS OF CORPORATE CREDIT UNIONS; PLACING RESTRICTIONS ON THE OPERATIONS OF CORPORATE CREDIT UNIONS; AND PROVIDING FOR SEVERABILITY.

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 repealed.

SECTION 2. That Title 26, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 21, Title 26, Idaho Code, and to read as follows:

CHAPTER 21
IDAHO CREDIT UNION ACT

26-2101. SCOPE. This chapter shall be known as the "Idaho Credit Union Act" and shall be applicable to all persons except federal credit unions, operating as credit unions in the state of Idaho and to such other persons as shall subject themselves to its provisions, and to such persons who shall by violating any of its provisions become subject to the penalties provided herein.

26-2102. PURPOSE. The purpose of this chapter is to allow groups of persons with a common bond as provided in this chapter to form private nonprofit cooperative corporations to be known as credit unions, to provide an opportunity for its members to use and control their own money in order to improve their economic and social condition, to
promote thrift at a reasonable rate of return and provide a source of credit at fair and reasonable rates of interest to those persons included in the common bond.

26-2103. SUPPLEMENTARY GENERAL PRINCIPLES OF LAW APPLICABLE. Unless displaced by the particular provisions of this chapter, the Uniform Commercial Code, the Uniform Consumer Credit Code, the Idaho Securities Act, the corporation laws of this state and the principles of law and equity, including the law relative to capacity to contract, principal and agent, estoppel, fraud, misrepresentation, duress, coercion, mistake, bankruptcy, or other validating or invalidating cause supplement its provisions.

26-2104. DEFINITION AND USE OF TERMS. As used in this chapter unless the context otherwise requires:

(a) "Credit union" means a cooperative nonprofit corporation chartered under the provisions of this chapter.

(b) "Capital" means the shares of a credit union.

(c) "Director" means the director of the department of finance of the state of Idaho.

(d) "Federal supervisory agency" means the National Credit Union Administration.

(e) "Credit union services" means services such as draft and deposit sorting and posting, computation and posting of interest and other credits and charges, preparation and mailing of drafts, statements, notices, and similar items, or any other clerical, bookkeeping, accounting, statistical, or similar functions performed for a credit union.

(f) "Credit union service corporation" means a corporation organized to perform credit union services for two (2) or more credit unions, each of which owns part of the capital stock of such corporations, and which are subject to examination by either the department of finance of the state of Idaho or a federal supervisory agency.

(g) "Invest" means any advance of funds to a credit union service corporation, whether by the purchase of stock, the making of a loan, or otherwise, except a payment for rent earned, goods sold and delivered, or services rendered prior to the making of such payment.

(h) "Surplus funds" means those funds which are not needed to meet a credit union's members' loan needs and credit union expenses.

(i) "Nonmembers' certificates of indebtedness" means all funds received from individuals who are not members of
the credit union must be called certificates of indebtedness and are to be shown on the books and records of the credit union as a separate and distinct category. The guaranteed rates of interest upon such certificates of indebtedness will be established by the board of directors.

26-2105. ORGANIZATION. Any seven (7) or more residents of the jurisdiction of the state of Idaho, of legal age, who have a common bond referred to in section 26-2110, Idaho Code, may organize a credit union and become charter members thereof by:

(a) Filing an application furnished by the director.

(b) Executing in triplicate, articles of incorporation by the terms of which they agree to be bound, which articles shall state:

(1) The name, which shall include the words "credit union" and which must clearly indicate the common bond from which members will be taken and which is not the same name as that of any other existing credit union. A credit union may, however, do business in a name which includes only the initials of its name as it appears in its articles of incorporation and the words "credit union", and the city wherein the proposed credit union is to have its principal place of business;

(2) The term of existence of the credit union, which shall be perpetual;

(3) The par value of shares of the credit union, which shall be at least five dollars ($5.00); and

(4) The names and addresses of the subscribers to the articles of incorporation, and the number of shares subscribed by each.

(c) Adopting bylaws for the general government of the credit union, consistent with the provisions of this chapter and executing the same in triplicate.

(d) Forwarding the required application fee, articles of incorporation and the bylaws to the director. If they conform to the statute, he shall endorse the articles of incorporation and return two (2) copies of the endorsed articles of incorporation and two (2) copies of the bylaws to the applicants of the credit union, one (1) copy of which is to be for the credit union's permanent files and the other copy to be filed with the county recorder's office in the county in which the principal place of business is located and with the department of finance. The original copy of the articles of incorporation and bylaws shall be
The director shall have the authority to investigate the application for charter to determine whether the proposed credit union does meet the objectives of this chapter. The determination for the approval of the application for charter shall be under such rules and regulations as shall be adopted by the director. These rules and regulations shall give account to the number of potential members, their stability of employment or membership in the group comprising the common bond of membership and the economic characteristics of the proposed common bond. If, in the opinion of the director, the proposed credit union does not meet these objectives, the charter application shall be denied.

(f) The subscribers for a credit union charter shall not transact any business until formal approval of the charter has been received. In order to simplify the organization of credit unions, the director shall cause to be prepared a form of articles of incorporation and a form of bylaws, consistent with this chapter, which shall be used by credit union incorporators for their guidance.

26-2106. AMENDMENTS. The articles of incorporation or the bylaws may be amended as provided in the bylaws. Any and all proposed amendments to the articles of incorporation or bylaws shall be submitted in writing to the director of finance for approval before they are submitted to a vote by the members. Amendments approved by the members shall become effective upon certification of member approval in writing to the director. A copy of the articles of incorporation or bylaws, as amended, shall be submitted to the director within sixty (60) days after the effective date of an amendment.

26-2107. RESTRICTIONS. Any person, corporation, co-partnership or association, except a credit union organized under the provisions of this chapter, the Federal Credit Union Act, 48 Statute 1216 (1934), 73 Statute (1959), 12 U.S.C. 192, the Idaho Credit Union League, a recognized chapter of the Idaho Credit Union League, using a name or title containing the words "credit union" or any derivation
thereof or representing themselves in their advertising or otherwise conducting business as a credit union shall be fined not more than one thousand dollars ($1,000) or imprisoned not more than (1) year, or both, and may be permanently enjoined from using such words in its name.

26-2108. CORPORATE POWERS. A credit union shall have power to:

(a) Make contracts.
(b) Sue and be sued in the name of the credit union.
(c) Adopt and use a common seal and alter same at pleasure.
(d) Own, hold or use any real property or any interest therein as provided in section 26-2109, Idaho Code.
(e) May require the payment of an entrance or membership fee, not to exceed one dollar ($1.00), of any applicant admitted to membership.
(f) Receive from its members payments on shares and deposits, including the right to conduct Christmas share clubs, vacation clubs, and other such thrift organizations within the membership.
(g) Lend its funds to its members as hereinafter provided.
(h) Purchase insurance on the lives of its members in an amount equal to their respective share and loan balances.
(i) Borrow from any financial institution or individuals in an aggregate amount not to exceed fifty per cent (50%) of its members' shares and deposits.
(j) May invest any surplus funds in such investments as provided for in this chapter.
(k) Make deposits in federally insured banks and savings and loan companies in Idaho, in state or federally chartered credit unions in Idaho and in the Idaho Corporate Credit Union.
(l) Hold membership in other state or federally chartered credit unions in Idaho, in the Idaho Credit Union League, in the Idaho Corporate Credit Union and in other organizations composed of credit unions approved by the director.
(m) Declare dividends on members' shares and fix the rates on interest paid on members' certificates of deposit, nonmembers' certificates of indebtedness, and other thrift accounts as provided for in this chapter.
(n) Fine members for failure to meet punctually obligations to such credit union.
(o) In the event of default, impress a lien upon the shares and deposits and accumulation of dividends and interest of any member to the extent of any loans made to him directly or indirectly, or on which he is surety and for any dues or charges or fines payable by him.

(p) Relocate its head office or branches and the location of its books and records upon written notice to the director.

(q) Collect, receive and disburse monies in connection with sales of travelers checks, money orders and for such other purposes as may provide convenience or benefit for its members.

(r) Exercise such incidental powers as are necessary to carry on the business for which it is incorporated not inconsistent with the provisions of this chapter.

(s) Form and operate a credit union service corporation as provided in section 26-2147, Idaho Code.

(t) Provide for their members, share and deposit accounts from which the member may withdraw funds by the use of a negotiable instrument.

(u) Participate in systems which allow the transfer of credit union funds or the shares or deposits of members by electronic means and hold membership in automated clearing house associations or corporations.

26-2109. LIMITATIONS OF CORPORATE POWERS. A credit union shall have power to own, hold or use any real property or any interest therein:

(a) As it may reasonably require for any administrative or branch offices and land necessary thereto in addition to any adjacent or contiguous parking areas or such other areas as approved by the director which may be necessary to the business functions of their offices;

(b) Any drive-up teller facilities or customer-credit union communication terminals, as well as all furniture and fixtures and equipment, which in the aggregate shall not exceed fifteen per cent (15%) of the total of its members' shares and deposits without prior approval of the director; and

(c) The limitations as enumerated in the subsections (a) and (b) of this section shall not extend to any real property such as shall be conveyed to it in public satisfaction of debts previously contracted in the course of business, nor which such real estate as it shall purchase at sale on judgments, decrees or mortgage foreclosure under
securities held by it, but a credit union shall not bid at such sale a larger amount than is necessary to satisfy its debts and costs.

26-2110. MEMBERSHIP. (a) The membership of a credit union shall be limited to and consist of the subscribers to the articles of incorporation and such other persons having the common bond set forth in the articles of incorporation as have been duly admitted members, have paid the entrance fee, if any, as provided in the bylaws, have subscribed and paid for one (1) or more shares, and have complied with such other requirements as the articles of incorporation or bylaws may specify.

(b) Credit union organizations shall be limited to groups having a common bond of occupation or association, or to residents within a well-defined neighborhood, community, or rural district, employees of a common employer, or members of a bona fide fraternal, religious, cooperative, labor, rural, educational, or similar organization and members of the immediate family of such persons.

(c) Societies and associations composed of individuals who are members may be admitted to membership in the same manner and under the same conditions as individuals.

(d) An individual who leaves the field of membership may be permitted to retain his membership in the credit union at the discretion of the board, and as provided in the bylaws.

(e) An employer, including the state and its political subdivisions, may become a member of a credit union, of which its employee is a member, only for the purpose of placing shares or deposits in the credit union pursuant to an employee deferred compensation plan qualified under chapter 400 of the internal revenue code of 1954, as amended, or other retirement plans set out in section 26-2151, Idaho Code.

(f) Credit unions may become members of other Idaho credit unions for the purposes provided in section 26-2120, Idaho Code.

26-2111. EXPULSION AND/OR WITHDRAWAL FROM FIELD OR MEMBERSHIP. A member of a credit union may be expelled by the board but only after an opportunity has been given him
to be heard for the purpose of such expulsion. A written notice of this hearing setting forth the time, place, and date for such meeting shall be forwarded to the member by the board together with the charges which serve as the basis for the expulsion. The member may be expelled for failure to meet the conditions of his membership, failure to carry out his obligations to the credit union, conviction of a felony, neglect or refusal to comply with the provisions of the laws under which this credit union operates and the by-laws of the credit union, and habitual neglect to pay obligations. Upon completion of the hearing, and if the board has voted to expel the member, the member shall remain liable for any sums owed to the credit union for loans or other purposes. The credit union may require twenty (20) days' written notice to withdraw shares and/or deposits by the member, as funds become available.

26-2112. FISCAL YEAR. The fiscal year of all credit unions organized under this chapter shall end on the last day of December.

26-2113. MEETINGS. The annual meeting and special meetings shall be held at the time and in the manner indicated in the bylaws. At all such meetings the member shall have but one (1) vote, irrespective of his shareholdings. No member may vote by proxy, but a society or association having membership in the credit union may be represented and vote by one (1) of its members or shareholders, providing such person has been duly authorized by the governing board of said society or association to represent it.

26-2114. OFFICIAL FAMILY. The business affairs of the credit union shall be managed by a board of directors of not less than five (5) directors, all to be elected at the annual meeting of the members, by and from the membership. A credit committee of not less than three (3) members and a supervisory committee of at least three (3) members are to be appointed by the board of directors as provided in the bylaws.

26-2115. OFFICERS. Within ten (10) days following the organizational meeting and each annual meeting, the direc-
tors shall elect from their own number a president, one (1) or more vice presidents, a treasurer, and a secretary, of whom the last two (2) may be the same individual. An assistant treasurer may be appointed by the board of directors from the membership.

The president and secretary shall execute a certificate of election which shall set forth the names and addresses of the officers, directors, and committee members elected or appointed.

The certificate of election shall be executed on a form approved by the department of finance and one (1) copy of each shall be filed with the department of finance within ten (10) days after such election or appointment.

The terms of the officers and committees shall be for such terms respectively as the bylaws provide, and until their successors are chosen and have been duly qualified.

26-2116. BOARD OF DIRECTORS. The board shall have the general management of the affairs, funds, and records of the credit union and shall meet as often as necessary, but not less than once each month. It shall be the special duty of the directors to:

(a) Act upon applications for membership; or, to appoint a membership committee or membership officers from among the members of the credit union other than the treasurer, and assistant treasurer, who may be authorized by the board to approve applications for membership under such conditions as the board may prescribe; except that such committee or membership officer so authorized shall submit to the board at each monthly meeting a list of approved or pending applications for membership received since the previous monthly meeting, together with such other related information as the bylaws or the board may require.

(b) Purchase a blanket fidelity bond in a form prescribed or approved by the director, covering the officers, employees, members of official committees, attorneys-at-law and other agents, with protection against loss caused by dishonesty, burglary, robbery, larceny, theft, holdup, forgery or alteration of instruments, misplacement or mysterious disappearance and for faithful performance of duty. The department of finance shall prescribe in its rules and regulations the amount of minimum bond coverage required for all
credit unions according to their asset categories. At any time that a credit union does not have a bond in force and effect the board of directors of the credit union shall automatically suspend all operations of the credit union until such time as a new bond becomes effective.

(c) Determine from time to time the rate(s) of interest consistent with the provisions of this chapter which shall be charged on loans and determine the rate(s) of interest refunds, if any, to be paid to borrowing members, the qualifications for participation, and the manner of computation and payment. Such interest rebates are to be paid from the credit balance of the current earnings period.

(d) To declare dividends and fix the rates of interest on members' certificates of deposit, nonmembers' certificates of indebtedness and other thrift accounts as provided for in this chapter.

(e) Fill vacancies occurring between annual meetings on the board, credit committee, and supervisory committee until the election or appointment and qualification of their successors.

(f) Fix from time to time the maximum amount, both secured and unsecured, which may be loaned to any one member, and determine the maximum individual shareholdings.

(g) Have charge of the investment of surplus funds of the credit union in such investments as provided in this chapter.

(h) Authorize the employment of such person or persons as may be necessary to carry on the business of the credit union and shall authorize the compensation of such employees.

(i) Authorize the conveyance of property.

(j) Borrow or lend money to carry on the functions of the credit union.

(k) Designate a depository or depositories for the funds of the credit union.

(l) Upon two-thirds (2/3) approval, the board may suspend any or all members of the credit or supervisory committees for failure to perform their duties subject to a hearing to be held within twenty (20) days.

(m) Establish and provide auditing assistance requested by the supervisory committee.
(n) Any officer, director, or committee member who fails to attend regular meetings for three (3) consecutive meetings without cause, or who otherwise fails to perform any of the duties required of him as an official, may be suspended from his official position, but only after such official has been given reasonable notice of a meeting for suspension and the opportunity to be heard on such charges.

(o) Perform or authorize any action consistent with this chapter not specifically reserved by the bylaws or this chapter for the members.

(p) The board may appoint from its own members an executive committee to exercise such authority as may be delegated to it by the board between meetings of the board.

26-2117. PENALTIES FOR OFFICIAL MISCONDUCT. Any officer, director, or committee member or loan officer of a credit union who knowingly permits a loan to be made or participates in a loan to a nonmember is guilty of a misdemeanor and shall be primarily liable to the credit union for the amount thus illegally loaned and the illegality of such a loan shall be no defense in any action of the credit union to recover on the loan.

Any officer, director, committee member, agent or employee who knowingly makes or subscribes to false entries or exhibits a false or fictitious paper, instrument, or security to a person authorized to examine the credit union books and records shall be guilty of a felony.

Any officer, director, committee member, agent or employee who receives payments on shares knowing the credit union is insolvent shall be guilty of a misdemeanor.

26-2118. CREDIT COMMITTEE. The credit committee shall have the general supervision of all loans to members. It shall be the duty of the credit committee to review all applications for loans, to ascertain whether or not such loan would be for a provident and productive purpose and would benefit the applicant, and to determine whether or not the security offered, in its judgment, is sufficient and the terms of the application proper. The credit committee shall meet as often as may be required, and at least once each month to review delinquent loans, and shall keep a record of all actions taken at each meeting and shall submit a written report to the members at the annual meetings and to the board monthly.

The credit committee, upon approval of the board, may
appoint one (1) or more loan officers to act under the supervision of the credit committee and such loan officer, when so appointed, may make loans without necessity for a meeting of or approval by any members of the credit committee, as provided in the bylaws. No more than one (1) member of the credit committee may serve in the position of loan officer. No individual shall have authority to disburse funds of the credit union for any loan which has been approved by him in his capacity as loan officer except that the loan officer may disburse loans approved by him which are fully secured by shares or which do not exceed the credit union's unsecured loan limit set by the board of directors.

No member of the credit committee may serve as a member of the board of directors or supervisory committee while serving as a member of the credit committee.

26-2119. LOANS TO MEMBERS. A credit union may loan to members for a provident or productive purpose and upon such security as the bylaws may provide, and the credit committee or loan officer shall approve. If permitted by law the borrowing members may be charged for the cost of filing fees on security instruments in connection with the transaction. Every application for a loan shall be made upon a form, which the credit committee prescribes and the board approves, which shall state the purpose for which the loan is desired and the security, if any, offered. Every loan shall be evidenced by a written instrument. No secured or unsecured loan shall be made to any member in excess of the limits set by written board policy. No loan shall be made unless it has been approved in writing by a loan officer or has received majority approval of the members of the credit committee present when the loan was considered, which members present shall constitute at least a majority of the credit committee.

Loans may be made to, cosigned, endorsed, or guaranteed by members of the board, credit committee, and supervisory committee under the same general terms and conditions as to other members of the credit union. Any loan made to, cosigned, endorsed or guaranteed by members of the official family shall require the additional two-thirds (2/3) written agreement of all members of the board and credit committee where such loan exceeds the unsecured loan limit of the credit union plus the unencumbered share balance of the borrowing official.
Loans may be granted to members of the credit union, secured by a first mortgage on improved real estate. Such loans shall not exceed eighty per cent (80%) of the appraised value of the real estate made by an independent qualified appraiser and such loans shall provide additionally substantial equal monthly payments for the payment of insurance premiums and taxes assessed against the security, or in lieu of, the credit union may accept the assignment of a savings passbook. The total outstanding balance of all first mortgage loans on real estate shall not exceed ten per cent (10%) of the outstanding shares of the credit union, and shall be amortized in monthly payments for a maturity of not more than ten (10) years. A credit union may advance funds secured by a second mortgage on real estate not to exceed fifty per cent (50%) of the difference between the appraised value and the balance owing on the first real estate mortgage. Total second mortgage loans on real estate shall not exceed five per cent (5%) of the outstanding shares of the credit union. At the time a loan secured by a second mortgage is granted the credit union must have an appraisal performed by an independent qualified appraiser. A credit union may not borrow money to make loans secured by a first or second mortgage on real property.

A credit union may loan to members under the provisions of title I of the National Housing Act and such insurance on these loans shall be deemed adequate security. The terms of such loans shall be as defined by the credit committee or under the provisions of title I of the National Housing Act.

In addition to generally accepted types of security, the assignment of shares in a manner consistent with the laws of Idaho, shall be deemed security within the meaning of this chapter and the adequacy of all securities shall be within the determination of the credit committee or loan officer subject to the provisions of this chapter and the bylaws. A member may pay the whole or any part of his loan on any day in which the credit union office is open for business.

The credit committee, or when authorized, the loan officer, may approve in advance upon application by a member, an extension of credit, and loans may be granted to such members within the limits of such extension of credit. Where an extension of credit has been approved, applications for loans need no further consideration as long as the aggregate obligation does not exceed the limits of such extension of credit. The credit committee shall, at least once a year, review all extensions of credit and any extension of credit
shall expire if the member becomes more than sixty (60) days delinquent in his obligations to the credit union.

26-2120. LOANS TO OTHER CREDIT UNIONS WHO ARE MEMBERS. A credit union may make loans to other credit unions who are its members with a maximum maturity of one (1) year and in an amount that shall not in total exceed ten per cent (10%) of the shares and certificates of deposit of the credit union.

26-2121. SUPERVISORY COMMITTEE. The supervisory committee shall make or cause to be made, at least semiannually, an examination of the affairs of the credit union, including an audit of its books; shall submit a written report of its semiannual examination to the board; and shall make or cause to be made an annual audit, a written report of which shall be submitted to the members at the next annual meeting of the credit union.

The supervisory committee shall cause the passbook and accounts of the members to be verified with the records of the treasurer from time to time, and not less frequently than once each year. The term "passbook" shall include any book, statement of accounts, or other pertinent or related record.

By unanimous vote, the supervisory committee, if it deems such action to be necessary to the proper conduct of the credit union, may suspend any officer, director or member of the committee and call the members together to act on such suspension. The members at said meeting may sustain such suspension and remove said officer permanently or may reinstate said officer.

By majority vote the supervisory committee may call a special meeting of the members to consider any matter submitted to it by said meeting.

26-2122. COMPENSATION. No officer, director, or committee member may be compensated, directly or indirectly, for his services as such; provided, however, an elected member of the board of directors may serve as a part-time treasurer and receive a salary for his services. This shall not be construed to prevent reimbursement of directors and committee members for actual expenses they may incur in carrying out the duties of their office. The board may authorize the employment of a credit union manager and other employees as needed to conduct the business of the credit union. The
board shall establish the compensation to be paid to the manager and any other employees of the credit union which shall be charged as an expense of the credit union. In the event the board of directors authorizes the employment of a manager of the credit union, the manager may not be a member of the board of directors. The credit union may provide group hospitalization and group health and accident insurance for the directors, officers and committee members which will not be considered compensation.

26-2123. SHARES AND CERTIFICATES OF DEPOSIT. A share may be in increments of five dollars ($5.00) with a minimum of five dollars ($5.00) and a maximum of twenty-five dollars ($25.00) as the board of directors shall establish. The shares of a credit union shall all be common shares of one (1) class and have a par value as established by the board and bylaws. A member may purchase shares which will earn dividends as duly established by the board pursuant to section 26-2130, Idaho Code. Members may also purchase certificates of deposit which will be for a specified length of time and earn interest with a guaranteed rate to be established by the board of directors pursuant to section 26-2130, Idaho Code. No certificate shall be issued to denote ownership of a share of the credit union. Shares paid for may be transferred in such manner as the bylaws may prescribe.

In the event of default the credit union shall have and may exercise a lien on the shares and deposits of any member for any sum due the credit union from said member or for any loan made to, cosigned or endorsed by him. Christmas clubs, vacation clubs, travel clubs and other thrift organizations within the membership, which shall have the prior approval of the director of finance, may be established by the board of directors.

26-2124. JOINT ACCOUNTS. A member may designate any person or persons to hold shares, deposits, and thrift club accounts with him in joint tenancy with the right of survivorship; but no joint tenant, unless a member in his own right, shall be permitted to vote, obtain loans, or hold office. Payment of part or all of such accounts to any of the joint tenants shall, to the extent of such payment, discharge the liability to all.

No credit union organized under the laws of this state shall be required to recognize the claim of any third party
of any of the above such accounts or withhold payment of any such accounts to the depositor or to his order, unless and until the credit union is served with citation or other appropriate process issuing out of a court of competent jurisdiction in connection with a suit instituted by such third party for the purpose of recovering or establishing an interest in such above accounts.

Such above accounts issued by any credit union organized under the laws of this state in the name of two (2) or more persons or to two (2) or more persons or the survivor of either, may be withdrawn on the signature of either party of whom such accounts were issued, or in whose name such accounts were made, and no recovery shall be had against such credit union for amounts so paid. When such accounts are issued in the name of two (2) or more persons or in the name of their survivor, the survivor of either party shall have power to act in all matters relating to such accounts whether the other person or persons named in such accounts be living or dead. The repurchase or withdrawal value of such accounts issued in joint names and dividends thereon, or other rights relating thereto, may be paid or delivered, in whole or in part, to any such person who shall make requests therefor, whether the other person or persons be living or dead. The payment or delivery to any such person, on a receipt or acquittance signed by any such person, to whom any such payment or any such delivery of rights be made, shall be valid and sufficient release and discharge of any such credit union for the payment or delivery so made.

26-2125. MINORS. Shares, deposits or thrift club accounts may be issued in the name of a minor and such above accounts may be withdrawn by such minor and payments made on such withdrawals shall be valid.

26-2126. TRUST ACCOUNTS. Share may be issued in the name of a member in trust for a beneficiary, including a minor, but no beneficiary, unless a member in his own right, may be permitted to vote, obtain loans, hold office or be required to pay an entrance fee. Payment of part or all of such shares to such member shall, to the extent of such payment, discharge the liability of the credit union to the member and the beneficiary, and the credit union shall be under no obligation to see the application of such payment. In the event of the death of the member, and if shares are so issued or held and the credit union has been given no
other written evidence of the existence or terms of any trust, such shares and any dividends or interest thereon shall be paid to the beneficiary.

26-2127. INVESTMENTS. Funds not used for loans to members may be invested in:

(a) Obligations fully guaranteed as to principal and interest by the United States government;

(b) Time certificates of deposits issued by any state or federally chartered bank within the state of Idaho whose accounts are insured by the Federal Deposit Insurance Corporation. Such time certificates of deposit may be made in an amount not to exceed the greater of the Federal Deposit Insurance Corporation insurance limits or one per cent (1%) of the issuing bank's total deposits;

(c) Time certificates of deposit or savings accounts in any state or federally chartered savings and loan association within the state of Idaho whose accounts are insured by the Federal Savings and Loan Insurance Corporation in an amount not to exceed the greater of the Federal Savings and Loan Insurance Corporation insurance limit or one per cent (1%) of the savings and loan's withdrawable savings liability;

(d) Shares of stock in a credit union service corporation as provided in this chapter; and

(e) Shares or deposits of the Idaho Corporate Credit Union in an amount not to exceed ten per cent (10%) of the Idaho Corporate Credit Union's total outstanding shares, provided that the director may approve an investment in shares or deposits in excess of the ten per cent (10%) limitation contained in this subsection.

(f) Shares in the Idaho League Services Corporation.

26-2128. LIQUIDITY AND ADDITIONAL RESERVES. (a) Every credit union shall have on hand as a reserve an amount equal to six per cent (6%) of its outstanding shares plus six per cent (6%) of its outstanding certificates of deposit plus six per cent (6%) of its outstanding certificates of indebtedness. Share or deposit accounts from which a member may withdraw funds by the use of a negotiable instrument shall be subject to the reserve requirements of subsection (b) of this section and not to the reserve requirements of this subsection. Said reserves, except as hereinafter otherwise provided, shall be kept in cash on hand or on deposit subject to check or draft, with any bank or banks or corporate credit union located in the state of Idaho, which shall have been approved by the director as reserve depositories
and shall be computed monthly as follows; on the basis of average daily bank deposits and average daily cash on hand. In order to allow a time for transition to meet the reserve requirements of this section, credit unions shall not be required until July 1, 1981 to bring the liquidity reserve required by this section to an amount equal to six per cent (6%) of shares, certificates of deposit and certificates of indebtedness. From the date this act takes effect until July 1, 1979, reserve requirements shall be three per cent (3%) of the credit union's outstanding shares plus three per cent (3%) of its outstanding certificates of deposit plus three per cent (3%) of its outstanding certificates of indebtedness. From July 1, 1979, until June 30, 1981, reserve requirements shall be four per cent (4%) of the credit union's outstanding shares plus four per cent (4%) of its outstanding certificates of deposit plus four per cent (4%) of its outstanding certificates of indebtedness. On July 1, 1981, the transition period shall end and credit unions shall be required to have on hand the liquidity reserves required by this section.

(b) Every credit union which provides for its member's share or deposit accounts from which the member may withdraw funds by the use of negotiable instrument shall have on hand as a reserve in addition to the reserve required by subsection (a) of this section an amount equal to fifteen percent (15%) of its share and deposit accounts which are subject to withdrawal by the use of negotiable instrument. Said reserves shall be kept in cash on hand or on deposit subject to check or draft, with any bank or banks or corporate credit union located in the state of Idaho which shall have been approved by the director as reserve depositories and shall be computed monthly as follows: on the basis of average daily bank or corporate credit union deposits, and average daily cash on hand.

Certificates of deposit issued by the Idaho Corporate Credit Union may be included in meeting the requirements of this section.

26-2129. SPECIAL RESERVE FOR DELINQUENT LOANS. Every credit union shall maintain a special reserve for delinquent loans which shall be equal to the sum of ten per cent (10%) of the unpaid balance of loans delinquent more than two (2) months but less than six (6) months, plus twenty-five per cent (25%) of the unpaid balances of loans delinquent from six (6) months but less than twelve (12) months, plus eighty per cent (80%) of the unpaid balances of loans delinquent twelve (12) months or more.
All transfers to the special reserve for delinquent loans shall be made from the undivided earnings of the credit union as of the close of the duly established dividend period prior to the payment of any dividends of any kind. In the event that the amount required to be transferred from current earnings into the special reserve account exceeds the balance of undivided earnings, only the balance of the undivided earnings shall be transferred to the special reserve for delinquent loans and no dividends may be paid.

When as of the end of any dividend period the amount in the special reserve for delinquent loans exceeds the amount required by this section, the board of directors may authorize the transfer of any excess to the undivided earnings account from which dividends may be declared.

26-2130. DIVIDENDS. After allocations to required reserves, the board of directors may at the end of any dividend period duly established, declare a dividend from undivided earnings as the bylaws may provide.

Dividends shall be paid on all fully paid shares outstanding at the close of the dividend period, but shares which become fully paid during the dividend period shall be entitled to a proportional part of the dividend calculated from the first day of the month following such payment in full.

Dividend credit for a month may be accrued on shares as provided by the board of directors. No dividends shall be paid on shares which are withdrawn during the dividend period.

No dividend shall be declared or paid at a time when the corporation is insolvent, or its net assets are less than its stated capital, or when the payment thereof would render the corporation insolvent or reduce its net assets below its stated capital.

26-2131. SHARE REDUCTION. Whenever the losses of any credit union, resulting from a depreciating in value of its loans or investments or otherwise, exceed its undivided earnings and reserve fund so that the estimated value of its assets is less than the total amount due the shareholders, the credit union may, by a majority vote of the entire membership, order a reduction in the shares of each of its shareholders to divide the loss proportionately among the members. If thereafter the credit union shall realize from such assets a greater amount than was fixed by the order of reduction, such excess shall be divided among the share-
holders whose assets were reduced, but only to the extent of such reduction.

26-2132. MERGER. Any credit union may, with the approval of the director, merge with another credit union under the existing charter of such other credit union. The director shall not approve a merger if the effect of the merger would be to provide a broader common bond than allowable under section 26-2110, Idaho Code. The merger may be based upon any plan agreed to by the majority of the board of directors of each credit union joining in the merger, and approved by the affirmative vote of the majority of the members of each such credit union at meetings of the members called for such purpose. Any member not present at the meeting may, within the next twenty (20) days, vote by signing a statement on a form prescribed by the board of directors and such vote shall have as full force and effect as if cast at the meeting. If any such member does not vote within the twenty (20) day period, he shall be deemed to be in favor of the merger. After such agreement by the directors and approval by the members of each credit union, the president and secretary of each credit union shall execute a certificate of merger which shall set forth at least all of the following:

(a) The time and place of the meeting of the board of directors at which the plan was agreed upon.
(b) The vote in favor of adoption of the plan.
(c) A copy of the resolution or other action by which the plan was agreed upon.
(d) The time and place of the meeting of the members at which the plan agreed upon was approved.
(e) The vote by which the plan was approved by the members.

Such certificates and a copy of the plan of the merger shall be forwarded to the director and if approved, a copy of the certificate shall be filed with the county clerk of the county in which each credit union participating in the merger has its principal place of business, and then filed with the director, whereupon the charter of the merged credit union as a legal entity separate from the surviving credit union shall terminate.

Upon any such merger so affected, all property, property rights, and interests of the merged credit union, shall vest in the surviving credit union without deed, endorsement or other instrument of transfer, and all debts, obligations and liabilities of the merged credit union shall be deemed to have been assumed by the surviving credit union whose char-
This section shall be construed, when possible, to permit a credit union chartered under the Federal Credit Union Act to merge with one chartered under this chapter, or to permit one chartered under this chapter to merge with one chartered under the Federal Credit Union Act.

26-2133. REPORTS. Credit unions organized under this chapter shall file a year-end post closing financial statement with the director annually on or before the first day of February on forms supplied by the department of finance. A penalty of ten dollars ($10.00) per day may be collected from each credit union which fails to comply with this section. If such report is not filed with the director of finance within fifteen (15) days of the due date, the director shall give the credit union notice of his intention to suspend or revoke its charter and take possession of the business and property of such credit union, and order its dissolution in accordance with this chapter. Additional reports may be required by the director as he shall deem necessary. If any credit union fails to furnish the office of the director with any such requested special report within thirty (30) days of the date it is requested, he shall give the credit union notice of his intention to suspend or revoke its charter and take possession of the business and property of such credit union, and order its dissolution in accordance with this chapter.

26-2134. APPLICATION FEES. For the purpose of paying the costs incident to the ascertainment of whether articles of incorporation should be issued, the subscribers to any such articles of incorporation shall pay, at the time of filing their articles of incorporation with the director of finance, the sum of twenty-five dollars ($25.00) for the purpose of paying costs incident to the investigation of the application. All such fees shall be deposited with the state treasurer for the credit in the general account in the state operating fund.

26-2135. BOOKS AND RECORDS. The books and records of a credit union shall be kept in accordance with generally accepted accounting principles and by procedures approved by the director. Every credit union shall keep correct and complete books of accounts, minutes of meetings of members and directors and shall make such books and records and accounts available for examination. The books of account and records shall not be removed from the principal place of
business without the consent of the director.

If a credit union utilizes the data processing services of another company, the providing of such services by the other corporation shall be subject to the approval of the director, and the director shall have the power to require the servicing company to provide such information as the director requires in a form required by the director. Any company providing data processing services for credit unions must agree to provide the director with information for purposes of examination which the director may by rule or regulation require in a form required by the director.

26-2136. EXAMINATIONS. The department of finance at least annually, shall examine each credit union. Each credit union and all of its officers and agents shall be required to give to representatives of said department full access to all books, papers, securities, records and other sources of information under their control; and for the purpose of such examination, said representatives shall have power to subpoena witnesses, administer oaths, compel the giving of testimony, and require the submission of documents.

A report of such examination shall be forwarded to the president of each credit union within thirty (30) days after the completion of the examination. Within thirty (30) days after the receipt of such report, a general meeting of the directors and committeemen shall be called to consider matters contained in the report. A reply to the director shall be forwarded by the board within fifteen (15) days.

For the purpose of such examinations, each credit union shall pay an examination fee based upon the cost of performing the examination in accordance with regulations adopted by the director.

The director may in his discretion at any time accept in lieu of any portion of his examinations the findings or result of an audit by a firm of independent certified public accountants.

26-2137. FALSE REPORTS. Any person, firm, corporation, or association which maliciously and knowingly spreads false reports about the management or finances of any credit union shall be guilty of a misdemeanor.

26-2138. TAXATION. A credit union shall be deemed an institution for savings and, together with all the accumulations therein, shall not be subject to taxation except as to real estate owned. The shares of a credit union shall not
be subject to a stock transfer tax when issued by the corporation or when transferred from one (1) member to another.

26-2139. CONVERSION. A state chartered credit union may be converted into a federal credit union by complying with the following requirements:

(a) The proposition for such conversion shall first be approved and a date set for a vote thereof by the members, either at a meeting to be held on such date or by a written ballot to be filed on or before such date, by a majority of the board of directors of the state chartered credit union. Written notice of the proposition and of the date set for the vote shall be delivered in person to each member, or mailed to each member at the address for such member appearing on the records of the credit union not more than twenty (20) nor less than five (5) days prior to such date. Approval of the proposition for conversion shall require the majority of those votes cast in person or in writing.

(b) A statement of results of the vote verified by the affidavits of the president or vice president and the secretary shall be filed with the director within ten (10) days after the vote is taken.

(c) Promptly after the vote is taken and in no event later than ninety (90) days thereafter if the proposition for conversion is approved by such vote, the credit union shall take such action as may be necessary under the federal law to make it a federal credit union, and within ten (10) days after the receipt of the federal charter, notice shall be filed with the director that the charter has been issued.

(d) Upon ceasing to be a state chartered credit union, such credit union shall no longer be subject to any of the provisions of this chapter.

A federally chartered credit union organized under the Federal Credit Union Act may be converted to a state chartered credit union by the following procedure: complying with all state requirements requisite to enabling it to meet proof of solvency and organization as required by this chapter.

When the director has been satisfied that all requirements of this chapter have been complied with, he shall approve the organizational certificate as a state chartered credit union as required by this chapter.

26-2140. CEASE AND DESIST ORDER. Whenever it appears to the director that it is in the public interest, he may order a certificate holder under this chapter to cease and desist from acts, practices and omissions which constitute a viola-
tion of this chapter, or would, in the opinion of the direc-
tor, constitute an unsafe or unsound practice.

26-2141. SUSPENSION. If it shall appear that any credit
union is bankrupt or insolvent, or that it has willfully
violated any of the provisions of this chapter, its bylaws,
rules and regulations of the director, or is operating in an
unsafe or unsound manner, the director may issue an order
temporarily suspending the credit union's operations. The
board shall be given notice by registered or certified mail
of such suspension, which notice shall include a list of the
reasons for such suspension, and a list of the specific
violations of this chapter.

Upon receipt of such suspension notice, the credit union
shall immediately cease all operations, except for receipt
of loan payments. The directors of the credit union shall
then file with the director a reply to the suspension
notice, within twenty (20) days, request a hearing to
present a plan of corrective actions proposed if they desire
to continue operations, or to request that the credit union
be declared insolvent and a liquidating agent appointed. If
the credit union fails to answer the suspension notice or
request a hearing with the director, said director may then
revoke the credit union's charter, appoint a liquidating
agent and liquidate the credit union in accordance with this
chapter.

26-2142. VOLUNTARY AND/OR INVOLUNTARY LIQUIDATION.
(a) A credit union may elect to dissolve voluntarily and
wind up its affairs in the following manner: The board shall
adopt a resolution recommending that the credit union be
dissolved voluntarily and directing that the question of
dissolution be submitted to a regular or special meeting of
the members. After the adoption of the resolution to volun-
tarily dissolve, no receipts shall be accepted nor with-
drawals permitted from its share or deposit accounts, nor
shall any loans be made nor any dividends declared nor paid
pending final determination by its membership on the volun-
tary dissolution. At a meeting especially called to con-
sider the matter, a majority of the entire membership may
vote to dissolve the credit union, provided a copy was
mailed to the members of the credit union at least ten (10)
days prior thereto. Any member not present at such meeting
may, within the next twenty (20) days vote in favor of or
may oppose dissolution by signing a statement in form
approved by the department of finance and such vote shall
have the force and effect as if cast at such meeting. The
credit union shall thereupon immediately cease to do business except for the purposes of liquidation, and the president and secretary shall within five (5) days following such meeting notify the department of finance of intention to liquidate and shall include a list of the names of the directors and officers of the credit union together with their addresses.

(b) If the department of finance, after issuing notice of suspension and providing opportunity for a hearing, rejects the credit union's plan to continue operations, the department of finance may issue a notice of involuntary liquidation and appoint a liquidating agent. The credit union may request a stay of execution of such action by appealing to the appropriate court of the jurisdiction in which the credit union is located. Involuntary liquidation may not be ordered prior to following the suspension procedures outlined in this chapter.

(c) The credit union shall continue in existence for the purpose of discharging its debts, collecting and distributing its assets, and doing all acts required in order to wind up its business, and may sue and be sued for the purpose of enforcing such debts and obligations until its affairs are fully adjusted. The board, or in the case of involuntary dissolution, the liquidating agent, shall use the assets of the credit union to pay: first, expenses incidental to liquidation including a surety bond that shall be required; second, any liability due nonmembers; third, preferred obligations. Assets then remaining shall be distributed to the members proportionately to the shares held by each member as of the date dissolution was voted.

As soon as the board or the liquidating agent determines that all assets from which there is a reasonable expectancy of realization have been liquidated and distributed as set forth in this section, the director shall execute a certificate of dissolution. The credit union shall be subject to examination by and reporting to the department of finance to determine that all procedures have been observed as required by this chapter, and shall pay such examination fees as are determined by the department of finance in accordance with its schedules.

(d) If the credit union shall not be completely liquidated and its assets discharged within three (3) years after the special meeting of the members, the director may take possession of the books, records and assets and proceed to complete liquidation. If the director determines after one (1) year from the commencement of liquidation proceedings that the liquidation is not proceeding in a reasonable and
expeditious manner under all of the circumstances, he may take possession of the books, records, and assets and appoint a liquidating agent who shall give a bond to complete the liquidation.

(e) Liquidation through the stabilization fund may be utilized after meeting the requirements of this section. The procedure of liquidation shall be as outlined in the practice and procedure policies as adopted by the Idaho Credit Union League stabilization fund and approved by the director of finance.

26-2143. BRANCH OFFICES. A credit union may under such regulations as the director may adopt establish branch offices at locations other than its main office if the maintenance of such branch offices shall be reasonably necessary to furnish services to its membership. The credit union must justify that ninety per cent (90%) of the cost of the branch and its operation will be derived from existing and potential membership in the proposed area. No additional branch offices shall be established to serve persons who are not entitled to membership as defined in the common bond provision of the existing field of membership.

Prior written approval of the director shall be necessary for the establishment of branch offices. He shall have the authority to issue notice and hold a hearing to determine if the establishment of the branch office is necessary and in the best interests of the credit union.

The applicant credit union will pay to the department of finance an investigation fee to cover the actual cost of investigation not to exceed five hundred dollars ($500). These funds will be deposited in the administration fund accounts of the department of finance, and shall be expended by the director for such administrative and other expenses incurred in carrying out the provisions of this chapter.

26-2144. ADMINISTRATION, RULES AND REGULATIONS. The administration of the provisions of this chapter shall be under the general supervision and control of the director. The director may from time to time make, amend and rescind such rules, regulations and forms necessary to carry out the provisions of this chapter. No rule, regulation or form may be made unless the director finds that the action is necessary or appropriate for the public interest or for the protection of the credit union's welfare consistent with the purposes of this chapter.

26-2145. REGULATIONS OF DIRECTOR OF FINANCE. Any provi-
sion of this code to the contrary notwithstanding, the
director may by regulation authorize state chartered credit
unions, until ninety (90) days after the close of the next
regular session of the legislature, to engage in any activ-
ity in which a credit union subject to the jurisdiction of
the federal government may be authorized by federal rule or
law to engage.

26-2146. INVESTMENT IN SERVICE CORPORATION. No limita-
tion or prohibition otherwise imposed by any provision of
the laws of the state of Idaho exclusively relating to
credit unions shall prevent or prohibit any two (2) credit
unions from investing not more than ten per cent (10%) of
the paid-in shares and deposits of members of each of them
in a credit union service corporation.

26-2147. CREDIT UNIONS JOINTLY HOLDING STOCK -- EFFECT
OF WITHDRAWAL BY ONE CREDIT UNION. If stock in a credit
union service corporation has been held by two (2) credit
unions, and one (1) of such credit unions ceases to utilize
the services of the corporation and ceases to hold stock in
it, and leaves the other as the sole stockholding credit
union, the corporation may nevertheless continue to function
as such and the other credit union may continue to hold
stock in it.

26-2148. DUTY OF CREDIT UNION SERVICE CORPORATION NOT
to Discriminate -- Burden of Proof. Whenever a credit union,
referred to in this section as any "applying credit union"
subject to examination by either the department of finance
of the state of Idaho, or a federal supervisory agency,
applies for a type of credit union services for itself from
a credit union service corporation which supplies the same
type of credit union services to another credit union, and
the applying credit union is competitive with any credit
union, referred to in this section as a "stockholding credit
union" which holds stock in such corporation, the corpora-
tion must offer to supply such services by either:

(a) Issuing stock to the applying credit union and fur-
nishing credit union services to it on the same basis as to
the other credit unions holding stock in the corporation, or

(b) Furnishing credit union services to the applying
credit union at rates no higher than necessary to fairly
reflect the cost of such services, including the reasonable
cost of the capital provided to the corporation by its
stockholders, at the corporation's option, unless comparable
services at competitive overall cost are available to the
applying credit union from another source, or unless the furnishing of the services sought by the applying credit union would be beyond the practical capacity of the corporation. In any action or proceeding to enforce the duty imposed by this section, or for damages for the breach thereof, the burden shall be upon the credit union service corporation to show such availability.

26-2149. PROHIBITED ACTIVITIES. No credit union service corporation may engage in any revenue producing activity other than the performance of credit union services for credit unions and, to an extent not exceeding one-half (1/2) of its total activity, the performance of similar services for persons or organizations other than credit unions.

26-2150. CUSTOMER-CREDIT UNION COMMUNICATION TERMINAL. A credit union may make available for use by its customers one (1) or more electronic devices or machines through which the customer may communicate to the credit union 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 credit union. Any transactions initiated through such a device shall be subject to verification by the credit union 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-credit union communication terminal (CCUCT). A CCUCT at locations other than the main office or a branch office of the credit union does not constitute a branch. A credit union shall provide insurance protection under its bonding program for transactions involving such devices.

(a) The establishment and use of CCUCT 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 CCUCT is put into operation. Any credit union presently utilizing a CCUCT shall comply with the notice requirements within thirty (30) days. Such notice shall describe with regard to the communication system:
1. the location;
2. a general description of the area where located
and the manner of installation;
3. the manner of operation;
4. the kinds of functions which will be performed;
5. whether the CCUCT will be shared, and, if so, under what terms and with what other institutions and their location;
6. the manufacturer and, if owned, the purchase price or, if leased, a copy of the lease;
7. the distance from the nearest credit union office and from the nearest similar CCUCT of the reporting credit union; and
8. the distance from the nearest office and nearest CCUCT of another credit union, which will share the facility, and the name of such other credit union or credit unions.

(2) The functions of the CCUCT shall be limited to:
1. the receiving of deposits;
2. the cashing of checks or drafts;
3. the dispensing of cash;
4. payment of loan proceeds on a prearranged line of credit;
5. the communication of other such information directly related to the customer's account; and
6. receiving loan payments.

(3) Arrangements may be made at the CCUCT for the placing or installation of a receptacle in which a customer may place packaged communication intended for the credit union.

(4) The CCUCT shall be a communication service available only to customers of the credit union or other financial institutions which the board of directors of the credit union may approve.

(5) The CCUCT shall not be advertised as a full service branch 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, credit unions are required to share unmanned CUCCTs at a reasonable fee with one (1) 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 credit union utilizing a CCUCT is doing so in a manner not specifically authorized by this section.

(d) This section shall be deemed to apply to federal credit unions operating customer-credit union communication terminals and for the purpose of this section 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.

26-2151. 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 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 credit union or in obligations or securities issued by such credit union. 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.

26-2170. DEFINITION, PURPOSE AND RESTRICTIONS, IDAHO CORPORATE CREDIT UNION. (a) The Idaho Corporate Credit Union is a cooperative nonprofit corporate entity which can assist credit unions in meeting their investment and borrowing needs, assist credit unions in the sound management of their liquid assets and serve as a financial intermediary for credit unions.

(b) Any person, corporation, copartnership or association, except a corporate credit union organized under the provisions of this chapter, or the Federal Credit Union Act, using a name or title containing the words "corporate credit union" or any derivation thereof or representing themselves as a corporate credit union shall be fined not more than one thousand dollars ($1,000), or imprisoned not more than one (1) year or both and may be permanently enjoined from using such words in its name.

26-2171. ORGANIZATION -- IDAHO CORPORATE CREDIT UNION. Any seven (7) or more credit unions within the state of Idaho, with at least one (1) credit union from each of the seven (7) chapters of the Idaho Credit Union League, may, through designated delegates appointed by their board of directors, organize the Idaho Corporate Credit Union and become members thereof by:

(a) Filing an application furnished by the director;

(b) Executing in duplicate, articles of incorporation by the terms of which they agree to be bound, which articles
shall state:

(1) The name, which shall include the words "Idaho Corporate Credit Union" and the city in which the proposed credit union is to have its principal place of business;

(2) The term of existence of the credit union, which shall be perpetual;

(3) The par value of shares of the Idaho Corporate Credit Union, which shall be one hundred dollars ($100);

(4) The names and addresses of the respective credit unions who are subscribers to the articles of incorporation and the number of shares subscribed by each; and

(c) Adopting bylaws for the general government of the credit union, consistent with provisions of this act and executing the same in duplicate.

(d) Forwarding the required charter fee, application, articles of incorporation and the bylaws to the director. If they conform to the statute, as determined by the director, he shall issue a certificate of approval to the articles and return a copy of the bylaws and the articles to the applicants or their representative, which shall be preserved in the permanent files of the credit union.

(e) The subscribers for the Idaho Corporate Credit Union shall not transact any business until formal approval of the charter has been received. The director shall cause to be prepared a form of articles of incorporation and a form of bylaws consistent with this act which shall be used by the Idaho Corporate Credit Union incorporators for their guidance.

26-2172. AMENDMENTS -- IDAHO CORPORATE CREDIT UNION. The articles of incorporation or the bylaws may be amended as provided in the bylaws and in accordance with section 26-2106, Idaho Code.

26-2173. CORPORATE POWERS -- IDAHO CORPORATE CREDIT UNION. The Idaho Corporate Credit Union shall have the general rights and powers of any other credit union organized under the Idaho Credit Union Act and shall have the following additional powers:

(a) As authorized by its board of directors or executive committee, to deposit in federally insured state and national banks and deposit with or invest in shares of or loans to United States Central Credit Union to an extent which shall not exceed its shares, and certificates of deposit.

(b) Receive investments from members in the form of
shares or corporate deposits. Time deposits of surplus funds shall be evidenced by certificates of deposit having a maturity of not less than ninety (90) days. Surplus funds are those funds which are not needed to meet the member's loan needs or expenses.

(c) To pay and return on shares, share certificates and deposits at such rates as are determined by the board of directors, giving due consideration to the amount and time period of the savings or investment commitment.

(d) To borrow from any source except individuals provided that the total amount shall not exceed fifty per cent (50%) of its members' shares, daily interest deposits and certificates of deposit. Provided that with prior written approval of the director of finance, the corporate credit union may exceed the fifty per cent (50%) limitation.

(e) To make loans and to participate with the United States Central Credit Union in making loans to members of the corporate credit union upon the terms and conditions determined by the board of directors.

(f) To make deposits in any member credit union in this state and the United States Central Credit Union.

(g) To purchase the fixed assets of a member credit union if the board of directors of the corporate credit union determines it in the best interest of the member credit union.

(h) To develop and enter into agreement for the purpose of participation in any governmental agency liquidity or interlending system among credit unions and for the purpose of aiding credit unions in establishing concentrated lines of credit with other financial institutions, and to act as a depositor and transmitter of funds for the purpose of carrying out this power.

(i) To accept deposits from the United States Central Credit Union in the form of certificates of deposit.

26-2174. MEMBERSHIP IN THE IDAHO CORPORATE CREDIT UNION. Membership in the Idaho Corporate Credit Union shall be limited to and consist of the credit union subscribers to the articles of incorporation, credit unions organized under the Idaho Credit Union Act or the Federal Credit Union Act, and organizations or associations of credit unions who have paid the membership fee, if any, as provided in the bylaws, have subscribed to and paid for one (1) or more shares as provided in the bylaws and have complied with such other requirements as the articles of incorporation or the bylaws may specify.
26-2175. EXPULSION AND/OR WITHDRAWAL FROM THE FIELD OF MEMBERSHIP OF THE IDAHO CORPORATE CREDIT UNION. A member of the Idaho Corporate Credit Union may be expelled by the board of directors, but only after an opportunity has been given to the member to be heard for the purpose of such expulsion. A written notice of this hearing, setting forth the time, place, and date for such meeting shall be forwarded to the member by the board, together with the charges which serve as the basis for the expulsion. The member may be expelled for failure to meet the conditions of its membership, failure to carry out its obligation to the credit union, or refusal to comply with the provisions of the law or bylaws under which the Corporate Credit Union operates or habitual neglect to pay obligations. Upon completion of the hearing, and if the board of directors has voted to expel the member, the member shall remain liable for any sums owed to the Idaho Corporate Credit Union for loans and/or other purposes. The Idaho Corporate Credit Union may require twenty (20) days' written notice to withdraw shares and/or deposits by the member, as funds become available.

26-2176. MEETINGS AND ELECTIONS OF THE IDAHO CORPORATE CREDIT UNION. Meetings and elections shall be held as indicated in the bylaws. Each member shall have one (1) vote irrespective of shareholdings. No member may vote by proxy, but may vote through a duly authorized delegate appointed by the members of the board of directors or executive committee of each corporate member.

26-2177. OFFICIAL FAMILY -- IDAHO CORPORATE CREDIT UNION. The business affairs of the corporate credit union shall be managed by a board of directors of at least seven (7) directors. One (1) director shall be elected from the designated delegates of each of the seven (7) credit union chapters of the state, as defined by the Idaho Credit Union League structure. The board of directors may serve as the supervisory committee or may employ an auditor acceptable to the director and may delegate certain loan functions and preapproved lending limits to the manager of the corporate credit union.

26-2178. OFFICERS -- IDAHO CORPORATE CREDIT UNION. Within sixty (60) days following the organizational meeting and at each annual meeting, the directors shall elect from their own number a president, one (1) or more vice presidents, a treasurer and a secretary, of whom the last two (2)
may be the same individual. An assistant treasurer may be appointed by the board of directors. The president and secretary shall execute a certificate of election which shall set forth the names and addresses of the officers, directors and members elected or appointed. The certificate of election shall be executed on a form approved by the department of finance and one (1) copy of each shall be filed with the department of finance within ten (10) days after such election or appointment. The terms of the officers shall be for such terms respectively as the bylaws provide, and until their successors are chosen and have been duly qualified.

26-2179. BOARD OF DIRECTORS -- IDAHO CORPORATE CREDIT UNION. The board of directors of the corporate credit union shall have the same general powers and duties as boards of directors of credit unions organized under the Idaho Credit Union Act and in the corporate credit union bylaws.

26-2180. LOANS TO MEMBER CREDIT UNIONS -- IDAHO CORPORATE CREDIT UNION. The Idaho Corporate Credit Union may loan to members upon such security and for purposes only as provided in its bylaws. Loans shall be evidenced by a written instrument and within limits set by board policy. No loan shall be made unless approved in writing by a majority of the board of directors or manager as delegated by the board of directors.

The board may establish lines of credit to member credit unions based on the financial statements of the member credit union. Where a line of credit has been approved, application for loans need no further consideration as long as the aggregate obligation does not exceed the limits of such line of credit. The board of directors shall at least once a year review all lines of credit and any lines of credit shall expire if the member becomes more than sixty (60) days delinquent in its obligations to the Idaho Corporate Credit Union.

26-2181. COMPENSATION -- CORPORATE OFFICERS. The officers of the corporate credit union shall have the same rights regarding compensation as officers of other credit unions organized under the Idaho Credit Union act. Nothing in this section is to be interpreted to preclude the corporate credit union officers from receiving an honorarium as established annually by the board of directors for each meeting plus their actual expenses.
26-2182. SHARES AND DEPOSITS. (a) A share is defined as a term applied to each one hundred dollars ($100) standing to the share account of a member. The shares of a credit union shall all be common shares of one (1) class and shall have a par value of one hundred dollars ($100) per share. No certificate shall be issued to denote ownership of a share in the credit union.

(b) In the event of default, the Idaho Corporate Credit Union shall have and may exercise a lien on the shares of any member for any sum due the credit union from said member.

26-2183. RESERVE ALLOCATIONS -- IDAHO CORPORATE CREDIT UNION. No reserve shall be required for the corporate credit union except a special reserve may be required by the director of finance when an annual examination reflects need for such reserves for potential losses from investments. Loans one (1) month to six (6) months delinquent shall be required to have a reserve equal to ten per cent (10%) of the unpaid balance of such loans. Loans over six (6) months delinquent shall be required to have a reserve equal to one hundred per cent (100%) of the unpaid balance of such loans. The director may allow distribution of the special reserve if the losses do not materialize.

26-2184. DIVIDENDS -- IDAHO CORPORATE CREDIT UNION. (a) After allocations to the reserve account if required by the director, the board of directors may at the end of any dividend period duly established, declare a dividend from undivided earnings as the bylaws may provide.

(b) Dividends shall be paid on all fully paid shares outstanding at the close of the dividend periods.

(c) And provided further that the Idaho Corporate Credit Union may pay interest on daily deposit balances of its members which are in excess of the capital share base requirement for membership.

(d) No dividend shall be declared or paid at a time when the corporation is insolvent.

26-2185. APPLICABLE PROVISIONS OF THE IDAHO CREDIT UNION ACT. The following provisions of the Idaho Credit Union act shall apply to the Idaho Corporate Credit Union:

(a) Share reduction, section 26-2131, Idaho Code.
(b) Reports, section 26-2133, Idaho Code.
(c) Books and records, section 26-2135, Idaho Code.
(d) Examinations, section 26-2136, Idaho Code.
(e) False reports, section 26-2137, Idaho Code.
(f) Cease and desist orders, suspension, and liquidation, section 26-2140, Idaho Code.

(g) Administration, rules and regulations, section 26-2144, Idaho Code.

(h) Fiscal year, section 26-2112, Idaho Code.

(i) Penalties for official misconduct, section 26-2117, Idaho Code.

26-2186. TAXATION -- IDAHO CORPORATE CREDIT UNION. The Idaho Corporate Credit Union shall be deemed an institution for savings and, together with all the accumulations therein, shall not be subject to taxation except to real estate owned. The shares of a credit union shall not be subject to a stock transfer tax when issued by the corporation or when transferred from one (1) member to another.

26-2187. CONSTRUCTION AGAINST REPEAL. This chapter being a general chapter intended as unified coverage of its subject matter, no part of it shall be deemed to be impliedly repealed by subsequent legislation if such construction can reasonably be avoided.

26-2188. SEVERABILITY. If any provision of this chapter or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this chapter which can be given effect without the invalid provisions or application, and to this end the provisions of this chapter are severable.

Approved March 30, 1977.
CHAPTER 214
(S.B. No. 1018, As Amended)

AN ACT
RELATING TO CHILD CUSTODY JURISDICTION; ADDING A NEW CHAPTER 10, TITLE 5, IDAHO CODE, STATING THE PURPOSE OF THE ACT AND RULES OF CONSTRUCTION; DEFINING TERMS; DETERMINING JURISDICTION OVER CHILD CUSTODY; PROVIDING NOTICE AND THE OPPORTUNITY TO BE HEARD; PROVIDING FOR NOTICE TO PEOPLE OUTSIDE THE STATE AND SUBMISSION TO JURISDICTION; PROVIDING FOR SIMULTANEOUS PROCEEDINGS IN OTHER STATES; PROVIDING FOR CHANGE IN THE FORUM WHEN IT IS INCONVENIENT; PROVIDING FOR DECLINING JURISDICTION BECAUSE OF MISCONDUCT; REQUIRING INFORMATION UNDER OATH TO BE SUBMITTED TO THE COURT; PROVIDING FOR ADDITIONAL PARTIES; PROVIDING FOR BINDING FORCE AND RES JUDICATA EFFECT ON A CUSTODY DECREE; RECOGNIZING OUT-OF-STATE CUSTODY DECREES; PROVIDING FOR MODIFICATION OF CUSTODY DECREES OF OTHER STATES; PROVIDING TIME LIMITATIONS AND STANDARDS FOR MODIFYING CUSTODY DECREES; PROVIDING FOR THE FILING AND ENFORCEMENT OF CUSTODY DECREES OF OTHER STATES; PROVIDING FOR A REGISTRY OF OUT-OF-STATE CUSTODY DECREES AND PROCEEDINGS; PROVIDING FOR CERTIFIED COPIES OF CUSTODY DECREES OF OTHER STATES; PROVIDING FOR DEPOSITIONS TAKEN IN ANOTHER STATE; PROVIDING FOR HEARINGS AND STUDIES IN OTHER STATES; PROVIDING FOR ASSISTANCE TO COURTS OF OTHER STATES; PROVIDING FOR PRESERVATION OF DOCUMENTS FOR USE IN OTHER STATES; PROVIDING FOR OBTAINING RECORDS OF OTHER STATES; GIVING THE LAW INTERNATIONAL APPLICATION; GIVING COURT PRIORITY TO CHILD CUSTODY JURISDICTION QUESTIONS; STATING THE SHORT TITLE AND PROVIDING SEVERABILITY.

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

SECTION 1. That Chapter 10, Title 5, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 10, Title 5, Idaho Code, and to read as follows:

UNIFORM CHILD CUSTODY JURISDICTION ACT

5-1001. PURPOSES OF ACT - CONSTRUCTION OF PROVISIONS.
(a) The general purposes of this chapter are to:


(1) avoid jurisdictional competition and conflict with courts of other states in matters of child custody which have in the past resulted in the shifting of children from state to state with harmful effects on their well-being;
(2) promote cooperation with the courts of other states to the end that a custody decree is rendered in that state which can best decide the case in the interest of the child;
(3) assure that litigation concerning the custody of a child take place ordinarily in the state with which the child and his family have the closest connection and where significant evidence concerning his care, protection, training, and personal relationships is most readily available, and that courts of this state decline the exercise of jurisdiction when the child and his family have a closer connection with another state;
(4) discourage continuing controversies over child custody in the interest of greater stability of home environment and of secure family relationships for the child;
(5) deter abductions and other unilateral removals of children undertaken to obtain custody awards;
(6) avoid relitigation of custody decisions of other states in this state insofar as feasible;
(7) facilitate the enforcement of custody decrees of other states;
(8) promote and expand the exchange of information and other forms of mutual assistance between the courts of this state and those of other states concerned with the same child; and
(9) make uniform the law of those states which enact it.

(b) This shall be construed to promote the general purposes stated in this section.

5-1002. DEFINITIONS. As used in this chapter:
(1) "contestant" means a person, including a parent, who claims a right to custody or visitation rights with respect to a child;
(2) "custody determination" means a court decision and court orders and instructions providing for the custody of a child, including visitation rights; it does not include a decision relating to child support or any other monetary obligation of any person;
(3) "custody proceeding" means proceedings in which a custody determination is one of several issues, and includes child neglect and dependency proceedings;
(4) "decree" or "custody decree" means a custody determination contained in a judicial decree made in a custody proceeding, and includes an initial decree and a modification decree;

(5) "home state" means the state in which the child immediately preceding the time involved lived with his parents, a parent, or a person acting as parent, for at least six (6) consecutive months, and in the case of a child less than six (6) months old the state in which the child lived from birth with any of the persons mentioned. Periods of temporary absence of any of the named persons are counted as part of the six (6) month or other period;

(6) "initial decree" means the first custody decree concerning a particular child;

(7) "modification decree" means a custody decree which modifies or replaces a prior decree, whether made by the court which rendered the prior decree or by another court;

(8) "physical custody" means actual possession and control of a child;

(9) "person acting as parent" means a person, other than a parent, who has physical custody of a child and who has either been awarded custody by a court or claims a right to custody; and

(10) "state" means any state, territory, or possession of the United States, the Commonwealth of Puerto Rico, and the District of Columbia.

5-1003. JURISDICTION. (a) A court of this state which is competent to decide child custody matters has jurisdiction to make a child custody determination by initial or modification decree if:

(1) this state (i) is the home state of the child at the time of commencement of the proceeding, or (ii) had been the child's home state within six (6) months before commencement of the proceeding and the child is absent from this state because of his removal or retention by a person claiming his custody or for other reasons, and a parent or person acting as parent continues to live in this state; or

(2) it is in the best interest of the child that a court of this state assume jurisdiction because (i) the child and his parents, or the child and at least one contestant, have a significant connection with this state, and (ii) there is available in this state substantial evidence concerning the child's present or
future care, protection, training, and personal relationships; or
(3) the child is physically present in this state and
   (i) the child has been abandoned or (ii) it is necessary
   in an emergency to protect the child because he has been
   subjected to or threatened with mistreatment or abuse or
   is otherwise neglected or dependent; or
(4) (i) it appears that no other state would have
   jurisdiction under prerequisites substantially in
   accordance with paragraphs (1), (2), or (3) of this
   section, or another state has declined to exercise
   jurisdiction on the ground that this state is the more
   appropriate forum to determine the custody of the child,
   and (ii) it is in the best interest of the child that
   this court assume jurisdiction.

(b) Except under paragraphs (3) and (4) of subsection
(a) of this section, physical presence in this state of the
child, or of the child and one of the contestants, is not
alone sufficient to confer jurisdiction on a court of this
state to make a child custody determination.

(c) Physical presence of the child, while desirable, is
not a prerequisite for jurisdiction to determine his cus­
tody.

5-1004. NOTICE AND OPPORTUNITY TO BE HEARD. Before
making a decree under this chapter, reasonable notice and
opportunity to be heard shall be given to the contestants,
any parent whose parental rights have not been previously
terminated, and any person who has physical custody of the
child. If any of these persons is outside this state, notice
and opportunity to be heard shall be given pursuant to
section 5-1005, Idaho Code.

5-1005. NOTICE TO PERSONS OUTSIDE THIS STATE - SUBMIS­
SION TO JURISDICTION. (a) Notice required for the exercise
of jurisdiction over a person outside this state shall be
given in a manner reasonably calculated to give actual
notice, and may be:
(1) by personal delivery outside this state in the man­
er prescribed for service of process within this state;
(2) in the manner prescribed by the law of the place in
which the service is made for service of process in that
place in an action in any of its courts of general
jurisdiction;
(3) by any form of mail addressed to the person to be
served and requesting a receipt; or
(4) as directed by the court, including publication, if other means of notification are ineffective.

(b) Notice under this section shall be served, mailed, delivered, or last published at least twenty (20) days before any hearing in this state.

(c) Proof of service outside this state may be made by affidavit of the individual who made the service, or in the manner prescribed by the law of this state, the order pursuant to which the service is made, or the law of the place in which the service is made. If service is made by mail, proof may be a receipt signed by the addressee or other evidence of delivery to the addressee.

(d) Notice is not required if a person submits to the jurisdiction of the court.

5-1006. SIMULTANEOUS PROCEEDINGS IN OTHER STATES. (a) A court of this state shall not exercise its jurisdiction under this chapter if at the time of filing the petition a proceeding concerning the custody of the child was pending in a court of another state exercising jurisdiction substantially in conformity with this chapter, unless the proceeding is stayed by the court of the other state because this state is a more appropriate forum or for other reasons.

(b) Before hearing the petition in a custody proceeding the court shall examine the pleadings and other information supplied by the parties under section 5-1009, Idaho Code, and shall consult the child custody registry established under section 5-1016, Idaho Code, concerning the pendency of proceedings with respect to the child in other states. If the court has reason to believe that proceedings may be pending in another state it shall direct an inquiry to the state court administrator or other appropriate official of the other state.

(c) If the court is informed during the course of the proceeding that a proceeding concerning the custody of the child was pending in another state before the court assumed jurisdiction it shall stay the proceeding and communicate with the court in which the other proceeding is pending to the end that the issue may be litigated in the more appropriate forum and that information be exchanged in accordance with sections 5-1019 through 5-1022, Idaho Code. If a court of this state has made a custody decree before being informed of a pending proceeding in a court of another state it shall immediately inform that court of the fact. If the
court is informed that a proceeding was commenced in another state after it assumed jurisdiction it shall likewise inform the other court to the end that the issues may be litigated in the most appropriate forum.

5-1007. INCONVENIENT FORUM. (a) A court which has jurisdiction under this chapter to make an initial or modification decree may decline to exercise its jurisdiction any time before making a decree if it finds that it is an inconvenient forum to make a custody determination under the circumstances of the case and that a court of another state is a more appropriate forum.

(b) A finding of inconvenient forum may be made upon the court's own motion or upon motion of a party or a guardian ad litem or other representative of the child.

(c) In determining if it is an inconvenient forum, the court shall consider if it is in the interest of the child that another state assume jurisdiction. For this purpose it may take into account the following factors, among others:

1. if another state is or recently was the child's home state;
2. if another state has a closer connection with the child and his family or with the child and one or more of the contestants;
3. if substantial evidence concerning the child's present or future care, protection, training, and personal relationships is more readily available in another state;
4. if the parties have agreed on another forum which is no less appropriate; and
5. if the exercise of jurisdiction by a court of this state would contravene any of the purposes stated in section 5-1001, Idaho Code.

(d) Before determining whether to decline or retain jurisdiction the court may communicate with a court of another state and exchange information pertinent to the assumption of jurisdiction by either court with a view to assuring that jurisdiction will be exercised by the most appropriate court and that a forum will be available to the parties.

(e) If the court finds that it is an inconvenient forum and that a court of another state is a more appropriate forum, it may dismiss the proceedings, or it may stay the proceedings upon condition that a custody proceeding be promptly commenced in another named state or upon any other
conditions which may be just and proper, including the condition that a moving party stipulate his consent and submission to the jurisdiction of the other forum.

(f) The court may decline to exercise its jurisdiction under this chapter if a custody determination is incidental to an action for divorce or another proceeding while retaining jurisdiction over the divorce or other proceeding.

(g) If it appears to the court that it is clearly an inappropriate forum it may require the party who commenced the proceedings to pay, in addition to the costs of the proceedings in this state, necessary travel and other expenses, including attorneys' fees, incurred by other parties or their witnesses. Payment is to be made to the clerk of the court for remittance to the proper party.

(h) Upon dismissal or stay of proceedings under this section the court shall inform the court found to be the more appropriate forum of this fact, or if the court which would have jurisdiction in the other state is not certainly known, shall transmit the information to the court administrator or other appropriate official for forwarding to the appropriate court.

(i) Any communication received from another state informing this state of a finding of inconvenient forum because a court of this state is the more appropriate forum shall be filed with the clerk of the appropriate court. Upon assuming jurisdiction the court of this state shall inform the original court of this fact.

5-1008. JURISDICTION DECLINED BY REASON OF CONDUCT.

(a) If the petitioner for an initial decree has wrongfully taken the child from another state or has engaged in similar reprehensible conduct the court may decline to exercise jurisdiction if this is just and proper under the circumstances.

(b) Unless required in the interest of the child and subject to subsection (a) of section 5-1014, Idaho Code, the court shall not exercise its jurisdiction to modify a custody decree of another state if the petitioner, without consent of the person entitled to custody, has improperly removed the child from the physical custody of the person entitled to custody or has improperly retained the child after a visit or other temporary relinquishment of physical custody. If the petitioner has violated any other provision of a custody decree of another state the court subject to subsection (a) of section 5-1014, Idaho Code, may decline to
exercise jurisdiction if this is just and proper under the circumstances.

(c) In appropriate cases a court dismissing a petition under this section may charge the petitioner with necessary travel and other expenses, including attorneys' fees, incurred by other parties or their witnesses.

5-1009. INFORMATION UNDER OATH TO BE SUBMITTED TO THE COURT. (a) Every party in a custody proceeding in his first pleading or in an affidavit attached to that pleading shall give information under oath as to the child's present address, the places where the child has lived within the last five (5) years, and the names and present addresses of the persons with whom the child has lived during that period. In this pleading or affidavit every party shall further declare under oath if:

(1) he has participated (as a party, witness, or in any other capacity) in any other litigation concerning the custody of the same child in this or any other state;
(2) he has information of any custody proceeding concerning the child pending in a court of this or any other state; and
(3) he knows of any person not a party to the proceedings who has physical custody of the child or claims to have custody or visitation rights with respect to the child.

(b) If the declaration as to any of the above items is in the affirmative the declarant shall give additional information under oath as required by the court. The court may examine the parties under oath as to details of the information furnished and as to other matters pertinent to the court's jurisdiction and the disposition of the case.

(c) Each party has a continuing duty to inform the court of any custody proceeding concerning the child in this or any other state of which he obtained information during this proceeding.

5-1010. ADDITIONAL PARTIES. If the court learns from information furnished by the parties pursuant to section 5-1009, Idaho Code, or from other sources that a person not a party to the custody proceeding has physical custody of the child or claims to have custody or visitation rights with respect to the child, it shall order that person to be joined as a party and to be duly notified of the pendency of the proceeding and of his joinder as a party. If the person
joined as a party is outside this state he shall be served with process or otherwise notified in accordance with section 5-1005, Idaho Code.

5-1011. APPEARANCE OF PARTIES AND THE CHILD. (a) The court may order any party to the proceeding who is in this state to appear personally before the court. If that party has physical custody of the child the court may order that he appear personally with the child.

(b) If a party to the proceeding whose presence is desired by the court is outside this state with or without the child the court may order that the notice given under section 5-1005, Idaho Code, include a statement directing that party to appear personally with or without the child and declaring that failure to appear may result in a decision adverse to that party.

(c) If a party to the proceeding who is outside this state is directed to appear under subsection (b) of this section or desires to appear personally before the court with or without the child, the court may require another party to pay to the clerk of the court travel and other necessary expenses of the party so appearing and of the child if this is just and proper under the circumstances.

5-1012. BINDING FORCE AND RES JUDICATA EFFECT OF CUSTODY DECREE. A custody decree rendered by a court of this state which had jurisdiction under section 5-1003, Idaho Code, binds all parties who have been served in this state or notified in accordance with section 5-1005, Idaho Code, or who have submitted to the jurisdiction of the court, and who have been given an opportunity to be heard. As to these parties the custody decree is conclusive as to all issues of law and fact decided and as to the custody determination made unless and until that determination is modified pursuant to law, including the provisions of this chapter.

5-1013. RECOGNITION OF OUT-OF-STATE CUSTODY DECREES. The courts of this state shall recognize and enforce an initial or modification decree of a court of another state which had assumed jurisdiction under statutory provisions substantially in accordance with this chapter or which was made under factual circumstances meeting the jurisdictional standards of the chapter, so long as this decree has not been modified in accordance with jurisdictional standards substantially similar to those of this chapter.
5-1014. MODIFICATION OF CUSTODY DECREE OF ANOTHER STATE. (a) If a court of another state has made a custody decree, a court of this state shall not modify that decree unless (1) it appears that the court which rendered the decree does not have jurisdiction under jurisdictional prerequisites substantially in accordance with this chapter or has declined to assume jurisdiction to modify the decree and (2) the court of this state has jurisdiction.

(b) If a court of this state is authorized under subsection (a) of this section and section 5-1008, Idaho Code, to modify a custody decree of another state it shall give due consideration to the transcript of the record and other documents of all previous proceedings submitted to it in accordance with section 5-1022, Idaho Code.

5-1014A. TIME AND STANDARD FOR MODIFYING CUSTODY DECREE. (a) No motion to modify a custody decree may be made earlier than two (2) years after its date, unless the court permits it to be made on the basis of affidavits that there is reason to believe the child's present environment may endanger seriously his physical, mental, moral or emotional health; except that nothing in this section shall be construed to prevent the court from reconsidering a custody decree entered upon legal separation in the event of application before the expiration of two (2) years by either party for a decree terminating the marriage.

(b) No modification decree shall be entered except upon a showing that a permanent material change has occurred since the prior decree and that it is in the best interests of the child that the decree be modified.

5-1015. FILING AND ENFORCEMENT OF CUSTODY DECREE OF ANOTHER STATE. (a) A certified copy of a custody decree of another state may be filed in the office of the clerk of any district court of this state. The clerk shall treat the decree in the same manner as a custody decree of the district court of this state. A custody decree so filed has the same effect and shall be enforced in like manner as a custody decree rendered by a court of this state.

(b) A person violating a custody decree of another state which makes it necessary to enforce the decree in this state may be required to pay necessary travel and other expenses, including attorneys' fees, incurred by the party entitled to the custody or his witnesses.

5-1016. REGISTRY OF OUT-OF-STATE CUSTODY DECREES AND PROCEEDINGS. The clerk of each district court shall maintain
a registry in which he shall enter the following:

1. certified copies of custody decrees of other states received for filing;
2. communications as to the pendency of custody proceedings in other states;
3. communications concerning a finding of inconvenient forum by a court of another state; and
4. other communications or documents concerning custody proceedings in another state which may affect the jurisdiction of a court of this state or the disposition to be made by it in a custody proceeding.

5-1017. CERTIFIED COPIES OF CUSTODY DECREE. The clerk of a district court of this state, at the request of the court of another state or at the request of any person who is affected by or has a legitimate interest in a custody decree, shall certify and forward a copy of the decree to that court or person.

5-1018. TESTIMONY BY DEPOSITION IN ANOTHER STATE. In addition to other procedural devices available to a party any party to the proceeding or a guardian ad litem or other representative of the child may adduce testimony of witnesses, including parties and the child, by deposition or otherwise, in another state. The court on its own motion may direct that the testimony of a person be taken in another state and may prescribe the manner in which and the terms upon which the testimony shall be taken.

5-1019. HEARINGS AND STUDIES IN ANOTHER STATE. (a) A court of this state may request the appropriate court of another state to hold a hearing to adduce evidence, to order a party to produce or give evidence under other procedures of that state, or to have social studies made with respect to the custody of a child involved in proceedings pending in the court of this state; and to forward to the court of this state certified copies of the transcript of the record of the hearing, the evidence otherwise adduced, or any social studies prepared in compliance with the request. The cost of the services may be assessed against the parties or, if necessary, ordered paid by the county.

(b) A court of this state may request the appropriate court of another state to order a party to custody proceedings pending in the court of this state to appear in the proceedings, and if that party has physical custody of the child, to appear with the child. The request may state that travel and other necessary expenses of the party and of the
child whose appearance is desired will be assessed against another party or will otherwise be paid.

5-1020. ASSISTANCE TO COURTS OF OTHER STATES. (a) Upon request of the court of another state the courts of this state which are competent to hear custody matters may order a person in this state to appear at a hearing to adduce evidence or to produce or give evidence under other procedures available in this state. A certified copy of the transcript of the record of the hearing or the evidence otherwise adduced shall be forwarded by the clerk of the court to the requesting court.

(b) A person within this state may voluntarily give his testimony or statement in this state for use in a custody proceeding outside this state.

(c) Upon request of the court of another state a competent court of this state may order a person in this state to appear alone or with the child in a custody proceeding in another state. The court may condition compliance with the request upon assurance by the other state that travel and other necessary expenses will be advanced or reimbursed.

5-1021. PRESERVATION OF DOCUMENTS FOR USE IN OTHER STATES. In any custody proceeding in this state the court shall preserve the pleadings, orders and decrees, any record that has been made of its hearings, social studies, and other pertinent documents until the child reaches eighteen (18) years of age. Upon appropriate request of the court of another state the court shall forward to the other court certified copies of any or all of such documents.

5-1022. REQUEST FOR COURT RECORDS OF ANOTHER STATE. If a custody decree has been rendered in another state concerning a child involved in a custody proceeding pending in a court of this state, the court of this state upon taking jurisdiction of the case shall request of the court of the other state a certified copy of the transcript of any court record and other documents mentioned in section 5-1021, Idaho Code.

5-1023. INTERNATIONAL APPLICATION. The general policies of this chapter extend to the international area. The provisions of this chapter relating to the recognition and enforcement of custody decrees of other states apply to custody decrees and decrees involving legal institutions similar in nature to custody institutions rendered by appropriate authorities of other nations if reasonable notice and
opportunity to be heard were given to all affected persons.

5-1024. PRIORITY. Upon the request of a party to a custody proceeding which raises a question of existence or exercise of jurisdiction under this chapter the case shall be given calendar priority and handled expeditiously.

5-1025. SHORT TITLE. This act may be cited as the "Uniform Child Custody Jurisdiction Act."

SECTION 2. The provisions of this act are hereby declared to be severable and if any provision of this act or the application of such provision to any person or circumstance is declared invalid for any reason, such declaration shall not affect the validity of remaining

Approved March 31, 1977.
CHAPTER 215
(S.B. No. 1024)

AN ACT
RELATING TO PAYMENT OF PREMIUMS FOR WORKMEN'S COMPENSATION; AMENDING SECTION 72-918, IDAHO CODE, PROVIDING FOR QUARTERLY PAYMENT OF PREMIUMS AND DEPOSITS BY PUBLIC EMPLOYEES.

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

SECTION 1. That Section 72-918, Idaho Code, be, and the same is hereby amended to read as follows:

72-918. POLICIES AND PAYMENT OF PREMIUMS. 1. Every employer insuring in the state insurance fund shall receive from the manager a contract or policy of insurance.

2. Except as otherwise provided in this chapter, all premiums shall be paid by every employer who elects to insure with the state insurance fund to the manager semi-annually, or at such times as may be prescribed by the manager. Receipts shall be given for such payments and the money shall be paid over to the state treasurer to the credit of the state insurance fund.

3. Premiums may be paid quarterly by public employers and deposits from public employers shall not be required in an amount in excess of the previous quarter's earned payment.

Approved March 31, 1977.
CHAPTER 216
(S.B. No. 1043, As Amended)

AN ACT
RELATING TO LIMITATIONS ON LOANS UNDER THE BANK ACT; AMENDING SECTION 26-601, IDAHO CODE, TO PROVIDE THAT GOODS, CHATTELS, WARES OR MERCHANDISE COMING INTO THE POSSESSION OF ANY BANK AS COLLATERAL SECURITY FOR LOANS, OR ANY ORDINARY COLLECTION OF DEBTS SHALL NOT BE CONSIDERED AS A PART OF THE BANK'S ASSETS AFTER THE EXPIRATION OF TWO YEARS FROM THE DATE OF ACQUISITION, TO ALLOW BANKS TO MAKE REAL ESTATE LOANS SECURED BY LIENS UPON IMPROVED REAL ESTATE IN AN AMOUNT WHICH WHEN ADDED TO THE AMOUNT UNPAID ON PRIOR MORTGAGES, LIENS, ENCUMBRANCES, IF ANY, UPON SUCH REAL ESTATE DOES NOT EXCEED THE RESPECTIVE PERCENTAGES OF APPRAISED VALUE AS OTHERWISE PROVIDED IN THIS SECTION AND TO PROVIDE THAT UNDER CERTAIN CONDITIONS LOANS SECURED BY REAL ESTATE MAY BE MADE FOR A TERM NOT LONGER THAN THIRTY YEARS.

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

SECTION 1. That Section 26-601, Idaho Code, be, and the same is hereby amended to read as follows:

26-601. INVESTMENT OF FUNDS -- CERTAIN LOANS PROHIBITED. (a) No bank shall employ its moneys, directly or indirectly, in trade or commerce, by buying and selling goods, chattels, wares and merchandise. Provided, that it may hold and sell all kinds of property which may come into its possession as collateral security for loans, or any ordinary collection of debts, as prescribed by law: provided, further, that any goods, chattels, wares or merchandise coming into the possession of any bank as aforesaid, shall be disposed of as soon as possible, and shall not be considered as a part of the bank's assets after the expiration of one-fff two (2) years from the date of acquisition.

(b) No bank shall accept as collateral, nor make any loans or discounts on the security of nor purchase any shares of its own capital stock nor purchase the shares of any other bank wherever organized, or situated, except stock of federal reserve banks, unless such security or purchase shall be necessary to prevent loss upon a debt previously contracted in good faith; and stock so purchased or acquired
shall within six (6) months from the date of acquirement be sold or disposed of at public or private sale; after the expiration of six (6) months any such stock shall not be considered as a part of the assets of such bank.

(c) Any bank may make real estate loans secured by first liens upon improved real estate, including improved farm land and improved business and residential properties. A loan secured by real estate within the meaning of this section shall be in the form of an obligation or obligations secured by mortgage, trust deed, or other such instrument which shall constitute a lien upon real estate in fee, and any bank may purchase any obligation so secured when the entire amount of such obligation is sold to the bank. The amount of any such loan hereafter made shall not exceed 50 per centum (50%) of the appraised value of the real estate offered as security and no such loan shall be made for a longer term than five (5) years; except that (1) any such loan may be made in an amount not to exceed sixty-six and two-thirds per centum (66 2/3%) of the appraised value of the real estate offered as security and for a term not longer than ten (10) years if the loan is secured by an amortized mortgage, deed of trust, or other such instrument under the terms of which the instalment payments are sufficient to amortize forty per centum (40%) or more of the principal of the loan within a period of not more than ten (10) years, and (2) any such loan may be made in an amount not to exceed sixty-six and two thirds per centum (66 2/3%) of the appraised value of the real estate offered as security and for a term not longer than twenty (20) years if the loan is secured by an amortized mortgage, deed of trust, or other such instrument under the terms of which the instalment payments are sufficient to amortize the entire principal of the loan within a period of not more than twenty (20) years, and (3) any such loan may be made in an amount not to exceed eighty per centum (80%) of the appraised value of the real estate offered as security and for a term not longer than twenty-five (25) thirty (30) years if the loan is secured by an amortized mortgage, deed of trust, or other such instrument under the terms of which the instalment payments are sufficient to amortize the entire principal of the loan within the period ending on the date of its maturity, and (4) the foregoing limitations and restrictions shall not prevent the renewal or extension of loans heretofore made and shall not apply to (A) real estate loans which are insured under the provisions of the Act of Congress of June 27, 1934, and amendatory and supplemental legislation relating to loans insured by the federal housing administration.
(d) No such bank shall make such loans in an aggregate sum in excess of the amount of the capital stock of such bank paid in and unimpaired plus the amount of its unimpaired surplus fund, or in excess of seventy per centum (70%) of the amount of its time and savings deposits, whichever is the greater. Provided, that loans secured by mortgages under the provisions of section 1709 of title 12 United States Code Annotated as amended by Act of Congress June 30, 1961, and legislation amendatory and supplemental thereto shall not be taken into account in determining the amount of real estate loans which a bank may make in relation to its capital and surplus or its time and savings deposits. And provided further, that loans guaranteed under the provisions of title III of the Act of Congress of June 22, 1944, cited as "Servicemen's Readjustment Act of 1944," as amended December 28, 1945, and legislation amendatory and supplemental thereto, may be made or purchased by any bank, and any loan, at least twenty per centum (20%) of which is guaranteed under said title III of the "Servicemen's Readjustment Act of 1944," as amended, may be made or purchased by any bank without regard to the limitations and restrictions of this chapter with respect to:

1. The ratio of the amount of the loan to the value of the property.
2. Requirements as to duration or maturity of loan.
3. Requirements for mortgage or other security.
4. Requirements as to priority or dignity of lien.
5. Any limitation as to percentage of assets which may be invested in real estate loans.

Loans made to finance the construction of residential or farm buildings and having maturities of not to exceed eighteen (18) months, whether or not secured by a mortgage or similar lien on the real estate upon which the residential or farm building is being constructed, shall not be considered as loans secured by real estate within the meaning of this section, but shall be classed as ordinary commercial loans: provided, that no bank shall invest in, or be liable on, any such loans in an aggregate amount in excess of fifty per centum (50%) of its actually paid-in and unimpaired capital.

(e) Loans made to established industrial or commercial businesses (a) which are in whole or in part discounted or purchased or loaned against as security by a federal reserve bank under the provisions of an Act of Congress of June 19, 1934, as amended, (b) for any part of which a commitment shall have been made by a federal reserve bank under the provisions of said act of congress, (c) in the making of
which a federal reserve bank participates under the provi­sions of said act of congress and loans in which the small business administration cooperates through agreements to participate on an immediate or deferred basis under the Small Business Act shall not be subject to the restrictions or limitations of this section imposed upon loans secured by real estate.

(f) Any bank may make a loan secured by a second lien in an amount which when added to the amount unpaid on prior mortgages, liens and encumbrances, if any, does not exceed the respective percentages of appraised value as provided in subsection (c) of this section.

(g) These provisions, however, shall not prevent any bank from taking another and immediate subsequent mortgage or deed of trust thereon when it already holds a first mortgage or deed of trust on such real estate, nor from accepting a second lien on real estate to secure the repayment of a debt previously contracted in good faith or for facilitating the sale of property owned by it; nor shall it prevent subsequent liens of any kind from being taken where such are supplemental to, and in addition to, other adequate security; nor shall it prevent subsequent liens of any kind from being taken to secure the payment of a debt contracted previously in good faith, when in the judgment of the directors of said bank such subsequent liens are necessary further to secure the payment of any debts and save such bank from losses.

(h) The words "goods and chattels" as used in this section shall not be construed to include bonds or securi­ties.

Approved March 31, 1977.
CHAPTER 217
(S.B. No. 1045)

AN ACT
CREATING THE IDAHO LIFE AND DISABILITY INSURANCE GUARANTY ASSOCIATION FOR THE PROTECTION OF POLICYHOLDERS AND OTHER PERSONS HAVING INTERESTS UNDER THE POLICIES OF INSOLVENT DOMESTIC LIFE OR DISABILITY INSURERS, AND OF POLICYHOLDERS AND OTHER PERSONS RESIDENT IN THIS STATE AND HAVING INTERESTS UNDER POLICIES OF INSOLVENT FOREIGN OR ALIEN LIFE OR DISABILITY INSURERS THERETOFORE AUTHORIZED TO TRANSACT INSURANCE IN THIS STATE; ADDING A NEW CHAPTER 43, TITLE 41, IDAHO CODE; PROVIDING A SHORT TITLE; STATING THE PURPOSES OF THIS ACT; SPECIFYING THE INSURANCE AND ANNUITY CONTRACTS TO WHICH THE ACT IS APPLICABLE AND EXEMPTING SUCH CONTRACTS ISSUED BY CERTAIN ORGANIZATIONS; PROVIDING FOR LIBERAL CONSTRUCTION; DEFINING TERMS; REQUIRING ALL AUTHORIZED LIFE AND DISABILITY INSURERS TO BE MEMBERS OF THE GUARANTY ASSOCIATION, DESIGNATING THE ACCOUNTS TO BE MAINTAINED, AND PROVIDING FOR SUPERVISION BY THE DIRECTOR OF THE DEPARTMENT OF INSURANCE AND APPLICABILITY OF THE INSURANCE LAWS; PROVIDING FOR THE ORGANIZATION AND MEMBERSHIP OF THE BOARD OF DIRECTORS, VOTING RIGHTS AND REIMBURSEMENT OF MEMBERS FOR EXPENSE; SPECIFYING THE POWERS AND DUTIES OF THE ASSOCIATION; PROVIDING FOR THE METHOD OF ASSESSMENT OF THE MEMBER COMPANIES; PROVIDING FOR ADOPTION OF A PLAN OF OPERATION BY THE ASSOCIATION AND SPECIFYING THE SCOPE AND REQUIREMENTS THEREOF; SPECIFYING CERTAIN POWERS AND DUTIES OF THE DIRECTOR OF THE DEPARTMENT OF INSURANCE AND OF THE ASSOCIATION AND THE BOARD OF DIRECTORS IN REGARD TO IMPAIRED INSURERS, AND ENFORCEMENT OF PAYMENT OF ASSESSMENTS; PROVIDING CERTAIN FUNCTIONS FOR THE ASSOCIATION BOARD OF DIRECTORS AND THE DIRECTOR FOR THE PREVENTION, DETECTION, ADMINISTRATION, ANALYSIS AND REPORTING OF INSURER INSOLVENCIES; ALLOWING MEMBER COMPANIES TAX CREDITS FOR ASSESSMENTS PAID; PROVIDING THAT LIABILITY FOR UNPAID ASSESSMENTS MAY NOT BE REDUCED, THAT CERTAIN RECORDS BE KEPT, PROVIDING THE ASSOCIATION THE STATUS OF A CREDITOR OF AN INSOLVENT INSURER, AND PROVIDING FOR ALLOCATION AND DISTRIBUTION OF AN INSOLVENT INSURER'S ASSETS; PROVIDING FOR EXAMINATION AND ANNUAL REPORT OF THE ASSOCIATION; ALLOWING THE ASSOCIATION TAX EXEMPTION EXCEPT FOR REAL PROPERTY TAXES; PROVIDING IMMUNITY FROM LIABILITY FOR THE ASSOCIATION, THE DIRECTOR AND OTHER DESIGNATED PERSONS AS TO
 ACTIONS TAKEN UNDER THIS ACT; PROVIDING FOR STAY OF IMPAIRED INSURER LIQUIDATION, REHABILITATION OR CONSERVATION PROCEEDINGS TO ENABLE THE ASSOCIATION TO PERFORM ITS FUNCTIONS, AND FOR SETTING ASIDE OF A DECISION, ORDER, VERDICT, OR FINDING BASED ON DEFAULT TO ENABLE DEFENSE ON THE MERITS; PROHIBITING ADVERTISEMENT OF THE INSURANCE GUARANTY ASSOCIATION ACT IN THE SALES OF INSURANCE; AND PROVIDING SEVERABILITY.

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

SECTION 1. That Title 41, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 43, Title 41, Idaho Code, and to read as follows:

41-4301. SHORT TITLE. This act shall be known and may be cited as the "Idaho Life and Health Insurance Guaranty Association Act."

41-4302. PURPOSE. The purpose of this act is to protect policyowners, insureds, beneficiaries, annuitants, payees, and assignees of life insurance policies, health insurance policies, annuity contracts, and supplemental contracts, subject to certain limitations, against failure in the performance of contractual obligations due to the impairment of insolvency of the insurer issuing such policies or contracts. To provide this protection, (1) an association of insurers is created to enable the guaranty of payment of benefits and of continuation of coverages, (2) members of the association are subject to assessment to provide funds to carry out the purpose of this act, and (3) the association is authorized to assist the director in the prescribed manner, in the detection and prevention of insurer impairments or insolvencies.

41-4303. APPLICATION OF ACT. (1) This act shall apply to direct life insurance policies, disability insurance policies, annuity contracts, and contracts supplemental to life and disability insurance policies, annuity contracts, and contracts supplemental to life and disability insurance policies and annuity contracts issued by persons licensed to transact insurance in this state at any time.
(2) This act shall not apply to:
(a) That portion or part of a variable life insurance
or variable annuity contract not guaranteed by an insurer;
(b) That portion or part of any policy or contract under which the risk is borne by the policyholder;
(c) Any policy or contract or part thereof assumed by the impaired or insolvent insurer under a contract of reinsurance, other than reinsurance for which assumption certificates have been issued; or
(d) Any such policy or contract issued by a reciprocal insurer, mutual benefit association, fraternal benefit society, hospital and medical service corporation, health maintenance organization, or self-funded health care plan.

41-4304. CONSTRUCTION. This act shall be liberally construed to effect the purpose under section 41-4302, Idaho Code, which shall constitute an aid and guide to interpretation.

41-4305. DEFINITIONS. As used in this act:
(1) "Account" means either of the three (3) accounts created under section 41-4306, Idaho Code.
(2) "Association" means the Idaho life and health insurance guaranty association created under section 41-4306, Idaho Code.
(3) "Director" means director of the department of insurance of this state.
(4) "Contractual obligation" means any obligation under covered policies.
(5) "Covered policy" means any policy or contract within the scope of this act under section 41-4303, Idaho Code.
(6) "Impaired insurer" means a member insurer deemed by the director after the effective date of this act to be potentially unable to fulfill its contractual obligations and not an insolvent insurer.
(7) "Insolvent insurer" means a member insurer which after the effective date of this act, becomes insolvent and is placed under a final order of liquidation, rehabilitation or conservation by a court of competent jurisdiction.
(8) "Member insurer" means any person licensed to transact in this state any kind of insurance to which this act applies under section 41-4303, Idaho Code.
(9) "Premiums" means direct gross insurance premiums and annuity considerations received on covered policies,
less return premiums and considerations thereon and dividends paid or credited to policyholders on such direct business. "Premiums" do not include premiums and considerations on contracts between insurers and reinsurers.

(10) "Person" means any individual, corporation, partnership, association or voluntary organization.

(11) "Resident" means any person who resides in this state at the time a member insurer is determined to be an impaired or insolvent insurer and to whom contractual obligations are owed.

41-4306. CREATION OF THE ASSOCIATION. (1) There is hereby created a nonprofit legal entity to be known as the Idaho life and health insurance guaranty association. All member insurers shall be and remain members of the association as a condition of their authority to transact insurance in this state. The association shall perform its functions under the plan of operation established and approved under section 41-4310, Idaho Code, and shall exercise its powers through a board of directors established under section 41-4307, Idaho Code. For purposes of administration and assessment, the association shall maintain three (3) accounts:

(a) the disability insurance account;
(b) the life insurance account; and
(c) the annuity account.

(2) The association shall come under the immediate supervision of the director and shall be subject to the applicable provisions of the insurance laws of this state.

41-4307. BOARD OF DIRECTORS. (1) The board of directors of the association shall consist of not less than five (5) nor more than nine (9) member insurers serving terms as established in the plan of operation. A majority of the members of the board shall be Idaho domestic insurers. The members of the board shall be selected by member insurers subject to the approval of the director. Vacancies on the board shall be filled for the remaining period of the term by a majority vote of the remaining board members, subject to the approval of the director. To select the initial board of directors, and initially organize the association, the director shall give notice to all member insurers of the time and place of the organizational meeting. In determining voting rights at the organizational meeting each member insurer shall be entitled to one (1) vote in person or by
proxy. If the board of directors is not selected within sixty (60) days after notice of the organizational meeting, the director may appoint the initial members.

(2) In approving selections or in appointing members to the board, the director shall consider, among other things, whether all member insurers are fairly represented.

(3) Members of the board may be reimbursed from the assets of the association for expenses incurred by them as members of the board of directors, but members of the board shall not otherwise be compensated by the association for their services.

41-4308. POWERS AND DUTIES OF THE ASSOCIATION. In addition to the powers and duties enumerated in other sections of this act,

(1) If a domestic insurer is an impaired insurer, the association may, subject to any conditions imposed by the association, other than those which impair the contractual obligations of the impaired insurer, and approved by the impaired insurer and the director:

(a) guarantee or reinsure, or cause to be guaranteed, assumed, or reinsured, any or all of the covered policies of the impaired insurers;
(b) provide such monies, pledges, notes, guarantees, or other means as are proper to effectuate and assure payment of the contractual obligations of the impaired insurer pending action under subsection (a) above;
(c) loan money to the impaired insurer.

(2) If a domestic insurer is an insolvent insurer, the association shall, subject to the approval of the director:

(a) guarantee, assume, or reinsure, or cause to be guaranteed, assumed, or reinsured the covered policies of the insolvent insurer;
(b) assume payment of the contractual obligations of the insolvent insurer; and,
(c) provide such monies, pledges, notes, guarantees, or other means as are reasonably necessary to discharge such duties.

(3) If a foreign or alien insurer is an insolvent insurer, the association shall, subject to the approval of the director:

(a) guarantee, assume, or reinsure, or cause to be guaranteed, assumed, or reinsured the covered policies of residents;
(b) assure payment of the contractual obligations of
the insolvent insurer to residents; and
(c) provide such monies, pledges, notes, guarantees, or other means as are reasonably necessary to discharge such duties.

Provided, however, that this subsection shall not apply where the director has determined that the foreign or alien insurer's domiciliary jurisdiction or state of entry provides, by statute, protection substantially similar to that provided by this act for residents of this state.

(4) (a) In carrying out its duties under subsections (2) and (3) of this section, permanent policy liens, or contract liens may be imposed in connection with any guarantee, assumption or reinsurance agreement, if the court
(i) finds that the amounts which can be assessed under this act are less than the amounts needed to assure full and prompt performance of the insolvent insurer's contractual obligations, or that the economic or financial conditions as they affect member insurers are sufficiently adverse to render the imposition of policy or contract liens, to be in the public interest, and
(ii) approves the specific policy liens or contract liens to be used.

(b) Before being obligated under subsections (2) and (3) of this section the association may request that there be imposed temporary moratoriums or liens on payments of cash values and policy loans in addition to any contractual provisions for deferral of cash or policy loan values and such temporary moratoriums and liens may be imposed if they are approved by the court.

(5) If the association fails to act within a reasonable period of time as provided in subsections (2) and (3) of this section, the director shall have the powers and duties of the association under this act with respect to insolvent insurers.

(6) The association may render assistance and advice to the director upon his request, concerning rehabilitation, payment of claims, continuance of coverage, or the performance of other contractual obligations of any impaired or insolvent insurer.

(7) The association shall have standing to appear before any court in this state with jurisdiction over an impaired or insolvent insurer concerning which the association is or may become obligated under this act. Such stand-
ing shall extend to all matters germane to the powers and duties of the association, including, but not limited to, proposals for reinsuring or guaranteeing the covered policies of the impaired or insolvent insurer and the determination of the covered policies and contractual obligations. 

(8) (a) Any person receiving benefits under this act shall be deemed to have assigned the rights under the covered policy to the association to the extent of the benefits received because of this act whether the benefits are payments of contractual obligations or continuation of coverage. The association may require an assignment to it of such rights by any payee, policy or contract owner, beneficiary, insured or annuitant as a condition precedent to the receipt of any rights or benefits conferred by this act upon such person. The association shall be subrogated to these rights against the assets of any insolvent insurer.

(b) The subrogation rights of the association under this subsection shall have the same priority against the assets of the insolvent insurer as that possessed by the person entitled to receive benefits under this act.

(9) The contractual obligations of the insolvent insurer for which the association becomes or may become liable shall be as great as but no greater than the contractual obligations of the insolvent insurer would have been in the absence of an insolvency unless such obligations are reduced as permitted by subsection (4) of this section but the aggregate liability of the association shall not exceed one hundred thousand dollars ($100,000) in cash values, or three hundred thousand dollars ($300,000) for all benefits, including cash values, with respect to any one life.

(10) The association may,

(a) Enter into such contracts as are necessary or proper to carry out the provisions and purposes of this act.

(b) Sue or be sued, including taking any legal actions necessary or proper for recovery of any unpaid assessments under section 41-4309, Idaho Code.

(c) Borrow money to effect the purposes of this act. Any notes or other evidence of indebtedness of the association not in default shall be legal investments for domestic insurers and may be carried as admitted assets.

(d) Employ or retain such persons as are necessary to handle the financial transactions of the association and to perform such other functions as become necessary or
(e) Negotiate and contract with any liquidator, rehabilitator, conservator, or ancillary receiver to carry out the powers and duties of the association.
(f) Take such legal action as may be necessary to avoid payment of improper claims.
(g) Exercise, for the purposes of this act and to the extent approved by the director, the powers of a domestic life or health insurer, but in no case may the association issue insurance policies or annuity contracts other than those issued to perform the contractual obligations of the impaired or insolvent insurer.

41-4309. ASSESSMENTS. (1) For the purpose of providing the funds necessary to carry out the powers and duties of the association, the board of directors shall assess the member insurers, separately for each account, at such time and for such amounts as the board finds necessary. Assessments shall be due not less than thirty (30) days after prior written notice to the member insurers and shall accrue interest at eight percent (8%) per annum on and after the due date.

(2) There shall be three (3) classes of assessments, as follows;
(a) Class A assessments shall be made for the purpose of meeting administrative costs and other general expenses and examinations conducted under the authority of subsection (5) of section 41-4312 and of section 41-4315, Idaho Code.
(b) Class B assessments shall be made to the extent necessary to carry out the powers and duties of the association under section 41-4308, Idaho Code, with regard to an impaired or insolvent domestic insurer.
(c) Class C assessments shall be made to the extent necessary to carry out the powers and duties of the association under section 41-4308, Idaho Code, with regard to an insolvent foreign or alien insurer.
(3) (a) The amount of any class A assessment shall be determined by the board and may be made on a nonprorata basis. Such assessment shall be credited against future insolvency assessments and shall not exceed fifty dollars ($50.00) per company in any one calendar year. The amount of any class B or C assessment shall be allocated for assessment purposes among the accounts in the proportion that the premiums received by the
impaired or insolvent insurer on the policies covered by each account for the last calendar year preceding the assessment in which the impaired or insolvent insurer received premiums bears to the premiums received by such insurer for such calendar year on all covered policies. (b) Class C assessments against member insurers for each account shall be in the proportion that the premiums received on business in this state by each assessed member insurer on policies covered by each account for the calendar year preceding the assessments bears to such premiums received on business in this state for the calendar year preceding the assessment by all assessed member insurers.

(c) Class B assessments for each account shall be made separately for each state in which the impaired or insolvent domestic insurer was authorized to transact insurance at any time, in the proportion that the premiums received on business in such state by the impaired or insolvent insurer on policies covered by such account for the last calendar year preceding the assessment in which the impaired or insolvent insurer received premiums bears to such premiums received in all such states for such calendar year by the impaired or insolvent insurer. The assessments against member insurers shall be in the proportion that the premiums received on business in each such state by each assessed member insurer on policies covered by each account for the calendar year preceding the assessment bears to such premiums received on business in each state for the calendar year preceding assessment by all assessed member insurers.

(d) Assessments for funds to meet the requirements of the association with respect to an impaired or insolvent insurer shall not be made until necessary to implement the purposes of this act. Classification of assessments under subsection (2) of this section and computation of assessments under this subsection shall be made with a reasonable degree of accuracy, recognizing that exact determinations may not always be possible.

(4) The association may abate or defer, in whole or in part, the assessment of a member insurer if, in the opinion of the board, payment of the assessment would endanger the ability of the member insurer to fulfill its contractual obligations. In the event an assessment against a member insurer is abated, or deferred in whole or in part, the amount by which such assessment is abated or deferred may be
assessed against the other member insurers in a manner con­sistent with the basis for assessments set forth in this section.

(5) The total of all assessments upon a member insurer for each account shall not in any one calendar year exceed two percent (2%) of such insurer's premiums received in this state during the calendar year preceding the assessment on the policies covered by the account. If the maximum assess­ment, together with the other assets of the association in either account, does not provide in any one year in either account an amount sufficient to carry out the responsibili­ties of the association, the necessary additional funds shall be assessed as soon thereafter as permitted by this act.

(6) The board may, by an equitable method as estab­lished in the plan of operation, refund to member insurers, in proportion to the contribution of each insurer to that account, the amount by which the assets of the account exceed the amount the board finds is necessary to carry out during the coming year the obligations of the association with regard to that account, including assets accruing from net realized gains and income from investments. A reasonable amount may be retained in any account to provide funds for the continuing expenses of the association and for future losses if refunds are impractical.

(7) It shall be proper for any member insurer, in determining its premium rates and policyowner dividends as to any kind of insurance within the scope of this act, to consider the amount reasonably necessary to meet its assess­ment obligations under this act.

(8) The association shall issue to each insurer paying an assessment under this act, other than a class A assess­ment, a certificate of contribution, in a form prescribed by the director, for the amount of the assessment so paid. All outstanding certificates shall be of equal dignity and priority without reference to amounts or dates of issue. A certificate of contribution may be shown by the insurer in its financial statement as an asset in such form and for such amount, if any, and period of time as the director may approve.

41-4310. PLAN OF OPERATION. (1) (a) The association shall submit to the director a plan of operation and any amendments thereto necessary or suitable to assure the fair, reasonable, and equitable administration of the association.
The plan of operation and any amendments thereto shall become effective upon approval in writing by the director.

(b) If the association fails to submit a suitable plan of operation within one hundred eighty (180) days following the effective date of this act or if at any time thereafter the association fails to submit suitable amendments to the plan, the director shall, after notice and hearing, adopt and promulgate such reasonable rules as are necessary or advisable to effectuate the provisions of this act. Such rules shall continue in force until modified by the director or superseded by a plan submitted by the association and approved by the director.

(2) All member insurers shall comply with the plan of operation.

(3) The plan of operation shall, in addition to requirements enumerated elsewhere in this act:

(a) establish procedures for handling the assets of the association;

(b) establish the amount and method of reimbursing members of the board of directors under section 41-4307, Idaho Code;

(c) establish regular places and times for meetings of the board of directors;

(d) establish procedures for records to be kept of all financial transactions of the association, its agents, and the board of directors;

(e) establish the procedures whereby selections for the board of directors will be made and submitted to the director;

(f) establish any additional procedures for assessments under section 41-4309, Idaho Code;

(g) contain additional provisions necessary or proper for the execution of the powers and duties of the association.

(4) The plan of operation may provide that any or all powers and duties of the association, except those under subsection (10)(c) of section 41-4308 and section 41-4309, Idaho Code, are delegated to a corporation, association, or other organization which performs or will perform functions similar to those of this association, or its equivalent, in two (2) or more states. Such a corporation, association, or organization shall be reimbursed for any payments made on behalf of the association and shall be paid for its performance of any function of the association. A delegation under
this subsection shall take effect only with the approval of both the board of directors and the director and may be made only to a corporation, association, or organization which extends protection not substantially less favorable and effective than that provided by this act.

41-4311. DUTIES AND POWERS OF THE DIRECTOR. In addition to the duties and powers enumerated elsewhere in this act,

(1) The director shall
(a) Upon request of the board of directors, provide the association with a statement of the premiums in the appropriate states for each member insurer.
(b) When an impairment is declared and the amount of the impairment is determined, serve a demand upon the impaired insurer to make good the impairment within a reasonable time. Notice to the impaired insurer shall constitute notice to its shareholders, if any. The failure of the insurer to promptly comply with such demand shall not excuse the association from the performance of its powers and duties under this act.
(c) In any liquidation or rehabilitation proceeding involving a domestic insurer, be appointed as the liquidator or rehabilitator. If a foreign or alien member insurer is subject to a liquidation proceeding in its domiciliary jurisdiction or state of entry, the director shall be appointed conservator.

(2) The director may suspend or revoke, after notice and hearing, the certificate of authority to transact insurance in this state of any member insurer which fails to pay an assessment when due or fails to comply with the plan of operation. As an alternative the director may levy a forfeiture on any member insurer which fails to pay an assessment when due. Such forfeiture shall not exceed five percent (5%) of the unpaid assessment per month, but no forfeiture shall be less than one hundred dollars ($100) per month.

(3) Any action of the board of directors or the association may be appealed to the director by any member insurer if such appeal is taken within thirty (30) days of the action being appealed. Any final action or order of the director shall be subject to judicial review in a court of competent jurisdiction.

(4) The liquidator, rehabilitator, or conservator of any impaired insurer may notify all interested persons of the effect of this act.
41-4312. PREVENTION OF INSOLVENCIES. To aid in the detection and prevention of insurer insolvencies or impairments:

(1) It shall be the duty of the director,

(a) To notify the insurance commissioners of all the other jurisdictions in which the company is licensed as an insurer when he takes any of the following actions against a member insurer:

(i) Revocation of license;
(ii) Suspension of license;
(iii) Makes any formal order that such company restrict its premium writing, obtain additional contributions to surplus, withdraw from the state, reinsure all or any part of its business, or increase capital, surplus, or any other account for the security of policyholders or creditors.

Such notice shall be mailed to all insurance commissioners within thirty(30) days following the action taken or the date on which such action occurs.

(b) To report to the board of directors when he has taken any of the actions set forth in (a) of this paragraph or has received a report from any other commissioner indicating that any such action has been taken in another state. Such report to the board of directors shall contain all significant details of the action taken or the report received from another commissioner.

(c) To report to the board of directors when he has reasonable cause to believe from any examination, whether completed or in process, of any member company that such company may be an impaired or insolvent insurer.

(d) To furnish to the board of directors the NAIC Early Warning Tests developed by the National Association of Insurance Commissioners, and the board may use the information contained therein in carrying out its duties and responsibilities under this section. Such report and the information contained therein shall be kept confidential by the board of directors until such time as made public by the director or other lawful authority.

(2) The director may seek the advice and recommendations of the board of directors concerning any matter affecting his duties and responsibilities regarding the financial condition of member companies and companies seeking admission to transact insurance business in this state.
(3) The board of directors may, upon majority vote, make reports and recommendations to the director upon any matter germane to the solvency, liquidation, rehabilitation or conservation of any member insurer or germane to the solvency of any company seeking to do an insurance business in this state. Such reports and recommendations shall not be considered public documents.

(4) It shall be the duty of the board of directors, upon majority vote, to notify the director of any information indicating any member insurer may be an impaired or insolvent insurer.

(5) The board of directors may, upon majority vote, request that the director order an examination of any member insurer which the board in good faith believes may be an impaired or insolvent insurer. Within thirty (30) days of the receipt of such request, the director shall begin such examination. The examination may be conducted as a National Association of Insurance Commissioners examination or may be conducted by such persons as the director designates. The cost of such examination shall be paid by the association and the examination report shall be treated as are other examination reports. In no event shall such examination report be released to the board of directors prior to its release to the public, but this shall not preclude the director from complying with subsection (1) of this section. The director shall notify the board of directors when the examination is completed. The request for an examination shall be kept on file by the director but it shall not be open to public inspection prior to the release of the examination report to the public.

(6) The board of directors may, upon majority vote, make recommendations to the director for the detection and prevention of insurer insolvencies.

(7) The board of directors shall, at the conclusion of any insurer insolvency in which the association was obligated to pay covered claims, prepare a report to the director containing such information as it may have in its possession bearing on the history and causes of such insolvency. The board shall cooperate with the boards of directors of guaranty associations in other states in preparing a report on the history and causes for insolvency of a particular insurer, and may adopt by reference any report prepared by such other associations.
insurer may offset against its premium tax liability to this
state an assessment described in subsection (8) of section
41-4309, Idaho Code, to the extent of one hundred percent
(100%) of the amount of such assessment. The offset, or any
remaining portion thereof, will be allowed for any of the
five (5) calendar years following the year in which such
assessment was paid.

(2) Any sums acquired by refund, pursuant to subsection
(6) of section 41-4309, Idaho Code, from the association
which have theretofore been written off by contributing
insurers and offset against premium taxes as provided in
subsection (1) of this section, and are not then needed for
purposes of this act, shall be paid by the association to
the director and by him deposited with the state treasurer
for credit to the general account of the state operating
fund.

41-4314. MISCELLANEOUS PROVISIONS. (1) Nothing in this
act shall be construed to reduce the liability for unpaid
assessments of the insureds on an impaired or insolvent
insurer operating under a plan with assessment liability.

(2) Records shall be kept of all negotiations and
meetings in which the association or its representatives are
involved to discuss the activities of the association in
carrying out its powers and duties under section 41-4308,
Idaho Code. Records of such negotiations or meetings shall
be made public only upon the termination of a liquidation,
rehabilitation, or conservation proceeding involving the
impaired or insolvent insurer, upon the termination of the
impairment or insolvency of the insurer, or upon the order
of a court of competent jurisdiction. Nothing in this
subsection shall limit the duty of the association to render
a report of its activities under section 41-4315, Idaho
Code.

(3) For the purpose of carrying out its obligations
under this act, the association shall be deemed to be a
creditor of the impaired or insolvent insurer to the extent
of assets attributable to covered policies reduced by any
amounts to which the association is entitled as subrogee
pursuant to subsection (8) of section 41-4308, Idaho Code.
Assets of the impaired or insolvent insurer attributable to
covered policies shall be used to continue all covered
policies and pay all contractual obligations of the impaired
or insolvent insurer as required by this act. Assets
attributable to covered policies, as used in this
subsection, is that proportion of the assets which the reserves that should have been established for such policies bear to the reserves that should have been established for all policies of insurance written by the impaired or insolvent insurer.

(4) (a) Prior to the termination of any liquidation, rehabilitation, or conservation proceeding, the court may take into consideration the contributions of the respective parties, including the association, the shareholders and policyowners of the insolvent insurer, and any other party with a bona fide interest, in making an equitable distribution of the ownership rights of such insolvent insurer. In such a determination consideration shall be given to the welfare of the policyholders of the continuing or successor insurer.

(b) No distribution to stockholders, if any, of an impaired or insolvent insurer shall be made until and unless the total amount of valid claims of the association for funds expended in carrying out its powers and duties under section 41-4308, Idaho Code, with respect to such insurer have been fully recovered by the association.

(5) (a) If an order for liquidation or rehabilitation of an insurer domiciled in this state has been entered, the receiver appointed under such order shall have a right to recover on behalf of the insurer, from any affiliate that controlled it, the amount of distributions, other than stock dividends paid by the insurer on its capital stock, made at any time during the five years preceding the petition for liquidation or rehabilitation subject to the limitations of paragraphs (b) to (d) of this subsection.

(b) No such dividend shall be recoverable if the insurer shows that when paid the distribution was lawful and reasonable, and that the insurer did not know and could not reasonably have known that the distribution might adversely affect the ability of the insurer to fulfill its contractual obligations.

(c) Any person who was an affiliate that controlled the insurer at the time the distributions were paid shall be liable up to the amount of distributions he received. Any person who was an affiliate that controlled the insurer at the time the distributions were declared, shall be liable up to the amount of distributions he would have received if they had been paid immediately.
If two(2) persons are liable with respect to the same distributions, they shall be jointly and severally liable.

(d) The maximum amount recoverable under this subsection shall be the amount needed in excess of all other available assets of the insolvent insurer to pay the contractual obligations of the insolvent insurer.

(e) If any person liable under paragraph (c) of this subsection is insolvent, all its affiliates that controlled it at the time the dividend was paid, shall be jointly and severally liable for any resulting deficiency in the amount recovered from the insolvent affiliate.

41-4315. EXAMINATION OF THE ASSOCIATION -- ANNUAL REPORT. The association shall be subject to examination and regulation by the director. The expense of examination by the director shall be paid by the association in the same manner as insurers or corporations are required to pay examination expenses in accord with section 41-228, Idaho Code. The board of directors shall submit to the director, not later than May 1 of each year, a financial report for the preceding calendar year in a form approved by the director and a report of its activities during the preceding calendar year.

41-4316. TAX EXEMPTIONS. The association shall be exempt from payment of all fees and all taxes levied by this state or any of its subdivisions, except taxes levied on real property.

41-4317 IMMUNITY. There shall be no liability on the part of and no cause of action of any nature shall arise against any member insurer or its agents or employees, the association or its agents or employees, members of the board of directors, or the director or his representatives, for any action taken by them in the performance of their powers and duties under this act.

41-4318. STAY OF PROCEEDINGS -- REOPENING DEFAULT JUDGMENTS. All proceedings in which the insolvent insurer is a party in any court in this state shall be stayed sixty (60) days from the date an order of liquidation, rehabilitation, or conservation is final to permit proper legal action by the association on any matters germane to its powers or
duties. As to judgment under any decision, order, verdict, or finding based on default the association may apply to have such judgment set aside by the same court that made such judgment and shall be permitted to defend against such suit on the merits.

41-4319. PROHIBITED ADVERTISEMENT OF INSURANCE GUARANTY ASSOCIATION ACT IN SALE OF INSURANCE. No person, including an insurer, agent, or affiliate of an insurer shall make, publish, disseminate, circulate, or place before the public, or cause directly or indirectly, to be made, published, disseminated, circulated or placed before the public, in any newspaper, magazine or other publication, or in the form of a notice, circular, pamphlet, letter or poster, or over any radio station or television station, or in any other way, any advertisement, announcement or statement which uses the existence of the insurance guaranty association of this state for the purpose of sales, solicitation, or inducement to purchase any form of insurance covered by the Idaho life and health insurance guaranty association act. Provided, however, that this section shall not apply to the Idaho life and health insurance guaranty association or any other entity which does not sell or solicit insurance.

SECTION 2. The provisions of this act are hereby declared to be severable and if any provision of this act or the application of such provision to any person or circumstance is declared invalid for any reason, such declaration shall not affect the validity of remaining portions of this act.

Approved March 31, 1977.
CHAPTER 218
(S.B. No. 1047)

AN ACT

RELATING TO TRADE PRACTICES IN INSURANCE REGULATION; AMENDING SECTION 41-1303, IDAHO CODE, TO PROVIDE THAT A POLICY MAY NOT BE MISREPRESENTED IN ORDER TO EFFECT A PLEDGE, ASSIGNMENT OR LOAN RELATED TO ANY POLICY, NOR MAY A POLICY BE MISREPRESENTED AS SHARES OF STOCK AND CORRECTING A TYPOGRAPHICAL ERROR; AMENDING CHAPTER 13, TITLE 41, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 41-1329, IDAHO CODE, TO PROHIBIT DILATORY OR UNFAIR INSURANCE CLAIMS PRACTICES; AND AMENDING CHAPTER 13, TITLE 41, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 41-1330, IDAHO CODE, TO PROVIDE THAT INSURERS MUST MAINTAIN RECORDS OF COMPLAINTS RECEIVED.

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

SECTION 1. That Section 41-1303, Idaho Code, be, and the same is hereby amended to read as follows:

41-1303. MISREPRESENTATION OR FALSE ADVERTISING OF POLICIES. (1) No person shall make, issue, circulate, or cause to be made, issued, or circulated, any estimate, circular, or statement misrepresenting the terms of any policy issued or to be issued or the benefits or advantages promised thereby or the dividends or share of the surplus to be received thereon, or make any false or misleading statement as to the dividends or share of surplus previously paid on similar policies, or make any misleading representation or any misrepresentation as to the financial condition of any insurer, or as to the legal reserve system upon which any life insurer operates, or use any name or title of any policy or class of policies misrepresenting the true nature thereof.

(2) No person shall misrepresent a policy for the purpose of effecting a pledge or assignment of, or effecting a loan against, any insurance policy.

(3) No person shall misrepresent any insurance policy as being shares of stock.

(4) For reasonable cause the commissioner director may in his discretion require any insurer or agent using or proposing to use in this state a prospectus, offering sheet, or other sales literature or printed sales aids in the solicitation of life or disability insurance to file the
same with him for review. The commissioner director shall forthwith by order disapprove any such prospectus, sheet, literature, or aid found by him to be in violation of this section. The order shall become effective on the effective date specified therein, which date shall not be less than ten (10) days after the date the order was issued and mailed to the insurer or agent affected thereby; except, that if the insurer or agent prior to such effective date makes written request to the commissioner director for a hearing relative to the matter the commissioner's director's order shall thereby be stayed pending the hearing and the commissioner's director's further order on hearing. No insurer, agent, or other representative shall use in this state any prospectus, offering sheet, literature or sales aid after the date on an order of disapproval thereof has become effective and has been communicated to the insurer. This provision shall not relieve any person of liability for penalties provided for violation of subsection (1) above.

SECTION 2. That Chapter 13, 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 41-1329, Idaho Code, and to read as follows:

41-1329. UNFAIR CLAIM SETTLEMENT PRACTICES. Pursuant to section 41-1302, Idaho Code, committing or performing any of the following with such frequency as to indicate a general business practice shall be deemed to be an unfair method of competition or an unfair or deceptive act or practice in the business of insurance.

(1) Misrepresenting pertinent facts or insurance policy provisions relating to coverages at issue;
(2) Failing to acknowledge and act reasonably promptly upon communications with respect to claims arising under insurance policies;
(3) Failing to adopt and implement reasonable standards for the prompt investigation of claims arising under insurance policies;
(4) Refusing to pay claims without conducting a reasonable investigation based upon all available information;
(5) Failing to affirm or deny coverage of claims within a reasonable time after proof of loss statements have been completed;
(6) Not attempting in good faith to effectuate prompt, fair and equitable settlements of claims in which liability
has become reasonably clear;

(7) Compelling insureds to institute litigation to recover amounts due under an insurance policy by offering substantially less than the amounts ultimately recovered in actions brought by such insureds;

(8) Attempting to settle a claim for less than the amount to which a reasonable man would have believed he was entitled by reference to written or printed advertising material accompanying or made part of an application;

(9) Attempting to settle claims on the basis of an application which was altered without notice to, or knowledge or consent of the insured;

(10) Making claims payments to insureds or beneficiaries not accompanied by a statement setting forth the coverage under which the payments are being made;

(11) Making known to insureds or claimants a policy of appealing from arbitration awards in favor of insureds or claimants for the purpose of compelling them to accept settlements or compromises less than the amount awarded in arbitration;

(12) Delaying the investigation or payment of claims by requiring an insured, claimant, or the physician of either to submit a preliminary claim report and then requiring the subsequent submission of formal proof of loss forms, both of which submissions contain substantially the same information;

(13) Failing to promptly settle claims, where liability has become reasonably clear, under one portion of the insurance policy coverage in order to influence settlements under other portions of the insurance policy coverage; or

(14) Failing to promptly provide a reasonable explanation of the basis in the insurance policy in relation to the facts or applicable law for denial of a claim or for the offer of a compromise settlement.

SECTION 3. That Chapter 13, 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 41-1330, Idaho Code, and to read as follows:

41-1330. FAILURE TO MAINTAIN COMPLAINT HANDLING PROCEDURES. Every authorized insurer shall maintain a complete record of all the complaints which it has received since the
date of its last examination under section 41-219, Idaho Code. This record shall indicate on a state by state basis, the total number of complaints, their classification by line of insurance, the nature of each complaint, the disposition of these complaints, and the time it took to process each complaint. For purposes of this section, "complaint" shall mean any written communication primarily expressing a grievance.

Approved March 31, 1977.

CHAPTER 219
(S.B. No. 1048)
AN ACT
RELATING TO REGISTRATION FEES FOR SECURITIES ISSUERS; AMENDING SECTION 30-1437, IDAHO CODE, BY PROVIDING THAT THE DIRECTOR OF THE DEPARTMENT OF FINANCE MAY RETAIN THE REGISTRATION FEE WHEN AN APPLICATION FOR REGISTRATION OF SECURITIES IS DENIED OR WITHDRAWN.

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

SECTION 1. That Section 30-1437, Idaho Code, be, and the same is hereby amended to read as follows:

30-1437. FEES. The following fees shall be paid in advance under the provisions of this act:
(1) For the registration of securities by notification or coordination or qualification, there shall be paid to the director for the first year of registration a registration fee of one hundred dollars ($100) for the first one hundred thousand dollars ($100,000) of initial issue, or portion thereof in this state, based on offering price, plus one twentieth (1/20th) of one per cent (1%) for any excess over one hundred thousand dollars ($100,000), with a maximum of one thousand dollars ($1,000).

Each year thereafter that a registration remains in effect for securities with respect to which reports are required to be filed under subsections (1) or (2) of section 30-1430, Idaho Code, an additional registration fee shall be paid to the director to be computed at one twentieth (1/20th) of one per cent (1%) of the aggregate offering price of such securities which are to be offered in this state during that year, even though the maximum fee was paid the preceding year. In no event shall such additional registration fee be less than one hundred dollars ($100) nor more than one thousand dollars ($1,000). The registration state-
ment for such securities may be amended to increase the amount of securities to be offered. When an application for registration of securities is denied or withdrawn the director shall retain fifty-dollars-($50)-of the fee.

(2) For filing an annual statement the fee shall be ten dollars ($10).

(3) For registration of a broker-dealer or investment adviser the fee shall be one hundred dollars ($100) for original registration and one hundred dollars ($100) for each annual renewal thereof. When an application is denied or withdrawn the director shall retain one half (1/2) of the fee.

(4) For registration of a salesman the fee shall be twenty dollars ($20) for the original registration with each employer and twenty dollars ($20) for each annual renewal. When an application is denied or withdrawn the director shall retain one half (1/2) of the fee.

(5) For certified copies of any documents filed with the director the fee shall be the cost to the department as determined by the director.

(6) For each examination covered by the director the fee shall be ten dollars ($10), which fee shall not be refundable.

Approved March 31, 1977.
CHAPTER 220  
(S.B. No. 1051, As Amended)

AN ACT  
RELATING TO FILINGS UNDER THE UNIFORM COMMERCIAL CODE;  
AMENDING SECTION 28-9-403, IDAHO CODE, TO PROVIDE THE  
UNIFORM FEE FOR FILING, INDEXING AND FURNISHING FILING  
DATA FOR AN ORIGINAL FINANCING STATEMENT SHALL BE TWO  
DOLLARS UNLESS NOT IN THE STANDARD FORM IN WHICH CASE  
THE FEE IS THREE DOLLARS; AMENDING SECTION 28-9-404,  
IDAHO CODE, TO PROVIDE THERE SHALL BE NO FEE FOR FILING  
AND INDEXING A TERMINATION STATEMENT IS PRESENTED ON A  
STANDARD FORM APPROVED BY THE IDAHO SECRETARY OF STATE,  
BUT IF THE FORM PRESENTED TO THE FILING OFFICER HAS NOT  
BEEN APPROVED BY THE SECRETARY OF STATE, THE UNIFORM FEE  
FOR FILING AND INDEXING SHALL BE ONE DOLLAR.

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

SECTION 1. That Section 28-9-403, Idaho Code, be, and  
the same is hereby amended to read as follows:

28-9-403. WHAT CONSTITUTES FILING -- DURATION OF FILING  
EFFECT OF LAPSED FILING -- DUTIES OF FILING OFFICER. (1)  
Presentation for filing of a financing statement and tender  
of the filing fee or acceptance of the statement by the  
filming officer constitutes filing under this chapter.  
(2) A filed financing statement which states a maturity  
date of the obligation secured of five (5) years or less is  
effective until such maturity date and thereafter for a  
period of sixty (60) days. Any other filed financing state­  
ment is effective for a period of five (5) years from the  
date of filing. The effectiveness of a filed financing  
statement lapses on the expiration of such sixty (60) day period  
after a stated maturity date or on the expiration of  
such five (5) year period, as the case may be, unless a con­  
tinuation statement is filed prior to the lapse. Upon such  
lapse the security interest becomes unperfected. A filed  
financing statement which states that the obligation secured  
is payable on demand is effective for five (5) years from  
the date of filing.  
(3) A continuation statement may be filed by the  
secured party (i) within six (6) months before and sixty  
(60) days after a stated maturity date of five (5) years or
less, and (ii) otherwise within six (6) months prior to the expiration of the five (5) year period specified in subsection (2). Any such continuation statement must be signed by the secured party, identify the original statement by file number and state that the original statement is still effective. Upon timely filing of the continuation statement, the effectiveness of the original statement is continued for five (5) years after the last date to which the filing was effective whereupon it lapses in the same manner as provided in subsection (2) unless another continuation statement is filed prior to such lapse. Succeeding continuation statements may be filed in the same manner to continue the effectiveness of the original statement. Unless a statute on disposition of public records provides otherwise, the filing officer may remove a lapsed statement from the files and destroy it.

(4) A filing officer shall mark each statement with a consecutive file number and with the date and hour of filing and shall hold the statement for public inspection. In addition the filing officer shall index the statements according to the name of the debtor and shall note in the index the file number and the address of the debtor given in the statement.

(5) The uniform fee for filing, indexing and furnishing filing data for an original financing statement shall be two dollars ($2.00) if it is in the standard form prescribed by the secretary of state and otherwise shall be three dollars ($3.00). The uniform fee for filing, indexing and furnishing filing data for an original or a continuation statement shall be one dollar ($1.00).

SECTION 2. That Section 28-9-404, Idaho Code, be, and the same is hereby amended to read as follows:

28-9-404. TERMINATION STATEMENT. (1) Whenever there is no outstanding secured obligation and no commitment to make advances, incur obligations or otherwise give value, the secured party must on written demand by the debtor send the debtor a statement that he no longer claims a security interest under the financing statement, which shall be identified by file number. A termination statement signed by a person other than the secured party of record must include or be accompanied by the assignment or a statement by the secured party of record that he has assigned the security interest to the signer of the termination statement. The uniform fee for filing and indexing such an assignment or statement thereof shall be one dollar ($1.00). If
affected secured party fails to send such a termination statement within ten (10) days after proper demand therefor he shall be liable to the debtor for one hundred dollars ($100), and in addition for any loss caused to the debtor by such failure.

(2) On presentation to the filing officer of such a termination statement he must note it in the index. The filing officer shall remove from the files, mark "terminated" and send or deliver to the secured party, without charge, the financing statement and any continuation statement, statement of assignment or statement of release pertaining thereto.

(3) The uniform fee for filing and indexing a termination statement including sending or delivering the financing statement shall be one dollar ($1.00). There shall be no fee for filing and indexing a termination statement if it is in the standard form prescribed by the secretary of state. Otherwise, the fee for filing and indexing shall be one dollar ($1.00).

Approved March 31, 1977.
CHAPTER 221
(S.B. No. 1062)

AN ACT
RELATING TO STATE DEPOSITORIES; AMENDING SECTION 67-2739, IDAHO CODE, TO PROVIDE A DEFINITION.

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

SECTION 1. That Section 67-2739, Idaho Code, be, and the same is hereby amended to read as follows:

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

Approved March 31, 1977.
AN ACT
RELATING TO REGISTERING OF STATE WARRANTS; AMENDING SECTION 67-1212, IDAHO CODE, TO PROVIDE THAT SERVICE FEES AND INTEREST CHARGED BY THE STATE TREASURER SHALL CONSTITUTE AN APPROPRIATION FOR CERTAIN PURPOSES; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 67-1212, Idaho Code, be, and the same is hereby amended to read as follows:

67-1212. UNPAID WARRANTS -- 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. All of such warrants 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 moneys" 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 moneys, 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. 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, or account in the case of accounts in the agency asset fund, rotary fund, or any other fund maintained on the account level, upon which such warrants are drawn; the state treasurer shall charge the fund or account 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, and the amount of the service fee and interest shall constitute an appropriation from the fund or account for which the advancement was made; or

(b) after such thirty (30) day period, issue tax anticipation notes as provided by chapter 32, title 63, or section 57-1112, Idaho Code.

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

Approved March 31, 1977.
CHAPTER 223
(S.B. No. 1067)

AN ACT

RELATING TO THE DUTIES OF THE STATE AUDITOR; AMENDING
SECTION 67-1001, IDAHO CODE, TO PROVIDE THAT THE AUDITOR
SHALL FURNISH CERTAIN INFORMATION TO THE STATE TREASURER
WHEN REQUESTED.

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

SECTION 1. 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 audi­
tor:

1. To superintend the fiscal concerns of the state.
2. To deliver to the governor on or before the first
day of December, a report of the funds of the state, its
revenues, and of the public expenditures during the pre­
ceeding fiscal year.
3. To accompany his annual report with tabular state­
ments, showing:
   a. The amount of each appropriation for the preceding
      fiscal year, the amounts expended, and the balance, 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 treas­
   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,
the appropriation applicable to the payment 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, not the responsibility of any other
agency and institute suits in its name for all official
delinquencies in relation to assessment, collection and pay-
ment 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.

15. To furnish the state treasurer with a daily total
dollar amount, by fund, and/or account when requested by the
state treasurer, of warrants drawn upon the treasury.

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

17. 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
moneys or accounts over which said board has control.

18. To act ex officio as secretary of the state board
of examiners in the performance of such duties as are pre-
scribed by law for such officer.

Approved March 31, 1977.
AN ACT
RELATING TO FISCAL AGENTS OF THE STATE OF IDAHO; AMENDING
SECTION 67-1221, IDAHO CODE, TO STRIKE REFERENCES TO
EXPENSES FOR SERVICES ON A DAILY BALANCE BASIS, AND TO
PROVIDE THAT FISCAL AGENT SERVICE EXPENSES SHALL BE A
CHARGE AGAINST THE STATE TREASURER'S APPROPRIATION; AND
DECLARING AN EMERGENCY.

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

SECTION 1. 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 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 terms possible for handling any business of the state
which requires payment in the city of New York. Any comissions
or charges or expenses for services shall be a proper
charge against interest-on-daily-balances-collected--by the
office appropriation of 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 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, 1977.
CHAPTER 225
(S.B. No. 1071, As Amended)

AN ACT
RELATING TO REPORTING PERIODS AND REPORTS FOR POLITICAL CONTRIBUTIONS AND EXPENDITURES; AMENDING SECTION 67-6607, IDAHO CODE, TO PROVIDE FOR A REPORT PRIOR TO THE PRIMARY ELECTION AND A REPORT FOLLOWING THE PRIMARY ELECTION, TO PROVIDE FOR A REPORT PRIOR TO THE GENERAL ELECTION AND A REPORT FOLLOWING THE GENERAL ELECTION, STRIKING REFERENCES TO CONTINUING POLITICAL COMMITTEES, AND PROVIDING WHEN REPORTS MUST BE COMMENCED; AND AMENDING SECTION 67-6608, IDAHO CODE, TO PROVIDE FOR CONTINUING REPORTS ON THE DISPOSITION OF UNEXPENDED BALANCES.

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

SECTION 1. That Section 67-6607, Idaho Code, be, and the same is hereby amended to read as follows:

67-6607. REPORTS OF CONTRIBUTIONS AND EXPENDITURES. (a) The political treasurer for each candidate and the political treasurer of each political committee shall file with the Secretary of State:

(1) not more than forty-fourteen (14) days and not less than seven (7) days before the date of an a primary election in which the candidate or political committee is involved, a statement of all contributions received and all expenditures or encumbrances made by or on behalf of the candidate or political committee prior to the fifteenth day before the primary election;

(2) not more than thirty (30) days after the date of a primary election in which a losing candidate or a losing political committee is involved, a statement of all contributions received and all expenditures or encumbrances made by or on behalf of the candidate or political committee to cover the period since the fifteenth day before the primary election to and including the tenth day after the primary election.

(3) not more than fourteen (14) days and not less than seven (7) days before the date of an a general election in which the candidate or political committee is involved, a statement of all contributions received and all expenditures or encumbrances made by or on behalf of the candidate or
political committee since and including the fortieth fifteenth day before the date of the primary election and to and including the fifteenth day before the general election, together with a cumulative statement showing all such contributions and expenditures or encumbrances to and including the fifteenth day before the general election; and

(4) not more than thirty (30) days after the date of an a general election in which the candidate or political committee is involved, a statement of all contributions received and all expenditures or encumbrances made by or on behalf of the candidate or political committee during to cover the period of the campaign and ending on since the fifteenth day before the general election to and including the tenth day after the general election.

(b) For a continuing political committee filing the report required under subsection (a) paragraph (4) of this section; the reporting period shall be from the day following the period covered by the last report filed. For the first report required by this act, the reporting period shall begin upon the adoption and approval of this act. For a candidate or other noncontinuous committee, the reporting period shall cover the period beginning with the first contribution, expenditure or encumbrance. For the first report under this section the reporting period shall cover the period beginning with the first contribution, expenditure, or encumbrance.

SECTION 2. That Section 67-6608, Idaho Code, be, and the same is hereby amended to read as follows:

67-6608. DISPOSITION OF UNEXPENDED BALANCES. (a) If a statement filed under paragraph (4) of subsection (a) of section 67-6607, Idaho Code, shows an unexpended balance of contributions or an expenditure deficit, the political treasurer for the candidate or political committee shall file with the Secretary of State:

(ii) not more than thirty (30) days after the deadline for filing the statement under paragraph (3) of subsection (a) of section 67-6607; a supplemental statement of contributions and expenditures; and

(ii) every ninety (90) days after the deadline for filing the first supplemental statement an additional supplemental statement of contributions and expenditures; such supplemental statements shall continue to be filed until the account shows no unexpended balance of contributions or expenditure deficit; continue to make reports on the tenth day of the months of January, April, July and
October, unless such day falls within the reporting periods covered by statements filed pursuant to section 67-6607, Idaho Code, to cover the period since the end of the last report period, to and including the last day of the month preceding the month in which the report is filed. Such reports shall be filed until the account shows no unexpended balance of contributions or expenditure deficit.

(b) If a candidate wins nomination, supplemental statements under subsection (a) of this section need not be filed with respect to the nomination campaign by the political treasurer of a political committee supporting the candidate or by the political treasurer for such candidate, if such political committee continues to function in support of such candidate in the campaign for the general or special election.

(c) A political committee which is organized after an election shall file reports required by subsection (a) of this section.

Approved March 31, 1977.
CHAPTER 226
(S.B. No. 1073, As Amended)

AN ACT
RELATING TO THE ESTABLISHMENT OF CIVIL AND CRIMINAL PENALTIES FOR FRAUDULENT ACTS IN CONNECTION WITH PROVIDER INSTITUTIONS; AMENDING SECTION 56-201, IDAHO CODE, TO DEFINE "PROVIDER"; AMENDING CHAPTER 2, TITLE 56, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 56-227A, IDAHO CODE, TO DEFINE FRAUDULENT ACTS BY A PROVIDER AND TO PROVIDE A CRIMINAL PENALTY THEREFOR; AMENDING CHAPTER 2, TITLE 56, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 56-227B, IDAHO CODE, TO PROVIDE FOR THE CIVIL RECOVERY OF TREBLE DAMAGES BY THE STATE IN RELATION TO FRAUDULENT ACTS BY A PROVIDER AND TO PROVIDE FOR THE COLLECTION OF INTEREST, AND TO PROVIDE FOR ATTORNEY'S FEES IF THE PROVIDER IS NOT REQUIRED TO REFUND OR REPAY PAYMENTS RECEIVED; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 56-201, Idaho Code, be, and the same is hereby amended to read as follows:

56-201. DEFINITIONS. As used in this act:
(a) "State department" shall mean the state department of health and welfare;
(b) "Director" shall mean the director of the department of health and welfare;
(c) "Public welfare" shall mean public assistance and social services;
(d) "Social services" shall mean activities of the department in efforts to bring about economic, social and vocational adjustment of families and persons;
(e) "Public assistance" shall include general assistance, old-age assistance, aid to the blind, aid to dependent children, aid to the permanently and totally disabled, and medical assistance;
(f) "General assistance" shall mean direct assistance in cash, direct assistance in kind, and supplementary assistance;
(g) "Direct assistance in cash" shall mean money payments to needy people not classified as old-age assistance, or aid to the blind, or aid to dependent children, or aid to
the permanently and totally disabled, or medical assistance;

(h) "Direct assistance in kind" shall mean payments to others on behalf of a person or family in need for food, rent, clothing, and other normal subsistence needs;

(i) "Supplementary assistance" shall mean payments to others in behalf of a person or family in need for medical and surgical aid, nursing and hospital services, transportation, costs incidental to social and vocational adjustment, foster care, physical and medical appliances, medical supplies, and payments toward the funeral expenses of such persons when deceased;

(j) "Old-age assistance" shall mean money payments to or medical care in behalf of needy aged people;

(k) "Aid to the blind" shall mean money payments to or medical care in behalf of blind people who are needy;

(l) "Aid to dependent children" shall mean money payments with respect to or medical care in behalf of needy dependent children;

(m) "Needy aged" shall mean any person sixty-five (65) years or older, whose income and sources of subsistence are insufficient to supply him with the common necessities of life commensurate with his needs and health, and who possesses the other qualifications which entitled him to the assistance awarded under this act;

(n) "Aid to the permanently and totally disabled" shall mean money payments to or medical care in behalf of needy individuals who are permanently and totally disabled;

(o) "Medical assistance" shall mean payments for part or all of the cost of such care and services enumerated in section 1905 (a) (1) through (15) of the federal Social Security Act as amended by the Social Security Act amendments of 1965, Public Law 89-97, 89th congress, as may be designated by the department by rule and regulation;

(p) "Mentally retarded or mentally deficient person" shall mean a person not psychotic, who is so mentally retarded from infancy or before reaching maturity, that he is incapable of managing himself or his affairs independently, with ordinary prudence, or of being taught to do so, and who requires supervision or control, and care for his own welfare, the welfare of others or the welfare of the community.

(q) "Provider" shall mean any individual, partnership, association, corporation or organization, public or private, who provides shelter home services, nursing home services, services offered pursuant to the medicaid program, or services offered pursuant to titles IV or XX of the social security act.
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 56-227A, Idaho Code, and to read as follows:

56-227A. PROVIDER FRAUD -- CRIMINAL PENALTY. It shall be unlawful for any provider or person, knowingly, with intent to defraud, by means of a wilfully false statement or representation or by deliberate concealment of any material fact, or any other fraudulent scheme or device, to:

(a) present for allowance or payment any false or fraudulent claim for furnishing services or supplies; or
(b) attempt to obtain or to obtain authorization for furnishing services or supplies; or
(c) attempt to obtain or to obtain compensation from public funds greater than that to which he is legally entitled for services or supplies furnished or purportedly furnished.

Any provider or person who violates the provisions of this section shall be guilty of a felony. Nothing in this section shall prohibit or preclude a provider or person from being prosecuted under any other provision of the criminal 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 56-227B, Idaho Code, and to read as follows:

56-227B. PROVIDER FRAUD -- DAMAGES. Any provider who knowingly with intent to defraud by means of false statement or representation, obtains compensation from public funds greater than that to which he is legally entitled for services or supplies furnished or purportedly furnished shall be liable for civil damages equal to three (3) times the amount by which any figure is falsely overstated. The director of the department of health and welfare shall have the right to cause legal action to be taken for the recovery of such damages when persuaded that a reimbursement claim for payment is falsely overstated. The burden of proof for such recovery action shall be that which is used in other civil actions for the recovery of damages. The remedy provided by this section shall be in addition to any other remedy provided by law.

If any provider of services or supplies is required to refund or repay all or part of any payment received by said
provider under the provisions of this section, said refund or repayment shall bear interest from the date payment was made to such provider to the date of said refund or repayment. Interest shall accrue at the rate of ten per cent (10%) per annum. If, as a result of such action, the provider of services or supplies is not required to refund or repay any payment received by said provider under the terms of this section, reasonable attorney's fees shall be allowed the provider.

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, 1977.
CHAPTER 227
(S.B. No. 1077, As Amended in the House)

AN ACT
RELATING TO RECREATIONAL VEHICLE LICENSING; AMENDING SECTION 49-2802, IDAHO CODE, EXTENDING THE ANNUAL LICENSE FEE SCHEDULE FOR RECREATIONAL VEHICLES FROM OVER $10,000 TO OVER $20,000; AMENDING SECTION 49-2804, IDAHO CODE, BY CHANGING THE RESPONSIBILITY FOR ADMINISTRATION FROM THE STATE TAX COMMISSION TO THE DEPARTMENT OF LAW ENFORCEMENT, STRIKING THE REQUIREMENT THAT THE NAME OF THE COUNTY APPEAR ON THE PLATE, TAG OR STICKER, DIRECTING THE DEPARTMENT OF LAW ENFORCEMENT TO PROVIDE OTHER MATERIALS AND TRANSPORTATION CHARGES THEREON, PROVIDING FOR THE DEPARTMENT TO ANNUALLY FILE EACH RECREATIONAL VEHICLE LICENSE BY A DISTINCTIVE NUMBER ASSIGNED TO THE VEHICLE AND ALPHABETICALLY UNDER THE NAME OF THE OWNER; AMENDING SECTION 49-2805, IDAHO CODE, PROVIDING FOR THE DEPARTMENT OF LAW ENFORCEMENT TO RECEIVE SEVEN PER CENT OF THE MONIES DEPOSITED TO THE STATE HIGHWAY FUND AS PROVIDED BY SUBSECTION (1)(b) OF SECTION 49-2805, IDAHO CODE, FOR ADMINISTRATION OF THIS CHAPTER; AND PROVIDING EFFECTIVE DATES.

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>
</tbody>
</table>
### Idaho Session Laws C. 227 '77

<table>
<thead>
<tr>
<th>Annual License Fee</th>
<th>Recreational Vehicle License Fee</th>
</tr>
</thead>
<tbody>
<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><strong>Over $10,000</strong></td>
<td><strong>$50.00</strong> plus one half per cent (1/2%) of the value over $10,000**</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Annual License Fee</th>
<th>Recreational Vehicle License Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>$10,001 to $11,000</td>
<td>$55.00</td>
</tr>
<tr>
<td>$11,001 to $12,000</td>
<td>$60.00</td>
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<td>$90.00</td>
</tr>
<tr>
<td>$18,001 to $19,000</td>
<td>$95.00</td>
</tr>
<tr>
<td>$19,001 to $20,000</td>
<td>$100.00</td>
</tr>
<tr>
<td><strong>Over $20,000</strong></td>
<td><strong>$100.00</strong> plus $5.00 for each additional $1,000 or portion thereof, of market value.**</td>
</tr>
</tbody>
</table>

(3) Payment of the annual license fee shall license the recreational vehicle for a calendar 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

That Section 49-2804, Idaho Code, be, and the same is hereby amended to read as follows:

49-2804. **Tax Commission Department of Law Enforcement to Provide Identification Tags.** The **state-tax-commission** department of law enforcement shall devise and provide to the county assessors **at least** suitable identification plates, tags or stickers for attachment to or placement on recreational vehicles to indicate that the annual recreational vehicle license fee has been paid. The plate, tag or sticker shall be of suitable size and design for easy identification, and shall contain or provide space to show the name of the county in which the recreational vehicle is licensed and the year and month of the year in which the license expires. The department shall also provide suitable registration forms and all other forms required for the pur-
pose of this chapter and shall prepay all transportation charges thereon including mailing fees. Each recreational vehicle registration shall be filed annually by the department under a distinctive number assigned to the vehicle and alphabetically under the name of the owner.

SECTION 3. That Section 49-2805, Idaho Code, be, and the same is hereby amended to read as follows:

49-2805. DISPOSITION OF LICENSE FEES. (1) The revenues received from the fees imposed by this chapter shall be paid over monthly to the county treasurer, to be distributed as follows:

(a) One dollar and fifty cents ($1.50) from each recreational vehicle license sold shall be apportioned to the county current expense fund, which shall be deemed necessary costs of collection and administration;

(b) From the balance remaining, one-half (1/2) shall be placed in the county road fund to be apportioned as provided in section 40-405, Idaho Code, and one-half (1/2) shall be paid to the state treasurer for deposit in the state highway fund, as created in section 40-2210, Idaho Code. Provided that the state auditor shall monthly transfer seven percent (7%) of the one-half (1/2) deposited in the state highway fund to the motor vehicle fund to be used by the department of law enforcement in the administration of this chapter.

SECTION 4. Sections 1 and 2 of this act shall be in full force and effect on and after January 1, 1978. Section 3 of this act shall be in full force and effect on and after July 1, 1977.

Approved March 31, 1977.
CHAPTER 228
(S.B. No. 1199)

AN ACT
RELATING TO FEES IN CIVIL CASES; ADDING A NEW SECTION 31-3220, IDAHO CODE, PROVIDING FOR THE WAIVERS OF PREPAYMENT OF FILING FEES, COSTS OR SECURITY DEPOSITS IN CIVIL ACTIONS OR APPEALS FOR INDIGENTS WHEN APPLICATION IS MADE IN GOOD FAITH, PROVIDING FURTHER FOR THE ATTENDANCE OF WITNESSES, THE PREPARATION OF TRANSCRIPTS AND SERVICE OF PROCESS AT STATE EXPENSE, DISMISSAL OF FRIVOLOUS OR MALICIOUS ACTIONS SO FILED, AND THE RECOVERY OF FEES AND PRINTING COSTS AT THE CONCLUSION OF THE ACTION; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Chapter 32, 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 31-3220, Idaho Code, and to read as follows:

31-3220. INABILITY TO PAY FEES -- AFFIDAVIT. (1) The district court, or the magistrates division thereof, may authorize the commencement or defense of any civil suit, action or proceeding, or an appeal therein, without prepayment of fees, costs or security therefor, by any person who makes affidavit that he is unable to pay such costs or give security therefor. Such affidavit shall state the nature of the action, defense or appeal and the affiant's belief he is entitled to redress.

(2) No fees, costs or security shall be waived for an appeal if the trial court certifies in writing that it is not taken in good faith.

(3) The court may, upon the filing of a like affidavit, direct that the expense of printing the transcript or record on appeal be paid by the state of Idaho.

(4) The officers of the court shall issue and serve all process, and perform all duties in such cases. Witnesses shall attend as in other cases, and the same remedies shall be available as are provided for by law in other cases.

(5) The court may dismiss the case if the allegation of poverty is untrue, or is satisfied that the action is frivolous or malicious.
(6) Judgment may be rendered for costs at the conclusion of the suit or action as in other cases. If the state of Idaho has paid the cost of the transcript or printed record for the prevailing party, the same shall be taxed in favor of the state of Idaho.

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

Approved March 31, 1977.
CHAPTER 229
(H.B. No. 28, As Amended)

AN ACT
RELATING TO THE INVESTMENT OF PERMANENT FUNDS; AMENDING SECTION 57-722, IDAHO CODE, TO AUTHORIZE INVESTMENTS IN SAVINGS ACCOUNTS; AMENDING SECTION 57-727, IDAHO CODE TO AUTHORIZE EMPLOYMENT OF A STAFF INVESTMENT MANAGER, AND TO PROVIDE THAT SALARIES AND OTHER EXPENSES OF THE INVESTMENT BOARD SHALL BE FROM APPROPRIATIONS MADE THEREFOR; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 57-722, Idaho Code, be, and the same is hereby amended to read as follows:

57-722. INVESTMENT POWERS OF INVESTMENT MANAGER(S) -- LIMITATIONS. The board or its investment manager(s) may, and they are hereby authorized to, invest the permanent endowment funds of the state of Idaho in the following manner and in the following investments or securities and none others:

(1) For a period of two (2) years following the effective date of this act, March 25, 1969, not more than fifty per cent (50%) of the endowment funds as now invested can be reinvested otherwise than in United States treasury bills, United States treasury notes, or other United States governmental debt instruments.

(2) United States, state, county, city, or school district bonds or state warrants.

(3) Bonds, notes, or other obligations of the United States or those guaranteed by, or for which the credit of, the United States is pledged for payment of the principal and interest or dividends thereof.

(4) Bonds, notes, or other obligations of the state of Idaho and its political subdivisions, or bonds, notes, and other obligations of other states and their political subdivisions, provided such bonds, notes or other obligations or the issuing agency for other than the state of Idaho and its political subdivisions have, at the time of their purchase, an AAA rating or higher by a commonly known rating service.

(5) Bonds, debentures or notes of any corporation organized, controlled and operating within the United States
which have, at the time of their purchase, an A rating or higher by a commonly known rating service. Nothing in this subsection shall apply to the provisions of subsection (6) immediately following.

(6) Corporate obligations designated as corporate convertible debt securities which have, at the time of their purchase, a BBB rating or higher by a commonly known rating service, so long as the right of conversion is not exercised.

(7) Obligations secured by mortgages constituting a first lien upon real property in the state of Idaho which are fully insured or guaranteed as to the payment of the principal by the government of the United States or any agency thereof.

(8) Time certificates of deposit and savings accounts.

SECTION 2. That Section 57-727, Idaho Code, be, and the same is hereby amended to read as follows:

57-727. INVESTMENT--TRUSTEE STAFF INVESTMENT MANAGER -- STAFF -- LEGAL ADVISORS. (1) With the approval of two thirds (2/3) of the members of the board, an-investment trustee a staff investment manager may be employed who shall perform such managerial activities and functions as the board may direct. The staff investment trustee manager shall serve at the pleasure of the board in an exempt position. The staff investment trustee manager shall be employed by the board. The salary of the staff investment trustee manager shall be set by the board, subject to approval of the governor, and be paid from income--earned--from--the investment--of--the--endowment--funds appropriations made therefor. The staff investment trustee manager shall be bonded in an amount established by the board.

(2) The board may authorize the employment of whatever staff it deems necessary for the administration of the board's business. The staff investment trustee manager shall hire such authorized staff who shall hold their respective positions subject to the rules and regulations of the Idaho personnel commission. The salaries of all staff members shall be paid from income--earned--from--the--investment--of--the--endowment--funds--as--the--board--may--direct appropriations made therefor.

(3) The director of the department of finance shall have access to any and all books and records maintained by the staff investment trustee manager and his staff as the board may deem necessary.

(4) The board shall be furnished adequate and qualified
(5) All current expenses, capital outlay, and travel expenses shall be paid from the income earned from investment of the funds as the board may direct appropriations made therefor.

(6) The board shall, upon request of the agency involved, furnish advice to the treasurer, the manager of the state insurance fund, and the public employees retirement board, and the board may, upon request of the agency, invest funds of the requesting agency.

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

Approved March 31, 1977.
CHAPTER 230
(H.B. No. 53)
AN ACT
RELATING TO HORSE RACING; AMENDING SECTION 54-2509, IDAHO CODE, BY PROVIDING FOR A MONETARY PENALTY FOR VIOLATIONS OF LAW IN ADDITION TO SUSPENSION OR REVOCATION; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 54-2509, Idaho Code, be, and the same is hereby amended to read as follows:

54-2509. PENALTY FOR VIOLATIONS OF LAW -- POWER OF COMMISSION. Any person holding a race meet, and any other person required by this act or the rules and regulations of the commission to be licensed, participating, directly or indirectly, in a race meet, without first being licensed by the commission, and any person violating any of the terms or provisions of this act is guilty of a misdemeanor.

The commission shall have the power to exclude from any and all race courses in this state any person who the commission deems detrimental to the best interests of racing, or any person who violates any of the provisions of this act or any rule, regulation, or order of the commission.

It shall be lawful to conduct race meets on or at a race track, or otherwise, at any time during the week.

Any person maintaining a license issued by the commission, who violates the provisions of this act or the rules and regulations of the commission, may have such license suspended or revoked. In lieu of addition to such suspension or revocation the commission may levy a monetary penalty commensurate with the gravity of the offense. The commission, by rule and regulation shall provide a summary procedure for such determination at the track, the maximum and minimum amounts for penalties, and shall provide for an appeal of any summary decision to the commission. All hearings before the commission as allowed by this act or the rules and regulations of the commission shall be subject to chapter 52, title 67, Idaho Code.

All law enforcement officers in this state shall assist in the enforcement of this act and the rules and regulations of the commission.

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, 1977.

CHAPTER 231
(H.B. No. 107, As Amended in the Senate)

AN ACT
RELATING TO THE COUNTY CURRENT EXPENSE FUND; AMENDING SECTION 63-903, IDAHO CODE, TO INCREASE THE MAXIMUM LEVY THAT MAY BE IMPOSED FOR THE COUNTY CURRENT EXPENSE FUND IN COUNTIES OF MORE THAN SEVEN MILLION FIVE HUNDRED THOUSAND DOLLARS ASSESSED VALUE; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 63-903, Idaho Code, be, and the same is hereby amended to read as follows:

63-903. CURRENT EXPENSE FUND -- ANNUAL TAX LEVY. The board of county commissioners of each county in this state may levy annually upon all taxable property of said county, a tax for general county purposes, to be collected and paid into the county treasury and apportioned to the county current expense fund which levy shall not exceed one dollar thirty cents ($1.30) on each one hundred dollars ($100) of the assessed valuation of such property, or a levy in mills sufficient to raise $200,000 two-hundred fifty thousand dollars ($250,000), whichever is greater, in the counties where the assessed valuation is $7,500,000 or over, and one dollar seventy cents ($1.70) on each one hundred dollars ($100) of the assessed valuation of such property where the assessed valuation is less than $7,500,000 for the year in which such levy is made.

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, 1977.
AN ACT
RELATING TO DISTRIBUTION OF LEGISLATIVE JOURNALS, SESSION LAWS AND CODE VOLUMES; AMENDING SECTION 67-509, IDAHO CODE, TO PROVIDE FOR SALE OF LEGISLATIVE JOURNALS THROUGH THE SECRETARY OF STATE'S OFFICE, AND TO PROVIDE FOR PAYMENT OF COSTS FOR PUBLISHING JOURNALS; AMENDING SECTION 67-905, IDAHO CODE, TO PROVIDE FOR PAYMENT OF COSTS FOR PUBLISHING SESSION LAWS; AMENDING SECTION 67-906, IDAHO CODE, TO PROVIDE ADDITIONAL DISTRIBUTION OF SESSION LAWS, AND TO PROVIDE FOR DISPOSITION OF MONEYS RECEIVED FROM THE SALE OF JOURNALS; AMENDING SECTION 67-907, IDAHO CODE, TO PROVIDE FOR MARKING OF BOOKS DISTRIBUTED TO OFFICERS TO BE MARKED TO INDICATE STATE OWNERSHIP; AMENDING SECTION 67-909, IDAHO CODE, TO PROVIDE FOR DISTRIBUTING ONE SET OF BOUND VOLUMES OF THE IDAHO CODE TO A MEMBER OF THE LEGISLATURE, TO PROVIDE FOR PAYMENT OF COSTS IN PROVIDING BOUND VOLUMES, AND TO PROVIDE FOR DISTRIBUTION OF POCKET PARTS; AMENDING SECTION 73-206, IDAHO CODE, TO PROVIDE FOR A RESIDENT AGENT FOR THE PUBLISHING COMPANY PUBLISHING THE CODE; AMENDING SECTION 73-211, IDAHO CODE, TO PROVIDE FOR DESTRUCTION OF OBSOLETE CODES AND PARTS; AMENDING SECTION 73-212, IDAHO CODE, TO PROVIDE AN EXCEPTION TO STATE OWNERSHIP OF CODES.

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

SECTION 1. That Section 67-509, Idaho Code, be, and the same is hereby amended to read as follows:

67-509. PUBLICATION OF LEGISLATIVE JOURNALS -- DISTRIBUTION. On the first legislative day or as soon thereafter as the speaker shall have been elected, it shall be the duty of the president of the senate and the speaker of the house of representatives each to appoint a printing committee for his body whose duties shall be, in addition to its duties prescribed by the rules of said bodies respectively, to immediately meet in joint session and to provide for the publication of the journals of the two (2) houses of the legislature. Said committee shall determine the form of the journals to be used, the size of the type, the number to be
distributed to each member of the legislature and the method of distribution, the number of journals to be made available for sale through the secretary of state's office, and the manner in which the journals are to be bound for the permanent copies of the journal. All costs incurred in publishing the journals shall be a proper charge against the legislative fund, unless an appropriation for such purpose has been made.

SECTION 2. That Section 67-905, Idaho Code, be, and the same is hereby amended to read as follows:

67-905. JOINT PRINTING COMMITTEE. It shall be the duty of said joint printing committee, prior to the adjournment of any session of the legislature, to advise such legislature of the appropriations necessary to cover the cost and expense of the printing of said session laws and journals. The speaker of the house of representatives and the president of the senate shall check and approve all claims for payment. All costs incurred in publishing the session laws shall be a proper charge against the legislative fund, unless an appropriation for such purpose has been made.

SECTION 3. That Section 67-906, Idaho Code, be, and the same is hereby amended to read as follows:

67-906. DISTRIBUTION OF SESSION LAWS AND JOURNALS. Immediately after the session laws and journals are bound, they shall be delivered to the secretary of state, and the secretary of state shall distribute within thirty (30) days of receipt from printer as follows:

(a) to each department of government of this state, one (1) copy;
(b) to the library of congress, four (4), and to the state library, two (2) copies;
(c) to the senators and representatives in the United States congress representing Idaho, and to each of the justices of the Supreme Court of this state, and judges and magistrates of the district courts, one (1) copy;
(d) to each member of the legislature of the session when such session laws and journals were adopted, one (1) copy;
(e) to the office of the attorney general, five (5) additional copies;
(f) to the legislature in sufficient number for one (1) copy for each standing committee of the house and senate; and
(g) to the clerk of the district court of each county,
sufficient copies of the session laws to supply one (1) copy for the board of county commissioners, and one (1) copy to each elected county officer and to the public defender;

(h) to Idaho state law library, five (5) copies;

(i) to each state and territory in the United States, one (1) copy for the use of the state law library;

(j) to each university or college law library sending to Idaho state law library copies of its law review, one (1) copy; and

(k) to the University of Idaho, College of Law library, thirty-two (32) copies.

(2) Immediately after the journals that are to be sold through the secretary of state's office are delivered to the secretary of state, the secretary of state shall offer such journals for sale to any person at the price fixed for such journals by the printing committee as provided in section 67-509, Idaho Code. Any moneys received by the secretary of state from the sale of journals shall be deposited in the general account in the state operating fund.

SECTION 4. That Section 67-907, Idaho Code, be, and the same is hereby amended to read as follows:

67-907. BOOKS DISTRIBUTED TO OFFICERS -- MARKING AS PROPERTY OF STATE. The secretary must indelibly mark each book distributed to officers in this state (except legislative officers) to indicate state ownership with the name of the county to which, and the official designation of the officer to whom, it is sent. Such books remain the property of the state, and must be, by the officers receiving them, delivered to their successors.

SECTION 5. That Section 67-909, Idaho Code, be, and the same is hereby amended to read as follows:

67-909. DISTRIBUTION OF SESSION LAWS AND STATUTES TO MEMBERS OF LEGISLATURE. The secretary of state is hereby empowered and directed to distribute certified copies of the session laws and the bound volumes and current pocket parts of the compiled statutes of Idaho to members of any legislature, when called for by proper action taken by either house, or by joint action of both; such copies shall be free from any mark or marks indicating that they are the property of the state and shall become the property of the member to whom delivered. Not more than one (1) set of bound volumes of the compiled statutes shall ever be distributed at state expense to any member of the legislature. All costs incurred
in providing bound volumes of the compiled statutes to mem-
bers of the legislature shall be a proper charge against the
legislative fund, unless an appropriation for such purpose
has been made. Sets of pocket parts shall be provided to
currently serving members of the legislature, and such sets
shall be provided from the sets made available by the provi-
sions of section 73-212, Idaho Code.

SECTION 6. That Section 73-206, Idaho Code, be, and the
same is hereby amended to read as follows:

73-206. NUMBER OF SETS -- SALE PRICE. The contract
shall require the publishing company to deliver, on or
before such date as may be fixed by the commission, such
number of sets of bound volumes and/or pocket parts of the
compilation for use of the state of Idaho and its public
agencies as may be determined by the board of examiners, at
the price stated in the contract. The publishing company
shall receive payment upon approval of such compilation as
hereinafter provided and delivery of the sets thereof f.o.b.
Boise, Idaho. If the publishing company cannot make delivery
on the date fixed in the contract because of conditions
beyond its control and shall satisfy the commission to this
effect, the commission may, but it is not required to,
extend the date of delivery for a period by it deemed
reasonable. The publishing company shall agree in the con-
tract to cause to be made available on the market through an
agent, resident in Idaho, a sufficient number of sets of the
compilation to supply the demand therefor within the state
of Idaho, at the price fixed in the contract.

SECTION 7. That Section 73-211, Idaho Code, be, and the
same is hereby amended to read as follows:

73-211. SALE BY STATE. The state of Idaho shall not
sell any of the compilations purchased by it, but may at any
time exchange the same with exchange libraries of other
states and territories.

Bound volumes of the Idaho Code that have been replaced
by republished volumes may be discarded or destroyed; pocket
parts that have been superseded by more current issues may
be discarded or destroyed.

SECTION 8. That Section 73-212, Idaho Code, be, and the
same is hereby amended to read as follows:

73-212. DELIVERY OF PRINTED SETS. Upon approval by the
commission of any compilation and proclamation by the governor, the publishing company shall immediately deliver to the secretary of state of Idaho at Boise, Idaho, the number of sets of the compilation which the state of Idaho, through the state board of examiners, has determined to be necessary for its use. The secretary of state shall keep seventy-five (75) sets thereof for insertion in the sets of the Idaho Code reserved for the use of the members and officers of the legislature during times the legislature is in session, and distribute the remainder among such of the boards, institutions, officers and offices as shall be decided upon by the state board of examiners. Any remaining sets shall be kept by the secretary of state for subsequent sessions of the legislature, or be distributed as directed by the state board of examiners. The sets of all compilations, except those bound volumes which have been provided to members of the legislature under the provisions of section 67-909, Idaho Code, shall remain the property of the state of Idaho and be delivered by officers to their successors, and by legislators and legislative officers to the secretary of state, at the end of each session of the legislature so that the same may be used at subsequent sessions.

Approved March 31, 1977.
CHAPTER 233
(H.B. No. 164)

AN ACT
RELATING TO DISTRICT MAGISTRATES COMMISSIONS; AMENDING SECTION 1-2203, IDAHO CODE, TO PROVIDE FOR THE APPOINTMENT OF ADDITIONAL MEMBERS TO MAGISTRATES COMMISSIONS, TO PROVIDE FOR QUALIFICATIONS OF MEMBERS, TO PROVIDE FOR REPORTING OF APPOINTMENTS TO A MAGISTRATES COMMISSION, TO PROVIDE FOR TERMS OF MEMBERS, AND TO PROVIDE FOR FILLING VACANCIES; AMENDING SECTION 1-2204, IDAHO CODE, FOR MEETINGS AND QUORUMS FOR ACTION BY A MAGISTRATES COMMISSION, TO PROVIDE FOR OFFICERS OF A COMMISSION, AND TO PROVIDE FOR RULES AND RECORDS OF A MAGISTRATES COMMISSION; AMENDING SECTION 1-2205, IDAHO CODE, TO PROVIDE FOR ADDITIONAL DUTIES OF A MAGISTRATES COMMISSION, AND TO PROVIDE THAT ACTIONS OF A COMMISSION ARE SUBJECT TO DISAPPROVAL BY A MAJORITY OF THE DISTRICT JUDGES IN THE DISTRICT; AMENDING SECTION 1-2207, IDAHO CODE, TO PROVIDE THAT AN APPOINTED MAGISTRATE MAY BE REMOVED WITHOUT CAUSE BY THE MAGISTRATES COMMISSION WITHIN CERTAIN TIME LIMITS; AND AMENDING SECTION 1-2220, IDAHO CODE, TO PROVIDE THAT MAGISTRATES WHO DO NOT FILE FOR RETENTION IN OFFICE OR WHO ARE NOT RETAINED IN OFFICE BY THE VOTERS SHALL BE INELIGIBLE FOR APPOINTMENT WITHIN THE SAME JUDICIAL DISTRICT UNTIL TWO YEARS FOLLOWING THE EXPIRATION OF HIS TERM.

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

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

1-2203. DISTRICT MAGISTRATES COMMISSION — MEMBERS. (1) There is hereby established in each judicial district of the state of Idaho a district magistrates commission to be known as the "district magistrates commission of the .... judicial district," the members of which shall consist of the chairman of the board of county commissioners of each county in the district or member of such board designated by the chairman, the mayors of three (3) municipalities, one (1) of whom shall be from a city of over ten thousand (10,000) population, in the district to be appointed by the governor, two (2) qualified electors residing within the
district to be appointed by the governor, and the administrative judge of the district or district judge of the district designated by him. Two (2) attorneys nominated by the district bar associations in each district and appointed by the Idaho state bar shall serve as nonvoting members of the district magistrates commission in each district. Each of the members shall be over the age of majority and shall be and remain a citizen of the United States, a bona fide resident of the state and district and of good moral character.

(2) Forthwith after making any appointments to such commissions the respective appointing authorities shall duly certify in writing to the administrative director of the courts and to the secretary of state the following facts with respect to each appointee:

(a) full name,
(b) age,
(c) residence address,
(d) if employed, the nature of his occupation and business address,
(e) the name of the district magistrate commission to which appointed,
(f) the date of expiration of term for which appointed,
(g) except for the initial appointees under this act, the name of the person he succeeds on the commission, and,
(h) if a voting member other than a mayor or district judge or magistrate, his political party.

(3) The two (2) attorney members shall serve in an advisory capacity and without vote but may serve as vice-chairman or secretary.

No voting member shall be licensed to practice law in Idaho and no voting member, other than the persons appointed while serving as mayor or county commissioner and district judge shall hold any city, county or state elective office or be employed by the state or any city or county while he is member of the commission.

(4) The two (2) attorney advisory members shall serve for a term of two (2) years. The other voting members shall serve terms of six (6) years each and may succeed themselves. Provided, however, that all appointments to fill vacancies shall be made by the initial appointing authority for the unexpired term; provided, further, that the initial appointments made pursuant to this act shall expire as follows:

(a) those made by the governor shall expire on June 30, 1981, and
(b) those made by the district judges and by the dis-
district bar associations shall expire on June 30, 1979.

(5) A vacancy on the commission shall be caused by a voting member dying, resigning, moving his residence to without the district, moving his residence to another county and, in the case of a mayor or county commissioner member, lose his status as such official for any reason; provided, however, that except in the case of death or resignation of a voting member he shall continue to serve until his successor is duly appointed and qualified. A vacancy on the commission shall be caused by an attorney advisory member dying, resigning, moving his residence to without the district or being suspended or disbarred from the practice of law. It shall be the duty of any member who has become disqualified for any reason promptly to report that fact in writing to the chairman and secretary of the commission. It shall be the duty of the chairman or secretary promptly to report in writing to the appropriate appointing authority, the existence of any vacancy on the commission.

SECTION 2. That Section 1-2204, Idaho Code, be, and the same is hereby amended to read as follows:

1-2204. DISTRICT MAGISTRATES COMMISSION -- MEETINGS -- QUORUM -- OFFICERS -- RULES. The district magistrates commission of each judicial district shall meet initially to organize and transact any necessary business on the second Monday of September, 1969 1977, unless earlier convened by the chairman, and at such other times as shall be necessary in the discharge of its official duties. The commission shall meet at the times and places determined by the commission or by the chairman after reasonable notice. In addition a meeting may be called by any three (3) of the voting members after reasonable notice. A majority of the voting members of the commission shall constitute a quorum. The commission shall act by affirmative vote of a majority of the voting members present. The commission shall elect a vice-chairman and secretary to serve until the 30th day of June of the next succeeding year or until their successors be elected. The commission may adopt rules for the administration of its duties not inconsistent with applicable provisions of law. The chairman and secretary shall maintain the duplicate official minutes of all meetings of actions taken by the commission.

SECTION 3. That Section 1-2205, Idaho Code, be, and the same is hereby amended to read as follows:
1-2205. DISTRICT MAGISTRATES COMMISSION -- POWERS AND DUTIES. The district magistrates commission shall have the following powers and duties:

(a) To determine the number and location of magistrates to be appointed within the judicial district, provided that there shall be at least one (1) resident magistrate appointed in each county;

(b) To appoint the magistrates within the district on a nonpartisan merit basis, except as provided in section 1-2220, Idaho Code;

(c) To determine the salaries to be paid to the magistrates within the district out of the appropriation allocated for that purpose for the district. Salaries of magistrates within a county or within a judicial district need not be uniform.

(d) To appoint the magistrates within the district on a nonpartisan merit basis. To conduct studies for the improvement of the administration of justice within the district and to make recommendations for improvements therein to the legislature, the supreme court, the district court and such other governmental agencies as may be interested in or affected by such recommendations.

The actions of the commission pursuant to subsections (a), (b) and (c) hereof shall be subject to approval or disapproval by a majority of the district judges in the district within thirty (30) days after written notice to the district judges of the commission's actions, unless such time be extended for good cause by order of the supreme court.

SECTION 4. That Section 1-2207, Idaho Code, be, and the same is hereby amended to read as follows:

1-2207. MAGISTRATES -- TERM -- REMOVAL -- VACANCIES.

(1) The term of office of an appointed magistrate shall be two (2) years. The term of office of an elected magistrate shall be four (4) years. The term of office of a magistrate shall begin on the second Monday of January of the odd-numbered year next succeeding his appointment or election.

(2) A magistrate appointed after the effective date of this act may be removed from office within eighteen (18) months of his appointment by majority vote of all the voting members of the district magistrates commission at any time prior to the expiration of the appointed term without cause at the discretion of the members of the magistrates selection commission in accordance with procedures to be estab-
lished by rules of the supreme court.

A magistrate may be removed from office before the expiration of the term to which he was appointed after a hearing before the district judges of the judicial district sitting en banc and upon a majority vote of the district judges for removal for cause, in accordance with procedures to be established by rules of the supreme court or as otherwise provided by law.

Vacancies in the office of magistrate shall be filled by appointment for the unexpired term.

SECTION 5. That Section 1-2220, Idaho Code, be, and the same is hereby amended to read as follows:

1-2220. RETENTION OR NONRETENTION OF MAGISTRATE BY VOTE. Any magistrate appointed pursuant to the provisions of section 1-2205, Idaho Code, may, not less than sixty (60) days prior to the holding of the general election next preceding the expiration of an initial two (2) year term of office, or the expiration of an appointment to fill not less than two (2) years of the balance of an unexpired term of an elected magistrate, file in the office of the county clerk of the county for which he is a resident magistrate, accompanied by a filing fee of forty dollars ($40.00), a declaration of candidacy to succeed himself. If a declaration is not so filed by any magistrate, the vacancy resulting from the expiration of his term of office shall be filled by appointment as herein provided, except that any magistrate who does not file shall be ineligible for appointment within the same judicial district until two (2) years following the expiration of his last term of office have expired. If such a declaration is filed, his name shall be submitted at the next general election to the voters eligible to vote within the county for which he is appointed, on a nonpartisan judicial ballot, without party designation, which shall read:

"Shall Magistrate .... (Here insert the name of the magistrate) of .... (Here insert the name of the county) County of the .... (Here insert the judicial district number) Judicial District be retained in office?" (Here provision is to be made for voting "Yes" or "No.")

The votes shall be canvassed as provided in chapter 12, title 34, Idaho Code.

If a majority of those voting on the question vote against retaining him in office, upon the expiration of his term of office, a vacancy shall exist which shall be filled by appointment as provided in section 1-2205, Idaho Code, except that the magistrate not retained in office shall be
ineligible for appointment within the same judicial district until two (2) years following the expiration of his last term of office have expired.

If a majority of those voting on the question vote for retaining him in office, the county clerk shall issue him a certificate of election as provided in section 34-1209, Idaho Code, and said magistrate shall, unless removed for cause, remain in office for an additional term of four (4) years, and at the expiration of each such four (4) year term shall be eligible for retention in office by election in the manner herein prescribed.

Approved March 31, 1977.
CHAPTER 234
(H.B. No. 166, As Amended in the Senate)

AN ACT
RELATING TO CONTROLLED SUBSTANCES; AMENDING SECTION 37-2705, IDAHO CODE, TO BRING THE LIST OF SCHEDULE I CONTROLLED SUBSTANCES INTO CONFORMANCE WITH THE FEDERAL CONTROLLED SUBSTANCES ACT; AMENDING 37-2707, IDAHO CODE, TO BRING THE LIST OF SCHEDULE II CONTROLLED SUBSTANCES INTO CONFORMANCE WITH THE FEDERAL CONTROLLED SUBSTANCES ACT; AMENDING SECTION 37-2709, IDAHO CODE, TO BRING THE LIST OF SCHEDULE III CONTROLLED SUBSTANCES INTO CONFORMANCE WITH THE FEDERAL CONTROLLED SUBSTANCES ACT; AMENDING SECTION 37-2711, IDAHO CODE, TO BRING THE LIST OF SCHEDULE IV CONTROLLED SUBSTANCES INTO CONFORMANCE WITH THE FEDERAL CONTROLLED SUBSTANCES ACT; AND AMENDING SECTION 37-2713, IDAHO CODE, TO BRING THE LIST OF SCHEDULE V CONTROLLED SUBSTANCES INTO CONFORMANCE WITH THE FEDERAL CONTROLLED SUBSTANCES ACT.

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

SECTION 1. That Section 37-2705, Idaho Code, be, and the same is hereby amended to read as follows:

37-2705. SCHEDULE I. (a) The controlled substances listed in this section are included in schedule I.
(b) Any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, unless specifically excepted, whenever the existence of these isomers, esters, ethers and salts is possible within the specific chemical designation:
(1) Acetylmethadol;
(2) Allylprodine;
(3) Alphacetylmethadol;
(4) Alphameprodine;
(5) Alphamethadol;
(6) Benzethidine;
(7) Betacetylmethadol;
(8) Betameprodine;
(9) Betamethadol;
(10) Betaprodine;
(11) Clonitazene;
(12) Dextromoramide;
Any of the following opium derivatives, their salts, isomers and salts of isomers, unless specifically excepted, whenever the existence of these salts, isomers and salts of isomers is possible within the specific chemical designation:

(1) Acetorphine; (42) Trimeperidine;
(2) Acetyldihydrocodeine; (43) Racemoramide;
(3) Benzylmorphine; (44) Propiram;
(4) Codeine methy bromide; (45) Properidine;
(5) Codeine-N-Oxide; (46) Propiram;
(6) Dihydromorphone; (47) Properidine;
(7) Cyprenorphine; (48) Properidine;
(8) Desomorphine; (49) Proheptazine;
(9) Etorphine except hydrochloride salt; (50) Properidine;
(10) Heroin; (51) Properidine;
(11) Heroin; (52) Properidine.

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(12) Hydromorphinol;
(13) Methylhydromorphone Methyldesorphine;
(14) Methyldihydromorphone;
(15) Morphone methylbromide;
(16) Morphone methylsulfonate;
(17) Morphone-N-Oxide;
(18) Myrophine;
(19) Nicocodeine;
(20) Nicomorphine;
(21) Normorphine;
(22) Pholcodine;
(23) Thebacin.

(d) Any material, compound, mixture or preparation which contains any quantity of the following hallucinogenic substances, their salts, isomers and salts of isomers, unless specifically excepted, whenever the existence of these salts, isomers, and salts of isomers is possible within the specific chemical designation:

1. 3,4-methylenedioxy amphetamine;
2. 5-methoxy-3,4-methylenedioxy amphetamine;
3. 3,4,5-trimethoxy amphetamine;
4. Bufotenine;
5. Diethyltryptamine;
6. Dimethyltryptamine;
7. 4-methyl-2,5-dimethoxyamphetamine;
8. Ibogaine;
9. Lysergic acid diethylamide;
10. Marihuana;
11. Mescaline;
12. Peyote;
13. N-ethyl-3-piperidyl benzilate;
14. N-methyl-3-piperidyl benzilate;
15. Psilocybin;
16. Psilocyn;
17. Tetrahydrocannabinols (Synthetic equivalents of the substances contained in the plant, or in the resinous extractives of Cannabis, sp. and/or synthetic substances, derivatives, and their isomers with similar chemical structure and pharmacological activity);
18. 2,5-dimethoxyamphetamine (2,5-dimethoxy-a-methylphenethylamine: 2,5-DMA);
19. 4-bromo-2,5-dimethoxymphetamine (4-bromo-2,5-dimethoxy-a-methylphenethylamine: 4-bromo-2,5, DMA);
20. 4-methoxyamphetamine (4-methoxy-a-methylphenethylamine; paramethoxyamphetamine, PMA).
(21) Thiophene analog of phencyclidine
(1-(1-(2-thienyl) cyclohexyl) piperidine)

(e) Any material, compound, mixture or preparation
which contains any quantity of the following substances hav­
ing a depressant effect on the central nervous system,
including its salts, isomers, and salts of isomers wherever
the existence of such salts, isomers, and salts of isomers
is possible within the specific chemical designation:

(1) Mecloqualone.

SECTION 2. That Section 37-2707, Idaho Code, be, and
the same is hereby amended to read as follows:

37-2707. SCHEDULE II. (a) The--controlled-substances
listed-in-this-section-are-included-in-schedule-II:

(b) Any-of-the-following-substances7-except-those--nar­
cotic-drugs--listed--in-ether-schedules7--whether-produced
directly-or-indirectly-by-extraction--from--substances-of
vegetable-origin7-or-independently-by-means-of-chemical-syn­
thesis, or-by-combination-of-extraction-and-chemical-synthe­
sis:

(1)--Opium--and--opiate7-and--any--salt7-compound7-deriva­
tive7-or-preparation-of-opium-or-opiate7;

(2) Any-salt7-compound7-isomer7-derivative7-or-prepara­
tion-thereof-which-is--chemically--equivalent--or--identical
with-any-of-the-substances-referred-to-in-paragraph-(1)7-but
not--including-the--isoequinoline-alkaloids-of-opium. Schedule
II shall consist of the drugs and other substances, by what­
ever official name, common or usual name, chemical name, or
brand name designated, listed in this section.

(b) Substances, vegetable origin or chemical synthesis.
Unless specifically excepted or unless listed in another
schedule, any of the following substances whether produced
directly or indirectly by extraction from substances of
vegetable origin, or independently by means of chemical syn­
thesis, or by a combination of extraction and chemical syn­
thesis:

(1) Opium and opiate, and any salt, compound, deriva­
tive, or preparation of opium or opiate, excluding
naloxone and its salts, and naltrexone and its salts,
but including the following:
1. Raw Opium;
2. Opium extracts;
3. Opium fluid extracts;
4. Powdered opium;
5. Granulated opium;
6. Tincture of opium;
7. Apomorphine;
8. Codeine;
9. Ethylmorphine;
10. Etorphine hydrochloride;
11. Hydrocodone;
12. Hydromorphone;
13. Metopon;
14. Morphine;
15. Oxycodone;
16. Oxymorphone;
17. Thebaire.

(2) Any salt, compound, derivative, or preparation thereof which is chemically equivalent or identical with any of the substances referred to in paragraph (b) (1) of this section, except that these substances shall not include the isoquinoline alkaloids of opium.

(3) Opium poppy and poppy straw.

(4) Coca leaves and any salt, compound, derivative, or preparation of coca leaves, and any salt, compound, derivative, or preparation thereof which is chemically equivalent or identical with any of these substances, but not including decocainized coca leaves or extractions which do not contain cocaine or ecgonine.

(5) Concentrate of poppy straw (the crude extract of poppy straw in either liquid, solid or powder form which contains the phenanthrine alkaloids of the opium poppy).

(c) Any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, whenever the existence of these isomers, esters, ethers and salts is possible within the specific chemical designation, unless specifically excepted or unless listed in another schedule:

(1) Alphaprodine;
(2) Anileridine;
(3) Bezitramide;
(4) Dihydrocodeine;
(5) Diphenoxylate;
(6) Fentanyl;
(7) Isomethadone;
(8) Levomethorphan;
(9) Levorphanol;
(10) Metazocine;
(11) Methadone;
(12) Methadone--Intermediate, 4-cyano-2-dimethylamino-4,4-diphenyl butane;
(13) Moramide--Intermediate, 2-methyl-3-morpholino-1,1-diphenyl propane-carboxylic acid;
(14) Pantopon (Hydrochlorides of opium alkaloids);
(15) Pethidine;
(16) Pethidine--Intermediate--A, 4-cyano-1-methyl-4-phenylpiperidine;
(17) Pethidine--Intermediate--B, ethyl-4-phenylpiperidine-4-carboxylate;
(18) Pethidine--Intermediate--C, l-methyl-4-phenylpiperidine-4-carboxylic acid;
(19) Phenazocine;
(20) Piminodine;
(21) Racemethorphan;
(22) Racemorphan.

(d) Stimulants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system:

1. Amphetamine, its salts, optical isomers, and salts of its optical isomers;
2. Methamphetamine, its salts, isomers, and salts of its isomers;
3. Phenmetrazine and its salts;

(e) Depressants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

1. Methaqualone;
2. Amobarbital;
3. Secobarbital;
4. Pentobarbital.

SECTION 3. That Section 37-2709, Idaho Code, be, and the same is hereby amended to read as follows:

37-2709. SCHEDULE III. (a) The controlled substances listed in this section are included in Schedule III. Schedule III shall consist of the drugs and other substances, by whatever official name, common or usual name, chemical name, or brand name designated, listed in this section.

(b) Stimulants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of amphetamine, its salts, optical isomers, and salts of its optical isomers.
or-methamphetamine, its salts, isomers, and salts of its isomers, and one or more active medical ingredients not having a stimulant effect on the central nervous system, and which contains such combinations, quantity, proportion or concentration as to vitiate the potential for abuse of amphetamine or methamphetamine substances, the following substances having a stimulant effect on the central nervous system, including its salts, isomers, (whether optical or geometric), and salts of such isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

(1) Those compounds, mixtures, or preparations in dosage unit form containing any stimulant substances listed in schedule II which compounds, mixtures, or preparations were listed on August 25, 1971, as excepted compounds under C.F.R. Sec. 308.32, and any other drug of the quantitative composition shown in that list for those drugs or which is the same except that it contains a lesser quantity of controlled substances.

(2) Benzphetamine;
(3) Chlorphentermine;
(4) Clortermine;
(5) Mazindol;
(6) Phendimetrazine.

(c) Depressants. Unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a potential for abuse associated with a depressant effect on the central nervous system:

(1) Any compound, mixture or preparation containing:
   i. Amobarbital;
   ii. Secobarbital;
   iii. Pentobarbital or any salt thereof and one or more other active medicinal ingredients which are not listed in any schedule.

(2) Any suppository dosage form containing:
   i. Amobarbital;
   ii. Secobarbital;
   iii. Pentobarbital;
   or any salt of any of these drugs and approved by the Food and Drug Administration for marketing only as a suppository.

(3) Any substance which contains any quantity of a derivative of barbituric acid or any salt thereof

(4) Chlorhexadol;
(5) Glutethimide;
(6) Lysergic acid;
(7) Lysergic acid amide;
(8) Methyprylon;
(9) Phencyclidine;
(10) Sulfondiethylmethane;
(11) Sulfonethylmethane;
(12) Sulfonmethane.

(d) Mescaline, Dianhydrogelseic acid, Dihydrogelseic acid, Dihydrogelseic acid amide, Methyprylon, Phencyclidine, Sulfondiethylmethane, Sulfonethylmethane, Sulfonmethane.

(d) Nalorphine.

(e) Any material, compound, mixture, or preparation containing limited quantities of any of the following narcotic drugs, or any salts thereof: Narcotic drugs. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing limited quantities of any of the following narcotic drugs, or any salts thereof:

(1) Not more than 1.8 grams of codeine, or any of its salts, per 100 milliliters or not more than 90 milligrams per dosage unit, with an equal or greater quantity of an isoquinoline alkaloid of opium;

(2) Not more than 1.8 grams of codeine, or any of its salts, per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(3) Not more than 300 milligrams of dihydrocodeine, or any of its salts, per 100 milliliters or not more than 15 milligrams per dosage unit, with a fourfold or greater quantity of an isoquinoline alkaloid of opium;

(4) Not more than 300 milligrams of dihydrocodeine, or any of its salts, per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(5) Not more than 1.8 grams of dihydrocodeine, or any of its salts, per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(6) Not more than 300 milligrams of ethylmorphine, or
any of its salts, per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more ingredients in recognized therapeutic amounts;

(7) Not more than 500 milligrams of opium per 100 milliliters or per 100 grams, or not more than 25 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(8) Not more than 50 milligrams of morphine, or any of its salts, per 100 milliliters or per 100 grams with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.

(f) The board may except by rule any compound, mixture, or preparation containing any stimulant or depressant substance listed in subsections (b) and (c) of this section from the application of all or any part of this act if the compound, mixture, or preparation contains one or more active medicinal ingredients not having a stimulant or depressant effect on the central nervous system, and if the admixtures are included therein in combinations, quantity, proportion, or concentration that vitiate the potential for abuse of the substances which have a stimulant or depressant effect on the central nervous system.

SECTION 4. That Section 37-2711, Idaho Code, be, and the same is hereby amended to read as follows:

37-2711. SCHEDULE IV. (a) The controlled substances listed in this section are included in schedule IV. Schedule IV shall consist of the drugs and other substances, by whatever official name, common or usual name, chemical name, or brand name designated, listed in this section.

(b) Any material, compound, mixture, or preparation which contains any quantity of the following substances having a potential for abuse associated with a depressant effect on the central nervous system: Depressants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

(1) Barbital;
(2) Chloral betaine;
(3) Chloral hydrate;
(4) Chlordiazepoxide;
(5) Clonazepam;
(6) Clorazepate;
(7) Dextropropoxyphene;
(8) Diazepam;
(9) Ethchlorvynol;
(10) Ethinamate;
(11) Flurazepam;
(12) Mebutamate;
(13) Meprobamate;
(14) Methohexital;
(15) Methylphenobarbital;
(16) Oxazepam;
(17) Paraldehyde;
(18) Petrichloral;
(19) Phenobarbital;
(c) Fenfluramine - Any material, compound, mixture, or preparation which contains any quantity of the following substances, including its salts, isomers (whether optical, position, or geometric), and salts of such isomers, whenever the existence of such salts, isomers, and salts of isomers is possible:
(1) Fenfluramine.
(d) Stimulants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers (whether optical, position, or geometric), and salts of such isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:
(1) Diethylpropion;
(2) Phentermine;
(3) Pemoline (including organometallic complexes and chelates thereof).
(e) The board may except by rule any compound, mixture, or preparation containing any depressant substance listed in subsection (b) of this section from the application of all or any part of this act if the compound, mixture, or preparation contains one or more active medicinal ingredients not having a depressant effect on the central nervous system, and if the admixtures are included therein in combinations, quantity, proportion, or concentration that vitiate the potential for abuse of the substances which have a depressant effect on the central nervous system.

SECTION 5. That Section 37-2713, Idaho Code, be, and the same is hereby amended to read as follows:

37-2713. SCHEDULE V. (a) The--controlled--substances
listed in this section are included in Schedule V.

(b) Any compound, mixture, or preparation containing limited quantities of any of the following narcotic drugs, which also contains one or more nonnarcotic active medicinal ingredients in sufficient proportion to confer upon the compound, mixture, or preparation valuable medicinal qualities other than those possessed by the narcotic drug alone.

Schedule V shall consist of the drugs and other substances, by whatever official name, common or usual name, chemical name, or brand name designated, listed in this section.

(b) Narcotic drugs containing nonnarcotic active medicinal ingredients. Any compound, mixture, or preparation containing any of the following limited quantities of narcotic drugs or salts thereof, which shall include one or more nonnarcotic active medicinal ingredients in sufficient proportion to confer upon the compound, mixture, or preparation, valuable medicinal qualities other than those possessed by the narcotic drug alone:

(1) Not more than 200 milligrams of codeine, or any of its salts, per 100 milliliters or per 100 grams;
(2) Not more than 100 milligrams of dihydrocodeine, or any of its salts, per 100 milliliters or per 100 grams;
(3) Not more than 100 milligrams of ethylmorphine, or any of its salts, per 100 milliliters or per 100 grams;
(4) Not more than 2.5 milligrams of diphenoxylate and not less than 25 micrograms of atropine sulfate per dosage unit;
(5) Not more than 100 milligrams of opium per 100 milliliters or per 100 grams.

Approved March 31, 1977.
AN ACT
RELATING TO ATTORNEY MALPRACTICE INSURANCE REPORTS; AMENDING
CHAPTER 3, TITLE 41, IDAHO CODE, BY THE ADDITION OF A
NEW SECTION 41-336B, IDAHO CODE, TO ESTABLISH REPORTING
REQUIREMENTS OF INSURERS FOR STATISTICAL DATA CONCERNING
ATTORNEY 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 41-336B,
Idaho Code, and to read as follows:

41-336B. ATTORNEY MALPRACTICE INSURANCE REPORTS. As a
condition of doing business in the state of Idaho, each
insurer transacting insurance covering liability for mal­
practice of any person licensed under chapter 1, title 3,
Idaho Code, shall annually, before the first day of March,
report to the director of the department of insurance the
following statistics as of the thirty-first day of December
preceeding:

(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 claims paid as a result of judgments
against the insurer during the calendar year next preceding,
and the total monetary amount thereof.

Approved March 31, 1977.
AN ACT
RELATING TO COSTS OF TRANSPORTING PUBLIC SCHOOL PUPILS;
AMENDING SECTION 33-1503, IDAHO CODE, TO PROVIDE A MINI-
MUM AMOUNT FOR REIMBURSEMENT WHEN TRANSPORTATION IS NOT
PROVIDED BY THE SCHOOL DISTRICT, AND TO REQUIRE REIM-
BURSEMENT.

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

SECTION 1. That Section 33-1503, Idaho Code, be, and
the same is hereby amended to read as follows:

33-1503. PAYMENTS WHEN TRANSPORTATION NOT FURNISHED. a. Whenever any pupil lives more than one and one-half (1 1/2) miles from any established bus stop, or from the school but at a greater distance from the nearest bus stop than from the school, and such pupil is regularly transported by private vehicle not under contract with the school district, the board may at its discretion pay to the parent or guardian an amount per month not exceeding the maximum set by the state board of education as provided in subsection c of this section, for transporting such pupil to the school or to the bus stop as the board may determine.

b. Whenever in the judgment of the board of trustees any pupil residing within the area of a non-transportation zone, and otherwise eligible to transportation, cannot be transported in any manner herein authorized, the said board may pay to the parent or guardian thereof such amount of the cost incurred by the parent or guardian for the board and lodging of the pupil as may be authorized by the state board of education.

c. Whenever payments are required pursuant to subsection a of this section, the board of trustees may pay an amount not less than ten dollars ($10.00) per month plus fifteen cents ($.15) per mile per round trip required by vehicle.

Approved March 31, 1977.
CHAPTER 237
(H.B. No. 194, As Amended)

AN ACT
RELATING TO ADVANCE REFUNDING BONDS FOR UNITS OF GOVERNMENT; AMENDING CHAPTER 5, TITLE 57, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 57-504, IDAHO CODE, TO PROVIDE FOR DEFINITIONS, TO PROVIDE THAT A GOVERNING BODY BY ORDINANCE MAY PROVIDE FOR THE ISSUANCE OF BONDS TO REFUND OUTSTANDING BONDS, TO PROVIDE FOR THE PRINCIPAL AMOUNT OF SUCH REFUNDING BONDS, TO PROVIDE FOR THE APPLICATION OF THE PROCEEDS DERIVED FROM THE SALE OF ADVANCE REFUNDING BONDS, TO PROVIDE REQUIREMENTS FOR THE SAFEKEEPING OF SUCH BOND PROCEEDS, TO PROVIDE FOR COMPUTING INDEBTEDNESS FOR THE PURPOSE OF STATUTORY DEBT LIMITATIONS, TO PROVIDE FOR SETTING ASIDE PROCEEDS OF ADVANCE REFUNDING BONDS, TO PROVIDE FOR ISSUANCE OF SUCH BONDS, TO PROVIDE THAT ADVANCE REFUNDING BONDS MUST BE ISSUED IN ACCORDANCE WITH LAW, TO PROVIDE REQUIREMENTS FOR PAYMENT OF ADVANCE FUNDING BONDS, TO PROVIDE THAT AUTHORITY TO ISSUE ADVANCE REFUNDING BONDS IS ADDITIONAL AUTHORITY, AND TO PROVIDE SEVERABILITY.

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

SECTION 1. That Chapter 5, 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 57-504, Idaho Code, and to read as follows:

57-504. ADVANCE REFUNDING OF BONDS. (1) Except where the context otherwise requires, the terms defined in this section shall for all purposes have the meanings herein specified:

(a) "Governing body" means the council, commission, board of commissioners, board of directors, board of trustees, board of regents, or other legislative body of a public body designated herein in which body the legislative powers of the public body are vested.

(b) "Public body" means the state of Idaho, its agencies, institutions, political subdivisions, school districts, authorities, instrumentalities, and municipal and quasi-municipal corporations now or hereafter existing under the laws of the state of Idaho.
(c) "Bond" means any revenue bond or general obligation bond.

(d) "Revenue bond" means any bond, note, warrant, certificate of indebtedness, or other obligation for the payment of money issued by a public body or any predecessor of any public body and which is payable from designated revenues or a special fund but excluding any obligation constituting an indebtedness within the meaning of any applicable statutory debt limitation and any obligation payable solely from special assessments.

(e) "General obligation bond" means any bond, note, warrant, certificate of indebtedness, or other obligation of a public body which constitutes an indebtedness within the meaning of any applicable statutory debt limitation.

(f) "Advance refunding bonds" mean bonds issued for the purpose of refunding outstanding bonds in advance of their maturity.

(g) "Issuer" means the public body issuing any bond or bonds.

(h) "Ordinance" means an ordinance of a city or county or resolution or other instrument by which the governing body of the public body exercising any power hereunder takes formal action and adopts legislative provisions and matters of some permanency.

(i) "Government obligations" mean direct obligations of the United States of America, or other securities, the principal and interest of which are unconditionally guaranteed by the United States of America.

(j) Words used herein importing singular or plural number may be construed so that one number includes both.

(2) The governing body of any public body may by ordinance provide for the issuance of bonds to refund outstanding bonds heretofore or hereafter issued by such public body or its predecessor, only: (1) to pay or discharge all or any part of such outstanding series or issue of bonds, including any interest thereon, in arrears or about to become due and for which sufficient funds are not available; or (2) to achieve a savings or other objective that the governing body finds to be beneficial to the public body. Any bonds issued for refunding purposes may be delivered in exchange for the outstanding bonds being refunded or may be sold in such manner and at such price as the governing body may in its discretion determine advisable. Such bonds may be issued without an election unless an election is required by the constitution of the state of Idaho.
(3) Advance refunding bonds may be issued in a principal amount in excess of the principal amount of the bonds to be refunded as determined by the governing body. Such amount may be equal to the full amount required to pay the principal of and interest on the bonds to be refunded to and including their dates of maturity or principal redemption in accordance with the advance refunding plan adopted by the governing body, together with all costs incurred in accomplishing such refunding. The principal amount of the refunding bonds may be less than or the same as the principal amount of the bonds being refunded so long as provision is duly and sufficiently made for the retirement or redemption of such bonds to be refunded. Any reserves held to secure the bonds to be refunded may be applied to the redemption or retirement of such bonds, or otherwise as the governing body may determine.

(4) Prior to the application of the proceeds derived from the sale of advance refunding bonds to the purposes for which such bonds shall have been issued, such proceeds, together with any other legally available funds including reserve funds, may be invested and reinvested only in government obligations maturing at such time or times as may be required to provide funds sufficient to pay principal, interest and redemption premiums, if any, due in connection with the bonds to be refunded or the advance refunding bonds, or both, in accordance with the advance refunding plan. To the extent incidental expenses have been capitalized, such bond proceeds may be used to defray such expenses.

(5) The governing body may contract with respect to the safekeeping and application of the advance refunding bond proceeds and other funds included therewith and the income therefrom including the right to appoint a trustee which may be any trust company or state or national bank having powers of a trust company within or without the state of Idaho. The governing body may provide in the advance refunding plan that until such moneys are required to redeem or retire the bonds to be refunded, the refunding bond proceeds and other funds, and the income therefrom shall be used to pay and secure payment of principal of, interest on, and redemption premiums, if any, due in connection with all or a portion of the advance refunding bonds or the bonds being refunded, or both.

(6) In computing indebtedness for the purpose of any applicable statutory debt limitation there shall be deducted from the amount of outstanding indebtedness the principal amount of outstanding general obligation bonds for the pay-
ment of which there shall have been dedicated and deposited in escrow, government obligations the principal of or interest on which, or both, will be sufficient to provide for the payment of said general obligation bonds as to principal, interest and redemption premiums, if any, when due at maturity or upon some earlier date upon which such bonds shall have been called for redemption in accordance with their terms.

(7) When a public body has irrevocably set aside for and pledged to the payment of bonds to be refunded advance refunding bond proceeds and other moneys in amounts which together with known earned income from the investment thereof will be sufficient in amount to pay the principal of, interest on, and any redemption premiums on such bonds as the same become due and to accomplish the refunding as scheduled, such bonds shall be deemed duly paid and discharged for the purpose of any applicable statutory debt limitation.

(8) Bonds for refunding and bonds for any other purpose or purposes authorized may be issued separately or issued in combination in one or more series or issues by the same issuer.

(9) Except as specifically provided in this section, refunding bonds issued hereunder shall be issued in accordance with the provisions of law applicable to the type of bonds of the issuer being refunded, either at the time of the issuance of the refunding bonds or the bonds to be refunded.

(10) Refunding bonds may be made payable from any taxes or pledged revenues, or both, which might be legally pledged for the payment of the bonds being refunded at the time of the issuance of the advance refunding bonds or at the time of the issuance of the bonds being refunded, as the governing body may determine.

(11) The authority of a public body to issue refunding bonds pursuant to this section is additional to any existing authority to issue such bonds and nothing in this section shall prevent the issuance of such bonds pursuant to any other law, and this section shall not be construed to amend any existing law authorizing the issuance of refunding bonds by a public body.

(12) If any provision of this section, or its application to any person or circumstance, is held invalid, the remainder of the section, or the application of the provision to other persons or circumstances is not affected.

Approved March 31, 1977.
CHAPTER 238
(H.B. No. 198)

AN ACT
RELATING TO THE GIVING OF INSURANCE INFORMATION BY A DRIVER INVOLVED IN A MOTOR VEHICLE ACCIDENT; AMENDING SECTION 49-1003, IDAHO CODE, BY PROVIDING FOR A DUTY OF THE DRIVER TO GIVE THE NAME OF HIS INSURANCE AGENT OR COMPANY TO THE OTHER DRIVER; AND AMENDING SECTION 49-1005, IDAHO CODE, BY PROVIDING FOR A DUTY OF THE DRIVER TO GIVE THE NAME OF HIS INSURANCE AGENT OR COMPANY TO THE OWNER OR PERSON IN CHARGE OF THE PROPERTY DAMAGED.

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

SECTION 1. That Section 49-1003, Idaho Code, be, and the same is hereby amended to read as follows:

49-1003. DUTY TO GIVE INFORMATION AND RENDER AID. The driver of any vehicle involved in an accident resulting in injury to or death of any person or damage to any vehicle which is driven or attended by any person shall give his name, address, the name of his insurance agent or company if he has automobile liability insurance, and the registration number of the vehicle he is driving and shall upon request and if available exhibit his operator's or chauffeur's license to the person struck or the driver or occupant of or person attending any vehicle collided with and shall render to any person injured in such accident reasonable assistance, including the carrying, or the making of arrangements for the carrying, of such person to a physician, surgeon, or hospital for medical or surgical treatment if it is apparent that such treatment is necessary or if such carrying is requested by the injured person.

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 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 name of
his insurance agent or company if he has automobile liability insurance, the registration number of the vehicle he is driving, and shall upon request and if available exhibit his operator's or chauffeur's license.

Approved March 31, 1977.

CHAPTER 239
(H.B. No. 201, As Amended)

AN ACT
RELATING TO THE NUMBER OF DISTRICT JUDGES IN THE FIFTH JUDICIAL DISTRICT; AMENDING SECTION 1-806, IDAHO CODE, TO PROVIDE THAT THE FIFTH JUDICIAL DISTRICT SHALL HAVE FIVE DISTRICT JUDGES AND THAT ONE RESIDENT CHAMBERS SHALL BE ESTABLISHED IN CASSIA COUNTY; AND PROVIDING AN EFFECTIVE DATE.

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

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

1-806. FIFTH DISTRICT -- NUMBER OF JUDGES -- RESIDENT CHAMBERS. (1) The fifth judicial district shall consist of the counties of Blaine, Camas, Gooding, Lincoln, Jerome, Minidoka, Cassia and Twin Falls.

(2) The fifth district shall have four--(4) five (5) district judges.

(3) Resident chambers of the district judges of the fifth judicial district shall be established as follows:

(a) One (1) resident chambers shall be established in Camas--Gooding or Blaine County;

(b) One (1) resident chambers shall be established in Cassia or Minidoka County;

(c) Two (2) resident chambers shall be established in Twin Falls County;

(d) One (1) resident chambers shall be established in Cassia County.

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

Approved March 31, 1977.
AN ACT
RELATING TO CLAIMS AGAINST A CITY; AMENDING SECTION 50-1017, IDAHO CODE, TO PROVIDE FOR A CHANGE IN PROCEDURE IN PRESENTATION OF CLAIMS TO CITIES.

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

SECTION 1. That Section 50-1017, Idaho Code, be, and the same is hereby amended to read as follows:

50-1017. PRESENTATION OF CLAIMS. All claims against the city shall be presented to the council in writing with a full account of the items certified by the claimant or his agent that the same is just and correct that the amount claimed is legally due after allowing all just credits that no part of same has been paid provided further approved by the city council prior to the payment of such claims. No costs shall be recovered against such city in any action brought against it for any unliquidated claim which has not been presented to the city council for payment, nor upon claims allowed in part, unless the recovery shall be for a greater sum than the amount allowed with interest due.

Approved March 31, 1977.
CHAPTER 241
(H.B. No. 221, As Amended in the Senate)

AN ACT
RELATING TO PROPERTY AND LIABILITY INSURANCE COVERAGE FOR
THE PUBLIC ENTITY, PUBLIC EMPLOYER OR PUBLIC CORPORATION; AMENDING SECTION 41-1317, IDAHO CODE, TO ALLOW
PUBLIC ENTITIES TO JOINTLY PROCURE INSURANCE, AND TO
ALLOW GROUPS TO PROCURE GROUP CASUALTY OR LIABILITY
COVERAGE.

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

SECTION 1. That Section 41-1317, Idaho Code, be, and
the same is hereby amended to read as follows:

41-1317. FICTITIOUS GROUPS. (1) No insurer, whether an
authorized insurer or an unauthorized insurer, shall make
available through any rating plan or form, property, casu­
ality or surety insurance to any firm, corporation, or asso­
ciation of individuals, any preferred rate or premium based
upon any fictitious grouping of such firm, corporation, or
individuals. For the purposes of this section a "fictitious"
group is one in which members of such group do not have a
common insurable interest as to the subject of the insurance
and the risk or risks insured or to be insured.

(2) No form or plan of insurance covering any group or
combination of persons or risks shall be written or deliv­
ered within or outside of Idaho to cover Idaho persons or
risks at any preferred rate or form other than
that offered to persons not in such group and the public
generally, unless such form, plan or policy and the rates or
premiums to be charged therefor have been submitted to and
approved by the director as not in conflict with subsection
(1) above, and section 41-1405 (rate standards), Idaho Code.

(3) Nothing in this section shall apply to workmen's
compensation, life or disability insurance or to annuity
contracts; nor to any insurer which restricts its insurance
coverages to members of a particular association or orga­
nization with which the insurer is directly affiliated; nor
to public corporations, public employers or public entities;
nor to group casualty or liability coverage when the direc­
tor has determined that an affinity of interest legitimately
exists between or among the members of the group.

Approved March 31, 1977.
CHAPTER 242

(H.B. No. 134, As Amended in the Senate)

AN ACT
RELATING TO ENCUMBERING APPROPRIATIONS; AMENDING SECTION 67-3521, IDAHO CODE, TO PROVIDE THAT ENCUMBRANCES BE CODED BY STANDARD CLASS, AND BE MADE ONLY FOR THE SPECIFIC COST OF A PRODUCT OR SERVICE.

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

SECTION 1. That Section 67-3521, Idaho Code, be, and the same is hereby amended to read as follows:

67-3521. ENCUMBERING APPROPRIATIONS OR EXCESSIVE EXPENDITURES FORBIDDEN -- ENCUMBRANCES TO REVERT -- APPROVAL. (1) No officer, department, bureau or institution, shall encumber any appropriations or be allowed to make any expenditures from appropriations in excess of the allotments provided by this act.

(2) Encumbrances shall be reported as reductions against appropriations and not as any variety of in anticipation of a class coded expenditure, shall be made only in contemplation of the purchase for the accrued cost of a specific product or service, shall be for the amount estimated to be the full cost of acquisition due and payable prior to or as of the end of the current fiscal year, and shall not be used as a means of reserving a portion of the appropriation of one (1) fiscal year to be used in combination with the appropriation of the following year. Requests for encumbrances shall be accompanied by a properly identified copy of purchase orders to properly identify the accrued cost which must be adequately covered by appropriated funds from the current fiscal year allotment. In cases where a purchase order has not been issued, a written letter of intent by the agency head shall be supplied.

(3) Encumbrances not removed liquidated by filling payment of the purchase order accrued cost during the succeeding fiscal year shall revert to the fund from which encumbered, unless approved for extension by the administrator of the division of the budget, policy, planning and coordination.

(4) Requests for encumbrances must have the approval of the administrator of the division of the budget, policy and
planning coordination.

(5) Notwithstanding any of the above, all purchase orders issued by the state purchasing agent shall be encumbered, and such encumbrance shall not require the approval of the administrator of the division of budget, policy and planning coordination.

(6) The provisions of this section shall not apply to encumbrances involving vocational educational reimbursements to educational institutions or to encumbrances involving contracts for the construction of highways, bridges, buildings or other primary structures or capital improvements.

Approved March 31, 1977.

CHAPTER 243
(H.B. No. 20, As Amended, As Amended in the Senate)

AN ACT
RELATING TO CRIMINAL SENTENCING; AMENDING CHAPTER 25, TITLE 19, IDAHO CODE, BY ADDING A NEW SECTION 19-2513A, IDAHO CODE, TO PROVIDE FOR FIXED TERM SENTENCES AS AN ALTERNATIVE.

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

SECTION 1. That Chapter 25, Title 19, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 19-2513A, Idaho Code, and to read as follows:

19-2513A. ALTERNATIVE FIXED TERM SENTENCE. As an alternative to an indeterminate sentence for any person convicted of a felony, the court, in its discretion, may sentence the offender to the custody of the state board of correction for a fixed period of time of not less than two (2) years and not more than the maximum provided by law for said felony.

Approved March 31, 1977.
CHAPTER 244
(H.B. No. 145)

AN ACT
RELATING TO THE SALE OF BONDS; AMENDING SECTION 57-215, IDAHO CODE, TO STRIKE THE REQUIREMENT THAT THE STATE AUDITOR MUST BE NOTIFIED PRIOR TO THE TIME FIXED FOR THE SALE OF BONDS.

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

SECTION 1. That Section 57-215, Idaho Code, be, and the same is hereby amended to read as follows:

57-215. SALE OF BONDS -- NOTICE AND REQUEST FOR BIDS -- PUBLICATION. Notice of the intention to sell any such bonds and requesting bids therefor shall be published in the name of the governing body of any such issuer in the official newspaper thereof for at least three consecutive publications therein at weekly intervals. The date of sale thereof, as therein designated, shall be after the lapse of at least 21 full days from and after the date of the first publication of such notice, counting the date of the first publication as the first publication as the first of such 21 days; and if said corporation shall not have designated an official newspaper the publication shall be had in any newspaper published and of general circulation within the corporate limits of said issuing corporation as specially designated or approved by any such governing body; and if there shall be no newspaper published within the corporate limits of any such issuing corporation, such notice shall be published in a newspaper of general circulation in the county of such issuing corporation as designated or approved by any such governing body. A copy of such notice shall be mailed to the state auditor at Boise, Idaho, at least fifteen days prior to the time fixed for the sale of said bonds in said notice; and such other and further notice shall be given as any such governing body may direct; the mayor or chairman or presiding officer of any such corporation and the clerk or secretary thereof shall cause such publication to be made and given as prescribed herein, subject to the direction, designation or approval of any such governing body as herein set forth. It shall be proper to commence the publication of such notice of sale prior to, or contemporaneous with, the lapse of said 21 days.
neous with, the publication of the notice of the election at which the proposition of the issuance of any such bonds shall be submitted: provided only, that such bonds shall not be sold until their issuance shall have been duly authorized.

Approved March 31, 1977.

CHAPTER 245
(H.B. No. 225, As Amended)

AN ACT
RELATING TO TRANSLATOR DISTRICTS; AMENDING SECTION 31-4102, IDAHO CODE, TO INCLUDE FM RADIO AS AN AUTHORIZED PURPOSE OF A TRANSLATOR DISTRICT ORGANIZED PRIOR TO JANUARY 1, 1977.

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

SECTION 1. That Section 31-4102, Idaho Code, be, and the same is hereby amended to read as follows:

31-4102. TRANSLATOR DISTRICT -- PURPOSES. The purposes of a translator district shall be to serve the public interest, convenience, and necessity in the construction, maintenance and operation of translator stations and any system necessary thereto by appropriate electronic means for television program distribution, but the purposes are not meant to include the construction or operation of community antenna systems, commonly known and referred to as cable TV systems. Translator districts organized prior to January 1, 1977, may, in addition to other powers conferred by this chapter, receive and broadcast FM radio signals by appropriate electronic means.

Approved March 31, 1977.
CHAPTER 246
(H.B. No. 2411, As Amended)

AN ACT

RELATING TO DISTRIBUTION OF WATER AMONG APPROPRIATORS; ADDING A NEW SECTION 42-602A, IDAHO CODE, TO PROVIDE FOR EMERGENCY INTERIM ALLOCATION OF WATER DURING CRITICAL CONDITIONS UPON ORDER OF THE DISTRICT COURT ON AN INTERIM SCHEDULE OF RIGHTS PROPOSED BY THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Chapter 6, Title 42, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 42-602A, Idaho Code, and to read as follows:

42-602A. EMERGENCY PROVISION. In the Payette River and its tributaries where an emergency, as determined by the director of the department of water resources, arises in which anticipated water demands cannot be met from available water, which requires the organization of a water district pursuant to section 42-604, Idaho Code, for the purpose of distributing the water from the Payette River and its tributaries in accordance with the priorities of rights of the users thereof, and the director has sufficient information with which to develop an interim schedule of rights for the purpose of distribution of water during said emergency, the director may present such interim schedule of rights to the district court which shall have authority to approve said interim schedule of rights for the purpose of creation of a water district and administration of the distribution of water from the Payette River and its tributaries during the period of the emergency. Authority granted under this provision may extend only for one (1) year from the date of approval of the district court unless extended by the court and shall be without prejudice as to the final determination of the rights of the parties.

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, 1977.
CHAPTER 247
(H.B. No. 249)

AN ACT
RELATING TO LATERAL DITCH WATER USER'S ASSOCIATIONS; AMENDING SECTION 42-1304, IDAHO CODE, TO MOVE THE DATE ON WHICH ASSESSMENTS BECOME DELINQUENT TO JUNE 15 OF EACH YEAR; REPEALING SECTION 42-1308, IDAHO CODE; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 42-1304, Idaho Code, be, and the same is hereby amended to read as follows:

42-1304. ASSESSMENTS -- NOTICE -- PENALTIES FOR DELINQUENCY. On or before the fifteenth day of April in each year the secretary of the association shall notify each water user of the amount assessed against him for that year as herein authorized, and the same shall be due and payable on the first day of May of each year and if not so paid on or before the fifteenth day of October June of such year, a penalty of ten per cent (10%) shall be added thereto, and the total amount due shall then draw interest at the rate of ten per cent (10%) per annum from said fifteenth day of October June of such year until paid.

SECTION 2. That Section 42-1308, Idaho Code, be, and the same is hereby repealed.

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

Approved March 31, 1977.
AN ACT
RELATING TO EXEMPTIONS FROM SALES TAX; AMENDING SECTION 63-3622, IDAHO CODE, TO PROVIDE THAT POLLUTION CONTROL EQUIPMENT REQUIRED TO MEET AIR AND WATER QUALITY STANDARDS IS EXEMPT FROM THE SALES AND USE TAX.

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 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 operations 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 operations 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 (d)(7), (h), (k), (l) and (p) of this section.

(e) The sale, use or purchase of tangible personal property, which property is pollution control equipment required in order to meet air and water quality standards of a state or federal agency having authority to regulate and set air and water quality emission standards. This exemption does not 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.

(f) 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.

(g) 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 at home yard sales; provided, however, that no more than two (2) such home yard sales per individual per calendar year shall be exempt.

(k) 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.

(l) 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.

(m) 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.

(n) 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.

(o) 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).

(p) Sales of liquor by the state liquor dispensary.

(q) Sales of prescription drugs 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.

(r) Sales to the Boy Scouts of America of supplies and materials for national and international encampments within the state of Idaho and sales by the Boy Scouts of America to participants in national and international
encampments within the state of Idaho if such sales are made within the confines of Farragut State Park.

\(\text{(s)}\) Sales to and purchases by hospitals, educational institutions, and canal companies which are nonprofit organizations. As used in this subsection, these words shall have the following meanings:

1. Educational institution shall mean resident nonprofit colleges, universities, primary and secondary schools the income of which is devoted solely to education and in which systematic instruction in the usual branches of learning is given. This definition does not include schools primarily teaching business, dancing, dramatics, music, cosmetology, writing, gymnastics, exercise and other special accomplishments nor parent-teacher associations, parent groups, alumni or other auxiliary organizations with purposes related to the educational function of an institution or collective group of institutions.

2. Hospital as used herein shall include nonprofit institutions licensed by the state for the care of ill persons. It shall not extend to nursing homes or similar institutions or organizations.

3. Canal companies as used herein shall include nonprofit corporations which are incorporated solely for the purpose of operating and maintaining and are engaged solely in operation and maintenance of dams, reservoirs, canals, lateral and drainage ditches, pumps or pumping plants.

\(\text{(t)}\) 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.

\(\text{(u)}\) The sale or purchase of tangible personal property which is shipped to a point outside this state for use outside this state pursuant to a contract of sale by delivery by the vendor to such point by means of (1) facilities operated by the vendor, (2) delivery by the vendor to a carrier for shipment to a consignee at such point, or (3) delivery by the vendor to a customs broker or forwarding agent for shipment outside this state.

\(\text{(v)}\) Sales of motor vehicles and trailers for use outside of this state, even though delivery be made within this state, but only when (1) the vehicles or trailers will be taken from the point of delivery in this state directly to a point outside this state and (2) said motor vehicles and trailers will be registered and licensed immediately.
under the laws of another state, will not be used in this state more than three (3) months, and will not be required to be registered and licensed under the laws of this state; 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.

(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.

(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.

(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.

Approved March 31, 1977.
CHAPTER 249

(1LBE. No. 255, As Amended)

AN ACT
RELATING TO TAX CREDITS FOR CONTRIBUTIONS TO PRIVATE SCHOOLS; AMENDING SECTION 63-3029A, IDAHO CODE, TO EXTEND TO PRIVATE ELEMENTARY SCHOOLS THE STATE INCOME TAX CREDIT FOR EDUCATIONAL CONTRIBUTIONS, PROVIDING NAME CHANGES, AND TO DEFINE NONPROFIT INSTITUTION OF ELEMENTARY EDUCATION.

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

SECTION 1. That Section 63-3029A, Idaho Code, be, and the same is hereby amended 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 per cent (50%) of the aggregate amount of charitable contributions made by such taxpayer during the year to nonprofit private institutions of elementary, 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 per cent (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 per cent (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 and Colleges, or by the state board of education. A nonprofit institution of elementary education means a private non-
CHAPTER 250
(H.B. No. 271)
AN ACT
RELATING TO LICENSES TO SELL INSURANCE; AMENDING SECTION 41-1036, IDAHO CODE, TO AUTHORIZE NONRESIDENTS WHO ARE LICENSED AS NONRESIDENT AGENTS OR NONRESIDENT BROKERS AND WHO MAINTAIN A PRINCIPAL OFFICE IN IDAHO TO BECOME REGISTERED AS TO THE LICENSE OF A RESIDENT AGENT OR REGISTERED BROKER; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 41-1036, Idaho Code, be, and the same is hereby amended to read as follows:

41-1036. LICENSING OF FIRMS, CORPORATIONS. (1) A firm or a corporation shall be licensed only as an agent, broker, or consultant, resident or nonresident.

(2) Each general partner and individual to act for the firm, and each individual to act for the corporation, shall be named in the license or registered with the director as to the license, and shall qualify as though he were an individual licensee. The director shall charge and there shall be paid as to the licensee a full license fee for each respective individual in excess of one (1) named in the license or registered with the director as to the license.

(3) An individual who is not a resident of this state or otherwise excepted from the residence requirement, all as provided in section 41-1034(3), Idaho Code, shall not be named or registered as to the license of a resident agent or resident broker and shall not exercise the license powers thereof unless the individual is licensed as a nonresident agent or nonresident broker as provided in sections 41-1065 and 41-1066, Idaho Code, and maintains an office in Idaho that is the individual's principal place of doing business.

(4) License as a resident agent or resident broker shall not be issued to a firm or corporation unless it is organized under the laws of and maintains its principal place of business in this state, and the transaction of business under the license is specifically authorized in the firm's partnership agreement or the corporation's articles.

(5) The licensee shall promptly notify the director of all changes among its members, directors, and officers, and
among individuals designated in or registered as to the license.

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, 1977.
CHAPTER 251
(H.B. No. 272)

AN ACT
RELATING TO PROPERTY TAXATION; ESTABLISHING A SYSTEM FOR IMPLEMENTING A DATA PROCESSING SYSTEM FOR PROPERTY TAXATION IN THE STATE; AMENDING CHAPTER 2, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-201A, IDAHO CODE, REQUIRING THAT THE STATE TAX COMMISSION DEVELOP, MAINTAIN, AND ENFORCE A UNIFORM SYSTEM FOR THE PREPARATION OF TAX ROLLS THROUGH DATA PROCESSING FACILITIES AND MEET THE EXPENSE OF FURNISHING SOFTWARE AND OTHER MATERIAL AND SERVICES UPON REQUEST; AMENDING SECTION 63-202A, IDAHO CODE, TO REQUIRE THAT COUNTY ASSESSORS USE THE SOFTWARE PRESCRIBED BY THE STATE TAX COMMISSION; AMENDING SECTION 63-203, IDAHO CODE, TO REQUIRE THAT ASSESSORS FURNISH A FORM FOR LISTING PERSONAL PROPERTY FOR ASSESSMENT PURPOSES; AMENDING CHAPTER 3, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-305A, IDAHO CODE, REQUIRING THAT THE STATE TAX COMMISSION FURNISH REAL PROPERTY ASSESSMENT DATA TO THE COUNTY ASSESSORS ON AN ANNUAL BASIS INCLUDING AN ANNUAL ADJUSTMENT DUE TO ECONOMIC CONDITIONS, DEPRECIATION AND OTHER DATA REFLECTING ON PROPERTY VALUES; AND AMENDING SECTION 63-306, IDAHO CODE, TO PERMIT UTILIZATION OF COMPUTER DATA IN THE ASSESSMENT PROCESS.

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

SECTION 1. That Chapter 2, Title 63, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 63-201A, Idaho Code, and to read as follows:

63-201A. STATE TAX COMMISSION TO PRESCRIBE UNIFORM SYSTEM FOR ASSESSMENT ROLLS, TAX ROLLS, TAX BILLS AND RELATED DOCUMENTS. The state tax commission shall develop, maintain, and enforce a uniform system of statewide applicability for the preparation of assessment rolls, tax rolls, tax bills, and related documents, including a uniform parcel numbering system, for data processing facilities. Until such time as a uniform system of statewide applicability is developed and implemented, counties which are unable to provide data processing facilities may prepare data by other
means and forward such data to the state tax commission or any other available approved computer source on a regular basis for adaptation by the state tax commission or approved computer source to the statewide data processing system.

Upon request, the state tax commission shall, at its expense, provide aid on numbering and mapping and software to the counties for implementation of this program, and shall, at its expense, provide valuation statements to the county assessor for distribution within the county, and tax notices to the county treasurer for distribution within the county.

SECTION 2. That Section 63-202A, Idaho Code, be, and the same is hereby amended to read as follows:

63-202A. COMPLIANCE OF PUBLIC OFFICERS WITH ASSESSMENT AND EQUALIZATION RULES, REGULATIONS AND ORDERS OF STATE TAX COMMISSION. (1) Every public officer shall comply with any lawful order, rule or regulation of the state tax commission made pursuant to the provisions of title 63, Idaho Code.

(2) Every county assessor and all employees of county assessors and other county officers or employees performing related functions shall use and complete the forms and use the parcel numbering system, shall use the computer software prescribed by the state tax commission, and shall record and transmit information required by the state tax commission in the performance of its duties.

(3) Whenever it appears to the state tax commission that any public officer or employee whose duties relate to the assessment or equalization of assessments of property for taxation has failed to comply with any law relating to such duties, or the rules of the state tax commission made in pursuance thereof, the state tax commission, after a hearing on the facts, may issue its order directing the public officer or employee to comply with such law or rule.

(4) If such public officer or employee, for a period of ten (10) days after service on him of the state tax commission's order, neglects or refuses to comply therewith, the state tax commission may apply to a judge of the district court of the county in which the public officer holds office for an order, returnable within five (5) days from the date thereof, to compel such public officer or employee to comply with such law or rule, or to show cause why he should not be compelled so to do.

(5) Any order issued by the judge pursuant thereto shall be final; provided, however, that any person aggrieved by such order may appeal to the Supreme Court of the state
of Idaho in the manner provided for appeals in other civil actions. An appeal as provided for herein shall not stay any order issued by any judge pursuant hereto pending such appeal.

§5(6) The remedy provided in this section shall be cumulative and shall not exclude the state tax commission from exercising any other power or right delegated to it.

SECTION 3. 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 on forms supplied by the assessor. The forms supplied by the assessor shall be in such style as to constitute a continuing inventory of the taxpayer's personal property, and the assessor shall furnish forms in 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 forms for the inventory shall be provided in written form convenient to the taxpayer, and one (1) completed form shall be attached to the declaration which shall be delivered or mailed to the assessor on or before some day named therein, but not later than March 15.

The failure of the assessor to provide the taxpayer's declaration shall not impair or invalidate the assessment, nor will such failure relieve the property owner or his agent of the responsibility to obtain such declaration and to comply with the requirements of this act. In the event the assessor fails to receive a taxpayer's declaration as required, the assessor shall list and value such property according to his best judgment and information.

Any wilful failure on the part of the assessor to obtain such information on any ground other than the absence of such property owner or his agent or the refusal of such owner or agent to provide the required information shall be deemed malfeasance in office and ground for the removal of the assessor from office.
SECTION 4. That Chapter 3, Title 63, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 63-305A, Idaho Code, and to read as follows:

63-305A. ASSESSMENT DATA FURNISHED BY THE STATE TAX COMMISSION. For each parcel of land for which such data is available, the state tax commission or the agency operating the computer in which appraisal data has been stored shall furnish the county assessor with compiled data furnished pursuant to the provisions of section 63-201A, Idaho Code, (including full cash value and assessed value of each parcel of real property and the improvements thereon) on each parcel of land after adjustment to reflect increases or decreases in the value of each parcel and the improvements thereon due to economic conditions, depreciation and other factors made known through appraisal data submitted in the preceding and prior tax years.

SECTION 5. 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 January 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 his assessment, the assessor may, at his option, utilize data submitted to him pursuant to the provisions of section 63-305A, Idaho Code, and 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, in appropriate 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 property, 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 prop-
Property may be entered on a subsequent real property assessment roll and submitted to the board of county commissioners meeting as a board of equalization on the 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 31, 1977.
CHAPTER 252
(H.B. No. 278)

AN ACT
RELATING TO CORPORATIONS AND TO FUNCTIONS OF THE OFFICE OF THE SECRETARY OF STATE; AMENDING SECTION 30-103, IDAHO CODE, TO STRIKE REFERENCES TO THE NUMBER OF SHARES SUBSCRIBED BY EACH SUBSCRIBER; REPEALING SECTIONS 30-104, 30-105 AND 30-106, IDAHO CODE; AMENDING SECTION 30-107, IDAHO CODE, TO PROVIDE THAT A CORPORATE NAME MAY NOT BE DECEPTIVELY SIMILAR TO ANOTHER OR TO A NAME THAT HAS BEEN RESERVED, AND TO REDUCE THE TIME A NAME MAY BE RESERVED; REPEALING SECTION 30-117A, IDAHO CODE; AMENDING SECTION 30-118, IDAHO CODE, TO PROVIDE AN ADDITIONAL DEFINITION OF VALUE OF SHARES FOR LICENSE TAX PURPOSES; AMENDING SECTION 30-302, IDAHO CODE, TO PROVIDE MINIMUM REQUIREMENTS FOR THE CONTENTS OF AN APPLICATION FOR DISSOLUTION; AMENDING SECTION 30-502, IDAHO CODE, TO PROVIDE REQUIREMENTS FOR DESIGNATION OF A STATUTORY AGENT; AMENDING CHAPTER 5, TITLE 30, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 30-510A, IDAHO CODE, TO PROVIDE FOR USE OF AN ASSUMED CORPORATE NAME; AMENDING CHAPTER 5, TITLE 30, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 30-520, IDAHO CODE, TO PROVIDE REQUIREMENTS FOR MERGER OF QUALIFIED FOREIGN CORPORATIONS; AMENDING SECTION 30-601, IDAHO CODE, TO PROVIDE REQUIREMENTS FOR THE ANNUAL STATEMENT OF A CORPORATION; AMENDING SECTION 30-602, IDAHO CODE, TO STRIKE CERTAIN REFERENCES TO CORPORATIONS NOT ORGANIZED FOR PECUNARY PROFIT; AMENDING CHAPTER 6, TITLE 30, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 30-604A, IDAHO CODE, TO PROVIDE FOR A TAX ON INCREASED CAPITAL STOCK; AMENDING SECTION 30-1003, IDAHO CODE, TO CLARIFY WHO MAY BECOME INCORPORATORS AND MEMBERS OF A COOPERATIVE ASSOCIATION; REPEALING SECTION 30-1004, IDAHO CODE; AMENDING CHAPTER 10, TITLE 30, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 30-1004, IDAHO CODE, TO PROVIDE A PROCESS FOR ORGANIZATION OF NONPROFIT COOPERATIVE ASSOCIATIONS; AMENDING SECTION 67-903, IDAHO CODE, TO PROVIDE STATUTORY AUTHORITY FOR THE SECRETARY OF STATE TO PROMULGATE RULES UNDER THE ADMINISTRATIVE PROCEDURES ACT; AMENDING SECTION 67-910, IDAHO CODE, TO ADD NEW FEES; AMENDING SECTION 67-911, IDAHO CODE, TO INCLUDE NONPROFIT CORPORATIONS HAVING CAPITAL STOCK; AND DECLARING AN EMERGENCY
Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 30-103, Idaho Code, be, and the same is hereby amended to read as follows:

30-103. ARTICLES OF INCORPORATION. 1. Articles of incorporation shall be signed in triplicate originals by each of the incorporators and acknowledged by at least three (3) of them before an officer authorized by the laws of this state to take acknowledgments, and, in addition to stating the name of the corporation, shall state in the English language:
   a. Its purposes;
   b. Its duration;
   c. The location and post-office address of its registered office in this state;
   d. The total authorized number of par value shares and their aggregate par value; and, if any of its shares have no par value, the authorized number of such shares;
   e. A description of the classes of shares, if the shares are to be classified, and a statement of the number of shares in each class, and the relative rights, voting power, preferences and restrictions granted to or imposed upon the shares of each class;
   f. The name and post-office address of each of the incorporators and--a statement of the number of shares subscribed by each, which shall not be less than one, and--the class of shares for which each subscribes.

2. Articles of incorporation may contain any other provisions, consistent with the laws of this state, for regulating the corporation's business or the conduct of its affairs.

SECTION 2. That Sections 30-104, 30-105 and 30-106, Idaho Code, be, and the same are hereby repealed.

SECTION 3. That Section 30-107, Idaho Code, be, and the same is hereby amended to read as follows:

30-107. CORPORATE NAME. 1. The corporate name must end with the abbreviation "Inc.," or must include the word "Corporation" or "Incorporated," or may include the word "Company" or the abbreviation "Co." if that word or abbreviation is not immediately preceded by the word "and" or the abbreviation "." The provisions of this subdivision shall not affect the right of any corporation, existing at the time...
this act takes effect, to continue the use of its name.

2. The corporate name shall not be the same as, nor deceptively similar to the name of any other domestic corporation or of any foreign corporation authorized to do business in this state unless,
   a. Such other domestic or foreign corporation is about to change its name, or to cease to do business, or is being wound up, or such foreign corporation is about to withdraw from doing business in this state; and,
   b. The written consent of such other domestic or foreign corporation to the adoption of its name or a deceptively similar name has been given and is filed with the articles of incorporation.

3. The corporate name shall not be the same as, nor deceptively similar to the trade of a corporate name of filed by any person or unincorporated association doing business under such trade name in this state or elsewhere, if such person or unincorporated association which has within the last preceding twelve (12) four (4) months signified an intention to incorporate in this state under such name by filing notice of such intention a name reservation with the secretary of state, unless the written consent to the adoption of such name or deceptively similar name has been given by such person or unincorporated association, and is filed with the articles of incorporation.

4. The corporate name shall not be the same as, nor deceptively similar to the name of any foreign corporation doing business elsewhere than in this state if such foreign corporation has within the last preceding twelve (12) four (4) months signified an intention to secure incorporation in this state under such name, or do business as a foreign corporation in this state under such name by filing notice of such intention a name reservation with the secretary of state unless the written consent to the adoption of such name or a deceptively similar name has been given by such foreign corporation and is filed with the articles of incorporation.

5. A name reservation may be renewed in accordance with rules promulgated by the secretary of state.

6. Nothing in this section shall abrogate or limit the law as to unfair competition or unfair practice in the use of trade names, nor derogate from the common law, the principles of equity, or the statutes of this state or of the United States with respect to the right to acquire and protect trade names.

6-7. A corporation formable under this act may use a corporate name in any language, but the same must be in
The assumption of a name in violation of this section shall not affect or vitiate the corporate existence but the courts of this state, having equity jurisdiction, may, upon the application of the state, or of any person, unincorporated association, or corporation interested or affected, enjoin such corporation from doing business under a name assumed in violation of this section, although its articles of incorporation may have been approved and a certificate of incorporation issued.

SECTION 4. That Section 30-117A, Idaho Code, be, and the same is hereby repealed.

SECTION 5. That Section 30-118, Idaho Code, be, and the same is hereby amended to read as follows:

30-118. "SHARES CAPITAL" -- NO PAR VALUE STOCK DEEMED TO BE CAPITAL STOCK -- VALUE FOR LICENSE TAX PURPOSES. For the purpose of any statutory provision imposing a tax or license or filing fee with respect to outstanding capital stock or limiting the amount of capital stock which a corporation may have, or the relation between indebtedness and capital stock or prescribing the portion or amount or par value of stock or capital which must be paid in cash or otherwise at any time or from time to time or fixing individual liability on amount of stock owned, the "shares capital" of a corporation having shares without par or face value shall be deemed to be its capital stock, and nothing herein contained shall be construed to except or relieve a corporation from any requirement of law as to the amount in dollars of paid-in capital which it must have at any time. For the purpose of determining the fees prescribed to be paid on the filing of any articles of incorporation and of the annual license tax prescribed to be paid by corporations, but for no other purpose, such shares shall be taken to be of the par value of one hundred dollars ($100) each, or the maximum sale price set by the articles of incorporation if that price cannot be raised without an amendment to the articles.

SECTION 6. That Section 30-302, Idaho Code, be, and the same is hereby amended to read as follows:

30-302. CONTENTS OF APPLICATION. The application must be in writing and set-forth include:
1. That a statement that at a meeting of the stockhold-
ers or members called for that purpose, the dissolution of the corporation was resolved upon by a two-thirds (2/3) vote of all the stockholders or members.

2. That a statement that all claims and demands against the corporation have been satisfied and discharged.

3. The location of the principal office of the corporation, names of the officers, and the names and authorized number of the directors or trustees of the corporation, with the post-office address of each.

4. A certificate of good standing from the office of the secretary of state.

SECTION 7. That Section 30-502, Idaho Code, be, and the same is hereby amended to read as follows:

30-502. DESIGNATION OF STATUTORY AGENT. Such corporation must also within-three-(3)-months-from at the time of commencement to do business in this state, designate some person or persons in the-county-in-which-the-principal-place of-business-of-such-corporation-in-the-state-is-situated this state, upon whom process issued by authority of or under any law of this state may be served, and within-the time-aforesaid must file such designation for record in the office of the secretary of state, and file for record in the office of the county recorder of such the county in which the principal place of business is situated, a copy of such designation, duly certified by such secretary of state, and bearing the indorsement of the fact and time of filing for record in the office of the secretary of state. A copy of such designation, certified by either of said officers, shall be conclusive evidence, in all courts and elsewhere, of the fact of such designation.

It is lawful to serve on any of such persons so designated any process issued as aforesaid, and such service must be deemed a valid service thereof.

Such notice and designation of any agent on whom process may be served, shall run from the time of filing the same for record as herein provided, until his successor is appointed by such filing, or said office becomes vacant by resignation filed for record by such agent in the offices in which his appointment is filed for record, or by his death or removal from such-county the state, and in case of such vacancy, if there be no other designated agent, said corporation shall, within sixty (60) days thereafter, refill said office in the manner above provided for the designation of such agent.
SECTION 8. That Chapter 5, 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 30-510A, Idaho Code, and to read as follows:

30-510A. ASSUMED NAMES. Any foreign corporation seeking to qualify to do business in this state, whose name is deceptively similar to that of a domestic corporation or previously qualified foreign corporation, may overcome its disability under section 30-107, Idaho Code, by filing for record with the secretary of state an assumed name certificate. The certificate shall be submitted in duplicate, indicate the corporation's true name and assumed name, and be signed and acknowledged by an officer or agent of the corporation. The assumed name must conform to the requirements of section 30-107, Idaho Code. The corporation must conduct business operations in Idaho only under its assumed name. One (1) copy of the certificate, certified by the secretary of state, must be filed for record in the office of the county recorder in the county in which the principal place of business of the corporation in the state is situated.

SECTION 9. That Chapter 5, 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 30-520, Idaho Code, and to read as follows:

30-520. MERGER OF QUALIFIED FOREIGN CORPORATION. (1) The agreement for the merger or consolidation of two or more foreign corporations, at least one (1) of which is qualified to do business in this state, shall be filed for record in the office of the secretary of state. A copy of the agreement, certified by the secretary of state, shall be filed for record in the office of the county recorder of any county in which any of the parties has its registered office or in which a non surviving corporation holds land which will be transferred as a result of the merger or consolidation.

(2) The merger or consolidation shall be effective as to a qualified foreign corporation when the agreement is effective under the laws of the state of its incorporation and when the agreement has been filed as provided in subsection (1) of this section.

SECTION 10. That Section 30-601, Idaho Code, be, and the same is hereby amended to read as follows:
30-601. ANNUAL STATEMENT OF CORPORATIONS. Every corporation organized or formed under, by or pursuant to the laws of this state, whether now existing or hereafter created, and every foreign corporation, joint stock company or association now doing business in this state, or that may hereafter do business in this state, shall, during the month of July of each year and on or before the first day of September next thereafter, furnish to the secretary of state an annual statement hereinafter provided for, upon blanks to be supplied by the secretary of state for filing in the office of the secretary of state.

The said statement shall be sworn to signed by one (1) of the officers of the corporation, or managing designated agent of any foreign corporation, joint stock company, or association, before an officer, duly authorized to administer oaths, setting forth the name of the corporation, joint stock company or association, the mailing address of its principal office, the names of the president, secretary and treasurer, and the directors, with the post-office address of each, date of annual election of directors and officers of such corporation, joint stock company or association, the amount of authorized capital stock, the number of shares, the par value of each share, the amount of the capital stock subscribed, the amount of capital stock issued, the amount of the capital stock paid up, whether the corporation, joint stock company or association is actively engaged in business within the state of Idaho and the principal business activity, the fiscal year of the corporation, whether the corporation filed an Idaho income tax return and if not an explanation thereof.

Every foreign corporation, joint stock company or association shall include in such statement the name and post-office address of its managing designated agent or attorney in fact in this state.

All educational, religious, scientific and charitable corporations, and all corporations which are not organized for pecuniary profit are required to file the annual statement referred to in this section; however, that corporations which are not organized for pecuniary profit shall file an additional statement showing the annual salary or wages paid to all directors, officers, agents and employees of such corporations.

However, nothing in this section shall be so construed as to require fire, marine, fire and marine, life, accident, life and accident, and surety companies, to file the annual
statement referred to in this section.

SECTION 11. That Section 30-602, Idaho Code, be, and the same is hereby amended to read as follows:

30-602. ANNUAL LICENSE -- EXEMPTIONS. No corporation heretofore or hereafter incorporated under the laws of this state, or of any other state, shall do or attempt to do business by virtue of its charter or certificate of incorporation, in this state, without a state license therefor; provided, that nothing in this chapter shall be so construed as to require the payment of the annual license tax herein provided for, by fire, marine, fire and marine, life, accident, life and accident, surety companies, educational, religious, scientific and charitable corporations or associations, and all corporations which are not organized for pecuniary profit, providing that such corporation which is not organized for pecuniary profit shall exhibit as evidence thereof a letter or certificate of exemption from federal income--taxes--under-the-Internal-Revenue-Code--section--501, subsection (e) paragraphs (3) through (7), and--(8), all mining corporations which do not own productive mines, telephone and irrigation corporations, incorporated canals, lateral and drainage ditches, operated on the cooperative plan solely and not conducted and operated wholly or in part, for revenue purposes; provided further, that all non-productive mining corporations, all cooperative telephone and irrigation corporations, incorporated canals, lateral and drainage ditches, which are operated on the cooperative plan solely, and not conducted wholly or in part, for revenue purposes, must file the annual statement provided for in section 30-601, Idaho Code together with processing fee--of--three--dollars--($3.00), within the time specified therein, in order to secure exemption from the payment of the annual license tax provided for in section 30-603.

SECTION 12. That Chapter 6, 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 30-604A, Idaho Code, and to read as follows:

30-604A. TAX ON INCREASE IN CAPITAL STOCK. At the time of filing an amendment increasing the authorized capital stock, a corporation shall pay a tax on the increase. The tax shall be equal to the annual tax prescribed for the new level of capitalization less the annual tax prescribed for the old level of capitalization, the difference to be taken
times the appropriate proration factor from section 30-604, Idaho Code.

SECTION 13. That Section 30-1003, Idaho Code, be, and the same is hereby amended to read as follows:

30-1003. WHO MAY BECOME MEMBERS. Corporations, associations and copartnerships, as well as natural persons, may become incorporators and members of such cooperative association, provided the same is not organized or conducted for the purpose, directly or indirectly, of fixing the price, or regulating the production, of any article of commerce or of produce of the soil, or of consumption by the people.

SECTION 14. That Section 30-1004, Idaho Code, be, and the same is hereby repealed.

SECTION 15. That Chapter 10, 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 30-1004, Idaho Code, and to read as follows:

30-1004. ORGANIZATION -- SHARES OF STOCK OR MEMBERSHIP CERTIFICATES. A cooperative association may be formed under this chapter with or without capital stock.

1. If formed with capital stock, said capital stock is to be issued for such consideration, if any, and upon a plan or basis for issuance to the holders thereof, as shall be prescribed by the articles of incorporation of the cooperative association. The articles of incorporation of the association may allow a stockholder to vote on a basis of the number of shares which he holds or on the basis of one (1) vote per shareholder. The articles of incorporation shall state the number of shares that are to be issued and the basis for such issuance.

2. If formed without capital stock, the association shall issue membership certificates to each member thereof, which certificates cannot be assigned so that the transferee thereof can by such transfer become a member of the association, except by resolution of the board of directors and under such regulations as the bylaws may prescribe. The articles shall state whether the voting power or the property rights or interest of each member are equal or unequal. If unequal, the general rule or rules applicable to all members by which the voting power and the property rights and interest, respectively, of each member are determined and fixed shall be stated. If equal, then no member can have or
acquire a greater interest therein than any other member.

SECTION 16. That Section 67-903, Idaho Code, be, and the same is hereby amended to read as follows:

67-903. DUTIES OF SECRETARY OF STATE. 1. To keep a register of and file and attest the official acts of the governor, including all executive orders issued by him pursuant to the provisions of section 67-802, Idaho Code.

2. To affix the great seal, with his attestation, to commissions, pardons, and other public instruments to which the official signature of the governor is required.

3. To record in proper books all conveyances made to the state, and all articles of incorporation of domestic corporations filed in his office.

4. To receive and record in proper books the official bonds of all the officers whose bonds are required to be filed with him.

5. To take and file in his office receipts for all books distributed by him.

6. To furnish on demand to any person paying the fees therefor a certified copy of all, or any part, of any law, record, or other instrument filed, deposited, or recorded in his office.

7. To present to the legislature, at the commencement of each session thereof, a full account of all purchases made and expenses incurred by him on account of the state.

8. To designate each act of the legislature which has become a law by its appropriate chapter number.

9. To promulgate in accordance with chapter 52, title 67, Idaho Code, such rules and regulations as he deems necessary or proper in the performance of his duties.

SECTION 17. That Section 67-910, Idaho Code, be, and the same is hereby amended to read as follows:

67-910. FEES OF SECRETARY OF STATE. The secretary of state, for services performed in his office, shall charge and collect the following fees:

For a copy of any law, resolution, record or other document or paper on file in his office, fifteen cents (15¢) per page.

For affixing certificate and seal of the state, one dollar ($1.00).

For filing articles of incorporation:

a. When the authorized capital stock does not exceed $25,000..........................................................$ 20
b. When the authorized capital stock exceeds $25,000
and does not exceed $50,000 ........................................... 40

c. When the authorized capital stock exceeds $50,000
and does not exceed $100,000 ......................................... 75

d. When the authorized capital stock exceeds $100,000
and does not exceed $500,000 ......................................... 100

e. When the authorized capital stock exceeds $500,000
and does not exceed $1,000,000 ................................. 125

f. When the authorized capital stock exceeds $1,000,000
.......................................................... 200

For filing certificates of increase of capital stock
there shall be charged the fee hereinbefore prescribed for
the total capitalization of the corporation, less the amount
already paid for filing the original articles of incorpo­
ration.

For filing certificates of all other changes in articles
of incorporation prescribed by law, ten dollars ($10.00).

For issuing each certificate of incorporation, or qual­
ification, or increase or decrease in capital stock, six
dollars ($6.00).

But no member of the legislature or state officer can be
charged for any search relative to matters appertaining to
the duties of their offices; nor must they be charged any
fee for a certified copy of any law or resolution passed by
the legislature relative to their official duties—provided
further, that no person who gathers information for the pur­
pose of disseminating the same to the public in the form of
news-articles can be charged any fee for a certified copy of
any law, resolution, record or other document—or—paper—on
file in the office of the secretary of state.

In his discretion, the secretary of state may grant to
persons, without charge, access to files in his office for
the purpose of making copies if a benefit to his office will
thereby be obtained.

For recording and indexing all papers and documents
required by law to be recorded, forty cents (40¢) per page.

For filing by a foreign corporation of an assumed name
certificate, ten dollars ($10.00).

For filing of a name reservation, five dollars ($5.00).

For filing and indexing any map or other paper where the
fee for the same is not already fixed by law, four dollars
($4.00).

For filing, recording and indexing designation of agent
for foreign corporation, four dollars ($4.00).

For searching legislative journals for records of
enacted and reenacted laws, and certifying to the same, ten
dollars ($10.00).

For certifying and attaching certificate to any state law, published in pamphlet form, which shall include comparing the same with the enrolled act, six dollars ($6.00).

For any other certificate required of the secretary of state, the fee for which is not hereinbefore prescribed, six dollars ($6.00).

For filing, recording and indexing any label or trademark, six dollars ($6.00).

For all services not hereinbefore provided for, such fees therefor as may now be prescribed by law, or as may be prescribed by the state board of examiners.

SECTION 18. That Section 67-911, Idaho Code, be, and the same is hereby amended to read as follows:

67-911. FEE FOR FILING ARTICLES OF ELEemosynary NONPROFIT CORPORATIONS. The secretary of state shall charge and collect from each fraternal, religious or eleemosynary nonprofit society or organization, or any other society or organization not-having-capital-stock-and not organized for the purpose of profit, a fee of fifteen dollars ($15.00) for filing articles of incorporation and issuing certificate of incorporation to such society or organization, and forty cents (40¢) per folio page for recording, and he shall make no other charge, and collect no other fee for filing, and for his certificate issued to such corporation.

SECTION 19. An emergency existing 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, 1977.
AN ACT

EXPRESSING LEGISLATIVE INTENT WITH RESPECT TO EXPENDITURES FOR THE STATE DEPARTMENT OF EDUCATION; APPROPRIATING MONEYS FROM THE ACCOUNTS 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 ACCOUNTS FOR THE PERIOD JULY 1, 1977, THROUGH JUNE 30, 1978; AND EXPRESSING LEGISLATIVE INTENT WITH RESPECT TO CERTAIN EXPENDITURES.

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, 1977, through June 30, 1978:

FOR:

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel Costs</td>
<td>$2,160,300</td>
</tr>
<tr>
<td>Operating Expenditures</td>
<td>1,229,900</td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>26,800</td>
</tr>
<tr>
<td>Trustee &amp; Benefit Payments</td>
<td>17,082,500</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$20,499,500</td>
</tr>
</tbody>
</table>

FROM:

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Account</td>
<td>$1,441,900</td>
</tr>
<tr>
<td>Miscellaneous Receipts Account</td>
<td>138,700</td>
</tr>
<tr>
<td>Driver Training Account</td>
<td>1,050,400</td>
</tr>
<tr>
<td>Professional Standards Commission Account</td>
<td>59,700</td>
</tr>
<tr>
<td>Commodity Distribution Account</td>
<td>125,000</td>
</tr>
<tr>
<td>Federal Accounts</td>
<td>17,683,800</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$20,499,500</td>
</tr>
</tbody>
</table>

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 accounts for the period July 1, 1977, through June 30, 1978:
<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. MANAGEMENT:</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 Account</td>
<td>$88,900</td>
<td>$29,300</td>
<td>$1,000</td>
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<td>$119,200</td>
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<tr>
<td>Elementary-Secondary Education Account</td>
<td>217,300</td>
<td>80,000</td>
<td>1,000</td>
<td></td>
<td>298,300</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>$306,200</td>
<td>$109,300</td>
<td>$2,000</td>
<td></td>
<td>$417,500</td>
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<td><strong>B. FINANCIAL AND ADMINISTRATIVE SERVICES:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>General Account</td>
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<td>$73,100</td>
<td>$4,700</td>
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<td>$708,100</td>
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<tr>
<td>Driver Training Account</td>
<td>58,200</td>
<td>29,100</td>
<td>3,100</td>
<td>960,000</td>
<td>1,050,400</td>
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<tr>
<td>Commodity Distribution Account</td>
<td>125,000</td>
<td>40,900</td>
<td>600</td>
<td>5,680,000</td>
<td>5,778,900</td>
</tr>
<tr>
<td>School Food Services Acct.</td>
<td>57,400</td>
<td>40,900</td>
<td>600</td>
<td>5,680,000</td>
<td>5,778,900</td>
</tr>
<tr>
<td>Elementary-Secondary Education Account</td>
<td>113,000</td>
<td>27,400</td>
<td>1,900</td>
<td>142,300</td>
<td></td>
</tr>
<tr>
<td>Veterans Approval Account</td>
<td>61,300</td>
<td>21,900</td>
<td>300</td>
<td>83,500</td>
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</tr>
<tr>
<td>Driver Retraining and Safety Education Accounts</td>
<td>32,600</td>
<td>85,500</td>
<td>3,100</td>
<td>3,000</td>
<td>124,200</td>
</tr>
<tr>
<td>Misc. Receipts Account</td>
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<td>43,500</td>
<td>100</td>
<td>138,700</td>
<td></td>
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<tr>
<td><strong>TOTAL</strong></td>
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<td>$446,400</td>
<td>$13,800</td>
<td>$6,959,600</td>
<td>$8,151,100</td>
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<td><strong>C. FEDERAL PROGRAMS:</strong></td>
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<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
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<td></td>
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<tr>
<td>General Account</td>
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<td>$102,500</td>
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<td>Indian Education Account</td>
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<td>8,500</td>
<td>100</td>
<td>470,200</td>
<td>499,900</td>
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<td>Elementary-Secondary Education Account</td>
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<td>274,900</td>
<td>2,700</td>
<td>9,070,500</td>
<td>9,787,200</td>
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<td>Adult Basic Education Account</td>
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<td>17,500</td>
<td>100</td>
<td>474,100</td>
<td>529,900</td>
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<tr>
<td>Special Education-Teacher Training Account</td>
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<td>55,600</td>
<td>100</td>
<td>89,100</td>
<td>160,900</td>
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<tr>
<td><strong>TOTAL</strong></td>
<td>$594,600</td>
<td>$378,700</td>
<td>$3,200</td>
<td>$10,103,900</td>
<td>$11,080,400</td>
</tr>
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</table>
D. INSTRUCTION:
FROM:

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>General Account</td>
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<td>$177,100</td>
<td>$5,600</td>
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<td>$512,100</td>
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<td>Professional Standards</td>
<td>$12,800</td>
<td>$39,700</td>
<td></td>
<td>7,200</td>
<td>$59,700</td>
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<tr>
<td>Elementary-Secondary Education Account</td>
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<td>$2,200</td>
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<td>$278,700</td>
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<td>TOTAL</td>
<td>$528,200</td>
<td>$295,500</td>
<td>$7,800</td>
<td>$19,000</td>
<td>$850,500</td>
</tr>
</tbody>
</table>

GRAND TOTAL $2,160,300 $1,229,900 $26,800 $17,085,500 $20,499,500

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.

Approved March 31, 1977.
AN ACT
APPROPRIATING MONEYS FROM THE ACCOUNT ENUMERATED TO THE OFFICE OF
THE GOVERNOR FOR THE ENDOWMENT FUND INVESTMENT BOARD TO BE
EXPENDED FOR THE DESIGNATED PROGRAM ACCORDING TO THE DESIG-
NATED EXPENSE CLASSES FOR THE PERIOD JULY 1, 1977, THROUGH

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 Endowment Fund Investment Board the following
amounts, to be expended for the designated program according to
the expense classes designated therein from the listed account
for the period July 1, 1977, through June 30, 1978:

<table>
<thead>
<tr>
<th>PROGRAM</th>
<th>PERSONNEL</th>
<th>OPERATING EXPENDITURES</th>
<th>CAPITAL OUTLAY</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>ENDOWMENT FUND INVESTMENT BOARD:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM: General Account</td>
<td>$ 79,400</td>
<td>$ 99,100</td>
<td>$ 700</td>
<td>$ 179,200</td>
</tr>
</tbody>
</table>

Approved March 31, 1977.
CHAPTER 255
(H.B. No. 283)

AN ACT
APPROPRIATING $5,000 FROM THE GENERAL ACCOUNT TO THE STATE BOARD OF EDUCATION FOR THE IDAHO STATE HISTORICAL SOCIETY, TO BE EXPENDED FOR THE DESIGNATED PURPOSE ONLY, ACCORDING TO THE DESIGNATED EXPENSE CLASS FOR THE PERIOD JULY 1, 1977 THROUGH JUNE 30, 1978.

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 Historical Society the following amount, to be expended for the designated purpose only, according to the expense class designated therein from the listed account for the period July 1, 1977, through June 30, 1978:

<table>
<thead>
<tr>
<th>FOR</th>
<th>TRUSTEE AND BENEFIT PAYMENT</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>TRUSTEE AND BENEFIT PAYMENT</td>
<td>$ 5,000</td>
<td>$ 5,000</td>
</tr>
</tbody>
</table>

Approved March 31, 1977.
AN ACT

MAKING CERTAIN SUMS AVAILABLE FROM APPROPRIATIONS MADE FOR FISCAL YEAR 1978 TO LISTED AGENCIES 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 1978 operations of the following listed state agencies, 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>AGENCY</th>
<th>AGENCY</th>
<th>AGENCY</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>A. STATE BOARD OF EDUCATION:</td>
<td>B. DEPARTMENT OF HEALTH &amp; WELFARE:</td>
<td>C. OFFICE OF THE GOVERNOR:</td>
</tr>
<tr>
<td>1. Boise State University</td>
<td>1. State Hospital South</td>
<td>1. Commission for the Blind</td>
</tr>
<tr>
<td>$125,400</td>
<td>$  5,000</td>
<td>$  9,800</td>
</tr>
<tr>
<td>2. University of Idaho</td>
<td>2. Idaho State School and Hospital</td>
<td></td>
</tr>
<tr>
<td>58,000</td>
<td>16,600</td>
<td></td>
</tr>
<tr>
<td>3. Idaho State University</td>
<td></td>
<td></td>
</tr>
<tr>
<td>7,600</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4. Lewis-Clark State College</td>
<td></td>
<td></td>
</tr>
<tr>
<td>12,600</td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td></td>
<td></td>
</tr>
<tr>
<td>$203,600</td>
<td></td>
<td></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, 1977.
CHAPTER 257
(H.B. No. 286)

AN ACT
APPROPRIATING $3,200,000 FROM THE GENERAL ACCOUNT TO THE
PERMANENT BUILDING ACCOUNT.

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

SECTION 1. There is hereby appropriated $3,200,000 from
the General Account to the Permanent Building Account.

Approved March 31, 1977.
CHAPTER 258

(H.B. No. 292)

AN ACT
RELATING TO POWERS OF THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES; AMENDING SECTION 42-237a, IDAHO CODE, TO PROVIDE THAT THE DIRECTOR IS EMPowered TO PRESCRIBE UNIFORM SCIENTIFIC METHODS TO DETERMINE WATER LEVELS IN AND TO CALCULATE WATERS WITHDRAWN FROM WELLS.

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

SECTION 1. That Section 42-237a, Idaho Code, be, and the same is hereby amended to read as follows:

42-237a. POWERS OF THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES. In the administration and enforcement of this act and in the effectuation of the policy of this state to conserve its ground water resources, the director of the department of water resources is empowered:

a. To require all flowing wells to be so capped or equipped with valves that the flow of water can be completely stopped when the wells are not in use.

b. To require both flowing and non-flowing wells to be so constructed and maintained as to prevent the waste of ground waters through leaky wells, casings, pipes, fittings, valves or pumps either above or below the land surface.

c. To prescribe uniform scientific methods to determine water levels in and calculate waters withdrawn from wells.

d. To go upon all lands, both public and private, for the purpose of inspecting wells, pumps, casings, pipes, and fittings and measuring devices, including wells used or claimed to be used for domestic purposes.

e. To order the cessation of use of a well pending the correction of any defect that the director of the department of water resources has ordered corrected.

f. To commence actions to enjoin the illegal opening or excavation of wells or withdrawal or use of water therefrom and to appear and become a party to any action or proceeding pending in any court or administrative agency when it appears to the director of the department of water resources.
that the determination of such action or proceeding might result in depletion of the ground water resources of the state contrary to the public policy expressed in this act.

g. To supervise and control the exercise and administration of all rights hereafter acquired to the use of ground waters and in the exercise of this power he may be summary order, prohibit or limit the withdrawal of water from any well during any period that he determines that water to fill any water right in said well is not there available. To assist the director of the department of water resources in the administration and enforcement of this act, and in making determinations upon which said orders shall be based, he may establish a ground water pumping level or levels in an area or areas having a common ground water supply as determined by him as hereinafter provided. Water in a well shall not be deemed available to fill a water right therein if withdrawal therefrom of the amount called for by such right would affect, contrary to the declared policy of this act, the present or future use of any prior surface or ground water right or result in the withdrawing the ground water supply at a rate beyond the reasonably anticipated average rate of future natural recharge.

In connection with his supervision and control of the exercise of ground water rights the director of the department of water resources shall also have the power to determine what areas of the state have a common ground water supply and whenever it is determined that any area has a ground water supply which affects the flow of water in any stream or streams in an organized water district, to incorporate such area in said water district; and whenever it is determined that the ground water in an area having a common ground water supply does not affect the flow of water in any stream in an organized water district, to incorporate such area in a separate water district to be created in the same manner provided for in section 42-604 of title 42, Idaho Code. The administration of water rights within water districts created or enlarged pursuant to this act shall be carried out in accordance with the provisions of title 42, Idaho Code, as the same have been or may hereafter be amended, except that in the administration of ground water rights either the director of the department of water resources or the watermaster in a water district or the director of the department of water resources outside of a water district shall, upon determining that there is not sufficient water in a well to fill a particular ground water right therein by order, limit or prohibit further with-
drawals of water under such right as hereinabove provided, and post a copy of said order at the place where such water is withdrawn; provided, that land, not irrigated with underground water, shall not be subject to any allotment, charge, assessment, levy, or budget for, or in connection with, the distribution or delivery of water.

Approved March 31, 1977.
AN ACT
AMENDING SECTION 2, CHAPTER 215, LAWS OF 1976, BY INCREASING THE APPROPRIATION TO THE INDUSTRIAL COMMISSION 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; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 2, Chapter 215, Laws of 1976, 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, 1976, through June 30, 1977:

<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>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>Industrial Administration Fund</td>
<td>$509,400</td>
<td>$172,900</td>
<td></td>
<td>$99,900</td>
<td>$682,300</td>
</tr>
<tr>
<td>Industrial Special Indemnity Fund</td>
<td>20,600</td>
<td>7,200</td>
<td>2,100</td>
<td>180,000</td>
<td>209,900</td>
</tr>
<tr>
<td>Miscellaneous Receipts Fund</td>
<td>17,200</td>
<td>6,000</td>
<td>6,800</td>
<td>$597,900</td>
<td>$994,700</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$547,200</td>
<td>$186,100</td>
<td>$8,900</td>
<td>$997,900</td>
<td>$994,700</td>
</tr>
<tr>
<td>B. REHABILITATION:</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>Industrial Administration Fund</td>
<td>$166,700</td>
<td>$51,200</td>
<td>$4,500</td>
<td>180,000</td>
<td>222,400</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$166,700</td>
<td>$51,200</td>
<td>$4,500</td>
<td>180,000</td>
<td>222,400</td>
</tr>
<tr>
<td>GRAND TOTAL</td>
<td>$713,900</td>
<td>$237,300</td>
<td>$13,400</td>
<td>$997,900</td>
<td>$1,144,600</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 March 31, 1977.
CHAPTER 260
(H.B. No. 297)

AN ACT
EXPRESSING LEGISLATIVE INTENT WITH RESPECT TO EXPENDITURES FOR THE STATE AUDITOR; APPROPRIATING MONEYS FROM THE ACCOUNTS ENUMERATED TO THE STATE AUDITOR TO BE EXPENDED FOR DESIGNATED PROGRAMS, ACCORDING TO DESIGNATED EXPENSE CLASSES FROM THE LISTED ACCOUNTS FOR THE PERIOD JULY 1, 1977, THROUGH JUNE 30, 1978; APPROPRIATING MONEYS OUT OF THE GENERAL ACCOUNT FOR PURPOSES OF A LEGISLATIVE AUDIT; SPECIFYING THE SCOPE OF THE AUDIT; SPECIFYING THE DISTRIBUTION OF AUDIT REPORTS; EXPRESSING LEGISLATIVE INTENT WITH RESPECT TO CERTAIN EXPENDITURES; 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 State Auditor, as set forth in Section 2 of this act, not exceed the following amounts for the period July 1, 1977, through June 30, 1978:

<table>
<thead>
<tr>
<th>FOR:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel Costs</td>
<td>$1,358,500</td>
</tr>
<tr>
<td>Operating Expenditures</td>
<td>1,287,800</td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>27,000</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$2,673,300</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>FROM:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>General Account</td>
<td>$1,354,600</td>
</tr>
<tr>
<td>General Interaccount Account</td>
<td>1,318,700</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$2,673,300</strong></td>
</tr>
</tbody>
</table>

SECTION 2. There is hereby appropriated to the State Auditor the following amounts, to be expended for designated programs, according to expense classes designated therein from the listed accounts for the period July 1, 1977, through June 30, 1978:

<table>
<thead>
<tr>
<th>FOR 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. PRE-AUDIT AND ACCOUNTING:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM: General Acct.</td>
<td>$452,500</td>
<td>$102,900</td>
<td>$2,000</td>
<td>$557,400</td>
</tr>
<tr>
<td>B. DATA CENTER:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM: General Acct.</td>
<td>$797,200</td>
<td></td>
<td></td>
<td>$797,200</td>
</tr>
</tbody>
</table>
SECTION 3. There is hereby appropriated out of the General Account the sum of $12,000, or so much thereof as may be necessary, to the State Auditor for the purpose of contracting for an audit, together with reports and recommendations, as provided in this act.

SECTION 4. The State Auditor is hereby authorized and directed to engage the services of a certified public accountant, and shall direct that the certified public accountant, for the five fiscal years from July 1, 1972 to June 30, 1977:

(a) Review the procedures, internal controls, appropriations and other applicable laws and regulations of both the House of Representatives and the Senate, of the Legislative Council, and of the Joint Finance and Appropriations Committee;

(b) Examine, in accordance with generally accepted auditing standards, the financial transactions, accounts and reports, including an evaluation of compliance with fiscal requirements of applicable laws and regulations, of the agencies and departments recited in paragraph (a) hereof;

(c) Prepare a separate audit report for each of the agencies and departments recited in paragraph (a) hereof, including a summary of expenditures, revenues or reimbursements and interagency transfers compared with appropriations, with opinions in respect thereto; and

(d) Include with each audit report recommendations, if warranted, as to opportunities for improvements of procedures, internal controls and compliance with the fiscal aspects of applicable laws and regulations.

SECTION 5. Upon completion of the reports required by Section 2 of this act, the State Auditor shall forward copies of the reports to the agencies and departments recited in Section 2(a) of this act, and to the Governor.

SECTION 6. 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 State Auditor 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 State Auditor and shall be exempted from provisions of Chapter 36, Title 67, Idaho Code, and Section 67-3516, Idaho Code.
SECTION 7. This act shall be in full force and effect on and after July, 1977 except for Sections 3, 4 and 5 hereof. An emergency existing therefor, which emergency is hereby declared to exist, Sections 3, 4 and 5 shall be in full force and effect on and after passage and approval of this act.

Approved March 31, 1977.
AN ACT
EXPRESSING LEGISLATIVE INTENT WITH RESPECT TO EXPENDITURES FOR THE DEPARTMENT OF ADMINISTRATION; APPROPRIATING MONEYS FROM THE ACCOUNTS ENUMERATED TO THE DEPARTMENT OF ADMINISTRATION, TO BE EXPENDED FOR DESIGNATED PROGRAMS ACCORDING TO DESIGNATED EXPENSE CLASSES FROM THE LISTED ACCOUNTS FOR THE PERIOD JULY 1, 1977, THROUGH JUNE 30, 1978; APPROPRIATING MONEY FOR ROOF REPAIR ON THE LEN B. JORDAN BUILDING; APPROPRIATING MONEY FOR NURSING EDUCATION STUDY; PROVIDING AUTHORITY TO TRANSFER MONEY RECEIVED INTO THE MISCELLANEOUS RECEIPTS ACCOUNT BY THE DEPARTMENT OF ADMINISTRATION FOR SERVICES RENDERED TO THE GENERAL INTERACCOUNT ACCOUNT FOR EXPENDITURE; SPECIFYING AN EFFECTIVE DATE FOR ENUMERATED SECTIONS OF THE 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 enumerated program activities in the Department of Administration not exceed the following amounts for the period July 1, 1977, through June 30, 1978:

<table>
<thead>
<tr>
<th></th>
<th>Personnel Costs</th>
<th>Operating Expenditures</th>
<th>Capital Outlay</th>
<th>Trustee &amp; Benefit Payments</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>$10,393,400</td>
</tr>
<tr>
<td>General Account</td>
<td>$ 3,208,300</td>
<td>1,887,300</td>
<td>597,800</td>
<td>4,700,000</td>
<td></td>
</tr>
<tr>
<td>General Interaccount Account</td>
<td>5,597,900</td>
<td>378,700</td>
<td>951,200</td>
<td>202,500</td>
<td>61,100</td>
</tr>
<tr>
<td>Federal Surplus Property Revolving Account</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Risk Retention Account</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Employee Group Insurance Account</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>$10,393,400</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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 accounts listed therein for the period July 1, 1977, through June 30, 1978:
<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 Account</td>
<td>$ 106,000</td>
<td>$ 37,300</td>
<td>$ 400</td>
<td></td>
<td>$ 143,700</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 Account</td>
<td>$ 94,000</td>
<td>$ 13,100</td>
<td>$ 700</td>
<td></td>
<td>$ 107,800</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 Account</td>
<td>$ 34,900</td>
<td>$ 6,500</td>
<td></td>
<td></td>
<td>$ 41,400</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 Account</td>
<td>$ 112,500</td>
<td>$ 15,900</td>
<td></td>
<td></td>
<td>$ 128,400</td>
</tr>
<tr>
<td>General Interaccount Account</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>$ 112,500</td>
<td>$ 15,900</td>
<td></td>
<td>$ 600,000</td>
<td>$ 600,000</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 Account</td>
<td>$ 32,100</td>
<td>$ 34,100</td>
<td></td>
<td></td>
<td>$ 2,166,200</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 Account</td>
<td>$ 7,600</td>
<td>$ 18,800</td>
<td>$ 34,000</td>
<td></td>
<td>$ 60,400</td>
</tr>
<tr>
<td>General Interaccount Account</td>
<td>$ 294,200</td>
<td>$ 178,800</td>
<td></td>
<td></td>
<td>$ 473,000</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$ 301,800</td>
<td>$ 197,600</td>
<td></td>
<td>$ 34,000</td>
<td>$ 533,400</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 Account</td>
<td>$ 26,900</td>
<td>$ 75,400</td>
<td></td>
<td></td>
<td>$ 102,300</td>
</tr>
<tr>
<td>VIII. GENERAL SERVICES -- PRINTING:</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 Account</td>
<td>$ 245,900</td>
<td>$ 393,500</td>
<td>$ 30,000</td>
<td></td>
<td>$ 669,400</td>
</tr>
<tr>
<td>IX. PUBLIC WORKS -- ADMINISTRATION:</td>
<td></td>
<td></td>
<td></td>
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<td>FROM:</td>
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<tr>
<td>Permanent Building Account</td>
<td>$296,000</td>
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<tr>
<td>X. PUBLIC WORKS -- BUILDING SERVICE:</td>
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<tr>
<td>FROM:</td>
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<tr>
<td>General Account</td>
<td>$</td>
<td>$452,300</td>
<td>$17,200</td>
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<td>1,393,800</td>
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</tr>
<tr>
<td>TOTAL</td>
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<td>622,500</td>
<td>525,000</td>
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<tr>
<td>XI. PURCHASING:</td>
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<td>FROM:</td>
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<tr>
<td>General Account</td>
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<td>$700</td>
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<tr>
<td>XII. BUREAU OF SUPPLIES:</td>
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<tr>
<td>FROM:</td>
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<tr>
<td>General Interaccount Account</td>
<td>$36,500</td>
<td>$28,100</td>
<td>$64,600</td>
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<tr>
<td>XIII. RISK MANAGEMENT:</td>
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<tr>
<td>FROM:</td>
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<tr>
<td>Risk Retention Account</td>
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<td>$23,300</td>
<td>$1,600</td>
<td>$2,000,000</td>
<td>$2,090,800</td>
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<tr>
<td>XIV. FEDERAL SURPLUS PROPERTY:</td>
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<tr>
<td>FROM:</td>
<td></td>
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<td></td>
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<tr>
<td>Federal Surplus Property Revolving Account</td>
<td>$134,600</td>
<td>$67,900</td>
<td>$202,500</td>
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<tr>
<td>XV. GENERAL SERVICES -- CENTRAL PROPERTY:</td>
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<tr>
<td>FROM:</td>
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<td></td>
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<tr>
<td>General Account</td>
<td>$29,600</td>
<td>$24,900</td>
<td>$54,500</td>
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<tr>
<td>General Interaccount Account</td>
<td>5,800</td>
<td>5,800</td>
<td>11,600</td>
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<tr>
<td>TOTAL</td>
<td>29,600</td>
<td>30,700</td>
<td>60,300</td>
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<tr>
<td>XVI. INTERN:</td>
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<td>FROM:</td>
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<tr>
<td>General Account</td>
<td>$10,700</td>
<td>$300</td>
<td>$11,000</td>
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<tr>
<td>XVII. EMPLOYEES GROUP INSURANCE:</td>
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<td>FROM:</td>
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<tr>
<td>Employees Group Insurance Account</td>
<td>$38,300</td>
<td>$22,100</td>
<td>$700</td>
<td>$61,100</td>
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</table>
XVIII. PERSONNEL COMMISSION:
FROM:
Personnel Commission
Account
$ 760,800 $ 186,000 $ 4,400 $ 951,200

XIX. PERSONNEL COMMISSION-TRAINING:
FROM:
General Interaccount
Account
$ 15,000 $ 15,000

GRAND TOTAL
$ 3,208,300 $ 1,887,300 $ 597,800 $ 4,700,000 $ 10,393,400

SECTION 3. There is hereby appropriated to the Department of Administration the amount of $70,000 from the General Fund to be expended as operating expense for the purpose of repairing the roof of the Len B. Jordan building.

SECTION 4. There is hereby appropriated to the Department of Administration the amount of $16,000 from the General Fund to be expended in operating expenses for purposes of contracting with the Idaho Commission on Nursing and Nursing Education to continue the study of nursing education in Idaho and advising the State Board of Education of the findings of such study.

SECTION 5. 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 Account for services rendered, into the General Interaccount Account for expenditure according to the appropriation set forth in section 2 of this act.

SECTION 6. This act shall be in full force and effect on and after July 1, 1977, through June 30, 1978, except for sections 3 and 4. There being an emergency, which emergency is hereby declared, sections 3 and 4 shall be in full force and effect on and after passage and approval of this act through June 30, 1978.

Approved March 31, 1977.
AN ACT
EXPRESSING LEGISLATIVE INTENT WITH RESPECT TO EXPENDITURES
FOR COLLEGES AND UNIVERSITIES AND JUNIOR COLLEGES; APPROPRIATING $3,176,400 FROM THE GENERAL ACCOUNT TO THE
STATE BOARD OF EDUCATION FOR COLLEGE OF SOUTHERN IDAHO
AND NORTH IDAHO COLLEGE FOR THE PERIOD JULY 1 1977,
THROUGH JUNE 30, 1978; APPROPRIATING $60,980,500 FROM
THE ACCOUNTS 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 UNI-
VERSITY OF IDAHO FOR THE PERIOD JULY 1, 1977, THROUGH
JUNE 30, 1978; AND MAKING CERTAIN CODE PROVISIONS SPE-
IFICALLY AVAILABLE TO THE STATE BOARD OF EDUCATION FOR
FISCAL YEAR 1978 ONLY.

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

SECTION 1. It is legislative intent that the expendi-
tures for colleges and universities and junior colleges not
exceed the following amounts for the period July 1, 1977,
through June 30, 1978:
FOR:
Educational Programs
FROM:
General Account
Federal Endowment Funds
State Endowment Accounts:
Lewis-Clark Normal School Income Account
Idaho State University Income Account
Idaho State University Teacher Training Account
University of Idaho Income Account
Agricultural College Income Account
School of Science Income Account
Miscellaneous Receipts Account
TOTAL

$64,156,900
$57,377,800
206,600
422,300
204,300
442,700
468,700
294,600
949,900
3,790,000
$64,156,900

SECTION 2. There is hereby appropriated out of the
account enumerated the following amounts to the State Board
of Education for College of Southern Idaho and North Idaho

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

SECTION 1. It is legislative intent that the expendi-
tures for colleges and universities and junior colleges not
exceed the following amounts for the period July 1, 1977,
through June 30, 1978:
FOR:
Educational Programs
FROM:
General Account
Federal Endowment Funds
State Endowment Accounts:
Lewis-Clark Normal School Income Account
Idaho State University Income Account
Idaho State University Teacher Training Account
University of Idaho Income Account
Agricultural College Income Account
School of Science Income Account
Miscellaneous Receipts Account
TOTAL

$64,156,900

SECTION 2. There is hereby appropriated out of the
account enumerated the following amounts to the State Board
of Education for College of Southern Idaho and North Idaho
College, to be expended for the designated programs for the period July 1, 1977, through June 30, 1978:

<table>
<thead>
<tr>
<th>FOR:</th>
<th>FROM:</th>
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</thead>
<tbody>
<tr>
<td>Retirement Program</td>
<td>General Account</td>
</tr>
<tr>
<td>General Education Programs</td>
<td>$269,700</td>
</tr>
<tr>
<td>TOTAL</td>
<td>TOTAL</td>
</tr>
<tr>
<td>$3,176,400</td>
<td>$3,176,400</td>
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</tbody>
</table>

SECTION 3. There is hereby appropriated out of the accounts 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, 1977, through June 30, 1978:

<table>
<thead>
<tr>
<th>FOR:</th>
<th>FROM:</th>
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</thead>
<tbody>
<tr>
<td>General Education Programs</td>
<td>General Account</td>
</tr>
<tr>
<td>FROM:</td>
<td>$54,201,400</td>
</tr>
<tr>
<td>Federal Endowment Funds</td>
<td>206,600</td>
</tr>
<tr>
<td>State Endowment Accounts:</td>
<td></td>
</tr>
<tr>
<td>Lewis-Clark Normal School</td>
<td>422,300</td>
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<tr>
<td>Income Account</td>
<td></td>
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<tr>
<td>Idaho State University</td>
<td>204,300</td>
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<tr>
<td>Income Account</td>
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<tr>
<td>Idaho State University</td>
<td>442,700</td>
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<tr>
<td>Teacher Training Account</td>
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<tr>
<td>University of Idaho Income</td>
<td>468,700</td>
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<tr>
<td>Account</td>
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<tr>
<td>Agricultural College Income</td>
<td>294,600</td>
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<td>Account</td>
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<tr>
<td>School of Science Income</td>
<td>949,900</td>
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<tr>
<td>Account</td>
<td></td>
</tr>
<tr>
<td>Miscellaneous Receipts</td>
<td>3,790,000</td>
</tr>
<tr>
<td>Account</td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>$60,980,500</td>
</tr>
</tbody>
</table>

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 1978 only, the provisions of Section 67-3516(1), (3) and (4), Idaho Code, notwithstanding.

Approved March 31, 1977.
Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 67-4703, Idaho Code, be, and the same is hereby amended to read as follows:

67-4703. POWERS AND DUTIES. The division of tourism and industrial development shall have the power and it shall be its duty to:

(1) Engage in advertising the state of Idaho, its resources, both developed and undeveloped, its tourist resources and attractions, its agricultural, mining, lumbering and manufacturing resources, its health conditions and advantages, its scenic beauty and its other attractions and advantages; and in general either directly, indirectly or by contract do anything and take any action which will promote and advertise the resources and products of the state of Idaho, develop its resources and industries, promote tourist travel to and within the state of Idaho, and further the welfare and prosperity of its citizens.

(2) Survey and investigate the social, economic and physical resources of the state, including land, water, minerals, facilities for power, transportation, communications, recreation, health, education and other resources and facilities; endeavor to aid the legislature and the citizens of the state of Idaho in formulating a program for the development and utilization of these resources and facilities, and for balancing our agricultural, timber and mining economy with industrial capacity. It shall coordinate the work of all research, fact-finding and development agencies established by the laws of the state, and which agencies shall make such facilities available to the division. It shall cooperate with, and coordinate the work of, local and
regional agencies within the state. It shall cooperate with like agencies of other states, with agencies maintained by private persons or corporations, and with agencies established or employed by the United States to promote the development of the country and the welfare of its people.

(3) To collect and compile reliable data for general dissemination which will tend to the development of the state of Idaho by inducing people and capital to come within our borders.

(4) Keep accurate records and preserve all data collected by it, and from time to time prepare and submit to the governor and the legislature, reports, programs, recommendations and plans for the comprehensive, long-range development, conservation and use of all the resources of the state of Idaho. It shall make such special investigations as to resources, facilities, and other matters as may be required by the governor or the legislature.

(5) Administer and supervise the provisions of chapters 3 and 47, title 47, Idaho Code.

(6) To employ, subject to the provisions of chapter 53, title 67, Idaho Code, such executive, technical, accounting, clerical or other assistants as may be necessary to carry out the duties imposed upon the division by this act and to fix their duties and compensation with the approval and consent of the governor.

(7) To require and receive from the various executive departments and public officials of the state of Idaho such information as may be required by the division to enable it to fulfill its functions and carry out the purposes of this act.

(8) Administer and perform any other related functions or activities assigned to the division by the governor.

Approved March 31, 1977.
AN ACT
RELATING TO IDENTIFICATION FOR LIQUOR LAW PURPOSES; ADDING A
NEW SECTION 23-943A, IDAHO CODE, TO PROVIDE THAT IT IS A
MISDEMEANOR FOR A PERSON TO REFUSE TO PRESENT IDENTIFI-
CATION INDICATING AGE WHEN REQUESTED BY A PEACE OFFICER
IN REFERENCE TO CERTAIN VIOLATIONS OF TITLE 23, IDAHO
CODE.

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 23-943A,
Idaho Code, and to read as follows:

23-943A. IDENTIFICATION. It shall be a misdemeanor for
any person to refuse to present identification indicating
age, when requested by a peace officer of the state of Idaho
when: (a) he or she shall possess, purchase, attempt to pur-
chase or consume alcoholic liquor, as defined by section
23-105, Idaho Code; or (b) he or she shall possess, pur-
chase, attempt to purchase or consume beer as defined by
section 23-1001, Idaho Code; or (c) he or she is on a prem-
ises licensed to sell liquor by the drink at retail, or li-
censed to sell beer for consumption on the premises.

Approved March 31, 1977.
AN ACT
RELATING TO STANDARD VALUATION AND NONFORFEITURE OF INSURANCE LAWS; AMENDING SECTION 41-612, IDAHO CODE, TO INCREASE THE INTEREST RATES FOR DETERMINING THE MINIMUM VALUATION RESERVES FOR LIFE INSURANCE AND ANNUITY CONTRACTS; AMENDING SECTION 41-1927, IDAHO CODE, TO INCREASE THE INTEREST RATE FOR DETERMINING MINIMUM NONFORFEITURE BENEFITS FOR LIFE INSURANCE POLICIES; AND ADDING A NEW SECTION 41-1927A, IDAHO CODE, TO ADOPT A STANDARD NONFORFEITURE LAW FOR INDIVIDUAL DEFERRED ANNUITIES.

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

SECTION 1. That Section 41-612, Idaho Code, be, and the same is hereby amended to read as follows:

41-612. STANDARD VALUATION LAW -- LIFE INSURANCE. (1) This section shall be known as the standard valuation law.
(2) Annual valuation. The director shall annually value, or cause to be valued, the reserve liabilities (hereinafter called reserves) for all outstanding life insurance policies and annuity and pure endowment contracts of every life insurer doing business in this state, and may certify the amount of any such reserves, specifying the mortality table or tables, rate or rates of interest and methods (net level premium method or others) used in the calculation of such reserves. In the case of an alien insurer, such valuation shall be limited to its insurance transactions in the United States. In calculating such reserves, the director may use group methods and approximate averages for fractions of a year or otherwise. He may accept in his discretion the insurer's calculation of such reserves. In lieu of the valuation of the reserves herein required of any foreign or alien insurer, he may accept any valuation made or caused to be made by the insurance supervisory official of any state or other jurisdiction when such valuation complies with the minimum standard herein provided, and if the official of such state or jurisdiction accepts as sufficient and valid for all legal purposes the certificate of valuation of the director when such certificate states the valuation to have
been made in a specified manner according to which the aggregate reserves would be at least as large as if they had been computed in the manner prescribed by the law of that state or jurisdiction. Where any such valuation is made by the director, he may use the actuary of the department or employ an actuary for the purpose, and the reasonable compensation and expenses of the actuary, at a rate approved by the director, upon demand by the director supported by an itemized statement of such compensation and expenses, shall be paid by the insurer. When a domestic insurer furnishes the director with a valuation of its outstanding policies as computed by its own actuary or by an actuary deemed satisfactory for the purpose by the director, the valuation shall be verified by the actuary of the department without costs to the insurer.

(3) Except as otherwise provided in subsection (4a) of this section, the minimum standard for the valuation of all such policies and contracts issued on and after January 1, 1914, and prior to the operative date of section 41-1927, Idaho Code, (standard nonforfeiture law) shall be the American experience table of mortality and interest at three and one-half per cent (3 1/2%) per annum. Not more than one year shall be used as a preliminary term. Extra charges may be made in particular cases of invalid lives and other extra hazards, policies may be valued in groups, and approximate averages may be used for fractions of a year. Policies other than ordinary and twenty (20) payment life may be valued according to the modified preliminary term, with twenty (20) payment life policies as a basis for such valuation. This subsection applies only as to policies and contracts issued prior to the operative date of section 41-1927, Idaho Code.

(4) Except as otherwise provided in subsection (4a) of this section, the minimum standard for the valuation of all such policies and contracts issued on or after the operative date of section 41-1927, Idaho Code, (standard nonforfeiture law) shall be the commissioners reserve valuation methods defined in subsections (5) and (10) of this section, below three and one-half per cent (3 1/2%) interest for all other such policies and contracts, except that the rate shall be four and one-half per cent (4 1/2%) for individual annuity contracts, and or in the case of policies and contracts, other than annuity and pure endowment contracts, issued on or after the-effective-date-of-this-amendatory-act-of July 1, 1973, four per cent (4%) interest for such policies issued prior to the effective date of this amendatory act of 1977, five and one-half per cent (5 1/2%) for single premium life insurance policies and four and one-half per cent (4
1/2%) for all other such policies issued on or after the effective date of this amendatory act of 1977, and the following tables:

(a) For all ordinary policies of life insurance issued on the standard basis, excluding any disability and accidental death benefits in such policies, the commissioners 1941 standard ordinary mortality table for such policies issued prior to the operative date of subsection (9) (b) of section 41-1927, Idaho Code, and the commissioners 1958 standard ordinary mortality table for such policies issued on or after such operative date; except, that for any category of such policies issued on female risks, all modified net premiums and present values, referred to in subsections (5) and (10) of this section, may be calculated according to an age not more than three - (3) six (6) years younger than the actual age of the insured.

(b) For all industrial life insurance policies issued on the standard basis, excluding any disability and accidental death benefits in such policies, the 1941 standard industrial mortality table for such policies issued prior to the operative date of subsection (9) (c) of section 41-1927, Idaho Code, and the commissioners 1961 standard industrial mortality table for such policies issued on or after such operative date.

(c) For individual annuity and pure endowment contracts, excluding any disability and accidental death benefits in such policies, the 1937 standard annuity mortality table or, at the insurer's option, the annuity mortality table for 1949, ultimate, or any modification of either of these tables approved by the director.

(d) For group annuity and pure endowment contracts, excluding any disability and accidental death benefits in such policies, the group annuity mortality table for 1951, any modification of such table approved by the director, or, at the insurer's option, any of the tables or modifications of tables specified for individual annuity and pure endowment contracts.

(e) For total and permanent disability benefits in or supplementary to ordinary policies or contracts, for policies or contracts issued on or after January 1, 1966, the tables of period 2 disablement rates and the 1930 to 1950 termination rates of the 1952 disability study of the Society of Actuaries, with due regard to the type of bene-
for policies or contracts issued on or after the operative date of section 41-1927, Idaho Code, (standard nonforfeiture law) and prior to January 1, 1966, either such tables or, at the insurer's option, the class (3) disability table (1926). Any such table shall, for active lives, be combined with a mortality table permitted for calculating the reserves for life insurance policies.

(f) For accidental death benefits in or supplementary to policies, for policies issued on or after January 1, 1966, the 1959 accidental death benefits table; for policies issued on or after the operative date of section 41-1927, Idaho Code, (standard nonforfeiture law) and prior to January 1, 1966, either such table or, at the insurer's option, the intercompany double indemnity mortality table. Either table shall be combined with a mortality table permitted for calculating the reserves for life insurance policies.

(g) For group life insurance, life insurance issued on the substandard basis and other special benefits, such tables as may be approved by the director as being sufficient with relation to the benefits provided by such policies.

(4a) The minimum standard for the valuation of all individual annuity and pure endowment contracts issued on or after the operative date of this subsection (4a), as defined herein, and for all annuities and pure endowments purchased on or after such operative date under group annuity and pure endowment contracts, shall be the commissioners reserve valuation methods defined in subsections (5) and (6) of this section below and the following tables and interest rates:

(a) For individual annuity and pure endowment contracts issued prior to the effective date of this amendatory act of 1977, excluding any disability and accidental death benefits in such contracts, the 1971 individual annuity mortality table, or any modification of this table approved by the director, and six per cent (6%) interest for single premium immediate annuity contracts, and four and one-half per cent (4 1/2%) interest for all other individual annuity and pure endowment contracts.

(b) For individual single premium immediate annuity contracts issued on or after the effective date of this amendatory act of 1977, excluding any disability and accidental death benefits in such contracts, the 1971 individual annuity mortality table, or any modification of this table approved by the director, and seven and one-half per cent (7
(c) For individual annuity and pure endowment contracts issued on or after the effective date of this amendatory act of 1977, other than single premium immediate annuity contracts, excluding any disability and accidental death benefits in such contracts, the 1971 individual annuity mortality table, or any modification of this table approved by the director, and five and one-half per cent (5 1/2%) interest for single premium deferred annuity and pure endowment contracts and four and one-half per cent (4 1/2%) interest for all other such individual annuity and pure endowment contracts.

(d) For all annuities and pure endowments purchased prior to the effective date of this amendatory act of 1977 under group annuity and pure endowment contracts, excluding any disability and accidental death benefits purchased under such contracts, the 1971 group annuity mortality table, or any modification of this table approved by the director, and six per cent (6%) interest.

(e) For all annuities and pure endowments purchased on or after the effective date of this amendatory act of 1977 under group annuity and pure endowment contracts, excluding any disability and accidental death benefits purchased under such contracts, the 1971 group annuity mortality table, or any modification of this table approved by the commissioner, and seven and one-half per cent (7 1/2%) interest.

(f) After the effective date of this amendatory act of July 1, 1973, any insurer may file with the director a written notice of its election to comply with the provisions of this subsection after a specified date before January 1, 1979, which shall be the operative date of this subsection for such insurer, provided that an insurer may elect a different operative date for individual annuity and pure endowment contracts from that elected for group annuity and pure endowment contracts. If an insurer makes no such election, the operative date of this subsection for such insurer shall be January 1, 1979.

(5) Commissioners reserve valuation method.

(a) Except as otherwise provided in subsections (6) and (10) of this section reserves Reserves according to the commissioners reserve valuation method, for the life insurance and endowment benefits of policies providing for a uniform amount of insurance and requiring the payment of uniform premiums, shall be the excess, if any, of the present value, at the date of valuation, of such future guaranteed benefits provided for by such policies, over the then present value of any future modified net premiums therefor. The modified
net premiums for any such policy shall be such uniform percentage of the respective contract premiums for such benefits that the present value, at the date of issue of the policy, of all such modified net premiums shall be equal to the sum of the then present value of such benefits provided for by the policy and the excess of (i) over (ii) as follows:

(i) A net level annual premium equal to the present value, at the date of issue, of such benefits provided for after the first policy year, divided by the present value, at the date of issue, of an annuity of one (1) per annum payable on the first and each subsequent anniversary of such policy on which a premium falls due; provided, however, that such net level annual premium shall not exceed the net level annual premium on the nineteen (19) year premium whole life plan for insurance of the same amount at an age one (1) year higher than the age at issue of such policy.

(ii) A net one (1) year term premium for such benefits provided for in the first policy year.

(b) Reserves according to the commissioners reserve valuation method for:

(i) Life insurance policies providing for a varying amount of insurance or requiring the payment of varying premiums,

(ii) Group annuity and pure endowment contracts purchased under a retirement plan or plan of deferred compensation, established or maintained by an employer (including a partnership or sole proprietorship) or by an employee organization, or by both, other than a plan providing individual retirement accounts or individual retirement annuities under section 408 of the Internal Revenue Code, as now or hereafter amended,

(iii) Disability and accidental death benefits in all policies and contracts, and

(iv) All other benefits, except life insurance and endowment benefits in life insurance policies and benefits provided by all other annuity and pure endowment contracts, shall be calculated by a method consistent with the principles of subsection (5)(a) of this section, except that any extra premiums charged because of impairments or special hazards shall be disregarded in the determination of modified net premiums.

(6) Individual annuity and pure endowment reserves.

(a) This subsection (6) shall apply to all annuity and pure endowment contracts other than group annuity and pure endowment contracts purchased under a retirement plan or plan of deferred compensation, established or maintained by
an employer (including a partnership or sole proprietorship) or by an employee organization, or by both, other than a plan providing individual retirement accounts or individual retirement annuities under section 408 of the Internal Revenue Code, as now or hereafter amended.

(b) Reserves according to the commissioners annuity reserve method for benefits under annuity or pure endowment contracts, excluding any disability and accidental death benefits in such contracts, shall be the greatest of the respective excesses of the present values, at the date of valuation, of the future guaranteed benefits, including guaranteed nonforfeiture benefits, provided for by such contracts at the end of each respective contract year, over the present value, at the date of valuation, of any future valuation considerations derived from future gross considerations, required by the terms of such contract, that become payable prior to the end of such respective contract year. The future guaranteed benefits shall be determined by using the mortality table, if any, and the interest rate, or rates, specified in such contracts for determining guaranteed benefits. The valuation considerations are the portions of the respective gross considerations applied under the terms of such contracts to determine nonforfeiture values.

(7) Minimum aggregate reserves. In no event shall an insurer's aggregate reserves for all life insurance policies, excluding disability and accidental death benefits, issued on or after the operative date of section 41-1927, Idaho Code, be less than the aggregate reserves calculated in accordance with the methods set forth in subsections (5), (6) and (10) of this section and the mortality table or tables and rate or rates of interest used in calculating nonforfeiture benefits for such policies.

(8) Optional reserve basis.

(a) Reserves for all policies and contracts issued prior to the operative date of section 41-1927, Idaho Code, may be calculated, at the option of the insurer, according to any standards which produce greater aggregate reserves for all such policies and contracts than the minimum reserves required by the laws in effect immediately prior to such date.

(b) For any category of policies, contracts or benefits specified in subsections (4) and (4a) of this section, issued on or after the operative date of section 41-1927, Idaho Code, (the standard nonforfeiture law), reserves may be calculated, at the option of the insurer, according to any standard or standards which produce greater aggregate reserves for such category than those calculated according
to the minimum standard herein provided, but the rate or rates of interest used for policies and contracts, other than annuity and pure endowment contracts, shall not be higher than the corresponding rate or rates of interest used in calculating any nonforfeiture benefits provided for therein. However, that reserves for participating life-insurance-policies-issued-on-or-after-the-operative-date-of-section-41-1927-Idaho-Code-(the-standard-nonforfeiture-law)-may-with-the-consent-of-the-director-be calculated-according-to-a-rate-of-interest-lower-than-the rate-of-interest-used-in-calculating-the-nonforfeiture-benefits-in-such-policies-with-the-further-proviso-that-if-such lower-rate-differs-from-the-rate-used-in-the-calculation-of the-nonforfeiture-benefits-by-more-than-one-half-(1/2)-of one-per-cent-(1%)-the-insurer-issuing-such-policies-shall file-with-the-director-a-plan-providing-for-such-equitable increases,-if-any,-in-the-cash-surrender-values-and-nonforfeiture-benefits-in-such-policies-as-the-director-approves.

(8)(9) Lower valuations. An insurer which at any time had adopted any standard of valuation producing greater aggregate reserves than those calculated according to the minimum standard herein provided may, with the approval of the director, adopt any lower standard of valuation, but not lower than the minimum herein provided.

(9)(10) Deficiency Minimum reserve. If in any contract year the gross premium charged by any life insurer on any policy or contract is less than the valuation net premium for the policy or contract according-to-the-mortality-table-rate-of-interest-and calculated by the method used in calculating the reserve thereon, there shall be maintained on-such-policy-or-contract-a-deficiency-reserve-in-addition to-all-other-reserves-required-by-law.-For.each-such-policy or-contract-the-deficiency-reserves-[reserve]-shall-be-the present-value-according-to-such-standard-of-an-annuity-of the-difference-between-such-net-premium-and-the-premium charged-for-such-policy-or-contract-running-for-the-remainder-of-the-premium-paying-period-but-using-the-minimum valuation-standards-of-mortality-and-rate-of-interest-the minimum-reserve-required-for-such-policy-or-contract-shall be the greater of either the reserve calculated according to the mortality table, rate of interest, and method actually used for such policy or contract, or the reserve calculated by the method actually used for such policy or contract but using the minimum standards of mortality and rate of interest and replacing the valuation net premium by the actual gross premium in each contract year for which the valuation net premium exceeds the actual gross premium.
SECTION 2. That Section 41-1927, Idaho Code, be, and the same is hereby amended to read as follows:

41-1927. STANDARD NONFORFEITURE LAW -- LIFE INSURANCE.
(1) This section shall be known as the standard nonforfeiture law for life insurance.
(2) Nonforfeiture provisions: In the case of policies issued on or after the operative date of this section as defined in subsection (12) of this section, no policy of life insurance, except as set forth in subsection (11) of this section, shall be delivered or issued for delivery in this state unless it shall contain in substance the following provisions, or corresponding provisions which in the opinion of the director are at least as favorable to the defaulting or surrendering policyholder:
   (a) That in the event of default in any premium payment, the insurer will grant, upon proper request not later than sixty (60) days after the due date of the premium in default, a paid-up nonforfeiture benefit on a plan stipulated in the policy, effective as of such due date, of such value as may be hereinafter specified.
   (b) That upon surrender of the policy within sixty (60) days after the due date of any premium payment in default after premiums have been paid for at least three (3) full years in the case of ordinary insurance, and five (5) full years in the case of industrial insurance, the insurer will pay, in lieu of any paid-up nonforfeiture benefit, a cash surrender value of such amount as may be hereinafter specified.
   (c) That a specified paid-up nonforfeiture benefit shall become effective as specified in the policy unless the person entitled to make such election elects another available option not later than sixty (60) days after the due date of the premium in default.
   (d) That if the policy shall have become paid up by completion of all premium payments, or if it is continued under any paid-up nonforfeiture benefit which became effective on or after the third policy anniversary in the case of ordinary insurance, or the fifth policy anniversary in the case of industrial insurance, the insurer will pay, upon surrender of the policy within thirty (30) days after any policy anniversary, a cash surrender value of such amount as may be hereinafter specified.
   (e) A statement of the mortality table and interest rate used in calculating the cash surrender values and the paid-up nonforfeiture benefits available under the policy,
together with a table showing the cash surrender value, if any, and paid-up nonforfeiture benefit, if any, available under the policy on each policy anniversary, either during the first twenty (20) policy years or during the term of the policy, whichever is shorter, such values and benefits to be calculated upon the assumption that there are no dividends or paid-up additions credited to the policy and that there is no indebtedness to the insurer on the policy.

(f) A statement that the cash surrender values and the paid-up nonforfeiture benefits available under the policy are not less than the minimum values and benefits required by or pursuant to the insurance law of this state; an explanation of the manner in which the cash surrender values and the paid-up nonforfeiture benefits are altered by the existence of any paid-up additions credited to the policy or any indebtedness to the insurer on the policy; if a detailed statement of the method of computation of the values and benefits shown in the policy is not stated therein, a statement that such method of computation has been filed with the insurance supervisory official of the state in which the policy is delivered; and a statement of the method to be used in calculating the cash surrender value and paid-up nonforfeiture benefit available under the policy on any policy anniversary beyond the last anniversary for which such values and benefits are consecutively shown in the policy.

(3) Any of the provisions or portions thereof set forth in subdivisions (a) through (f) of the foregoing subsection (2) which are not applicable by reason of the plan of insurance may, to the extent inapplicable, be omitted from the policy. The insurer shall reserve the right to defer the payment of any cash surrender value for a period of six (6) months after demand therefor with surrender of the policy.

(4) Cash surrender value: Any cash surrender value available under the policy in the event of default in the premium payment due on any policy anniversary, whether or not required by subsection (2) of this section, shall be an amount not less than the excess, if any, of the present value on such anniversary of the future guaranteed benefits which would have been provided for by the policy, including any existing paid-up additions if there had been no default, over the sum of:

(a) The then present value of the adjusted premiums as defined in subsections (6) through (9) of this section, corresponding to premiums which would have fallen due on and after such anniversary, and

(b) The amount of any indebtedness to the insurer on
account of or secured by the policy.

Any cash surrender value available within thirty (30) days after any policy anniversary under any policy paid up by completion of all premium payments, or any policy continued under any paid-up nonforfeiture benefits, whether or not required by such subsection (2), shall be an amount not less than the present value, on such anniversary, of the future guaranteed benefits provided for by the policy, including any existing paid-up additions, decreased by any indebtedness to the insurer on account of or secured by the policy.

(5) Paid-up nonforfeiture benefits: Any paid-up nonforfeiture benefit available under the policy in the event of default in the premium payment due on any policy anniversary shall be such that its present value as of such anniversary shall be at least equal to the cash surrender value then provided for by the policy, or, if none is provided for, that cash surrender value which would have been required by this section in the absence of the conditions that premiums shall have been paid for at least a specified period.

(6) The adjusted premium: Except as provided in subsection (8) of this section, the adjusted premiums for any policy shall be calculated on an annual basis and shall be such uniform percentage of the respective premiums specified in the policy for each policy year, excluding extra premiums on a substandard policy, that the present value, at the date of issue of the policy, of all such adjusted premiums shall be equal to the sum of:

(a) The then present value of the future guaranteed benefits provided for by the policy;

(b) Two per cent (2%) of the amount of the insurance if the insurance be uniform in amount, or of the equivalent uniform amount, as hereinafter defined, if the amount of insurance varies with the duration of the policy;

(c) Forty per cent (40%) of the adjusted premium for the first policy year;

(d) Twenty-five per cent (25%) of either the adjusted premium for the first policy year or the adjusted premium for a whole life policy of the same uniform or equivalent uniform amount with uniform premiums for the whole of life issued at the same age for the same amount of insurance, whichever is less, provided, however, that in applying the percentages specified in subdivisions (c) and (d) above, no adjusted premiums shall be deemed to exceed four per cent (4%) of the amount of insurance or uniform amount equivalent thereto. Whenever the plan or term of a policy has been changed, either by request of the insured or automatically
in accordance with the provisions of the policy, the date of issue of the changed policy for the purposes of determining a nonforfeiture benefit or cash surrender value shall be the date as of which the age of the insured is determined for the purposes of the changed policy. The date of issue of a policy for the purposes of this subsection shall be the date as of which the rated age of the insured is determined.

(7) In the case of a policy providing an amount of insurance varying with the duration of the policy, the equivalent uniform amount thereof for the purpose of the preceding subsection (6) shall be deemed to be the uniform amount of insurance provided by an otherwise similar policy, containing the same endowment benefit or benefits, if any, issued at the same age and for the same term, the amount of which does not vary with duration and the benefits under which have the same present value at the date of issue as the benefits under the policy, provided, however, that in the case of a policy for a varying amount of insurance issued on the life of a child under age ten (10), the equivalent uniform amount may be computed as though the amount of insurance provided by the policy prior to the attainment of age ten (10) were the amount provided by such policy at age ten (10).

(8) The adjusted premiums for any policy providing term insurance benefits by any rider or supplemental policy provision shall be equal to (a) the adjusted premiums for an otherwise similar policy issued at the same age without such term insurance benefits, increased, during the period for which premiums for such term insurance benefits are payable, by (b) the adjusted premiums for such term insurance, the foregoing items (a) and (b) being calculated separately and as specified in subsections (6) and (7) except that, for the purposes of subdivisions (b), (c) and (d) of subsection (6), the amount of insurance or equivalent uniform amount of insurance used in the calculation of the adjusted premiums referred to in (b) shall be equal to the excess of the corresponding amount determined for the entire policy over the amount used in the calculation of the adjusted premiums in (a).

(9) (a) Except as provided in subdivisions (b) and (c) of this subsection, all adjusted premiums and present values referred to in this section shall for all policies of ordinary insurance be calculated on the basis of the commissioners 1941 standard ordinary mortality table, provided that for any category of ordinary insurance issued on female risks, adjusted premiums and present values may be calculated, at the option of the insurer according to an age not
more than three (3) years younger than the actual age of the insured and such calculations for all policies of industrial insurance shall be made on the basis of the 1941 standard industrial mortality table. All calculations shall be made on the basis of the rate of interest, not exceeding three and one-half per cent (3 1/2%) per annum, specified in the policy for calculating cash surrender values and paid-up nonforfeiture benefits, provided, however, that in calculating the present value of any paid-up term insurance with accompanying pure endowment, if any, offered as a nonforfeiture benefit, the rates of mortality assumed may be not more than one hundred thirty per cent (130%) of the rates of mortality according to such applicable table, provided further that for insurance issued on a substandard basis, the calculation of any such adjusted premiums and present values may be based on such other table of mortality as may be specified by the insurer and approved by the director.

(b) In the case of ordinary policies issued on or after the operative date of this subdivision as defined herein, all adjusted premiums and present values referred to in this section shall be calculated on the basis of the commissioners' 1958 standard ordinary mortality table and the rate of interest specified in the policy for calculating cash surrender values and paid-up nonforfeiture benefits, provided that such rate of interest shall not exceed three and one-half per cent (3 1/2%) per annum except that a rate of interest not exceeding four per cent (4%) per annum may be used for policies issued on or after the effective date of this amendatory act of 1977, except that for any single premium whole life or endowment insurance policy a rate of interest not exceeding six and one-half per cent (6 1/2%) per annum may be used and provided that for any category of ordinary insurance issued on female risks, adjusted premiums and present values may be calculated according to an age not more than three (-3) six (6) years younger than the actual age of the insured. Provided, however, that in calculating the present value of any paid-up term insurance with accompanying pure endowment, if any, offered as a nonforfeiture benefit, the rates of mortality assumed may be not more than those shown in the commissioners' 1958 extended term insurance table. Provided, further, that for insurance issued on a substandard basis, the calculation of any such adjusted premiums and present values may
be based on such other table of mortality as may be specified by the insurer and approved by the director.

On or after the operative date of this section as defined in subsection (12) of this section, any insurer may file with the director a written notice of its election to comply with the provisions of this subdivision after a specified date before January 1, 1966. After the filing of such notice, then upon such specified date (which shall be the operative date of this subdivision for such insurer), this subdivision shall become operative with respect to the ordinary policies thereafter issued by such insurer. If an insurer makes no such election, the operative date of this subdivision for such insurer shall be January 1, 1966.

(c) In the case of industrial policies issued on or after the operative date of this subdivision as defined herein, all adjusted premiums and present values referred to in this section shall be calculated on the basis of the commissioners' 1961 standard industrial mortality table and the rate of interest specified in the policy for calculating cash surrender values and paid-up nonforfeiture benefits provided that such rate of interest shall not exceed three and one-half per cent (3 1/2%) per annum except that a rate of interest not exceeding four per cent (4%) per annum may be used for policies issued on or after the effective date of this amendatory act of July 1, 1973, and prior to the effective date of this amendatory act of 1977 and a rate of interest not exceeding five and one-half per cent (5 1/2%) per annum may be used for policies issued on or after the effective date of this amendatory act of 1977, except that for any single premium whole life or endowment insurance policy a rate of interest not exceeding six and one-half per cent (6 1/2%) per annum may be used. Provided, however, that in calculating the present value of any paid-up term insurance with accompanying pure endowment, if any, offered as a nonforfeiture benefit, the rates of mortality assumed may be not more than those shown in the commissioners' 1961 industrial extended term insurance table. Provided, further, that for insurance issued on a substandard basis, the calculation of any such adjusted premiums and present values may be based on such other table of mortality as may be specified by the insurer and approved by the director.

After the effective date of this amendatory act, any insurer may file with the director a written notice of its election to comply with the provisions of this subdivision after a specified date before January 1, 1968. After the filing of such notice, then upon such specified date (which shall be the operative date of this subdivision for such
insurer), this subdivision shall become operative with respect to the industrial policies thereafter issued by such insurer. If an insurer makes no such election, the operative date of this subdivision for such insurer shall be January 1, 1968.

(10) Calculation of values: Any cash surrender value and any paid-up nonforfeiture benefit available under the policy in the event of default in a premium payment due at any time other than on the policy anniversary shall be calculated with allowance for the lapse of time and the payment of fractional premiums beyond the last preceding policy anniversary. All values referred to in subsections (4) through (9) of this section may be calculated upon the assumption that any death benefit is payable at the end of the policy year of death. The net value of any paid-up additions, other than paid-up term additions, shall be not less than the dividends used to provide such additions. Notwithstanding the provisions of subsection (4) of this section, additional benefits payable:

(a) In the event of death or dismemberment by accident or accidental means,
(b) In the event of total and permanent disability,
(c) As reversionary annuity or deferred reversionary annuity benefits,
(d) As term insurance benefits provided by a rider or supplemental policy provision to which, if issued as a separate policy, this section would not apply,
(e) As term insurance on the life of a child or on the lives of children provided in a policy on the life of a parent of the child, if such term insurance expires before the child's age is twenty-six (26), is uniform in amount after the child's age is one (1), and has not become paid-up by reason of the death of a parent of the child, and
(f) As other policy benefits additional to life insurance and endowment benefits, and premiums for all such additional benefits, shall be disregarded in ascertaining cash surrender values and nonforfeiture benefits required by this section, and no such additional benefits shall be required to be included in any paid-up nonforfeiture benefits.

(11) Exceptions. This section shall not apply to any reinsurance, group insurance, variable life insurance, pure endowment, annuity or reversionary annuity contract, nor to any term policy of uniform amount, or renewal thereof, of fifteen (15) years or less expiring before age sixty-six (66), for which uniform premiums are payable during the entire term of the policy, nor to any term policy of decreasing amount on which each adjusted premium, calculated
as specified in subsections (6) through (9) of this section, is less than the adjusted premiums so calculated on a policy of uniform amount issued at the same age and for the same initial amount of insurance for a term defined as follows: For ages at issue fifty (50) and under, the term shall be fifteen (15) years; thereafter, the term shall decrease one (1) year for each year of age beyond fifty (50).

(12) Operative date. After the effective date of this code, any insurer may file with the director a written notice of its election to comply with the provisions of this section after a specified date before January 1, 1963. After the filing of such notice, then upon such specified date (which shall be the operative date for such insurer) this section shall become operative with respect to the policies thereafter issued by such insurer. If an insurer makes no such election, the operative date of this section for such insurer shall be January 1, 1963.

SECTION 3. That Chapter 19, 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 41-1927A, Idaho Code, and to read as follows:

41-1927A. STANDARD NONFORFEITURE LAW FOR INDIVIDUAL DEFERRED ANNUITIES. (1) This section shall be known as the standard nonforfeiture law for individual deferred annuities.

(2) This section shall not apply to any reinsurance, group annuity purchased under a retirement plan or plan of deferred compensation established or maintained by an employer (including a partnership or sole proprietorship) or by an employee organization, or by both, other than a plan providing individual retirement accounts or individual retirement annuities under section 408 of the Internal Revenue Code, as now or hereafter amended, premium deposit fund, variable annuity, investment annuity, immediate annuity, any deferred annuity contract after annuity payments have commenced, or reversionary annuity, nor to any contract which shall be delivered outside this state through an agent or other representative of the insurer issuing the contract.

(3) In the case of contracts issued on or after the operative date of this section as defined in subsection (12) of this section, no contract of annuity, except as stated in subsection (2) of this section shall be delivered or issued for delivery in this state unless it contains in substance the following provisions, or corresponding provisions which in the opinion of the director are at least as favorable to
the contractholder, upon cessation of payment of consider­
atations under the contract.

(a) That upon cessation of payment of considerations
under a contract, the insurer will grant a paid-up annuity
benefit on a plan stipulated in the contract of such value
as is specified in subsections (5), (6), (7), (8) and (10)
of this section.

(b) If a contract provides for a lump sum settlement at
maturity, or at any other time, that upon surrender of the
contract at or prior to the commencement of any annuity pay­
mements, the insurer will pay in lieu of any paid-up annuity
benefit a cash surrender benefit of such amount as is speci­
fied in subsections (5), (6), (8) and (10) of this section.
The insurer shall reserve the right to defer the payment of
such cash surrender benefit for a period of six (6) months
after demand therefor with surrender of the contract.

(c) A statement of the mortality table, if any, and
interest rates used in calculating any minimum paid-up annu­
ity, cash surrender or death benefits that are guaranteed
under the contract, together with sufficient information to
determine the amounts of such benefits.

(d) A statement that any paid-up annuity, cash surren­
der or death benefits that may be available under the con­
tact are not less than the minimum benefits required by any
statute of the state in which the contract is delivered and
an explanation of the manner in which such benefits are
altered by the existence of any additional amounts credited
by the insurer to the contract, any indebtedness to the
insurer on the contract or any prior withdrawals from or
partial surrenders of the contract.

Notwithstanding the requirements of this section, any
deferred annuity contract may provide that if no consider­
atations have been received under a contract for a period of
two (2) full years and the portion of the paid-up annuity
benefit at maturity on the plan stipulated in the contract
arising from considerations paid prior to such period would
be less than twenty dollars ($20.00) monthly, the insurer
may at its option terminate such contract by payment in cash
of the then present value of such portion of the paid-up annuity
benefit, calculated on the basis of the mortality
table, if any, and interest rate specified in the contract
for determining the paid-up annuity benefit, and by such
payment shall be relieved of any further obligation under
such contract.

(4) The minimum values as specified in subsections (5),
(6), (7), (8) and (10) of this section of any paid-up annu­
ity, cash surrender or death benefits available under an
annuity contract shall be based upon minimum nonforfeiture amounts as defined in this section.

(a) With respect to contracts providing for flexible considerations, the minimum nonforfeiture amount at any time at or prior to the commencement of any annuity payments shall be equal to an accumulation up to such time at a rate of interest of three per cent (3%) per annum of percentages of the net considerations (as hereinafter defined) paid prior to such time, decreased by the sum of (i) any prior withdrawals from or partial surrenders of the contract accumulated at a rate of interest of three per cent (3%) per annum and (ii) the amount of any indebtedness to the insurer on the contract, including interest due and accrued, and increased by any existing additional amounts credited by the insurer to the contract.

The net considerations for a given contract year used to define the minimum nonforfeiture amount shall be an amount not less than zero and shall be equal to the corresponding gross considerations credited to the contract during that contract year less an annual contract charge of thirty dollars ($30.00) and less a collection charge of one dollar and twenty-five cents ($1.25) per consideration credited to the contract during that contract year. The percentages of net considerations shall be sixty-five per cent (65%) of the net consideration for the first contract year and eighty-seven and one-half per cent (87 1/2%) of the net considerations for the second and later contract years. Notwithstanding the provisions of the preceding sentence, the percentage shall be sixty-five per cent (65%) of the portion of the total net consideration for any renewal contract year which exceeds by not more than two (2) times the sum of those portions of the net considerations in all prior contract years for which the percentage was sixty-five per cent (65%).

(b) With respect to contracts providing for fixed scheduled considerations, minimum nonforfeiture amounts shall be calculated on the assumption that considerations are paid annually in advance and shall be defined as for contracts with flexible considerations which are paid annually with two (2) exceptions:

1. The portion of the net consideration for the first contract year to be accumulated shall be the sum of sixty-five per cent (65%) of the net consideration for the first contract year plus twenty-two and one-half per cent (22 1/2%) of the excess of the net consideration for the first contract year over the lesser of the net considerations for the second and third contract years.
2. The annual contract charge shall be the lesser of (i) thirty dollars ($30.00) or (ii) ten per cent (10%) of the gross annual considerations.

(c) With respect to contracts providing for a single consideration, minimum nonforfeiture amounts shall be defined as for contracts with flexible considerations except that the percentage of net consideration used to determine the minimum nonforfeiture amount shall be equal to ninety per cent (90%) and the net consideration shall be the gross consideration less a contract charge of seventy-five dollars ($75.00).

(5) Any paid-up annuity benefit available under a contract shall be such that its present value on the date annuity payments are to commence is at least equal to the minimum nonforfeiture amount on that date. Such present value shall be computed using the mortality table, if any, and the interest rate specified in the contract for determining the minimum paid-up annuity benefits guaranteed in the contract.

(6) For contracts which provide cash surrender benefits, such cash surrender benefits available prior to maturity shall not be less than the present value as of the date of surrender of that portion of the maturity value of the paid-up annuity benefit which would be provided under the contract at maturity arising from considerations paid prior to the time of cash surrender reduced by the amount appropriate to reflect any prior withdrawals from or partial surrenders of the contract, such present value being calculated on the basis of an interest rate not more than one per cent (1%) higher than the interest rate specified in the contract for accumulating the net considerations to determine such maturity value, decreased by the amount of any indebtedness to the insurer on the contract, including interest due and accrued, and increased by any existing additional amounts credited by the insurer to the contract. In no event shall any cash surrender benefit be less than the minimum nonforfeiture amount at that time. The death benefit under such contracts shall be at least equal to the cash surrender benefit.

(7) For contracts which do not provide cash surrender benefits, the present value of any paid-up annuity benefit available as a nonforfeiture option at any time prior to maturity shall not be less than the present value of that portion of the maturity value of the paid-up annuity benefit provided under the contract arising from considerations paid prior to the time the contract is surrendered in exchange for, or changed to, a deferred paid-up annuity, such present value being calculated for the period prior to the maturity
date on the basis of the interest rate specified in the contract for accumulating the net considerations to determine such maturity value, and increased by any existing additional amounts credited by the insurer to the contract. For contracts which do not provide any death benefits prior to the commencement of any annuity payments, such present values shall be calculated on the basis of such interest rate and the mortality table specified in the contract for determining the maturity value of the paid-up annuity benefit. However, in no event shall the present value of a paid-up annuity benefit be less than the minimum nonforfeiture amount at that time.

(8) For the purpose of determining the benefits calculated under subsections (6) and (7) of this section, in the case of annuity contracts under which an election may be made to have annuity payments commence at optional maturity dates, the maturity date shall be deemed to be the latest date for which election shall be permitted by the contract, but shall not be deemed to be later than the anniversary of the contract next following the annuitant's seventieth birthday or the tenth anniversary of the contract, whichever is later.

(9) Any contract which does not provide cash surrender benefits or does not provide death benefits at least equal to the minimum nonforfeiture amount prior to the commencement of any annuity payments shall include a statement in a prominent place in the contract that such benefits are not provided.

(10) Any paid-up annuity, cash surrender or death benefits available at any time, other than on the contract anniversary under any contract with fixed scheduled considerations, shall be calculated with allowance for the lapse of time and the payment of any scheduled considerations beyond the beginning of the contract year in which cessation of payment of considerations under the contract occurs.

(11) For any contract which provides, within the same contract by rider or supplemental contract provision, both annuity benefits and life insurance benefits that are in excess of the greater of cash surrender benefits or a return of the gross considerations with interest, the minimum nonforfeiture benefits shall be equal to the sum of the minimum nonforfeiture benefits for the annuity portion and the minimum nonforfeiture benefits, if any, for the life insurance portion computed as if each portion were a separate contract. Notwithstanding the provisions of subsections (5), (6), (7), (8) and (10) of this section, additional benefits payable (i) in the event of total and permanent disability,
(ii) as reversionary annuity or deferred reversionary annuity benefits, or (iii) as other policy benefits additional to life insurance, endowment, and annuity benefits, and considerations for all such additional benefits, shall be disregarded in ascertaining the minimum nonforfeiture amounts, paid-up annuity, cash surrender and death benefits that may be required by this section. The inclusion of such additional benefits shall not be required in any paid-up benefits, unless such additional benefits separately would require minimum nonforfeiture amounts, paid-up annuity, cash surrender and death benefits.

(12) After the effective date of this section any insurer may file with the director a written notice of its election to comply with the provisions of this section after a specified date before the second anniversary of the effective date of this section. After the filing of such notice, then upon such specified date, which shall be the operative date of this section for such insurer, this section shall become operative with respect to annuity contracts thereafter issued by such insurer. If an insurer makes no such election, the operative date of this section for such insurer shall be the second anniversary of the effective date of this section.

Approved March 31, 1977.
AN ACT
AMENDING SECTION 2, CHAPTER 203, LAWS OF 1976, RELATING TO THE APPROPRIATION TO THE OFFICE
OF THE GOVERNOR, ENDOWMENT FUND INVESTMENT BOARD, BY APPROPRIATING $35,500 FROM THE GEN-
ERAL FUND AND REDUCING THE APPROPRIATION FROM THE ENDOWMENT INVESTMENT BOARD FUND BY
$56,300; AND DECLARING AN EMERGENCY

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

SECTION 1. That Section 2, Chapter 203, Laws of 1976, 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 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 TRUSTEE AND BENEFIT PAYMENTS</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. PUBLIC EMPLOYEES RETIREMENT SYSTEM:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Public Employees</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Retirement Fund</td>
<td>$476,400</td>
<td>$283,900</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$476,400</td>
<td>$283,900</td>
</tr>
<tr>
<td>B. ENDOWMENT INVESTMENT BOARD:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Fund</td>
<td>$16,000</td>
<td>$19,500</td>
</tr>
<tr>
<td>Endowment Investment Board Fund</td>
<td>$90,000</td>
<td>$137,100</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$90,000</td>
<td>$137,100</td>
</tr>
<tr>
<td>C. STATE INSURANCE FUND:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>State Insurance Fund</td>
<td>$620,600</td>
<td>$232,000</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$620,600</td>
<td>$232,000</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 31, 1977.
AN ACT
AMENDING SECTION 2, CHAPTER 131, LAWS OF 1976, BY INCREASING THE APPROPRIATION TO THE
DEPARTMENT OF LABOR AND INDUSTRIAL SERVICES 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; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 2, Chapter 131, Laws of 1976, be, and the same is hereby
amended to read as follows:

SECTION 2. There is hereby appropriated to the Department of Labor and Industrial Ser-
vices 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

<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:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Fund</td>
<td>$517,600</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>$132,900</td>
<td>$17,200</td>
<td></td>
<td></td>
<td>$150,100</td>
</tr>
<tr>
<td>B. INDUSTRIAL SAFETY BUREAU: FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Fund</td>
<td>$103,200</td>
<td>$36,000</td>
<td>$5,900</td>
<td></td>
<td>$225,300</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$103,200</td>
<td>$36,000</td>
<td>$5,900</td>
<td></td>
<td>$225,300</td>
</tr>
<tr>
<td>C. MINE SAFETY BUREAU: 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>
</tbody>
</table>
### D. UNIFORM BUILDING SAFETY BUREAU:

<table>
<thead>
<tr>
<th>FROM:</th>
<th>$</th>
<th>$</th>
<th>$</th>
<th>$</th>
<th>$</th>
</tr>
</thead>
<tbody>
<tr>
<td>Idaho Building Code Fund</td>
<td>426,500</td>
<td>164,700</td>
<td>86,200</td>
<td>679,400</td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>429,600</td>
<td>164,700</td>
<td>86,200</td>
<td>680,500</td>
<td></td>
</tr>
</tbody>
</table>

### E. ELECTRICAL SAFETY BUREAU:

<table>
<thead>
<tr>
<th>FROM:</th>
<th>$</th>
<th>$</th>
<th>$</th>
<th>$</th>
<th>$</th>
</tr>
</thead>
<tbody>
<tr>
<td>Electrical Board Fund</td>
<td>623,600</td>
<td>245,500</td>
<td>47,400</td>
<td>916,500</td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>675,600</td>
<td>245,500</td>
<td>47,400</td>
<td>968,500</td>
<td></td>
</tr>
</tbody>
</table>

### F. PLUMBING SAFETY BUREAU:

<table>
<thead>
<tr>
<th>FROM:</th>
<th>$</th>
<th>$</th>
<th>$</th>
<th>$</th>
<th>$</th>
</tr>
</thead>
<tbody>
<tr>
<td>Plumbing Board Fund</td>
<td>298,900</td>
<td>84,200</td>
<td>2,000</td>
<td>2,000</td>
<td>386,600</td>
</tr>
<tr>
<td>TOTAL</td>
<td>298,400</td>
<td>84,200</td>
<td>2,000</td>
<td>2,000</td>
<td>386,600</td>
</tr>
</tbody>
</table>

### G. WAGE & HOUR & LABOR RELATIONS BUREAU:

<table>
<thead>
<tr>
<th>FROM:</th>
<th>$</th>
<th>$</th>
<th>$</th>
<th>$</th>
<th>$</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Fund</td>
<td>74,800</td>
<td>18,500</td>
<td>2,000</td>
<td>95,300</td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>74,800</td>
<td>18,500</td>
<td>2,000</td>
<td>95,300</td>
<td></td>
</tr>
</tbody>
</table>

| GRAND TOTAL           | 1,900,900 | 590,300 | 150,800 | 2,644,000 |

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

Approved March 31, 1977.
CHAPTER 268
(H.B. No. 303)
AN ACT
AMENDING SENATE BILL NO. 1249 OF THE FIRST REGULAR SESSION, 
FORTY-FOURTH LEGISLATURE BY CHANGING THE SOURCE OF FUND­
ING FOR CAPITAL OUTLAY IN SECTION 2, PARAGRAPH D.

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

SECTION 1. The provisions of Section 2, Paragraph D, 
contained in Senate Bill No. 1249, First Regular Session, 
Forty-fourth Legislature, which appropriates $3,100 from the 
General Account to the Department of Parks and Recreation 
for capital outlay purposes, shall be disregarded so far as 
the appropriation from the General Account is concerned, and 
the appropriation shall be made in the same amount for the 
same purpose and for the same time period from the Federal 
Bureau of Outdoor Recreation Account.

Approved March 31, 1977.

CHAPTER 269
(H.B. No. 304)
AN ACT
APPROPRIATING MONEYS FROM THE GENERAL ACCOUNT TO THE SUPREME 
COURT FOR THE DESIGNATED PURPOSE FOR THE PERIOD JULY 1, 

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

SECTION 1. There is hereby appropriated to the Supreme 
Court from the General Account the sum of $119,600 for the 
period July 1, 1977, through June 30, 1978, for the purpose 
of providing funding for an additional third district judge 
and an additional fifth district judge with related expenses 
and benefits.

Approved March 31, 1977.
AN ACT


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 program, from the listed accounts, according to the designated standard expense classes for the period July 1, 1977, through June 30, 1978:

<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. WATER QUALITY: FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Account</td>
<td>$453,100</td>
<td>$98,000</td>
<td>$8,300</td>
<td>$559,400</td>
<td></td>
</tr>
<tr>
<td>Cooperative Welfare Account</td>
<td>350,500</td>
<td>523,800</td>
<td></td>
<td>874,300</td>
<td></td>
</tr>
<tr>
<td>Water Pollution Control Account</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>$803,600</td>
<td>$621,800</td>
<td>$8,300</td>
<td>$7,500,000</td>
<td>$8,933,700</td>
</tr>
</tbody>
</table>

SECTION 2. The State Auditor shall make transfers of the enumerated General Account moneys to the Cooperative Welfare Account of the Dedicated 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, 1977.
AN ACT


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 program, from the listed accounts, according to the designated standard expense classes for the period July 1, 1977, through June 30, 1978:

<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. HEALTH PLANNING AND RESOURCE DEVELOPMENT: FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Account</td>
<td>$313,500</td>
<td>$141,700</td>
<td></td>
<td></td>
<td>$455,200</td>
</tr>
<tr>
<td>Miscellaneous Receipts Account</td>
<td>92,000</td>
<td>10,400</td>
<td>$800</td>
<td></td>
<td>103,200</td>
</tr>
<tr>
<td>Cooperative Welfare Account</td>
<td>415,900</td>
<td>208,100</td>
<td>1,100</td>
<td>$750,000</td>
<td>1,375,100</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$821,400</td>
<td>$360,200</td>
<td>$1,900</td>
<td>$750,000</td>
<td>$1,933,500</td>
</tr>
</tbody>
</table>

SECTION 2. The State Auditor shall make transfers of the enumerated General Account moneys to the Cooperative Welfare Account of the Dedicated 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, 1977.
AN ACT

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 program, from the listed accounts, according to the designated standard expense classes for the period July 1, 1977, through June 30, 1978:

<table>
<thead>
<tr>
<th>PROGRAM</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>A. SUBSTANCE ABUSE:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Account</td>
<td>$ 313,000</td>
<td>$ 44,900</td>
<td>$ 331,700</td>
<td>1,071,000</td>
</tr>
<tr>
<td>Miscellaneous Receipts Account</td>
<td>17,900</td>
<td>27,000</td>
<td></td>
<td>44,900</td>
</tr>
<tr>
<td>Alcoholism Treatment Account</td>
<td>329,200</td>
<td>410,100</td>
<td>331,700</td>
<td>1,071,000</td>
</tr>
<tr>
<td>Cooperative Welfare Account</td>
<td>536,200</td>
<td>224,900</td>
<td>2,500</td>
<td>763,600</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$1,196,300</td>
<td>$662,100</td>
<td>$334,200</td>
<td>$2,192,500</td>
</tr>
</tbody>
</table>

SECTION 2. The State Auditor shall make transfers of the enumerated General Account moneys to the Cooperative Welfare Account of the Dedicated 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, 1977.
CHAPTER 273
(H.B. No. 316)

AN ACT

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 program, from the listed accounts, according to the designated standard expense classes for the period July 1, 1977, through June 30, 1978:

<table>
<thead>
<tr>
<th>FOR PROGRAM PERSONNEL OPERATING C. 273 '77</th>
<th>FOR CAPITAL COSTS EXPENDITURES</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. STATE YOUTH SERVICES CENTER: FROM:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Acct.</td>
<td>$ 747,800</td>
<td>$ 190,300</td>
</tr>
<tr>
<td>Miscellaneous Receipts</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Account</td>
<td>14,800</td>
<td></td>
</tr>
<tr>
<td>Cooperative Welfare</td>
<td>1,041,000</td>
<td>16,200</td>
</tr>
<tr>
<td>State Youth Training Center Income</td>
<td>187,900</td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>$1,803,600</td>
<td>$ 394,400</td>
</tr>
</tbody>
</table>

SECTION 2. The State Auditor shall make transfers of the enumerated General Account moneys to the Cooperative Welfare Account of the Dedicated 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, 1977.
AN ACT


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 program, from the listed accounts, according to the designated standard expense classes for the period July 1, 1977, through June 30, 1978:

<table>
<thead>
<tr>
<th>PROGRAM</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>A. ELIGIBILITY SERVICES:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM: General Account</td>
<td>$1,944,800</td>
<td>$98,800</td>
<td>$200</td>
<td>$2,843,800</td>
</tr>
<tr>
<td>Miscellaneous Receipts Account</td>
<td>34,300</td>
<td>55,700</td>
<td></td>
<td>90,000</td>
</tr>
<tr>
<td>Cooperative Welfare Account</td>
<td>2,396,200</td>
<td>1,007,400</td>
<td>1,300</td>
<td>3,404,900</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$4,375,300</td>
<td>$1,961,900</td>
<td>$1,500</td>
<td>$6,338,700</td>
</tr>
</tbody>
</table>

SECTION 2. The State Auditor shall make transfers of the enumerated General Account moneys to the Cooperative Welfare Account of the Dedicated 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, 1977.
CHAPTER 275
(H.B. No. 318)

AN ACT
APPROPRIATING MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE
TO BE EXPENDED FOR THE DESIGNATED PROGRAM, ACCORDING TO
THE DESIGNATED STANDARD EXPENDITURE CLASSES FROM THE
LISTED ACCOUNTS FOR THE PERIOD JULY 1, 1977, THROUGH
JUNE 30, 1978, AND PROVIDING THAT THE STATE AUDITOR
SHALL MAKE TRANSFERS FROM THE GENERAL ACCOUNT OF THE
STATE OPERATING FUND TO THE COOPERATIVE WELFARE ACCOUNT
OF THE DEDICATED 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 Depart­
ment of Health and Welfare the following amounts to be
expended for the designated program, from the listed
accounts, according to the designated standard expense clas­
ses for the period July 1, 1977, through June 30, 1978:

<table>
<thead>
<tr>
<th>PROGRAM FOR: TRUSTEE AND BENEFIT PAYMENTS</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. ADULT AND A.F.D.C. ASSISTANCE PAYMENTS:</td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
</tr>
<tr>
<td>General Account</td>
<td>$8,798,400</td>
</tr>
<tr>
<td>Cooperative Welfare Account</td>
<td>12,645,100</td>
</tr>
<tr>
<td>Miscellaneous Receipts Account</td>
<td>2,000,000</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$23,443,500</td>
</tr>
</tbody>
</table>

SECTION 2. The State Auditor shall make transfers of
the enumerated General Account moneys to the Cooperative
Welfare Account of the Dedicated 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, 1977.
CHAPTER 276
(H.B. No. 319)

AN ACT
RELATING TO THE AD VALOREM TAXATION OF RESIDENTIAL HOUSING;
AMENDING CHAPTER 3, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-307A, IDAHO CODE, TO PROVIDE UNIFORMITY IN THE TAXATION OF MOBILE HOMES WITH OTHER TRADITIONAL FORMS OF RESIDENTIAL HOUSING; AMENDING SECTION 63-1203, IDAHO CODE, TO STRIKE REFERENCES TO MOBILE HOMES; AND AMENDING SECTION 63-1310, IDAHO CODE, TO INCLUDE MOBILE HOMES.

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

SECTION 1. That Chapter 3, Title 63, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 63-307A, Idaho Code, and to read as follows:

63-307A. ASSESSMENT OF MOBILE HOMES. (a) For purposes of this section "mobile home" is defined as a structure transportable in one 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; and connected to required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein.

(b) Mobile homes shall be assessed in the same manner as other residential housing. The state tax commission shall issue a regulation setting forth the method by which all residential housing will be appraised for ad valorem taxation purposes. The method shall provide uniformity in the assessment of all residential housing. County assessors shall assess the values to compute property taxes as prescribed in this regulation.

(c) All assessments on residential property shall be entered on the county real property rolls in accordance with regulations issued by the tax commission. Owners of mobile homes shall receive notice of assessed taxes due, make payment thereof, and receive receipt of payment from the county treasurer pursuant to sections 63-1101 through 63-1108, Idaho Code, regardless of what property roll the assessment
is entered upon.

(d) Any tax delinquency of a mobile home owner arising by virtue of section 63-1102, Idaho Code, shall be duly entered and accounted for by the county treasurer on the county property rolls. When the delinquency is properly noted on the rolls, it shall be due and payable upon demand. If a mobile home owner fails to make timely payment of the first installment provided for, the entire tax shall become due and payable. If the taxpayer is unable to pay the first installment taxes due, he may appeal to the board of county commissioners for an extension. If sufficient information is given to satisfy the board that the first installment 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 payment of the first installment taxes, penalty and interest, not to exceed four (4) months. Otherwise, a warrant of distraint may be issued, served and executed to collect any tax deficiency of a mobile home owner pursuant to sections 63-1304 through 63-1308, Idaho Code. No extension shall be granted for second installment taxes.

SECTION 2. 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 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 property, after deducting the amount of any exemptions allowed. The following trailer-houses mobile homes are specifically exempt from the operation of this section, (a) mobile homes eligible to be used under a dealer's license plate; (b) trailer-houses mobile homes designated as sheep camps or cow camps; and (c) trailer houses defined as recreational vehicles.

SECTION 3. That Section 63-1310, Idaho Code, be, and the same is hereby amended to read as follows:

63-1310. REMOVAL OF PROPERTY FROM COUNTY TO AVOID TAX PENALTY. It shall be unlawful for any person, firm or corporation to move from the county or sell any personal property or mobile home with the intent of avoiding the payment of the current year's personal property taxes or without paying the taxes as provided for in section 63-1303 or 63-307A, Idaho Code. Any person, firm or corporation violating any of the provisions of this section shall be guilty of a misdemeanor, and upon conviction the person, firm or corporation shall, in addition to any penalty which the court may impose, pay to the tax collector a sum not in excess of double the amount of tax which was collectible on the property removed or sold, together with all costs and penalties provided for in this act. The excess sum shall be collected by the tax collector in the same manner as the original tax.

Approved March 31, 1977.
AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE TO BE EXPENDED FOR THE DESIGNATED PROGRAM, ACCORDING TO THE DESIGNATED STANDARD EXPENDITURE CLASSES FROM THE LISTED ACCOUNTS FOR THE PERIOD JULY 1, 1977, THROUGH JUNE 30, 1978; EXPRESSING LEGISLATIVE INTENT WITH RESPECT TO DEVELOPMENT OF A PLAN FOR PROVISION OF MENTAL HEALTH AND ALCOHOLISM TREATMENT SERVICES; AND PROVIDING THAT THE STATE AUDITOR SHALL MAKE TRANSFERS FROM THE GENERAL ACCOUNT OF THE STATE OPERATING FUND TO THE COOPERATIVE WELFARE ACCOUNT OF THE DEDICATED 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 program, from the listed accounts, according to the designated standard expense classes for the period July 1, 1977, through June 30, 1978:

<table>
<thead>
<tr>
<th>FOR</th>
<th>FOR</th>
<th>FOR</th>
</tr>
</thead>
<tbody>
<tr>
<td>PERSONNEL</td>
<td>OPERATING EXPENDITURES</td>
<td>CAPITAL OUTLAY</td>
</tr>
<tr>
<td>----------</td>
<td>---------------</td>
<td>---------------</td>
</tr>
<tr>
<td>A. INSTITUTIONAL MENTAL HEALTH:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Acct. $3,726,100</td>
<td>$ 60,400</td>
<td>$ 34,200</td>
</tr>
<tr>
<td>Miscellaneous Receipts Account 282,800</td>
<td>562,200</td>
<td></td>
</tr>
<tr>
<td>Cooperative Welfare Account 46,300</td>
<td></td>
<td></td>
</tr>
<tr>
<td>State Hospital North Income Account 211,200</td>
<td></td>
<td></td>
</tr>
<tr>
<td>State Hospital South Income Account 310,800</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Alcoholism Treatment Account 102,600</td>
<td>37,400</td>
<td></td>
</tr>
<tr>
<td>TOTAL $4,157,800</td>
<td>$1,182,000</td>
<td>$ 34,200</td>
</tr>
</tbody>
</table>

SECTION 2. It is legislative intent that the Department of Health and Welfare shall develop a five-year plan for the provision of mental health and alcoholism treatment services for
Regions one and two, not necessarily excluding utilization of the physical facilities of State Hospital North at Orofino. It is further legislative intent that $1,000 of the appropriation from the General Account made in Section 1, hereof, shall be used to pay for the development of such a plan.

The plan thus developed shall be reported to the Second Regular Session of the Forty-fourth Idaho Legislature by January 15, 1978.

SECTION 3. The State Auditor shall make transfers of the enumerated General Account moneys to the Cooperative Welfare Account of the Dedicated 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, 1977.
AN ACT

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 program, from the listed accounts, according to the designated standard expense classes for the period July 1, 1977, through June 30, 1978:

<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>FOR TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. 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 Account</td>
<td>$93,700</td>
<td></td>
<td></td>
<td>$75,800</td>
<td>$169,500</td>
</tr>
<tr>
<td>Miscellaneous Receipts</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Account</td>
<td>$52,500</td>
<td>$30,000</td>
<td></td>
<td></td>
<td>82,500</td>
</tr>
<tr>
<td>Cooperative Welfare Account</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>227,400</td>
</tr>
<tr>
<td>Idaho Veterans Home Income Account</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>$321,100</td>
<td>$154,600</td>
<td>$30,000</td>
<td></td>
<td>581,500</td>
</tr>
</tbody>
</table>

SECTION 2. The State Auditor shall make transfers of the enumerated General Account moneys to the Cooperative Welfare Account of the Dedicated 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, 1977.
CHAPTER 279
(H.B. No. 307)

AN ACT

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 program, from the listed accounts, according to the designated standard expense classes for the period July 1, 1977, through June 30, 1978:

<table>
<thead>
<tr>
<th>FOR:</th>
<th>FOR:</th>
<th>FOR:</th>
</tr>
</thead>
<tbody>
<tr>
<td>PROGRAM PERSONNEL</td>
<td>OPERATING EXPENDITURES</td>
<td>TRUSTEE AND BENEFIT</td>
</tr>
<tr>
<td>COSTS</td>
<td></td>
<td>TOTAL</td>
</tr>
<tr>
<td>A. EMERGENCY MEDICAL SERVICES:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Account</td>
<td></td>
<td></td>
</tr>
<tr>
<td>$ 147,600</td>
<td>$ 171,800</td>
<td>$ 319,400</td>
</tr>
<tr>
<td>Miscellaneous Receipts Account</td>
<td></td>
<td></td>
</tr>
<tr>
<td>$ 290,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cooperative Welfare Account</td>
<td></td>
<td></td>
</tr>
<tr>
<td>79,400</td>
<td>208,300</td>
<td>717,300</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$227,000</td>
<td>$380,100</td>
</tr>
<tr>
<td></td>
<td>$1,007,300</td>
<td>$1,614,400</td>
</tr>
</tbody>
</table>

SECTION 2. The State Auditor shall make transfers of the enumerated General Account moneys to the Cooperative Welfare Account of the Dedicated 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. In the event that Federal Funds are received for
use in the program indicated in Section 1, hereof, in excess of
the amount appropriated from the cooperative Welfare Account, the
appropriation from the General Account, made by Section 1,
hereof, shall be reduced by a like amount, not to exceed $4,600,
and such reduction shall be allowed to revert to the General

Approved March 31, 1977.

CHAPTER 280
(H.B. No. 309)
AN ACT

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 program, from the listed accounts, according to the designated standard expense classes for the period July 1, 1977, through June 30, 1978:

<table>
<thead>
<tr>
<th>PROGRAM</th>
<th>PERSONNEL OPERATING COSTS</th>
<th>INSTITUTIONAL DEVELOPMENTAL DISABILITIES</th>
</tr>
</thead>
<tbody>
<tr>
<td>INSTITUTIONAL DEVELOPMENTAL DISABILITIES</td>
<td>$1,151,200</td>
<td>$ 1,336,900</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>FROM:</th>
<th>GENERAL ACCOUNT</th>
<th>MISCELLANEOUS RECEIPTS</th>
<th>COOPERATIVE WELFARE</th>
</tr>
</thead>
<tbody>
<tr>
<td>$1,151,200</td>
<td>$ 1,336,900</td>
<td>$ 6,459,500</td>
<td></td>
</tr>
</tbody>
</table>

TOTAL $7,718,900

SECTION 2. The State Auditor shall make transfers of the enumerated General Account moneys to the Cooperative Welfare Account of the Dedicated 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, 1977.
AN ACT
EXPRESSING LEGISLATIVE INTENT WITH RESPECT TO EXPENDITURES FOR THE OFFICE OF THE GOVERNOR; APPROPRIATING MONEYS FROM THE ACCOUNT ENUMERATED TO THE OFFICE OF THE GOVERNOR TO BE EXPENDED FOR DESIGNATED PROGRAMS ACCORDING TO DESIGNATED EXPENSE CLASSES FROM THE LISTED ACCOUNT FOR THE PERIOD JULY 1, 1977, THROUGH JUNE 30, 1978; APPROPRIATING MONEY FROM THE GENERAL FUND TO THE GOVERNOR'S EMERGENCY FUND; 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 Office of the Governor as set forth in section 2, not exceed the following amounts for the period July 1, 1977, through June 30, 1978:

<table>
<thead>
<tr>
<th>FOR:</th>
<th>FROM:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel Costs</td>
<td>General Account</td>
</tr>
<tr>
<td>Operating Expenditures</td>
<td>$219,000</td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>101,200</td>
</tr>
<tr>
<td>Trustee and Benefit Payments</td>
<td>47,900</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$374,600</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 the expense classes designated therein from the listed accounts for the period July 1, 1977, through June 30, 1978:

<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 Account</td>
<td>$ 212,000</td>
<td>$ 88,500</td>
<td>$ 3,000</td>
<td>$ 47,900</td>
<td>$ 303,500</td>
</tr>
<tr>
<td>B. RESIDENCE AND EXPENSE:</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 Account</td>
<td>$ 7,000</td>
<td>$ 12,700</td>
<td>$ 3,500</td>
<td>$ 47,900</td>
<td>$ 23,200</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 Account</td>
<td>$ 219,000</td>
<td>$ 101,200</td>
<td>$ 6,500</td>
<td>$ 47,900</td>
<td>$ 374,600</td>
</tr>
</tbody>
</table>
SECTION 3. There is hereby appropriated to the Governor's Emergency Fund the amount of $225,000 from the General Fund.

SECTION 4. There being an emergency, which emergency is hereby declared to exist, section 3 of this act shall be in full force and effect on and after its passage and approval.

Approved March 31, 1977.
CHAPTER 283
(S.B. No. 1273)

AN ACT
RELATING TO THE DUTIES OF THE LIEUTENANT-GOVERNOR; AMENDING SECTION 67-809, IDAHO CODE, TO STRIKE REFERENCES TO THE DUTY OF THE LIEUTENANT-GOVERNOR TO PREPARE LEGISLATIVE CHAMBERS, TO STRIKE REFERENCES TO DUTIES ASSIGNED BY THE LEGISLATURE, TO PROVIDE FOR PAYMENT OF UNVOUCHERED EXPENSE ALLOWANCES WHILE SERVING AS PRESIDENT OF THE SENATE, TO PROVIDE THAT PAYMENTS FOR DUTIES PERFORMED AS PRESIDENT OF THE SENATE SHALL BE FROM THE LEGISLATIVE FUND, AND THAT PAYMENTS FOR DUTIES PERFORMED AS LIEUTENANT-GOVERNOR SHALL BE FROM THE APPROPRIATION MADE TO THE OFFICE; AMENDING SECTION 67-810, IDAHO CODE, TO STRIKE REFERENCES TO EMPLOYEES NEEDED TO PREPARE LEGISLATIVE CHAMBERS; DECLARING AN EMERGENCY AND PROVIDING FOR RETROACTIVE APPLICATION.

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

SECTION 1. That Section 67-809, Idaho Code, be, and the same is hereby amended to read as follows:

67-809. DUTIES OF LIEUTENANT-GOVERNOR -- ACTUAL AND NECESSARY EXPENSES ----PREPARATION-BY-LIEUTENANT-GOVERNOR FOR-CONVENING-OF-SESSIONS-OF-LEGISLATURE. It shall be the duty of the lieutenant-governor of the state of Idaho, immediately preceding the convening of any regular or special session of the state legislature, to prepare the senate chamber, house chamber, and other rooms required for said session, have the necessary telephones installed, rent the furniture, typewriters, etc., required, and purchase necessary dockets and supplies, and to make all necessary and required arrangements pursuant thereto.

The lieutenant-governor in addition shall perform on a day to day basis such duties in and for the government of this state as the governor and/or the legislature may from time to time direct. The lieutenant-governor shall perform such additional duties as the governor and/or the legislature may deem necessary and desirable to promote the improvement of state government and the development of the human, natural and industrial resources of this state. At
the written direction of the governor and/or the legislature, the lieutenant-governor may represent the state in negotiations, compacts, hearings and other matters dealing with the states or the federal government. He shall cooperate with all state and local governmental agencies to promote and encourage the orderly development of the resources of Idaho.

The lieutenant-governor, while performing the duties of his office on a day to day basis, shall receive his actual and necessary expenses, as such are defined in Article IV, section 19, Idaho Constitution. The lieutenant-governor, while serving as president of the senate, shall receive the same unvouchered expense allowances on a day to day basis as are provided the speaker of the house of representatives. The his actual and necessary expenses of the lieutenant-governor on a day to day basis are hereby expressly defined as being the same total daily amount paid during the first sixty (60) days of a regular session as unvouchered expense allowances to the lieutenant-governor while acting as president of the senate, together with its actual travel and lodging expense.

Unvouchered expense allowances and vouchered expense reimbursement for duties performed as president of the senate shall be paid from the legislative fund. All compensation and/or allowances for duties performed as the lieutenant-governor shall be paid from the appropriation made for the office of the lieutenant-governor.

The actual and necessary expenses of the lieutenant-governor while performing his official duties are hereby expressly exempted from the provisions of section 67-2007 and section 67-2008, Idaho Code (Standard Travel Pay and Allowance Act of 1949).

SECTION 2. That Section 67-810, Idaho Code, be, and the same is hereby amended to read as follows:

67-810. EMPLOYEES. The--lieutenant-governor-is-author­ized-to-employ-all-necessary-help-and-assistance-in--prepar­ing--the--legislative--chambers--and--the-expense-and-costs thereof-shall-be-paid-from-the-legislative--current--expense appropriation--for-the--session--for-which-preparations-are made: The lieutenant-governor is also authorized to employ such necessary help in the performance of his official duties as shall be necessary, and the cost and expense thereof shall be paid out of the regular appropriation for the lieutenant-governor.

Approved March 31, 1977.
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 ACCOUNTS FOR THE PERIOD JULY 1, 1977, THROUGH JUNE 30, 1978.

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 accounts for the period July 1, 1977, through June 30, 1978:

<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>General Account</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>$200,000</td>
</tr>
<tr>
<td>B. VOCATIONAL REHABILITATION:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Account</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vocational Rehabilitation</td>
<td>$1,766,700</td>
<td>$415,800</td>
<td>$22,500</td>
<td>$3,668,200</td>
<td>$5,873,200</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>GRAND TOTAL</td>
<td>$1,766,700</td>
<td>$415,800</td>
<td>$22,500</td>
<td>$3,668,200</td>
<td>$6,073,200</td>
</tr>
</tbody>
</table>

Approved March 31, 1977.
CHAPTER 285
(S.B. No. 1275)

AN ACT
RELATING TO MOTOR VEHICLE LICENSE PLATES; AMENDING CHAPTER 2, TITLE 49, IDAHO CODE, BY THE ADDITION THERETO OF A NEW SECTION 49-236, IDAHO CODE, TO PROVIDE SPECIAL LICENSE PLATES FOR THE HANDICAPPED, TO PROVIDE DEFINITIONS, TO PROVIDE IMPLEMENTATION BY THE DIRECTOR OF THE DEPARTMENT OF LAW ENFORCEMENT, TO PROVIDE FEES, TO PROVIDE STYLE OF PLATES, AND TO AUTHORIZE PARKING PRIVILEGES FOR VEHICLES DISPLAYING THE PLATE.

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

SECTION 1. That Chapter 2, Title 49, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 49-236, Idaho Code, and to read as follows:

49-236. SPECIAL LICENSE PLATES FOR HANDICAPPED.
(1) Any motor vehicle which is owned by or used primarily to transport a handicapped person or persons shall be eligible for the use of special license plates in lieu of regular numbered license plates.

(2) A "handicapped person" means a person who is so severely disabled as to be unable to move without the aid of a mechanical device.

(3) The director of the department of law enforcement shall specify the form of applications for special license plates for the handicapped, and provide for implementation of the provisions of this section.

(4) Fees for special license plates for the handicapped shall be as provided in section 49-126, Idaho Code.

(5) Special license plates for the handicapped shall be the same size and color as other license plates, and shall have displayed upon them the registration numbers assigned to the vehicle and to the owner thereof. The plates shall be numbered in a manner prescribed by the director of the
department of law enforcement, but all such plates shall display the international handicapped symbol as shown herein.

International Handicapped Symbol

(6) Local governments may designate parking zones to be used exclusively by vehicles displaying a special license plate for the handicapped, the zone shall be identified by blue marking.

Approved March 31, 1977.

CHAPTER 286
(S.B. No. 1191)

AN ACT
APPROPRIATING MONEYS FROM THE WATER POLLUTION CONTROL FUND TO THE SCHOOL DISTRICT BUILDING ACCOUNT.

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

SECTION 1. There is hereby appropriated for the period beginning July 1, 1977, from the water pollution control fund created by section 39-3605, Idaho Code, one million dollars ($1,000,000) to the school district building account established by section 33-905, Idaho Code. The provisions of this appropriation specifically supersede the provisions of section 39-3606, Idaho Code, and shall precede all appropriations from the fund as provided in that section.

Approved March 31, 1977.
CHAPTER 287
(S.B. No. 1312)

AN ACT
APPROPRIATING MONEY FROM THE GENERAL ACCOUNT TO THE SCHOOL DISTRICT BUILDING ACCOUNT.

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

SECTION 1. There is hereby appropriated the amount of $690,000 from the General Account to the School District Building Account.

Approved March 31, 1977.
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 program, from the listed accounts, according to the designated standard expense classes for the period July 1, 1977, through June 30, 1978:

<table>
<thead>
<tr>
<th>PROGRAM</th>
<th>TRUSTEE AND BENEFIT PAYMENTS</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. MEDICAID PAYMENTS: FROM:</td>
<td>$13,523,700</td>
<td>$13,523,700</td>
</tr>
<tr>
<td>General Account</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cooperative Welfare Account</td>
<td>25,901,800</td>
<td>25,901,800</td>
</tr>
<tr>
<td>Liquor Account</td>
<td>650,000</td>
<td>650,000</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$40,075,500</td>
<td>$40,075,500</td>
</tr>
</tbody>
</table>

SECTION 2. The State Auditor shall make transfers of the enumerated General Account moneys to the Cooperative Welfare Account of the Dedicated 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, 1977.
AN ACT


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 program, from the listed accounts, according to the designated standard expense classes for the period July 1, 1977, through June 30, 1978:

<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. SOCIAL SERVICES: FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Account</td>
<td>$1,610,400</td>
<td>$668,800</td>
<td>$2,200</td>
<td>$800,500</td>
<td>$3,101,900</td>
</tr>
<tr>
<td>Cooperative Welfare Account</td>
<td>5,335,000</td>
<td>2,020,200</td>
<td></td>
<td>677,100</td>
<td>8,032,300</td>
</tr>
<tr>
<td>Miscellaneous Receipts Account</td>
<td>51,000</td>
<td>37,400</td>
<td></td>
<td>69,200</td>
<td>157,600</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$6,996,400</td>
<td>$2,746,400</td>
<td>$2,200</td>
<td>$1,546,800</td>
<td>$11,291,800</td>
</tr>
</tbody>
</table>

SECTION 2. The State Auditor shall make transfers of the enumerated General Account moneys to the Cooperative Welfare Account of the Dedicated 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, 1977.
AN ACT


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 program, from the listed accounts, according to the designated standard expense classes for the period July 1, 1977, through June 30, 1978:

<table>
<thead>
<tr>
<th>FOR</th>
<th>FOR</th>
<th>FOR</th>
</tr>
</thead>
<tbody>
<tr>
<td>PROGRAM</td>
<td>PERSONNEL</td>
<td>OPERATING</td>
</tr>
<tr>
<td>COSTS</td>
<td>EXPENDITURES</td>
<td>OUTLAY</td>
</tr>
</tbody>
</table>

A. LABORATORY SERVICES:

FROM:

General
Account $804,600 $110,500 $9,200 $924,300
Misc. Receipts
Account 54,500 25,100 79,600
Cooperative Welfare
Account 355,300 123,400 28,000 506,700

TOTAL $1,214,400 $259,000 $37,200 $1,510,600

SECTION 2. The State Auditor shall make transfers of the enumerated General Account moneys to the Cooperative Welfare Account of the Dedicated 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. In the event that federal funds are received for
use in the program indicated in Section 1, hereof, in excess of the amount appropriated from the Cooperative Welfare Account, the appropriation from the General Account, made by Section 1, hereof, shall be reduced by a like amount, not to exceed $42,200, and such reduction shall be allowed to revert to the General Account on June 30, 1978.

Approved March 31, 1977.
AN ACT
APPROPRIATING MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE TO BE EXPENDED FOR THE DESIG- 
NATED PROGRAM, ACCORDING TO THE DESIGNATED STANDARD EXPENDITURE CLASSES FROM THE LISTED 
ACCOUNTS FOR THE PERIOD JULY 1, 1977, THROUGH JUNE 30, 1978, AND PROVIDING THAT THE 
STATE AUDITOR SHALL MAKE TRANSFERS FROM THE GENERAL ACCOUNT OF THE STATE OPERATING FUND 
TO THE COOPERATIVE WELFARE ACCOUNT OF THE DEDICATED 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 approp riated to the Department of Health and Welfare the 
following amounts to be expended for the designated program, from the listed accounts, 
according to the designated standard expense classes for the period July 1, 1977, through 
June 30, 1978:

<table>
<thead>
<tr>
<th>PROGRAM</th>
<th>A. COMMUNITY MENTAL HEALTH:</th>
</tr>
</thead>
<tbody>
<tr>
<td>FROM:</td>
<td>General Account</td>
</tr>
<tr>
<td></td>
<td>Miscellaneous Receipts Account</td>
</tr>
<tr>
<td></td>
<td>Cooperative Welfare Account</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$1,794,000</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>FOR</th>
<th>PERSONNEL COSTS</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$1,579,100</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>FOR</th>
<th>OPERATING EXPENDITURES</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$235,900</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>FOR</th>
<th>TRUSTEE AND BENEFIT PAYMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$197,500</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>TOTAL</th>
<th>$208,000</th>
</tr>
</thead>
</table>

SECTION 2. The State Auditor shall make transfers of the enumerated General Account 
moneys to the Cooperative Welfare Account of the Dedicated 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, 1977.
AN ACT


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 program, from the listed accounts, according to the designated standard expense classes for the period July 1, 1977, through June 30, 1978:

<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. COMMUNITY DEVELOPMENTAL DISABILITIES:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>GENERAL ACCOUNT</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>$2,258,900</td>
<td>$432,800</td>
<td>$8,500</td>
<td>$35,000</td>
<td>$2,735,200</td>
<td></td>
</tr>
<tr>
<td>MISCELLANEOUS RECEIPTS</td>
<td>942,900</td>
<td>225,000</td>
<td>9,200</td>
<td>1,177,100</td>
<td></td>
</tr>
<tr>
<td>COOPERATIVE WELFARE ACCOUNT</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>$3,241,800</td>
<td>$657,800</td>
<td>$17,700</td>
<td>$35,000</td>
<td>$4,062,300</td>
<td></td>
</tr>
</tbody>
</table>

SECTION 2. It is legislative intent that of the appropriation from the General Account made in Section 1, hereof, $35,000 shall be used by the Department of Health and Welfare to establish a pilot program for the provision of "respite care."

SECTION 3. The State Auditor shall make transfers of the enumerated General Account moneys to the Cooperative Welfare Account of the Dedicated 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, 1977.
CHAPTER 293
(S.B. No. 1307)

AN ACT

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 program, from the listed accounts, according to the designated standard expense classes for the period July 1, 1977, through June 30, 1978:

| FOR PROGRAM PERSONNEL OPERATING COSTS |
|-----------------|-----------------|-----------------|-----------------|
| TOTAL           | TOTAL           | TOTAL           |
| FROM:           | FROM:           | FROM:           |
| General Acct.$2,397,400 | $1,401,300     | $6,700          | $3,805,400      |
| Miscellaneous Receipts Account 9,500 | 100,000         | 109,500         |
| Cooperative Welfare Account 1,315,900 | 590,500         | 1,906,400       |
| TOTAL $3,722,800 | $2,091,800      | $6,700          | $5,821,300      |

SECTION 2. The State Auditor shall make transfers of the enumerated General Account moneys to the Cooperative Welfare Account of the Dedicated 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, 1977.
CHAPTER 294
(S.B. No. 1308)

AN ACT

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 program, from the listed accounts, according to the designated standard expense classes for the period July 1, 1977, through June 30, 1978:

<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. ENVIRONMENTAL HEALTH: FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Acct.</td>
<td>$537,700</td>
<td>$76,800</td>
<td>$300</td>
<td>$614,800</td>
</tr>
<tr>
<td>Cooperative Welfare Account</td>
<td>127,400</td>
<td>91,500</td>
<td></td>
<td>218,900</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$665,100</td>
<td>$168,300</td>
<td>$300</td>
<td>$833,700</td>
</tr>
</tbody>
</table>

SECTION 2. The State Auditor shall make transfers of the enumerated General Account moneys to the Cooperative Welfare Account of the Dedicated 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, 1977.
AN ACT
AMENDING SECTION 1, CHAPTER 196, LAWS OF 1976, BY INCREASING THE APPROPRIATION TO THE STATE BOARD OF EDUCATION FOR VOCATIONAL REHABILITATION BY THE AMOUNT OF $50,000 FROM THE MISCELLANEOUS RECEIPTS FUND TO BE EXPENDED FOR DESIGNATED PROGRAMS, ACCORDING TO DESIGNATED EXPENSE CLASSES FOR THE PERIOD JULY 1, 1976, THROUGH JUNE 30, 1977; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 1, Chapter 196, Laws of 1976, be, and the same is hereby amended to read as follows:

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>Misc.Receipts Fund</td>
<td>$50,000</td>
<td>$50,000</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Fund</td>
<td>$190,000</td>
<td>$190,000</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>$190,000</td>
<td>$190,000</td>
<td></td>
<td></td>
<td>$380,000</td>
</tr>
<tr>
<td>B. VOCATIONAL REHABILITATION:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Fund</td>
<td>$900,000</td>
<td>$900,000</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vocational Rehabilitation Fund</td>
<td>$2,807,700</td>
<td>$5,075,400</td>
<td></td>
<td></td>
<td>$7,883,100</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$2,807,700</td>
<td>$5,075,400</td>
<td></td>
<td></td>
<td>$7,883,100</td>
</tr>
<tr>
<td>C. DISABILITY DETERMINATIONS:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Federal Disability Determinations Fund</td>
<td>$480,400</td>
<td>$500</td>
<td></td>
<td></td>
<td>$510,400</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$480,400</td>
<td>$500</td>
<td></td>
<td></td>
<td>$510,400</td>
</tr>
<tr>
<td>GRAND TOTAL</td>
<td>$2,282,100</td>
<td>$497,900</td>
<td>$64,100</td>
<td></td>
<td>$3,844,100</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 31, 1977.
AN ACT
AMENDING SECTION 2, CHAPTER 205, LAWS OF 1976, RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF ADMINISTRATION BY ADJUSTING THE APPROPRIATIONS FOR VARIOUS PROGRAMS AND APPROPRIATING $78,500 FROM THE GENERAL FUND FOR SPACE PLANNING ON NEW BUILDINGS; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 2, Chapter 205, Laws of 1976, 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, 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>$66,700</td>
<td>$26,700</td>
<td></td>
<td></td>
<td>$93,400</td>
</tr>
<tr>
<td></td>
<td>73,300</td>
<td>105,200</td>
<td></td>
<td></td>
<td>178,500</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$66,700</td>
<td>$26,700</td>
<td></td>
<td></td>
<td>178,500</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>$91,500</td>
<td>$13,200</td>
<td></td>
<td></td>
<td>$104,700</td>
</tr>
<tr>
<td></td>
<td>83,400</td>
<td>105,200</td>
<td></td>
<td></td>
<td>188,600</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$91,500</td>
<td>$13,200</td>
<td></td>
<td></td>
<td>188,600</td>
</tr>
<tr>
<td>III. GENERAL SERVICES --</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>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>$46,700</td>
<td>$7,700</td>
<td></td>
<td></td>
<td>$54,400</td>
</tr>
<tr>
<td></td>
<td>41,700</td>
<td>49,400</td>
<td></td>
<td></td>
<td>91,100</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$46,700</td>
<td>$7,700</td>
<td></td>
<td></td>
<td>54,400</td>
</tr>
</tbody>
</table>

(S.B. No. 1300)

CHAPTER 296

IDAHO SESSION LAWS

C 36 77
<table>
<thead>
<tr>
<th>Service Description</th>
<th>FROM:</th>
<th>General Fund</th>
<th>General Interaccount Fund</th>
<th>TOTAL</th>
<th>General Fund</th>
<th>General Interaccount Fund</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>V. GENERAL SERVICES -- POSTAL:</td>
<td>$ 94,200</td>
<td>$ 14,400</td>
<td>$ 4,500</td>
<td>$ 113,100</td>
<td>$ 1,000,000</td>
<td>$ 1,000,000</td>
<td></td>
</tr>
<tr>
<td>V. GENERAL SERVICES -- TELEPHONE:</td>
<td>$ 29,000</td>
<td>$ 33,100</td>
<td></td>
<td>$ 2,162,100</td>
<td>$ 2,100,000</td>
<td>$ 2,100,000</td>
<td></td>
</tr>
<tr>
<td>VI. GENERAL SERVICES -- RADIO:</td>
<td>$ 7,700</td>
<td>$ 18,800</td>
<td>$ 56,200</td>
<td>$ 82,700</td>
<td>$ 7,700</td>
<td>$ 18,800</td>
<td>$ 26,500</td>
</tr>
<tr>
<td>VII. GENERAL SERVICES -- RECORDS MANAGEMENT:</td>
<td>$ 408,000</td>
<td>$ 228,800</td>
<td>$ 105,000</td>
<td>$ 374,600</td>
<td>$ 408,000</td>
<td>$ 228,800</td>
<td>$ 636,800</td>
</tr>
<tr>
<td>VIII. GENERAL SERVICES -- PRINTING:</td>
<td>$ 213,600</td>
<td>$ 391,700</td>
<td>$ 9,800</td>
<td>$ 615,100</td>
<td>$ 213,600</td>
<td>$ 391,700</td>
<td>$ 615,100</td>
</tr>
<tr>
<td>IX. PUBLIC WORKS -- ADMINISTRATION:</td>
<td>$ 285,000</td>
<td>$ 73,600</td>
<td>$ 3,500</td>
<td>$ 362,100</td>
<td>$ 285,000</td>
<td>$ 73,600</td>
<td>$ 362,100</td>
</tr>
<tr>
<td>X. PUBLIC WORKS -- BUILDING SERVICE:</td>
<td>$ 671,400</td>
<td>$ 169,100</td>
<td>$ 526,300</td>
<td>$ 1,366,800</td>
<td>$ 671,400</td>
<td>$ 169,100</td>
<td>$ 1,020,000</td>
</tr>
</tbody>
</table>
XI. PURCHASING:

FROM:
- General Fund
  - $152,000
  - $34,400
  - $600
  - $187,000
- TOTAL
  - $152,000
  - $34,400
  - $600
  - $187,000

XII. BUREAU OF SUPPLIES:

FROM:
- General Interaccount Fund
  - $21,800
  - $26,800
  - $10,000
  - $58,600
- TOTAL
  - $21,800
  - $26,800
  - $10,000
  - $58,600

XIII. RISK MANAGEMENT:

FROM:
- Risk Retention Fund
  - $51,000
  - $11,600
  - $500
  - $1,457,500
  - $1,520,600
- TOTAL
  - $51,000
  - $11,600
  - $500
  - $1,457,500
  - $1,520,600

XIV. FEDERAL SURPLUS PROPERTY:

FROM:
- Surplus Property Revolving Fund
  - $124,400
  - $67,900
  - $192,300
- TOTAL
  - $124,400
  - $67,900
  - $192,300

XV. GENERAL SERVICES -- CENTRAL PROPERTY:

FROM:
- General Fund
  - $20,700
  - $24,700
  - $500
  - $45,900
- General Interaccount Fund
  - $6,200
  - $5,800
  - $12,000
- TOTAL
  - $26,900
  - $30,500
  - $500
  - $57,900

XVI. INTERN:

FROM:
- General Fund
  - $10,500
  - $10,500
- TOTAL
  - $10,500
  - $10,500

XVII. EMPLOYEES GROUP INSURANCE:

FROM:
- Employees Group Insurance Fund
  - $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 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, 1977.
CHAPTER 297
(S.B. No. 1311)

AN ACT
RELATING TO AUTHORITY OF THE LEGISLATIVE AUDITOR; AMENDING SECTION 67-449, IDAHO CODE, TO EXTEND AUTHORITY OF THE LEGISLATIVE AUDITOR TO EXAMINE THE ACCOUNTS OF ENTITIES CONTRACTING FOR HEALTH AND WELFARE SERVICES WITH THE STATE OF IDAHO.

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

SECTION 1. That Section 67-449, Idaho Code, be, and the same is hereby amended to read as follows:

67-449. ADDITIONAL AUTHORITY OF LEGISLATIVE AUDITOR. As directed by the legislature, the legislative auditor is hereby authorized:

(1) To make a complete audit of any and every fund in the state treasury at least once in every two (2) fiscal years;

(2) To supervise and examine the accounts and expenditures of the several departments and public institutions of the state and all political subdivisions thereof;

(3) To inspect securities held by the several departments and public institutions of the state and the political subdivisions thereof;

(4) To examine, at any and all times, the accounts of every private corporation, institution, association, or board receiving appropriations from the legislature or contracting for health and welfare services with the state of Idaho;

(5) To demand and receive reports from the state treasurer, state auditor, state commissioner of finance, and any other officer or agency, and from the several state depositories;

(6) To publish, from time to time, for the information of the several departments and of the general public, bulletins of the works of government; and

(7) To report to the attorney general, for such action, civil or criminal, as the attorney general may deem necessary, all facts showing illegal expenditure of the public money or misappropriation of the public money or misappropriation of the public property.
All reports, findings and audits of the legislative auditor shall be submitted to the legislature and to the governor.

Approved March 31, 1977.
AN ACT

EXpressing legislative intent with respect to Expenditures for the Department of Labor and Industrial Services; and Appropriating Moneys from the Accounts Enumerated to the Department of Labor and Industrial Services to be Expended for Designated Programs According to Designated Expense Classes from the Listed Accounts for the Period July 1, 1977, through June 30, 1978.

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

SECTION 1. It is legislative intent that the expenditures for the Department of Labor and Industrial Services not exceed the following amounts for the period July 1, 1977, through June 30, 1978:

FOR:
Personnel Costs $1,917,400
Operating Expenditures 625,700
Capital Outlay 164,000
Trustee & Benefit Payments 2,000
TOTAL $2,709,100

FROM:
General Account 532,500
Miscellaneous Receipts Account 15,000
Electrical Board Account 1,025,800
Plumbing Board Account 519,200
Idaho Building Code Account 586,300
General Interaccount Account 5,000
Idaho Private Contractors Account 25,300
TOTAL $2,709,100

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 accounts for the period July 1, 1977, through June 30, 1978:

<table>
<thead>
<tr>
<th>PROGRAM</th>
<th>FOR PERSONNEL COSTS</th>
<th>FOR OPERATING EXPENSES</th>
<th>FOR CAPITAL OUTLAY</th>
<th>FOR TRUSTEE AND BENEFIT PAYMENTS</th>
<th>TOTAL</th>
</tr>
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<tbody>
<tr>
<td>A. ADMINISTRATION:</td>
<td></td>
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<tr>
<td>FROM:</td>
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<tr>
<td>General Account</td>
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<td>$ 7,900</td>
<td>$ 800</td>
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<td>4,100</td>
<td>500</td>
<td>33,600</td>
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<tr>
<td>Idaho Building Code Account</td>
<td>29,000</td>
<td>4,100</td>
<td>500</td>
<td>33,600</td>
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<tr>
<td>Account</td>
<td>Amount</td>
<td>Amount</td>
<td>Amount</td>
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<tr>
<td>Plumbing Board Account</td>
<td>28,100</td>
<td>4,100</td>
<td>400</td>
<td>32,600</td>
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</tr>
<tr>
<td>Misc. Receipts Account</td>
<td>15,000</td>
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<td>15,000</td>
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<td></td>
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<tr>
<td>General Interaccount</td>
<td></td>
<td>5,000</td>
<td></td>
<td>5,000</td>
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<td>TOTAL</td>
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<td>$40,200</td>
<td>$2,200</td>
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<tr>
<td>B. INDUSTRIAL SAFETY BUREAU:</td>
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<tr>
<td>FROM:</td>
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<tr>
<td>General Account</td>
<td>179,100</td>
<td>6,000</td>
<td>8,900</td>
<td>224,000</td>
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</tr>
<tr>
<td>C. MINE SAFETY BUREAU:</td>
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<tr>
<td>FROM:</td>
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<tr>
<td>General Account</td>
<td>111,200</td>
<td>24,200</td>
<td>6,900</td>
<td>142,300</td>
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</tr>
<tr>
<td>D. UNIFORM BUILDING SAFETY BUREAU:</td>
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<tr>
<td>FROM:</td>
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<tr>
<td>Idaho Bldg. Code Account</td>
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<td>144,700</td>
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<td>E. ELECTRICAL SAFETY BUREAU:</td>
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<tr>
<td>FROM:</td>
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</tr>
<tr>
<td>Electrical Board Account</td>
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<td>255,500</td>
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<td>992,200</td>
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<tr>
<td>F. PLUMBING SAFETY BUREAU:</td>
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<tr>
<td>FROM:</td>
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<td></td>
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<tr>
<td>Plumbing Board Account</td>
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<td>101,700</td>
<td>55,500</td>
<td>486,600</td>
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<tr>
<td>G. WAGE &amp; HOUR &amp; LABOR RELATIONS BUREAU:</td>
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<tr>
<td>FROM:</td>
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<td>General Account</td>
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<td>Idaho Private Contractors Account</td>
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<td>25,300</td>
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<td>TOTAL</td>
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<td>$9,500</td>
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<tr>
<td>GRAND TOTAL</td>
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<td>$625,700</td>
<td>$164,000</td>
<td>$2,709,100</td>
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</table>

Approved March 31, 1977.
C. 299 '77

IDAHO SESSION LAWS 837

CHAPTER 299
(S.B. No. 1203)

AN ACT
RELATING TO PROCEDURES UPON APPEAL FROM ORDERS OF THE IDAHO PUBLIC UTILITIES COMMISSION; REPEALING SECTIONS 61-620, 61-627, 61-628, 61-632 AND 61-639, IDAHO CODE, RELATING TO APPEALS TO THE SUPREME COURT FROM THE IDAHO PUBLIC UTILITIES COMMISSION; AMENDING CHAPTER 6, TITLE 61, IDAHO CODE, BY ADDING A NEW SECTION TO BE KNOWN AS SECTION 61-627, IDAHO CODE, TO PRESCRIBE WHICH DECISIONS OR ORDERS ARE APPEALABLE TO THE SUPREME COURT AS A MATTER OF RIGHT, TO PROVIDE THAT THE METHOD OF TAKING AN APPEAL AND PROVIDING A RECORD ON APPEAL SHALL BE AS PRESCRIBED BY RULE OF THE SUPREME COURT.

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

SECTION 1. That Sections 61-620, 61-627, 61-628, 61-632 and 61-639, Idaho Code, be, and the same are hereby repealed.

SECTION 2. That Chapter 6, Title 61, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 61-627, Idaho Code, and to read as follows:

61-627. APPEAL TO SUPREME COURT -- NOTICE OF APPEAL -- MATTERS REVIEWABLE ON APPEAL -- EXTENT OF REVIEW -- RECORD ON APPEAL. After an application for rehearing is denied, or, if the application is granted, then after the rendition of the decision on rehearing, the state of Idaho or any party aggrieved may appeal to the supreme court from any order of the public utilities commission by filing a notice of appeal and serving the same in the manner provided by the rules of the supreme court. Upon the payment of the fee therefor, the secretary of the public utilities commission shall prepare, certify, and deliver to the clerk of the supreme court one (1) copy of the transcript of the testimony, the pleadings (moving papers, records, complaints, petitions, answers, and proceedings) in the cause, the pertinent preliminary orders of the commission, the order appealed from, the notice of appeal, and such other relevant documents from the commission files as may be appropriate under rules
adopted by the supreme court for its appeals and shall also certify and deposit with the clerk of the supreme court the original exhibits from that proceeding.

Approved March 31, 1977.

CHAPTER 300

(S.B. No. 1204, As Amended in the House)

AN ACT

RELATING TO APPEALS TO THE SUPREME COURT FROM THE INDUSTRIAL COMMISSION; AMENDING SECTION 72-718, IDAHO CODE, TO PROVIDE THAT A DECISION OF THE INDUSTRIAL COMMISSION SHALL BECOME FINAL UPON FILING, SUBJECT TO APPEAL AS PROVIDED BY RULE OF THE SUPREME COURT, AND TO PROVIDE THAT A DECISION CAN BE REHEARD OR RECONSIDERED UPON MOTION OF ANY PARTY OR INITIATIVE OF THE INDUSTRIAL COMMISSION; AMENDING SECTION 72-1368, IDAHO CODE, TO PROVIDE THAT APPEALS TO THE SUPREME COURT FROM THE INDUSTRIAL COMMISSION MAY BE MADE BY SUCH PARTIES FROM SUCH ORDERS AND WITHIN SUCH TIMES AND IN SUCH MANNER AS PRESCRIBED BY RULE OF THE SUPREME COURT; REPEALING SECTIONS 72-724, 72-725, 72-726, 72-727, 72-728, 72-729 AND 72-730, IDAHO CODE, RELATING TO APPEALS TO THE SUPREME COURT AND PROVIDING THE METHOD AND MANNER OF TAKING AND PROCESSING SUCH APPEALS; AMENDING CHAPTER 7, TITLE 72, IDAHO CODE, BY ADDING A NEW SECTION 72-724, IDAHO CODE, TO PROVIDE THAT APPEALS TO THE SUPREME COURT FROM THE INDUSTRIAL COMMISSION MAY BE MADE BY SUCH PARTIES FROM SUCH ORDERS AND WITHIN SUCH TIMES AND IN SUCH MANNER AS PRESCRIBED BY RULE OF THE SUPREME COURT; AND AMENDING CHAPTER 7, TITLE 72, IDAHO CODE, BY ADDING A NEW SECTION 72-725, IDAHO CODE, TO PROVIDE THE RECORD ON APPEAL TO THE SUPREME COURT SHALL CONTAIN SUCH PORTIONS AND DOCUMENTS OF THE PROCEEDING OF THE INDUSTRIAL COMMISSION AND BE PREPARED, PROCESSED AND TRANSMITTED TO THE SUPREME COURT AS PROVIDED BY RULE OF THE SUPREME COURT AND THE COST THEREOF PAID AS ORDERED BY THE INDUSTRIAL COMMISSION.

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

SECTION 1. That Section 72-718, Idaho Code, be, and the same is hereby amended to read as follows:
72-718. FINALITY OF COMMISSION'S DECISION. A decision of the commission, in the absence of fraud, shall be final and conclusive as to all matters adjudicated by the commission upon the expiration of the 30th day after filing the decision in the office of the commission, provided, within twenty (20) days from the date of filing the decision any party may move for reconsideration or rehearing of the decision, or the commission may rehear or reconsider its decision on its own initiative, and in any such events the decision shall be final upon denial of a motion for rehearing or reconsideration or the filing of the decision on rehearing or reconsideration. Final decisions may be appealed to the supreme court as provided by section 72-724, Idaho Code.

SECTION 2. That Section 72-1368, Idaho Code, be, and the same is hereby amended to read as follows:

72-1368. CLAIMS FOR BENEFITS AND APPELLATE PROCEDURE. (a) Claims for benefits shall be made in accordance with such rules and regulations as the director may prescribe.

(b) Each employer shall post and maintain in places readily accessible to individuals performing services for him printed statements concerning benefit rights, claims for benefits and such other matters relating to the administration of this act as the director may by regulation prescribe. Each employer shall supply to such individuals copies of such printed statements or other materials relating to claims for benefits when and as the director may by regulation prescribe. Such printed statements and other materials shall be supplied by the director to each covered employer without cost to the covered employer.

(c) A representative of the department of employment, appointed by the director and hereinafter referred to as a claims examiner, shall examine promptly a claim filed pursuant to subsection (a) above and, on the basis of the facts
found by him, shall determine whether or not the claimant is eligible for benefits and, if eligible, date of commencement of his benefit year, the weekly benefit amount payable, the total benefit amount payable, his base period wages, and his base period covered employers. In the event of a denial or a finding by the claims examiner that a claimant is ineligible for benefits, the determination shall include the reasons for the ineligibility. The determination shall become final unless, within fourteen (14) days after notice, as provided in subsection (e) following, a request for redetermination is filed with the department of employment.

(d) A request for redetermination may be filed by any interested party and shall be filed in accordance with such rules and regulations as may be prescribed by the director. A redetermination upon such request shall be promptly made by a claims examiner and, on the basis of facts found by him, shall include a statement as to whether or not the determination is affirmed, reversed or modified, and if modified, to what extent, as well as a statement showing the reasoning upon which the redetermination is based if adverse to the claimant requesting it; or, upon such request and before notices of the redetermination have been served, the director may, on his own motion, transfer the request for redetermination directly to an appeals examiner in which event such request shall be deemed to constitute an appeal, as of the date of the request, from the determination. A redetermination shall become final unless, within fourteen (14) days after notice, as provided in subsection (e) following, an appeal is filed by an interested party with the department of employment in accordance with such rules and regulations as may be prescribed by the director. The director may make special redetermination whenever he finds that an error in computation or identity has occurred in connection with a determination, or that additional wages of the claimant pertinent to such determination have become available or have been newly discovered, or that benefits have been allowed or denied or the amount of benefits fixed on the basis of nondisclosure or misrepresentation of fact. Such special redetermination must be made within one (1) year from the date of the original determination, except that a special redetermination involving a finding that benefits have been allowed or denied or the amount of benefits fixed on the basis of nondisclosures or misrepresentations of fact may be made within two (2) years from the date of the original determination. Subject to the same limitations and for the same reasons, the director may make a special redetermination in any case in which the final decision has been rendered by an appeals examiner, the
board, or a court and may apply to the appeal tribunal which rendered such final decision to issue a revised decision. In the event that an appeal involving an original determination is pending as of the date a special redetermination is issued, such appeal, unless withdrawn, shall be treated as an appeal from such special redetermination.

(e) All interested parties as defined in section 72-1323, Idaho Code, shall be entitled to prompt service of notice of determinations and redeterminations. The claimant shall be served with notice of all determinations and redeterminations, but in the event that a claimant files more than one claim arising out of the same unemployment, the last employer need not be served with notice of more than the initial determination and redetermination unless he specifically requests service of additional notices. For purposes of this section, a notice shall be deemed served if delivered to the person being served or if mailed to his last known address; service by mail shall be deemed complete on the date of mailing.

(f) To hear and decide appeals from determinations and redeterminations the director shall appoint one or more appeals examiners. Unless the appeal is withdrawn, the appeals examiner, after affording the interested parties reasonable opportunity for a fair hearing, shall affirm, modify, set aside or reverse the determination or redetermination involved and shall notify the interested parties of his decision by serving notice in the same manner as provided in subsection (e) above. Such decision shall set forth the findings of fact upon which the decision is based together with a statement showing how the appeals examiner applied the Employment Security Law to such findings of fact in order to reach his conclusion. The appeals examiner may, either upon application for rehearing by an interested party or on his own motion, proceed to rehear, affirm, modify, set aside or reverse any prior decision on the basis of the evidence previously submitted in such case or on the basis of additional evidence; provided, that such application or motion be made within ten (10) days after the date of service of such decision. A full and complete record shall be kept of all proceedings in connection with an appealed claim. All testimony at any hearing before an appeals examiner shall be recorded but need not be transcribed unless a claim for review of the appeals examiner's decision is filed with the board. Witnesses subpoenaed by the appeals examiner shall be allowed fees at a rate prescribed in the regulations of the director. Such fees shall be deemed a part of the expenses of administering this act. If any interested
party to a hearing formally requests the appeals examiner to issue a subpoena for a witness whose evidence is deemed necessary, the appeals examiner shall promptly issue the subpoena, unless such request is determined to be unreasonable. Unless an interested party shall within fourteen (14) days after service of the decision of the appeals examiner file with the board a claim for review or unless an application or motion is made for a rehearing of such decision, the decision of the appeals examiner shall become final.

(g) The board shall hear and decide all claims for review filed by any interested party in accordance with its own rules of procedure not in conflict herewith. The record of the proceedings before the appeals examiner shall become part of the record of the proceedings on a claim for review before the board with respect to the evidence admitted into testimony received before the appeals examiner, but the board is not precluded from hearing the same witnesses as appeared before the appeals examiner nor any additional witnesses nor is the board precluded in any way from receiving any additional evidence. In order to have it become a part of the record before the board, in no event shall any party be required, in the course of a hearing before the board, to introduce and have admitted any documentary evidence which was previously admitted into the record by the appeals examiner. After affording a fair and impartial hearing to the parties involved in a claim for review, the board shall affirm, reverse, modify, set aside or revise the decision of the appeals examiner or may refer the matter back to the appeals examiner for further findings of fact. The board shall file its decision and shall promptly serve notice of its decision to all the interested parties. No party shall as a matter of right be entitled to a second hearing before the board upon any question of fact.

(h) No person acting on behalf of the director or any member of the board shall participate in any case in which he has a direct or indirect personal interest.

(i) A decision of the board, in the absence of fraud, shall be final and conclusive unless within thirty (30) days after a copy of the decision has been served on the parties one of the parties appeals to the supreme court. In such appeal the jurisdiction of the court shall be limited to a review of questions of law. All appeals of matters arising under this act shall by the court be disposed of before any civil causes or action are considered. The mode of taking appeals from the decisions of the board shall be in the manner prescribed by section 43-1409, Idaho code, necessary changes and substitutions being made therein except that no
An appeal may be made to the supreme court by such parties from such decisions and orders of the commission and within such times and in such manner as prescribed by rule of the supreme court.

(j) (1) Benefits shall be paid promptly in accordance with a determination, redetermination, appeals examiner decision or board findings allowing such benefit rights, regardless of:

(a) the pendency of a time period for requesting a redetermination, filing an appeal or petitioning for board review, or

(b) pendency of a request for determination, appeal, or petition for review.

(2) Such payments shall not be withheld until a subsequent redetermination, appeals examiner decision, or board findings modifies or reverses the previous decision, in which event benefits shall be paid or denied in accordance with such decision.

(k) Any right, fact, or matter in issue, directly based upon or necessarily involved in a determination, redetermination, decision of the appeals examiner or decision of the board which has become final, shall be conclusive for all the purposes of this act as between the interested parties who had notice of such determination, redetermination or decision. Subject to appeal proceedings and judicial review by the Supreme Court as set forth in this section, any determination, redetermination or decision as to rights to benefits shall be conclusive for all purposes of this act and shall not be subject to collateral attack irrespective of notice.

SECTION 3. That Sections 72-727, 72-728, 72-729 and 72-730, Idaho Code, be, and the same are hereby repealed.

SECTION 4. That Chapter 7, 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 72-724, Idaho Code, and to read as follows:

72-724. APPEAL TO SUPREME COURT. An appeal may be made to the supreme court by such parties from such decisions and orders of the commission and within such times and in such manner as prescribed by rule of the supreme court.
SECTION 5. That Chapter 7, 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 72-725, Idaho Code, and to read as follows:

72-725. RECORD ON APPEAL. The agency's record and reporter's transcript in an appeal to the supreme court shall contain such portions and documents of the proceedings of the commission, and be prepared, processed and transmitted to the supreme court as provided by rule of the supreme court. Provided, the cost of the transcript and record shall be paid for as provided by order of the industrial commission.

Approved March 31, 1977.
AN ACT
RELATING TO COVERAGE OF LONGSHOREMEN AND HARBOR WORKERS
INSURANCE COVERAGE BY THE STATE INSURANCE FUND; AMENDING
CHAPTER 9, TITLE 72, IDAHO CODE, BY THE ADDITION OF A
NEW SECTION 72-929, IDAHO CODE, PROVIDING THAT THE STATE
INSURANCE FUND MAY VOLUNTARILY PARTICIPATE IN POOLING
ARRANGEMENTS TO INSURE EMPLOYERS AGAINST LIABILITY WHICH
RESULTS FROM INJURY TO LONGSHOREMEN AND HARBOR WORKERS.

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

SECTION 1. That Chapter 9, Title 72, Idaho Code, be, and the same is hereby amended by the addition thereto of a
NEW SECTION, to be known and designated as Section 72-929, Idaho Code, and to read as follows:

72-929. MARITIME RISK COVERAGE. Notwithstanding any Idaho Code provision to the contrary, the state insurance
fund may participate in any pooling arrangement that is under the direction and control of the national council on
compensation insurance that will provide insurance for risks located in the state of Idaho which are subject to the
United States longshoremen's and harbor workers' compensation act. The state insurance fund is hereby authorized to pay
any reasonable assessments that arise out of participation in such a pooling arrangement.

Approved March 31, 1977.
AN ACT
RELATING TO THE IDAHO HOP GROWER'S COMMISSION; AMENDING
SECTION 22-3105, IDAHO CODE, TO STRIKE THE REQUIREMENT
THAT HOPS MUST BE IDENTIFIED AS HAVING BEEN GROWN IN
IDAHO.

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

SECTION 1. That Section 22-3105, Idaho Code, be, and
the same is hereby amended to read as follows:

22-3105. POWERS AND DUTIES OF COMMISSION. The powers
and duties of the commission shall include the following:
1. To administer and enforce this act.
2. To contract in the name of the commission and be
contracted with.
3. To employ and at pleasure discharge a secretary,
advertising manager, advertising agents, agents, research
director, research staff, attorneys and such clerical and
other help as it deems necessary and to control their powers
and duties and to fix their compensation.
4. To keep books, records and accounts of all its deal­
ings, which books, records and accounts of all its dealings
shall be open to inspection and audit by the state auditor
at all times.
5. To purchase or authorize the purchase of all office
equipment and supplies and incur all other reasonable and
necessary expenses and obligations in connection with and
required for the proper carrying out of the provisions of
this act.
6. To become a member of and purchase membership in
trade organizations and to subscribe to and purchase trade
bulletins, journals, and other trade publications.
7. To plan and conduct an advertising, publicity and
sales promotion campaign to increase the sales of hops and
to make such advertising, publicity and sales promotion con­
tracts and other agreements as may be necessary.
8. To plan and conduct a research program on marketing
of and markets for hops and a research program to improve
the quality of hops, to develop and improve control measures
for disease and pests which attack hops and to improve hop
growing culture and to disseminate such information among the growers and to make such research contracts and other agreements as may be necessary.

9. To define and designate the character of the brands, labels, stencils or other distinctive marks under which hops may be marketed and to define or designate one identifying distinctive mark identifying the hops as having been grown in Idaho and to patent, copyright or otherwise protect such identifying distinctive mark, all for the purposes of securing the greatest returns to the grower and of meeting requirements of the advertising campaign of the commission and of protecting the identity of the hops as Idaho hops as near to the final consumer as possible.

10. To prevent any substitution of other hops for Idaho hops and to prevent the misrepresentation or the misbranding of Idaho hops at any and all times and at any and all points.

11. To establish and maintain the executive office of the commission at any place within the state of Idaho which designated place may be changed at the discretion of the commission.

12. To adopt and from time to time alter, rescind, modify or amend all proper and necessary rules, regulations, and orders for the exercise of its powers and the performance of its duties and under this act.

13. To cooperate with the director of the department of agriculture in and to pay all or any portion of the costs incurred in the creation, administration and enforcement of any quarantine and inspection affecting hops and hop plants established pursuant to the laws of the state of Idaho.

14. To plan and conduct a research program for improving old varieties and developing new varieties of hops; to propagate any such improved old varieties or such new varieties of hops; to patent any such improved old varieties or such new varieties of hops and to license the propagation, growing and sale thereof; to adopt such trade names or trademarks in relation to any such improved old varieties or such new varieties of hops and to patent, copyright, or otherwise protect such names; to buy, contract to buy, receive by gift or otherwise acquire, hold, or retain legal title to such improved old varieties or such new varieties of hops including the root stock thereof and the hops produced therefrom; to sell, lease, consign, trade, exchange, or give away or otherwise dispose of any such improved old varieties or such new varieties of hops including the root stock thereof and the hops produced therefrom; to advertise and promote the commercial use of such improved old varie-
ties and new varieties of hops; and to impose, by contract or regulation or otherwise, such conditions and restrictions as may be determined by the commission pertaining to such improved old varieties and such new varieties of hops including the root stock thereof including but not limited to conditions and restrictions limiting, restricting, prohibiting or affecting the use, distribution, acreage, production, geographical areas of planting, cultural practices used in propagation, leasing, assigning, selling, sale price, and the use of trade names and trademarks relating to such improved old varieties or such new varieties of hops including the root stock thereof and the increase thereof and the use of trade names and trademarks to designate hops produced from any such old varieties or such new varieties of hops.

15. To prosecute in the name of the state of Idaho any suit or action for collection of the assessment provided for in this chapter.

Approved March 31, 1977.
CHAPTER 303
(S.B. No. 1230)

AN ACT
RELATING TO THE INSURANCE PREMIUM TAX; REPEALING SECTION 41-402, IDAHO CODE; ADDING A NEW SECTION 41-402, IDAHO CODE, TO PROVIDE THE FORM, MANNER AND RATE OF THE TAX ON PREMIUMS OF INSURANCE; AND AMENDING SECTION 41-403, IDAHO CODE, TO CLARIFY THE BASIS ON WHICH THE REDUCED PREMIUM TAX IS AUTHORIZED.

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 repealed.

SECTION 2. That Chapter 4, 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 41-402, Idaho Code, and 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 for the year ending December 31 next preceding, and pay the director a tax at the rate set forth in subsection (2) of this section, on the following amounts:

(a) As to life insurers, the amount of all gross premiums received by the insurer on direct risks resident in this state, and also, if a domestic insurer, on direct risks resident in any other jurisdiction or jurisdictions in which the insurer is not licensed and upon which no premium tax is otherwise paid or payable, less returned coupons and dividends paid to or credited to policyholders.

(b) As to all insurers other than life insurers, the amount of gross direct premiums written on policies covering subjects of insurance resident, located or performed in this state, and also, if a domestic insurer, on such premiums in any other jurisdiction or jurisdictions in which the insurer is not licensed and upon which no premium tax is otherwise paid or payable, less
returned premiums, premiums on policies not taken and dividends paid or credited to policyholders. 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, the rate of tax shall be three per cent (3%).

(3) This section shall not apply as to any domestic reciprocal insurer doing exclusively a workmen's compensation business and complying with the provisions of the workmen's compensation law of this state and writing workmen's compensation only 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 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, nor to annuity contracts in general.

SECTION 3. That Section 41-403, Idaho Code, be, and the same is hereby amended to read as follows:

41-403. REDUCED TAX BASED ON IDAHO INVESTMENTS. Provided that it shall comply with rules and standards duly promulgated by the director of insurance for the purposes of assuring the establishment and maintenance in this state of bona fide home office services and facilities consistent with the nature and extent of its operations, any domestic insurer, other than a domestic life insurance company, having at all times throughout the year with respect to which the tax is payable twenty-five per cent (25%) or more of its assets invested in the investments set forth below, shall, with respect to premiums on-risks-located-in-this-state on which taxes are to be computed under section 41-402, Idaho Code, compute and pay such tax at the rate of one per cent (1%) instead of at any higher rate provided for under such section 41-402, Idaho Code; and provided further, any domestic life insurance company, in order to qualify for a tax rate of one per cent (1%) under-section-41-402-Idaho-Code instead of any higher rate provided for under such section 41-402, Idaho Code, shall invest-in-the-designated-invest-
maintain throughout the year with respect to which tax is payable at least twenty-five percent (25%) of the reserve required under section 41-706 (4), Idaho Code, said-one-per-cent-(1%)-tax-to-be-upon-all--gross premiums--received--by--the--domestic-life-insurer-on-direct risks-written-in--this--state invested in the designated investments set forth below:

(1) Bonds or warrants of this state, or of any county, city or incorporated town or district within this state authorized by law to be issued, or

(2) Taxable real estate within this state, or

(3) First mortgages upon improved, unencumbered real estate situated within this state, or

(4) Stocks or bonds of corporations organized under the laws of, or maintaining their home office and principal administrative records in this state if such stocks or bonds are lawful investments of the insurer under chapter 7 (investments) of this code, or

(5) Bonds authorized by law to be issued against the revenues derived from the operation in this state of domestic water and sewage systems or off-street parking facilities, or

(6) Time deposits with Idaho banks, or trust companies, or savings and loan associations, or building and loan associations or on deposit for interest income purposes with any legally organized and approved financial institution domiciled within this state and insured by any instrumentality of the United States government.

Approved March 31, 1977.
CHAPTER 304
(S.B. No. 1244)
AN ACT
RELATING TO PHYSICAL ABUSE TO CHILDREN; AMENDING SECTION 16-1605, IDAHO CODE, TO PROVIDE THAT A PETITION INVOKING THE JURISDICTION OF THE COURT ON BEHALF OF A CHILD SHALL BE FILED UNDER CONDITIONS SPECIFIED; REPEALING SECTION 18-1501, IDAHO CODE, RELATING TO PHYSICAL ABUSE TO CHILDREN; AND AMENDING CHAPTER 15, TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 18-1501, IDAHO CODE, TO DEFINE CONDITIONS OF INJURY TO CHILDREN, TO PROVIDE PENALTIES, AND TO PROVIDE AN EXCEPTION.

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

SECTION 1. That Section 16-1605, Idaho Code, be, and the same is hereby amended to read as follows:

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. The prosecuting attorney of the county where the child resides shall file a petition on behalf of any child whose parent, guardian, or custodian has been accused in a criminal complaint of the crime of cruel treatment or neglect as defined in section 18-1501, Idaho Code.

(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.

SECTION 2. That Section 18-1501, Idaho Code, be, and the same is hereby repealed.

SECTION 3. That Chapter 15, 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 18-1501, Idaho Code, and to read as follows:

18-1501. INJURY TO CHILDREN. (1) Any person who, under circumstances or conditions likely to produce great bodily harm or death, willfully causes or permits any child to suffer, or inflicts thereon unjustifiable physical pain or mental suffering, or having the care or custody of any child, willfully causes or permits the person or health of such child to be injured, or willfully causes or permits such child to be placed in such situation that its person or health is endangered, is punishable by imprisonment in the county jail not exceeding one year, or in the state prison for not less than one (1) year nor more than ten (10) years.

(2) Any person who, under circumstances or conditions other than those likely to produce great bodily harm or death, willfully causes or permits any child to suffer, or inflicts thereon unjustifiable physical pain or mental suffering, or having the care or custody of any child, or willfully causes or permits the person or health of such child to be injured, or willfully causes or permits such child to be placed in such situation that its person or health may be endangered, is guilty of a misdemeanor.

(3) The practice of a parent or guardian who chooses for his child treatment by prayer or spiritual means alone shall not for that reason alone be construed to have violated the duty of care to such child.

Approved March 31, 1977.
CHAPTER 305
(S.B. No. 1262)

AN ACT
RELATING TO THE PUBLIC DEPOSITORY LAWS; AMENDING SECTION
67-2743A, IDAHO CODE, BY STRIKING THE REQUIREMENT THAT A
STATE AND A NATIONAL BANKER BE EX-OFFICIO MEMBERS OF THE
ENDOWMENT FUND INVESTMENT BOARD.

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

SECTION 1. That Section 67-2743A, Idaho Code, be, and
the same is hereby amended to read as follows:

67-2743A. APPOINTMENT-OF-EX-OFFICIO-MEMBERS-OF--INVEST-
MENT--BOARD---ADDITIONAL POWERS OF BOARD. (1) For the pur-
poses of the depository laws only, the investment board, as
created in chapter 7, title 57, Idaho Code, shall include
(two-(2)-ex-officio-members--appointed--by--the--governor--to
serve--without--remuneration.--One-(1)--of--the--ex-officio-mem-
bers--shall--be--a--representative-of--a--national--bank--and--the
other--shall--be--a--representative-of--a--state--bank;

(2)--The-board may:
(a) Conduct hearings and investigations, administer
oaths and examine under oath any director, officer, employee
or agent of any bank, or any other witness.
(b) In accordance with the provisions of section
67-2741, Idaho Code, permit the transfer of deposits of the
state to a depository located outside the state of Idaho.
(c) Adopt rules and regulations, not inconsistent with
the provisions of this act, providing for payment by the
state to designated state depositories of reasonable charges
for their services rendered in acting as such depositories.
The rate of such charges and the terms and conditions
thereof shall be fixed by the board in such rules and regu-
lations and shall be uniformly applicable to all designated
depositories in the state under like circumstances and
conditions. Such charges shall be allowed and paid as
charges against the appropriations now and from time to time
hereafter made for the payment of the expenses of the state
treasurer, as other claims against the state are allowed and
paid.

Approved March 31, 1977.
CHAPTER 306
(S.B. No. 1269)

AN ACT
RELATING TO DUTIES OF THE LEGISLATIVE COUNCIL; AMENDING SECTION 67-429, IDAHO CODE, TO PROVIDE AN ADDITIONAL DUTY FOR THE LEGISLATIVE COUNCIL.

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

SECTION 1. That Section 67-429, Idaho Code, be, and the same is hereby amended to read as follows:

67-429. POWERS AND DUTIES. (1) It shall be the duty of the council to collect and compile information, to draft bills and to conduct research upon any subject which the legislature may authorize or direct or upon any subject which it may determine, provided that all activities of the council must be reasonably related to a legislative purpose. The legislature may make specific assignments to the council by a concurrent resolution approved by both houses. (2) The council may hold public hearings and it may authorize or direct any of its committees to hold public hearings on any matters within the jurisdiction of the council. (3) The council shall establish and maintain a legislative reference library. (4) For the purpose of conducting any study within the jurisdiction of the council, by resolution adopted by the affirmative vote of two-thirds (2/3) of the entire membership of the council, the chairman of the council may subpoena witnesses, compel their attendance, take evidence and require the production of any books, papers, correspondence or other documents or records which the council deems relevant or material to any matter on which the council or any committee is conducting a study. (5) It shall be the duty of the council to superintend and administer the legislative space in the capitol building at all times, and to prepare such space when required for the sessions of the legislature, which shall include the provision of furniture and equipment.

Approved March 31, 1977.
CHAPTER 307
(S.B. No. 1270)

AN ACT
RELATING TO PERSONNEL POLICIES OF THE STATE OF IDAHO; AMENDING SECTION 59-306, IDAHO CODE, TO PROVIDE FOR FORMS FOR APPOINTMENT; AMENDING SECTION 67-5301, IDAHO CODE, TO PROVIDE THAT THE OPERATIONS OF THE PERSONNEL COMMISSION SHALL BE APPLICABLE TO CLASSIFIED POSITIONS; AMENDING SECTION 67-5302, IDAHO CODE, TO PROVIDE DEFINITIONS APPLICABLE TO CLASSIFIED POSITIONS; AMENDING SECTION 67-5314, IDAHO CODE, TO PROVIDE NAME CHANGES; AMENDING SECTION 67-5316, IDAHO CODE, TO PROVIDE THAT PROCEDURES BEFORE THE PERSONNEL COMMISSION ARE APPLICABLE TO CLASSIFIED EMPLOYEES AND TO PROVIDE FOR A RECORD OF HEARINGS; AMENDING SECTION 67-5326, IDAHO CODE, TO PROVIDE FOR A STATEMENT OF POLICY FOR OVERTIME WORK APPLICABLE TO CLASSIFIED EMPLOYEES; AMENDING SECTION 67-5328, IDAHO CODE, TO PROVIDE THAT OVERTIME OR COMPENSATORY TIME OFF MAY BE PROVIDED FOR ELIGIBLE CLASSIFIED OFFICERS AND EMPLOYEES; AMENDING SECTION 67-5329, IDAHO CODE, TO PROVIDE DEFINITIONS OF CONDITIONS FOR WHICH CASH COMPENSATION OR COMPENSATORY TIME OFF MAY BE GRANTED FOR OVERTIME WORK; AMENDING SECTION 67-5330, IDAHO CODE, TO PROVIDE FOR THE RATE OF OVERTIME WHEN PAID IN CASH; AMENDING CHAPTER 53, TITLE 67, BY THE ADDITION OF A NEW SECTION 67-5332, IDAHO CODE, TO PROVIDE FOR COMPUTATION AND APPLICABILITY OF CREDITED STATE SERVICE FOR CLASSIFIED POSITIONS; AMENDING CHAPTER 53, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-5333, IDAHO CODE, TO PROVIDE FOR COMPUTATION AND USE OF SICK LEAVE FOR CLASSIFIED POSITIONS; AMENDING SECTION 67-5334, IDAHO CODE, TO PROVIDE FOR COMPUTATION AND ACCRUAL OF VACATION LEAVE; AMENDING SECTION 67-5335, IDAHO CODE, TO PROVIDE LIMITS ON THE ACCRUAL OF VACATION LEAVE; AMENDING SECTION 67-5337, IDAHO CODE, TO PROVIDE FOR PAYMENT IN CASH OF UNUSED VACATION LEAVE; REPEALING SECTIONS 67-5303A, 67-5327 AND 67-5336, IDAHO CODE; AMENDING TITLE 59, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 16, TITLE 59, IDAHO CODE, PROVIDING FOR APPLICABILITY OF PERSONNEL POLICIES TO NONCLASSIFIED OFFICERS AND EMPLOYEES, PROVIDING FOR APPLICABILITY OF FEDERAL MERIT SYSTEM STANDARDS WHEN REQUIRED, PROVIDING FOR CONFORMITY WITH CLASSIFIED POSITION STANDARDS TO THE
EXTENT POSSIBLE, PROVIDING FOR CREDITED STATE SERVICE, PROVIDING FOR SICK LEAVE COMPUTATION AND USE, PROVIDING FOR VACATION LEAVE COMPUTATION AND USE, AND PROVIDING POLICIES FOR HOURS OF WORK AND OVERTIME; PROVIDING A TIME PERIOD IN WHICH VACATION TIME ACCRUALS MUST BE BROUGHT WITHIN THE LIMITS ALLOWED BY LAW, AND PROVIDING A TIME PERIOD IN WHICH COMPENSATORY TIME ACCRUALS MUST BE BROUGHT WITHIN LIMITS ALLOWED BY LAW.

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

SECTION 1. That Section 59-306, Idaho Code, be, and the same is hereby amended to read as follows:

59-306. APPOINTMENT OF EMPLOYEES. The appointment of every deputy, clerk or other employee of the state of Idaho, or of any office, department, bureau or institution thereof, including contract employees, whose salary or other compensation is payable out of any appropriation or allotment specifically provided for such payment, except temporary manual labor, per diem or hourly help used irregularly at state institutions, and expert and special help such as doctors, dentists and others who render service in emergency cases, shall be made on forms prescribed by the division of budget, policy planning and coordination evidenced by certificate executed by the appointing officer, board, commission or other designated authority, in triplicate, one of which certificates shall be filed in the office of the appointing power and the other two of which shall be forthwith transmitted to and filed in the offices of secretary of state and state auditor respectively. Such certificate appointment form shall set forth the name, address, employee identification information and official position of such deputy, clerk or other employee, and where the rate of compensation is not fixed by general statute, the same shall be specified in such certificate form within the limitations fixed by appropriation acts or allotments. Upon making any change in the personnel of any office, department, bureau or institution, or in the rate of compensation thereof, the appointing power shall forthwith certify such change to the state auditor in the same manner as an appointment.

SECTION 2. That Section 67-5301, Idaho Code, be, and the same is hereby amended to read as follows:

67-5301. ESTABLISHMENT OF PERSONNEL COMMISSION AND
DECLARATION OF POLICY. There is hereby established the Idaho personnel commission, in the department of administration, which is authorized and directed to administer a personnel system for classified Idaho employees. The commission shall not be subject to the administrative control of the director of the department of administration. The purpose of said personnel system is to provide a means whereby classified employees of the state of Idaho shall be examined, selected, retained and promoted on the basis of merit and their performance of duties, thus effecting economy and efficiency in the administration of state government. The legislature declares that, in its considered judgment, the public good and the general welfare of the citizens of this state require enactment of this measure, under the powers of the state.

SECTION 3. That Section 67-5302, Idaho Code, be, and the same is hereby amended to read as follows:

67-5302. DEFINITIONS. As used in this act chapter, and other applicable sections of the Idaho Code, each of the terms defined in this section shall have the meaning given in this section unless a different meaning is clearly required by the context. Such terms and their definitions are:

(1) "Administrative employee" means any person, exempt or classified, appointed to a position which meets the following criteria:

1. (a) Responsible office or nonmanual work directly related to the management policies of a department or section; or
   (b) Responsible work that is directly related to academic instruction or training carried on in the administration of a school system or educational establishment; and

2. He must customarily and regularly exercise discretion and independent judgment, as distinguished from using skills and following procedures. He must have the authority to make important decisions; and

3. He must:
   (a) Regularly assist a bona fide executive or administrative employee; or
   (b) Perform work under general supervision along specialized or technical lines requiring special training, experience or knowledge; or
   (c) Execute under only general supervision special assignments; and
4. The individual is classified to a position allocated to pay grade twenty-two (22) or higher, section 67-5309C, Idaho Code, or equivalent.

5. Final designation of a classified position as "administrative" within this definition shall be made by the Idaho personnel commission.

(2) "Appointing authority" means the officer, board, commission, person or group of persons authorized by statute or lawfully delegated authority to make appointments to or employ personnel in any department.

(a 3) "Class" means a group of positions sufficiently similar as to the duties performed, degree of supervision exercised or required, minimum requirements of training, experience or skill, and other characteristics, that the same title, the same tests of fitness and the same schedule of compensation may be applied to each position in the group.

(4) "Classified officer or employee" means any person appointed to or holding a position in any department of the state of Idaho which position is subject to the provisions of the merit examination, selection, retention, promotion and dismissal requirements of chapter 53, title 67, Idaho Code.

(b 5) "Commission" means the Idaho personnel commission created by this act.

(6) "Compensatory time" means approved time off from duty provided in compensation for overtime hours worked.

(c 7) "Department" means any department, agency, institution or office of the state of Idaho.

(d 8) "Eligible" means a person who has been determined to be qualified for a classified position and whose name has been placed on the register of eligibles.

(9) "Executive employee" means any person, exempt or classified, appointed to a position equivalent to a bureau chief or above as provided in section 67-2402, Idaho Code, or any employee meeting the following criteria:

1. An individual whose primary duty is management of a department, division or section; and

2. Who customarily and regularly directs the work of at least two (2) or more other employees therein; and

3. Who has the authority to hire and fire, or to recommend hiring and firing; or whose recommendation on these and other actions affecting employees is given particular weight; and

4. Who customarily and regularly exercises discretionary powers; and

5. Who is classified to a position allocated to pay
grade twenty-two (22) or higher, section 67-5309C, Idaho Code, or equivalent.

6. Final designation of a classified position as "executive" in this definition shall be made by the Idaho personnel commission.

(10) "Exempt employee" means any person appointed to or holding a position in any department of the state of Idaho which position is exempted from the provisions of chapter 53, title 67, Idaho Code, as provided for in section 67-5303, Idaho Code.

(11) "Full-time employee" means any employee working a forty (40) hour work week.

(12) "Holiday" means the following:
   January 1 (New Year's Day);
   Third Monday in February (Washington's Birthday);
   Last Monday in May (Decoration Day);
   July 4 (Independence Day);
   First Monday in September (Labor Day);
   Second Monday in October (Columbus Day);
   November 11 (Veteran's Day);
   Fourth Thursday in November (Thanksgiving);
   December 25 (Christmas).
   In addition, the term "holiday" shall mean any day so designated by the president of the United States or the governor of this state for a public fast, thanksgiving or holiday.
   In the event that a holiday occurs on a Saturday, the preceding Friday shall be a holiday, and if the holiday falls on a Sunday, the following Monday shall be a holiday.

(13) "Hours worked" means those hours actually spent in the performance of the employee's job and holidays, and shall not include vacation or sick leave or other approved leave of absence.

(14) "Normal work week" means any forty (40) hours worked during a particular one hundred and sixty-eight (168) hour period as previously established by the employee's appointing authority.

(15) "Open competitive examination" means an examination which may be taken by qualified applicants to compete on an equal basis for listing on the register of eligibles.

(16) "Overtime work" means time worked on holidays and time worked in excess of forty (40) hours in a period of one hundred sixty-eight (168) consecutive hours, except that in the case of those employees engaged in law enforcement, correctional and fire protection activities characterized by
irregular shift work schedules, time worked in excess of one hundred sixty (160) hours in a period of twenty-eight (28) consecutive days shall constitute overtime work within the meaning of this chapter.

(g) "Participating department" means any department of the state of Idaho which employs persons in classified positions subject to the merit examination, selection, retention, promotion and dismissal requirements of this chapter; this act except as participation is deferred in accordance with section 67-5304, Idaho Code.

(18) "Part-time employee" means any employee whose usually scheduled work is less than forty (40) hours in a period of one hundred sixty-eight (168) consecutive hours.

(h) "Personnel system" means the procedure for administering employees in accordance with this act chapter.

(i) "Political office" means a public office for which partisan politics is a basis for nomination, election or appointment.

(j) "Political organization" means a party which sponsors candidates for election to political office.

(k) "Position" means a group of duties and responsibilities legally assigned or delegated by one or more appointing authorities and requiring the employment of one person.

(l) "Professional employee" means any person, exempt or classified, appointed to a position which meets the following criteria:

1. The individual's primary duty must be either:
   (a) Work requiring knowledge of an advanced type in a field of science or learning, customarily obtained by a prolonged course of specialized instruction and study; or
   (b) Work that is original and creative in character in a recognized field of artistic endeavor and the result of which depends primarily on his invention, imagination, or talent; or
   (c) Work as a teacher certified or recognized as such in a school system or educational institution by which he is employed; and

2. He must consistently exercise discretion and judgment; and

3. He must do work that is predominantly intellectual and varied, as distinguished from routine or mechanical duties; and

4. The individual is classified to a position allocated to pay grade twenty-two (22) or higher, section 67-5309C, Idaho Code, or equivalent.
5. Final designation of a classified position as "professional" within this definition shall be made by the Idaho personnel commission.

(24) "Provisional appointment" means appointment to a classified position pending the establishment of a register for such position and employment shall not be continued in this status longer than thirty (30) days after establishment of a register.

(25) "Qualifying examination" means an examination given to a selected person to determine eligibility for reclassification or appointment to a position in a classification.

(26) "Register" means a list of names of persons who have been determined to be eligible for employment in a classified position as determined on the basis of examination and merit factors as established by the commission.

(27) "Seasonal appointment" means an appointment to a position which is permanent in nature, but which has intermittent work periods throughout the year.

(28) "Service rating" means a recorded evaluation of ability and work performance and promotional potential of an employee by his supervisor.

(29) "Temporary appointment" means appointment to a position which is not permanent in nature, and in which employment will not exceed eight (8) months during any twelve (12) month period. No person holding a temporary appointment may work in excess of eight (8) months during a twelve (12) month period of time for any one (1) department.

(30) "Vacation leave" means a period of exemption from work granted to employees during which time said employees shall be compensated. The term shall not include compensatory time for overtime work.

SECTION 4. That Section 67-5314, Idaho Code, be, and the same is hereby amended to read as follows:

67-5314. METHOD OF FINANCING. (1) There is hereby created in the state operating fund in the state treasury the personnel commission fund account. All participating departments are hereby authorized and directed to pay out of their funds to the state treasurer their respective shares of the authorized budget of the commission. All moneys placed in said special-fund account are hereby perpetually appropriated to the commission for the administrative purposes of this act. All expenditures from said fund account shall be paid out in warrants drawn by the state auditor upon presentation of proper vouchers from the commission.
(2) The commission shall allocate costs of its operation to each participating department in the same proportion that the amount of the payroll for evered classified employees of the department bears to the total amount of the payroll for classified employees of all departments under the personnel system as of April 1 and October 1 of each year, combined and averaged as to the basis for allocation of costs.

(3) Each participating department shall deposit to said fund account on January 1 and July 1 of each year, commencing July 1, 1965, an amount equal to its share of costs of operation of personnel commission according to the costs allocation formula set forth above. Per-the-1965-1967-biennium-the-semi-annual-deposit-by-each-department-shall-be-an amount-equal-to-one-half-of-one-per-cent-(1/2%) -of-its-payroll-for-the-preceding-six-(6)-months-for-salaries-and-wages for-positions-subject-to-this-act: Departmental deposits for each succeeding biennium fiscal year shall be at a percent-age rate of salaries and wages for positions subject to this act, computed to be sufficient to carry out the intent and all provisions of this act as directed by the legislature.

SECTION 5. That Section 67-5316, Idaho Code, be, and the same is hereby amended to read as follows:

67-5316. PROCEDURE BEFORE THE IDAHO PERSONNEL COMMISSION. (a) Any classified employee who is discharged, demoted or suspended for-more-than-thirty-(30)-days--in--any one--(1)--year after completing his probationary period of service, may, within thirty (30) days after such discharge, demotion, or suspension, appeal to the commission for review thereof. Any employee in the classified service may, after exhausting the review procedures established within his department, petition the commission for review of his allo-cation to a particular class of position or his allocation to a particular pay grade or step within a pay grade. Upon such review, both the employee and the appointing authority whose action is reviewed shall have the right to be heard publicly and present evidentiary facts. Such hearings shall be conducted in accordance with the procedure established in this--act by rules adopted pursuant to chapter 52, title 67, Idaho Code.

(b) Matters of dispute which may be brought before the commission for hearing and decision shall be limited to the discharge, reduction in rank or grade, suspensions for--more than-thirty-(30)-days, allocation to a particular class or a particular pay grade or step within pay grade of any classi-
fied employee who has completed his probationary period; or any decision of action taken by the state personnel director or staff of the Idaho personnel commission in the performance of their official duties; or the failure of an appointing authority to provide to a classified employee of the state a right and/or benefit to which the employee is entitled by law; and such other matters as may now or hereafter be assigned to it by law.

(c) Where the action in dispute was the discharge, demotion, or suspension for more than thirty (30) days, upon determination that proper cause did not in fact exist within the definitions set forth in section 67-309(n), Idaho Code, or that the action was taken by reason of race, creed or sex, the commission shall order the reinstatement of the employee to his former position or a position of like status and pay, with or without loss of pay for the period of his discharge, demotion, or suspension, or may order such other remedy as the commission may determine to be appropriate. In all other disputed matters, the commission shall affirm the decision of the appointing authority or order such action as may be appropriate.

(d) Process and procedure under this act shall be as summary and simple as reasonably may be. The commission, or any member thereof or any presiding officer appointed by the commission, shall have the power to subpoena witnesses, administer oaths, and to examine such of the books and records of the parties to a proceeding as relate to the questions in dispute. A verbatim record of the proceedings at hearings before the commission or a hearing officer shall be maintained either by electrical devices or by stenographic means, as the commission or hearing officer may direct but if any party to the action requests a stenographic record of the proceedings, the record shall be done stenographically. The requesting party shall pay the costs of reporting the proceedings.

The district court, in and for the county in which any proceedings before the Idaho personnel commission are held, shall have the power to enforce by proper proceedings the attendance and testimony of witnesses, and production and examination of books, papers, and records. At the request of any party, a stenographic report of the testimony of any hearing shall be taken at the cost of such party.

(e) If the parties reach an agreement in regard to the matters of dispute, a memorandum of the agreement shall be filed with the commission and, if approved by it, thereupon the memorandum shall for all purposes be enforceable under the provisions of paragraph (j).
(f) If the matters in dispute are not settled by agreement, the commission may, upon its own motion, or upon the application of any party to the proceedings, hear the matter or assign it for hearing by a member of the commission or a duly appointed presiding officer.

(g) The commission shall give written notice of the time and place of hearing as provided in section 67-5209, Idaho Code, either by personal service or by registered mail. Service by mail shall be deemed complete when a copy of such notice is deposited in the United States post office, with postage prepaid, addressed to a party at his last known address, as shown in the records and files of the commission. Evidence of service by affidavit by the person making the same shall be filed with the commission.

(h) The commission, or member of the commission or presiding officer to whom the matter has been assigned, shall make such inquiry and investigations as shall be deemed necessary. The hearings shall be held in such place as the commission may designate and the decision of the commission, or the decision of the member of the commission or presiding officer to whom the matter may have been assigned, together with the transcript of the evidence, findings of fact, rulings of law, decision and order, and any other matter pertinent to the questions arising during the hearing shall be filed in the office of the Idaho personnel commission. A copy of the findings of fact, rulings of law, and decision and order shall be immediately sent to the parties by United States mail. If the matter has been assigned for hearing by a member of the commission or a duly appointed presiding officer, and a petition for review is not filed by any party to the proceedings within thirty (30) days after his decision and order is filed, the member's or presiding officer's decision shall be the decision and order of the commission and shall be enforceable under the provisions of paragraph (j).

(i) If a petition for review is filed, the commission shall hear the parties and may hear the evidence in regard to any or all matters pertaining thereto, and may revise the decision and order of the member or presiding officer, in whole or in part, and shall file its decision and order with the records of the proceedings and notify the parties thereof. Neither party shall, as a matter of right, be entitled to a second hearing upon any question of fact.

(j) Any party in interest may file in the district court for the county in which any party to the proceedings resides, a certified copy of the decision of the commission, and the district court shall have the power to enforce by
proper proceedings the decision and order of the commission.

(k) A decision and order of the commission shall be final and conclusive between the parties, unless within thirty (30) days of the filing of such decision, either party appeals to the district court. Where the decision and order of the commission directed the reinstatement of an employee, the employee shall be reinstated upon receipt of a copy of the decision and order unless a stay of the order be granted by the district court upon proper petition.

(1) Upon appeal of a decision of the commission, the district court may affirm or set aside such order or remand the matter to the commission only upon the following grounds, and shall not set the same aside on any other or different grounds, to wit:

(1) That the findings of fact are not based on any substantial competent evidence;
(2) That the commission has acted without jurisdiction or in excess of its powers;
(3) That the findings of fact by the commission do not as a matter of law support the decision and order.

SECTION 6. That Section 67-5326, Idaho Code, be, and the same is hereby amended to read as follows:

67-5326. HOURS OF WORK -- STATE POLICY -- OVERTIME. It is hereby declared to be the policy of the legislature of the state of Idaho that all classified employees of the several departments of the state government of like classification and pay grade allocation shall be treated equally with reference to hours of employment, holidays, and vacation leave. The policy of this state as declared in this act shall not restrict the extension of regular work hour schedules on an overtime basis in those activities and duties where such extension is necessary and authorized, provided that overtime work performed under such extension is compensated for as hereinafter provided.

SECTION 7. That Section 67-5328, Idaho Code, be, and the same is hereby amended to read as follows:

67-5328. OVERTIME COMPENSATION -- ELIGIBILITY. The appointing authority of any department shall determine the necessity for overtime work and shall provide for cash compensation or compensatory time off for such overtime work for eligible classified officers and employees who:

(a) In times of critical emergency involving danger to person or property are directed to work hours in excess of
those set forth herein as normal work days or work weeks, or
(b) are required to remain or report back after completion of the normal day or work week or when otherwise off duty, or
(c) are required and directed to work on a day designated by statute or by lawful proclamation of the president of the United States or governor of this state as a holiday, or
(d) are required and directed to work in addition to their assigned hours of the work day or work week;

SECTION 8. That Section 67-5329, Idaho Code, be, and the same is hereby amended to read as follows:

67-5329. ALTERNATIVE TO CASH FOR OVERTIME -- COMPENSATORY TIME. Unless specifically exempted by provisions of this act, employees shall be entitled to payments in cash for overtime work performed. Each appointing authority shall provide compensation for overtime work, provided however, as an alternative to providing cash compensation for overtime work, appointing authorities may provide compensatory time for such overtime work in an individual employee's normal work week in lieu of cash compensation. Compensatory time which has been earned but not taken within six months of the time it was earned shall be paid in cash compensation not later than the end of the first payroll period following the expiration of the six month period herein described. Compensatory time shall be allowed in those instances where an employee has been required to perform his duties on a holiday. In the event that a holiday occurs on the normal and usual day off of any employee, the employee shall be granted compensatory time. In the event that a holiday occurs on a Saturday the preceding Friday shall be granted and if the holiday fails on Sunday the following Monday shall be granted for compensatory purposes.

Executive, administrative, and professional classes as determined by the Fair Labor Standards Act of 1938, as amended, shall receive compensatory time credit but shall not receive overtime payments in cash.

(1) Classified officers and employees who fall within one or more of the following categories are ineligible for cash compensation or compensatory time for overtime work:

(a) If he holds an elective office;
(b) If he holds an office or position for which confirmation by the senate is required;
(c) If he is a departmental director, or equivalent;
(d) If he is a division administrator, or equivalent;
(e) If he is included in the definition of section 67-5303(i), Idaho Code.

(2) Classified employees who fall within the definition of executive, administrative or professional, as provided in section 67-5302, Idaho Code, and who are not included in the definition of subsection (1) above, shall be ineligible for cash compensation for overtime work unless cash payment is authorized by the state board of examiners for overtime accumulated during unusual or emergency situations, but such classified employees shall be allowed compensatory time off from duty for overtime work. Such compensatory time shall be earned and allowed on a one (1) hour for one (1) hour basis, shall not be transferable, and shall be forfeited at the time of transfer to another appointing authority or upon separation from state service.

(3) Classified employees who do not meet the definition of executive, administrative or professional as provided in section 67-5302, Idaho Code, and are not included in the definition of subsection (1) above, shall be eligible for cash compensation or compensatory time off from duty for overtime work. Compensatory time off may be provided in lieu of cash compensation at the discretion of the appointing authority after consultation, in advance, with the employee. Compensatory time off shall be paid at the rate of one and one-half (1 1/2) hours for each overtime hour worked. Compensatory time off which has been earned during any one-half (1/2) fiscal year but not taken by the end of the succeeding one-half (1/2) fiscal year, shall be paid in cash on the first payroll following the close of such succeeding one-half (1/2) fiscal year. Compensatory time not taken at the time of transfer to another appointing authority or upon separation from state service shall be liquidated at the time of such transfer or separation by payment in cash.

SECTION 9. That Section 67-5330, Idaho Code, be, and the same is hereby amended to read as follows:

67-5330. RATE OF OVERTIME COMPENSATION WHEN PAID IN CASH. Cash compensation for overtime, when paid, shall be at one and one-half (1 1/2) times the hourly rate for of that officer's or employee's grade, class and step contained in the established compensation schedule of the Idaho personnel commission salary or wage, except for those employees whose positions fall within the definitions of executive, administrative or professional as stated in 67-5302, Idaho Code, who will be paid at their regular hourly rate of pay as provided for in section 67-5329(2), Idaho Code.
SECTION 10. 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 67-5332, Idaho Code, and to read as follows:

67-5332. CREDITED STATE SERVICE -- APPLICABILITY -- COMPUTATION. (1) For the purposes of payroll, vacation or annual leave, sick leave and other applicable purposes, credited state service shall be earned by:
(a) Classified officers and employees of any department, commission, division, agency or board of the executive department;
(b) Such other classified officers and employees as may be prescribed by law or by order of the state board of examiners.
(2) Service in the employ of any of the following units of government, or other similar units, shall not earn credited state service: counties, cities, school districts, junior college districts, irrigation districts and highway districts. Service as an independent contractor or consultant is not state service.
(3) One (1) hour of credited state service shall be earned by each eligible state officer or employee for each hour, or major fraction thereof, that the officer or employee is present for duty, or on approved leave as provided in subsection (4) of this section. The personnel commission may prescribe additional requirements for earning credited state service, and shall adopt comparative tables and charts to compute credited state service on daily, weekly, bi-weekly, calendar month and annual periods.
(4) Credited state service shall be earned when on approved leave with pay, on approved vacation leave, approved military leave, and on approved sick leave.
(5) When serving in any kind of overtime situation, credited state service shall be earned for pay purposes only, but shall be computed and accumulated on a one (1) hour for one (1) hour basis.
(6) The maximum amount of credited state service that may be earned, except for pay purposes, during any fiscal year or during any calendar year shall not exceed two thousand eighty (2080) hours. The personnel commission shall prescribe comparative tables to limit the maximum amount of credited state service that may be earned, except for pay purposes, during periods of less than fiscal year or calendar year length.
(7) Service for retirement purposes shall be as pro-
SECTION 11. 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 67-5333, Idaho Code, and to read as follows:

67-5333. SICK LEAVE COMPUTATION. (1) The rate per hour at which sick leave shall accrue to classified officers and employees earning credited state service shall be at the rate represented by the proportion 96/2080. Sick leave shall accrue without limit, and shall be transferable from department to department.

(2) Sick leave shall not accrue to any officer or employee on any kind of leave of absence without pay, suspension without pay or layoff, or when working overtime. Sick leave shall accrue while an officer or employee is on approved leave with pay, on approved vacation leave, on approved military leave with pay, and on approved sick leave.

(3) All accrued sick leave shall be forfeited at the time of separation from state service and no officer or employee shall be reimbursed for accrued sick leave at the time of separation, except as provided in section 67-5339, Idaho Code. If such officer or employee returns to credited state service within three (3) years of such separation, all sick leave credits accrued at the time of separation shall be reinstated, except to the extent that unused sick leave was utilized for the purposes specified in section 67-5339, Idaho Code.

(4) Sick leave shall be taken on a workday basis. Regularly scheduled days off and officially designated holidays falling within a period of sick leave shall not be counted against sick leave. Sick leave shall not be taken in advance of being earned.

(5) In cases where absences for sick leave exceed three (3) consecutive working days, the appointing authority may require verification by a physician or other authorized practitioner.

(6) If an absence for illness or injury extends beyond the sick leave accrued to the credit of the officer or employee, such additional time shall be charged to vacation leave. If all sick leave and vacation leave is used, the officer or employee may be granted leave without pay.

(7) The personnel commission shall prescribe additional requirements for sick leave for classified officers and employees on a part-time or irregular schedule, for main-
taining sick leave records, for funeral leave, and such other applicable purposes as necessary.

SECTION 12. That Section 67-5334, Idaho Code, be, and the same is hereby amended to read as follows:

67-5334. VACATION TIME COMPUTATION. (1) Vacation time shall not accrue to any officer or employee on any kind of leave of absence without pay, suspension without pay or layoff, or when working overtime. 

(2) The rate per hour at which vacation leave shall accrue to eligible classified officers and employees earning credited state service shall be as follows: for each full month of service at the rate represented by the proportion $\frac{96}{2080}$ during the first five (5) years of the employee's continuous employment; one and one-fourth ($1\frac{1}{4}$) days for each full month during the next five (5) years of continuous employment; one and one-half ($1\frac{1}{2}$) days for each full month during the third consecutive five (5) years of continuous employment; and one and three-quarters ($1\frac{3}{4}$) days for each full month of continuous employment.

SECTION 13. That Section 67-5335, Idaho Code, be, and the same is hereby amended to read as follows:

67-5335. VACATION TIME -- ELIGIBILITY -- MAXIMUM TIME RIGHT TO ANNUAL VACATION. (1) An employee shall have worked for at least six (6) months of continuous employment before being eligible for vacation leave. No employee shall be permitted to accrue more than thirty (30) days of vacation leave without written authority of said employee's appointing authority. An appointing authority shall permit each officer or employee to take vacation leave to the extent such leave has accrued during each twelve (12) months of said employee's service.

(2) Vacation leave, if not taken as earned, may be accrued and accumulated only as follows, unless amounts in excess of the permitted accumulations have been expressly authorized in writing by the appointing authority during unusual or emergency situations:

During the first five (5) years of credited state ser-
vice, vacation leave may be accrued and accumulated to a maximum of one hundred ninety-two (192) hours;

During the second five (5) years of credit state service, vacation leave may be accrued and accumulated to a maximum of two hundred forty (240) hours;

During the third five (5) years of credited state service, vacation leave may be accrued and accumulated to a maximum of two hundred eighty-eight (288) hours;

After fifteen (15) years of credited state service, vacation leave may be accrued and accumulated to a maximum of three hundred thirty-six (336) hours.

(3) Vacation leave shall be transferable from department to department only to the extent that it is accrued and accumulated.

(4) Vacation leave shall not be earned, accrued or accumulated during any pay period in which the maximum accruals and accumulations provided by this section have been met.

(5) Vacation leave not taken shall be compensated for at the time of separation only to the maximum accruals and accumulations allowed by this section.

(6) Vacation leave shall be taken on a workday basis. Regularly scheduled days off and officially designated holidays falling within a period of vacation leave shall not be counted against vacation leave. Vacation leave shall not be taken in advance of being earned.

SECTION 14. That Section 67-5337, Idaho Code, be, and the same is hereby amended to read as follows:

67-5337. CASH FOR UNUSED VACATION AND COMPENSATORY TIME. Upon separation from state employment after six (6) months of continuous service and to the limits allowed by section 67-5335, Idaho Code, all classified officers and employees shall receive a lump sum payment for earned accrued but unused vacation leave at the hourly rate of pay of that officer or employee for the employee's grade and step as published in the Idaho personnel commission compensation schedule. Those exempt employees whose salary is not included in the Idaho personnel commission compensation schedule shall receive a lump sum payment for earned but unused vacation leave at an hourly rate which shall be computed by dividing the employee's annual salary by two thousand and eighty-four thousand hours. All employees regardless of length of service shall receive lump sum cash compensation for any earned but unused compensatory time. The method of computing cash payments for unused compensatory time shall
be-the-same-as-that-used-for-calculating-payments-for-unused
vacation--leave--except--for-those-employees-subject-to-the
provisions-of-the-Fair--Labor--Standards--Act--of--1938--as

SECTION 15. That Sections 67-5303A, 67-5327 and 67-5336, Idaho Code, be, and the same are hereby repealed.

SECTION 16. That Title 59, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER 16, Title 59, Idaho Code, and to read as follows:

CHAPTER 16
NONCLASSIFIED STATE OFFICERS AND EMPLOYEES

59-1601. APPLICABILITY. The provisions of this chapter shall be applicable to those officers and employees in the several executive agencies of state government who are exempted from the classified service requirements of chapter 53, title 67, Idaho Code, to the officers and employees of any executive department when designated in this chapter and, where specifically indicated, to the officers and employees of the legislative department.

59-1602. APPLICABILITY OF FEDERAL MERIT SYSTEM STANDARDS. Notwithstanding any other provision wherever federal merit system standards are applicable to any nonclassified position, officer or employee, financed in whole or in part by federal funds, rules and regulations shall be established by the board of examiners for executive agencies, or by the legislative council for legislative agencies, to the extent necessary to apply such standards to personnel administration in such grant-in-aid programs.

59-1603. CONFORMITY WITH CLASSIFIED POSITIONS. (1) To the extent possible, each nonclassified position in the executive department will be paid a salary or wage comparable to classified positions with similar duties, responsibilities, training, experience and other qualifications. Officers and employees who are not paid from the salary schedule established in section 67-5309C(a), Idaho Code, are not eligible for the longevity factors provided by section 67-5309C(b), Idaho Code.

(2) To the extent possible, each nonclassified position in the legislative department will be paid a salary or wage comparable to classified positions with similar duties, responsibilities, training, experience and other qualifica-
tions. Officers and employees who are not paid from the salary schedule established in section 67-5309C(a), Idaho Code, are not eligible for the longevity factors provided by section 67-5309C(b), Idaho Code.

(3) The supreme court shall determine the schedules of salary and compensation for all officers and employees of the judicial department which are not otherwise fixed by law. To the extent possible, the supreme court shall adopt schedules which are compatible with the state's accounting system. The judicial department may also maintain personnel records and files under such system as is ordered by the supreme court.

(4) The state board of education shall determine the schedules of salary and compensation, longevity, and prescribe policies for overtime and compensatory time off from duty, for all officers and employees of the state board of education who are not subject to the provisions of chapter 53, title 67, Idaho Code, and which are not otherwise fixed by law. To the extent possible, the state board of education shall adopt schedules and policies which are compatible with the state's accounting system. The state board of education may also maintain personnel records and files under a system of its own, if approved by the state auditor.

(5) Members of the legislature, the lieutenant governor, other officers whose salaries are fixed by law, and members of part-time boards, commissions and committees shall be paid according to law.

(6) Any schedule of salary and compensation, if not the schedule prescribed by section 67-5309C(a), Idaho Code, must be approved by the appointing authority and be communicated to the state auditor in writing at least thirty (30) days in advance of the effective date of the schedule.

(7) Each appointing authority, including the elective offices in the executive department, the legislative department, the judicial department, and the state board of education and the board of regents, shall comply with all reporting requirements necessary to produce the list of employee positions prescribed by section 67-3519, Idaho Code.

59-1604. CREDITED STATE SERVICE. (1) For the purposes of payroll, vacation or annual leave, sick leave and other applicable purposes, credited state service shall be earned by:

(a) The elective officers of the executive department, except the lieutenant governor;

(b) Nonclassified officers and employees of any depart-
ment, commission, division, agency or board of the executive department, except for part-time members of boards, commis-

sions and committees;

(c) Officers and employees of the legislative depart-

ment, except members of the house of representatives and the senate.

(2) One (1) hour of credited state service shall be

earned by each eligible state officer or employee specified
in subsection (1) above for each hour, or major fraction
thereof, that the officer or employee is present for duty or
on approved leave. The state board of examiners shall adopt
comparative tables and charts to compute credited state ser-
vice on daily, weekly, bi-weekly, calendar month and annual
periods.

(3) Members of the legislature, the lieutenant gover-

nor, and members of part-time boards, commissions and
committees, shall not be eligible for annual leave or sick
leave. Members of the legislature, the lieutenant governor,
and members of part-time boards, commissions and committees
shall, for retirement and longevity purposes only, be cred-
ited for each calendar month of service actually served,
whether in session or not.

(4) Credited state service for those officers and
employees identified by section 67-5303(i), Idaho Code,
shall be as determined by the state board of education,
except no such officer or employee shall be credited with
more than two thousand eighty (2080) hours during any twelve
(12) month period.

Any policy and procedures determined by the state board
of education must be communicated to the state auditor in
writing at least one hundred eighty (180) days in advance of
the effective date of the policy and procedures.

(5) Service for retirement purposes shall be as pro-
vided in chapter 12, title 59, Idaho Code, or in chapter 20,
title 1, Idaho Code.

59-1605. SICK LEAVE COMPUTATION. (1) Eligible
nonclassified officers and employees shall accrue sick leave
at the same rate and under the same conditions as is pro-
vided in section 67-5333, Idaho Code, for classified offi-
cers and employees.

(2) Sick leave shall be taken by nonclassified officers
and employees in as nearly the same manner as possible as is
provided in section 67-5333, Idaho Code, for classified
officers and employees.

(3) The supreme court shall determine the sick leave
policies for all officers and employees of the judicial
department. To the extent possible, the supreme court shall adopt policies which are compatible with the state's accounting system. Any policy and procedures determined by the supreme court must be communicated to the state auditor in writing at least one hundred eighty (180) days in advance of the effective date of the policy and procedures.

(4) The state board of education shall determine the sick leave policies for all officers and employees of the state board of education who are not subject to the provisions of chapter 53, title 67, Idaho Code. To the extent possible, the state board of education shall adopt policies which are compatible with the state's accounting system.

Any policy and procedures determined by the state board of education must be communicated to the state auditor in writing at least one hundred eighty (180) days in advance of the effective date of the policy and procedures.

(5) The state board of examiners shall adopt comparative tables and charts to compute sick leave on daily, weekly, bi-weekly, calendar month and annual periods.

59-1606. VACATION TIME. (1) Eligible nonclassified officers and employees in the executive department and in the legislative department shall accrue vacation leave and take vacation leave at the same rate and under the same conditions as is provided in sections 67-5334 and 67-5335, Idaho Code, for classified officers and employees.

(a) The state board of examiners shall adopt comparative tables and charts to compute vacation time on daily, weekly, bi-weekly, calendar month and annual periods.

(2) Eligible nonclassified officers and employees in the judicial department shall accrue vacation leave as determined by order of the supreme court.

Leave policies established by the supreme court must be communicated to the state auditor in writing at least one hundred eighty (180) days in advance of the effective date of the policies.

(3) The state board of education shall determine the vacation leave policies for all officers and employees of the state board of education who are not subject to the provisions of chapter 53, title 67, Idaho Code. To the extent possible, the state board of education shall adopt policies which are compatible with the state's accounting system.

Any policy and procedures determined by the state board of education must be communicated to the state auditor in writing at least one hundred eighty (180) days in advance of the effective date of the policy and procedures.
59-1607. HOURS OF WORK -- OVERTIME. (1) It is the policy of the legislature of the state of Idaho that all nonclassified officers and employees of state government shall be treated equally with reference to hours of employment, holidays and vacation leave in the same manner as classified employees, except as provided in this chapter. The policy of this state shall not restrict the extension of regular work hour schedules on an overtime basis, which shall be the same as for classified employees, in those activities and duties where such extension is necessary and authorized by the appointing authority.

(2) The appointing authority of any department shall determine the necessity for overtime work and shall provide for cash compensation or compensatory time off for such overtime work for eligible nonclassified officers and employees.

(3) Nonclassified officers and employees who fall within one or more of the following categories are ineligible for cash compensation or compensatory time for overtime work:

(a) If he holds an elective office;
(b) If he holds an office or position for which confirmation by the senate is required;
(c) If he is a departmental director, or equivalent;
(d) If he is a division administrator, or equivalent;
(e) If he is included in the definition of section 67-5303(1), Idaho Code;
(f) If he is an emergency or "pick up" fire fighter.

(4) Nonclassified officers and employees who fall within the definition of executive, administrative or professional as provided in section 67-5302, Idaho Code, and who are not included in the definition of subsection (3) above, shall be ineligible for cash compensation for overtime work unless cash payment is authorized by the state board of examiners for overtime accumulated during unusual or emergency situations, but such nonclassified officers and employees shall be allowed compensatory time off from duty for overtime work. Such compensatory time shall be earned and allowed on a one (1) hour for one (1) hour basis, shall not be transferable, and shall be forfeited at the time of transfer to another appointing authority or upon separation from state service.

(5) Nonclassified officers and employees who do not meet the definition of executive, administrative or professional as provided in section 67-5302, Idaho Code, and are not included in the definition of subsection (3) above,
shall be eligible for cash compensation or compensatory time off from duty for overtime work. Compensatory time off may be provided in lieu of cash compensation at the discretion of the appointing authority after consultation, in advance, with the employee. Compensatory time off shall be paid at the rate of one and one-half (1 1/2) hours for each overtime hour worked. Compensatory time off which has been earned during any one-half (1/2) fiscal year but not taken by the end of the succeeding one-half (1/2) fiscal year, shall be paid in cash on the first payroll following the close of such succeeding one-half (1/2) fiscal year. Compensatory time not taken at the time of transfer to another appointing authority or upon separation from state service shall be liquidated at the time of such transfer or separation by payment in cash.

SECTION 17. (1) Any officer or employee, whether classified or nonclassified, who has accrued and accumulated amounts of vacation leave as of June 30, 1977, which are greater than the limits imposed by the various sections included in this act shall have until June 30, 1978, to utilize such vacation leave. On and after July 1, 1978, any amounts of vacation leave that are in excess of the limits allowed by the various sections included in this act shall be forfeited.

(2) Any eligible officer or employee, whether classified or nonclassified, who has accrued and accumulated amounts of compensatory time prior to July 1, 1977, shall be allowed to take compensatory time at the rates prevailing during the period such compensatory time was earned, but such compensatory time must be taken prior to July 1, 1978. After July 1, 1977, all compensatory time off earned shall be taken as provided in section 67-5329, Idaho Code.
CHAPTER 308
(S.B. No. 1271)

AN ACT
RELATING TO FROZEN FOOD DESSERT PRODUCTS; AMENDING SECTION 37-1201, IDAHO CODE, TO PROVIDE THAT THE DIRECTOR OF THE DEPARTMENT OF AGRICULTURE MAY, BY ADMINISTRATIVE RULE, EXPAND THE DEFINITION OF FROZEN DESSERTS AND FROZEN NOVELTIES; AMENDING SECTION 37-1202, IDAHO CODE, TO PROVIDE FOR DEFINITIONS PROMULGATED BY THE DIRECTOR OF THE DEPARTMENT OF AGRICULTURE; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 37-1201, Idaho Code, be, and the same is hereby amended to read as follows:

37-1201. DEFINITIONS. For the purpose and within the meaning of this act, the following terms shall have the following definitions:

1. "Frozen desserts and frozen novelties" means ice cream, ice milk, fruit sherbet, and water ices as defined in this act, and such other dessert food products as the director of the department of agriculture may by regulation prescribe.

2. "Milk products" means pure, clean and wholesome cream, pure milk fat, butter, milk, evaporated milk, skimmed milk, condensed milk, sweetened condensed milk, condensed skimmed milk, sweetened condensed skimmed milk, dried milk, dried skimmed milk.

3. "Ice cream" means the pure, clean frozen product made from a combination of two (2) or more of the following ingredients: milk products, eggs, water, and sugar, with harmless flavoring and with or without harmless coloring, and with or without added stabilizer composed of wholesome edible material. It contains not more than one-half of one per centum (1/2%), by weight, of stabilizer, not less than ten per centum (10%) by weight, of milk fat and not less than twenty per centum (20%), by weight, of total milk solids; except when fruit, nuts, cocoa or chocolate, maple syrup, cakes or confections are used for purpose of flavoring, then it shall contain not less than eight per centum (8%), by weight, of milk fat and not less than sixteen per
(16%) by weight, of total milk solids, except for such reduction in milk fat and in total milk solids, as is due to the addition of such flavoring, but in no such case shall it contain less than eight per centum (8%), by weight, of milk fat nor less than sixteen per centum (16%), by weight, of total milk solids. In no case shall any ice cream contain less than one and six-tenths (1 6/10) pounds of total food solids per gallon, nor weigh less than four and one-half (4 1/2) pounds net per gallon.

4. "Ice milk" means the pure, clean frozen product made from a combination of two (2) or more of the following ingredients: milk products, eggs, water, and sugar with harmless flavoring and with or without harmless coloring, and with or without added stabilizer composed of wholesome edible material. It contains not more than one-half of one per centum (1/2%), by weight, of stabilizer, not less than two per centum (2%), by weight, of milk fat, and not less than eleven per centum (11%), by weight, of total milk solids. In no case shall any ice milk contain less than one and three-tenths (1 3/10) pounds of total food solids per gallon nor weigh less than four and one-half (4 1/2) pounds net per gallon.

5. "Fruit sherbet" means the pure, clean, frozen products made from milk products, water and sugar, with harmless fruit or fruit juice flavoring and with or without harmless coloring, with not less than 0.35 of one per centum of acid, as determined by titrating with standard alkali and expressed as lactic acid, and with a maximum of 0.50 of one per centum added stabilizer, composed of wholesome edible material. It contains not less than two (2) nor more than five per centum (5%), by weight, of total milk solids. It must contain not less than one per centum (1%) nor more than two per centum (2%) of milk fat, nor weigh less than six (6) pounds net per gallon.

6. "Water ices" means the pure, clean, frozen product made from water and sugar with harmless fruit or fruit juice flavoring and with or without harmless coloring with not less than 0.35 of one per centum of acid, as determined by titrating with standard alkali and expressed as lactic acid, and with a maximum of 0.50 of one per centum added stabilizer composed of wholesome edible material. It contains no milk solids. It must weigh a minimum of six (6) pounds net per gallon.

7. Neither ice cream nor ice milk when sold by the manufacturer shall contain more than one hundred thousand (100,000) bacteria per gram.
SECTION 2. That Section 37-1202, Idaho Code, be, and the same is hereby amended to read as follows:

37-1202. LABELING AND ADVERTISING FROZEN DESSERTS AND FROZEN NOVELTIES. (a) All packages and containers used in the sale and distribution of frozen desserts or frozen novelties shall bear a label. The label shall plainly give the name of the product as defined in the preceding section, or as defined in regulations promulgated by the director of the department of agriculture, and if a trade or brand name is used, the name of the product shall be in letters at least one-half the size of the letters of such brand or trade name. The label shall also bear the name and address of the manufacturer or distributor.

(b) Wherever any frozen desserts or frozen novelties are sold or dispensed over counters, through machines, or in any other manner than in labeled cartons, packages or containers, the seller or dispenser thereof shall in his advertising or his offer to sell or dispense such product plainly display the name of the product as defined in section 37-1201, Idaho Code, in letters at least one-half of the size of the letters of the trade or brand name. When any frozen dessert or frozen novelty is sold or dispensed, other than in packages or containers, without any advertising or the use of a trade or brand name, the seller or dispenser thereof shall conspicuously display at the counter, machine or place where the product is sold or dispensed, a sign with letters at least 4 inches high describing the product so sold or dispensed.

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

Approved March 31, 1977.
CHAPTER 309
(S.B. No. 1279)

AN ACT
RELATING TO MEETINGS FOR NEGOTIATION PROCEEDINGS BETWEEN
SCHOOL DISTRICTS AND PROFESSIONAL EMPLOYEES; AMENDING
SECTION 33-1271, IDAHO CODE, TO PROVIDE THAT JOINT
RATIFICATION OF ALL FINAL OFFERS IN NEGOTIATIONS BETWEEN
SCHOOL DISTRICTS AND PROFESSIONAL EMPLOYEES SHALL BE
DONE IN OPEN MEETINGS.

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

SECTION 1. That Section 33-1271, Idaho Code, be, and
the same is hereby amended to read as follows:

33-1271. SCHOOL DISTRICTS -- PROFESSIONAL EMPLOYEES --
NEGOTIATION AGREEMENTS. The board of trustees of each school
district, including specially chartered districts, or the
designated representative(s) of such district, is hereby
empowered to and shall upon its own initiative or upon the
request of a local education organization, enter into a
negotiation agreement with professional employees and nego-
tiate with such employees in good faith on those matters
specified in any such negotiation agreement between the
local board of trustees and the local education organiza-
tion. A request for negotiations may be initiated by either
party to such negotiation agreement. Accurate records or
minutes of the proceedings shall be kept, and shall be
available for public inspection at the offices of the board
of education during normal business hours. Joint ratifi-
cation of all final offers of settlement shall be made in
open meetings.

Approved April 1, 1977.
CHAPTER 310
(S.B. No. 1280)

AN ACT

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 program, from the listed accounts, according to the designated standard expense classes for the period July 1, 1977, through June 30, 1978:

A. DISTRICT HEALTH DEPARTMENTS:

<table>
<thead>
<tr>
<th>FOR:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel Costs</td>
<td>$5,054,800</td>
</tr>
<tr>
<td>Operating Expenditures</td>
<td>1,834,000</td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>362,600</td>
</tr>
<tr>
<td>Trustee and Benefit Payments</td>
<td>183,900</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$7,435,300</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>FROM:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>General Account</td>
<td>$1,538,900</td>
</tr>
<tr>
<td>Cooperative Welfare Account</td>
<td>5,896,400</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$7,435,300</strong></td>
</tr>
</tbody>
</table>

Approved April 1, 1977.
AN ACT

APPROPRIATING $13,300 FROM THE GENERAL ACCOUNT TO THE LEGISLATIVE COUNCIL, TO BE EXPENDED FOR THE DESIGNATED PURPOSE, ACCORDING TO THE DESIGNATED EXPENSE CLASS FOR THE PERIOD JULY 1, 1977, THROUGH JUNE 30, 1978.

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

SECTION 1. There is hereby appropriated to the Legislative Council the following amount, to be expended for the designated purpose, according to the expense class designated therein from the listed account for the period July 1, 1977, through June 30, 1978:

<table>
<thead>
<tr>
<th>FOR:</th>
<th>OPERATING EXPENDITURES</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>EDUCATION COMMISSION AND COUNCIL:</td>
<td>$13,300</td>
<td>$13,300</td>
</tr>
<tr>
<td>FROM:</td>
<td>General Account</td>
<td></td>
</tr>
</tbody>
</table>

Approved April 1, 1977.
CHAPTER 312
(S.B. No. 1282)

AN ACT
EXPRESSING LEGISLATIVE INTENT WITH RESPECT TO EXPENDITURES OF THE OFFICE OF THE GOVERNOR FOR THE OFFICE OF ENERGY; APPROPRIATING MONEYS FROM THE ACCOUNTS ENUMERATED TO THE OFFICE OF THE GOVERNOR FOR THE OFFICE OF ENERGY TO BE EXPENDED FOR DESIGNATED PROGRAMS ACCORDING TO DESIGNATED EXPENSE CLASSES FROM THE LISTED ACCOUNTS FOR THE PERIOD JULY 1, 1977, THROUGH JUNE 30, 1978; AND PROVIDING FOR REVERSION OF MONEY TO THE GENERAL ACCOUNT UPON RECEIPT OF FEDERAL MONEY FOR SPECIFIED PROGRAM.

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

SECTION 1. It is legislative intent that the expenditures of the Office of the Governor for the Office of Energy as set forth in section 2, not exceed the following amounts for the period July 1, 1977, through June 30, 1978:

<table>
<thead>
<tr>
<th>FOR:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel Costs</td>
<td>$132,500</td>
</tr>
<tr>
<td>Operating Expenditures</td>
<td>352,700</td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>5,000</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$490,200</td>
</tr>
</tbody>
</table>

FROM:

| General Account             | $ 86,100 |
| Federal Energy Administration Account | 404,100 |
| TOTAL                       | $490,200 |

SECTION 2. There is hereby appropriated to the Office of the Governor for the Office of Energy the following amounts, to be expended for the designated programs according to the expense classes designated therein from the listed accounts for the period July 1, 1977, through June 30, 1978:

<table>
<thead>
<tr>
<th>PROGRAM</th>
<th>PERSONNEL</th>
<th>OPERATING</th>
<th>CAPITAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. ENERGY CONSERVATION:</td>
<td>FOR</td>
<td>FOR</td>
<td>FOR</td>
</tr>
<tr>
<td>Federal Energy Administration</td>
<td>Account</td>
<td>Account</td>
<td>Account</td>
</tr>
<tr>
<td></td>
<td>$ 87,200</td>
<td>$ 315,400</td>
<td>$ 1,500</td>
</tr>
</tbody>
</table>
B. ENERGY MANAGEMENT AND RESEARCH:
FROM:
General Account

<p>| | | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$45,300</td>
<td>$37,300</td>
<td>$3,500</td>
</tr>
<tr>
<td>GRAND TOTAL</td>
<td>$132,500</td>
<td>$352,700</td>
<td>$5,000</td>
</tr>
</tbody>
</table>

SECTION 3. In the event that federal moneys are received by the Office of Energy, which moneys may be used for the functions of the Energy Management and Research Program, the general account moneys appropriated in section 2 shall be reduced by the amount of federal moneys so received and shall revert to the General Account.

Approved April 1, 1977.
CHAPTER 313
(S.B. No. 1284)

AN ACT
RELATING TO LEGISLATIVE OVERVIEW OF PERSONNEL POLICIES;
AMENDING SECTION 67-5317, IDAHO CODE, TO PROVIDE THAT
THE LEGISLATIVE COUNCIL SHALL REVIEW POLICIES AND MAKE
RECOMMENDATIONS TO THE PERSONNEL COMMISSION ON ALL
ASPECTS OF THE PERSONNEL SYSTEM; AND DECLARING AN EMER­
GENCY.

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

SEC 1. That Section 67-5317, Idaho Code, be, and
the same is hereby amended to read as follows:

67-5317. LEGISLATIVE OVERVIEW. A committee of members
of the house and senate of the state affairs committee of the
legislature is hereby created to the legislative council
shall review and make recommendations to the personnel com­
mission on all aspects of the personnel system, including
policies, wages and salaries. The chairmen of the respective
ecommittees shall serve as the chairmen of the committee. The
ecommittee shall meet at such times and places as the
chairmen shall direct. Members of the committee shall receive twenty-five dollars ($25.00) per day for each day of
actual attendance at committee meetings and shall be reim­
bursed for their out-of-pocket expenses from legislative funds.

SEC 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 April 1, 1977.
AN ACT
APPROPRIATING $16,368.00 FROM THE INDUSTRIAL ADMINISTRATION FUND TO THE INDUSTRIAL COMMISSION FOR THE PURPOSE OF PAYING A REFUND FOR AN OVERPAYMENT OF TAXES PAID BY ARGONAUT INSURANCE COMPANY, MENLO PARK, CALIFORNIA; APPROPRIATING $600 FROM THE LISTED FUNDS TO THE INDUSTRIAL COMMISSION TO BE EXPENDED 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 the Industrial Administration Fund the sum of $16,368.00 to the Industrial Commission for the purpose of paying to Argonaut Insurance Company, Menlo Park, California, the sum of $16,368.00 in refund of taxes erroneously paid by and collected from said company.

SECTION 2. There is hereby appropriated $600 from the listed funds to the Industrial Commission to be expended for the designated purpose, for the period from the effective date of this act through June 30, 1977:

FOR:  
Trustee and Benefit Payments $ 600
FROM:
   Industrial Administration Fund $ 500
   Industrial Special Indemnity Fund 100
   TOTAL $ 600

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

Approved April 1, 1977.
AN ACT

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

SECTION 1. It is legislative intent that the expenditures of the Office of the Governor for the Division of Budget, Policy Planning and Coordination as set forth in section 2, not exceed the following amounts for the period July 1, 1977, through June 30, 1978.

FOR:
Personnel Costs $ 1,491,300
Operating Expenditures 599,800
Capital Outlay 8,900
Trustee and Benefit Payments 10,796,000
TOTAL $12,896,000

FROM,
General Account $ 1,184,400
General Interaccount Account 3,600
Idaho Criminal Justice Information Account 14,300
Law Enforcement Planning Commission Account 3,867,400
Urban Planning Account 220,000
State Planning Account 7,606,300
TOTAL $12,896,000

SECTION 2. There is hereby appropriated to the Office of the Governor for the Division of Budget, Policy Planning and Coordination the following amounts, to be expended for the designated programs according to expense classes designated therein from the listed accounts for the period July 1, 1977, through June 30, 1978:

<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 Account</td>
<td>$ 181,000</td>
<td>$ 16,200</td>
<td>$ 600</td>
<td></td>
<td>$ 197,800</td>
</tr>
<tr>
<td>General Interaccount Account</td>
<td>3,600</td>
<td></td>
<td></td>
<td></td>
<td>3,600</td>
</tr>
</tbody>
</table>
### Idaho Criminal Justice Information

**Account** | 13,700 | 600 | **TOTAL** | 14,300
---|---|---|---|---

#### B. LAW ENFORCEMENT PLANNING COMMISSION:
**FROM:**
- General Account $75,900 $82,200 $158,100
- Law Enforcement Planning Commission Account
  - Total $385,300 $181,200 $566,500

#### C. POLICE OFFICERS STANDARDS AND TRAINING:
**FROM:**
- General Account $91,700 $34,100 $7,800 $133,600
- Law Enforcement Planning Commission Account
  - Total $91,700 $34,100 $7,800 $59,000 $192,600

#### D. UPGRADING CRIMINAL JUSTICE:
**FROM:**
- Law Enforcement Planning Commission Account
  - Total $3,400,000

#### E. BUREAU OF BUDGET:
**FROM:**
- General Account $241,400 $60,500 $500 $302,400

#### F. STATE PLANNING AND COORDINATION:
**FROM:**
- General Account $113,700 $16,300 $130,000
- Urban Planning Account
  - Total $23,200 $104,700 $127,900
- State Planning Account
  - Total $34,800 $87,900 $52,000 $174,700

#### G. LOCAL ASSISTANCE:
**FROM:**
- General Account $34,200 $12,100 $46,300
- Urban Planning Account
  - Total $80,100 $12,000 $92,100
- State Planning Account
  - Total $93,700 $52,900 $7,285,000 $7,431,600
- TOTAL $208,000 $77,000 $77,570,000

#### H. MANAGEMENT ANALYSIS:
**FROM:**
- General Account $149,700 $21,000 $170,700

#### I. INFORMATION SYSTEMS:
**FROM:**
- General Account $45,200 $300 $45,500

**GRAND TOTAL** $1,491,300 $599,800 $8,900 $10,796,000 $12,896,000

Approved April 1, 1977.
CHAPTER 316
(S.B. No. 1286)

AN ACT
EXPRESSING LEGISLATIVE INTENT WITH RESPECT TO EXPENDITURES
FOR THE DEPARTMENT OF AGRICULTURE; APPROPRIATING MONEYS
FROM THE ACCOUNTS ENUMERATED TO THE DEPARTMENT OF AGRI-
CULTURE, TO BE EXPENDED FOR DESIGNATED PROGRAMS ACCORD-
ING TO DESIGNATED EXPENSE CLASSES FROM THE LISTED
ACCOUNTS FOR THE PERIOD JULY 1, 1977, THROUGH JUNE 30,
1978.

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 Agriculture not exceed the
following amounts for the period July 1, 1977, through June
30, 1978:

<table>
<thead>
<tr>
<th>FOR:</th>
<th>FROM:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel Costs</td>
<td>General Account</td>
</tr>
<tr>
<td>Operating Expenditures</td>
<td>Agriculture Department Inspection Account</td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>Bee Inspection Account</td>
</tr>
<tr>
<td>Trustee &amp; Benefit Payments</td>
<td>Fresh Fruit &amp; Vegetable Inspection Account</td>
</tr>
<tr>
<td>TOTAL</td>
<td>Public Livestock Market Account</td>
</tr>
<tr>
<td></td>
<td>Sheep Commission Account</td>
</tr>
<tr>
<td></td>
<td>Commercial Feed &amp; Fertilizer Account</td>
</tr>
<tr>
<td></td>
<td>Pesticide Account</td>
</tr>
<tr>
<td></td>
<td>Livestock Disease Control &amp; T.B.</td>
</tr>
<tr>
<td></td>
<td>Indemnity Account</td>
</tr>
<tr>
<td></td>
<td>Dairy Industry &amp; Inspection Account</td>
</tr>
<tr>
<td></td>
<td>Idaho Honey Advertising Commission Account</td>
</tr>
<tr>
<td></td>
<td>Egg Inspection Account</td>
</tr>
<tr>
<td></td>
<td>Rural Rehabilitation Account</td>
</tr>
<tr>
<td></td>
<td>Federal Accounts:</td>
</tr>
<tr>
<td></td>
<td>Plant Industries Account</td>
</tr>
<tr>
<td></td>
<td>Meat Inspection Account</td>
</tr>
<tr>
<td></td>
<td>Wheat Statistics Account</td>
</tr>
<tr>
<td></td>
<td>Egg &amp; Poultry Inspection Account</td>
</tr>
<tr>
<td></td>
<td>TOTAL</td>
</tr>
</tbody>
</table>

$5,730,600                  $2,152,000
1,286,300                   174,600
69,700                      16,500
293,200                     3,327,900
5,100                       5,100
129,500                     129,500
212,100                     212,100
47,200                      47,200
304,200                     304,200
144,500                     144,500
7,500                       7,500
52,400                      52,400
63,700                      63,700
88,000                      88,000
566,800                     566,800
2,900                       2,900
84,900                      84,900
$7,379,800
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 accounts for the period July 1, 1977, through June 30, 1978:

<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 Account</td>
<td>$176,400</td>
<td>$77,300</td>
<td>$800</td>
<td>$254,500</td>
<td></td>
</tr>
<tr>
<td>Fresh Fruit and Vegetable</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Inspection Account</td>
<td>24,400</td>
<td></td>
<td></td>
<td></td>
<td>24,400</td>
</tr>
<tr>
<td>Rural Rehab. Account</td>
<td>11,700</td>
<td>2,000</td>
<td></td>
<td></td>
<td>13,700</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$212,500</td>
<td>$79,300</td>
<td>$800</td>
<td>$50,000</td>
<td>$342,600</td>
</tr>
<tr>
<td>B. ANIMAL INDUSTRY:</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 Account</td>
<td>$684,100</td>
<td>$221,000</td>
<td>$300</td>
<td>$905,400</td>
<td></td>
</tr>
<tr>
<td>Livestock Disease Control &amp; T.B. Indemnity Account</td>
<td>161,900</td>
<td>118,600</td>
<td>23,700</td>
<td>304,200</td>
<td></td>
</tr>
<tr>
<td>Sheep Commission Account</td>
<td>15,400</td>
<td>500</td>
<td></td>
<td>15,900</td>
<td></td>
</tr>
<tr>
<td>Meat Inspection Account</td>
<td>466,600</td>
<td>99,900</td>
<td>300</td>
<td>566,800</td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>$1,328,000</td>
<td>$440,000</td>
<td>$24,300</td>
<td>$1,792,300</td>
<td></td>
</tr>
<tr>
<td>C. FEDERAL-STATE INSPECTION:</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>Agriculture Department</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Inspection Account</td>
<td>$33,200</td>
<td>$11,200</td>
<td>$400</td>
<td>$3,200</td>
<td>48,000</td>
</tr>
<tr>
<td>Fresh Fruit &amp; Vegetable</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Inspection Account</td>
<td>2,660,900</td>
<td>290,000</td>
<td>7,800</td>
<td>145,000</td>
<td>3,303,500</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$2,694,100</td>
<td>$301,200</td>
<td>$8,700</td>
<td>$158,200</td>
<td>$3,351,500</td>
</tr>
<tr>
<td>D. PLANT INDUSTRY:</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 Account</td>
<td>$295,900</td>
<td>$94,400</td>
<td>$2,400</td>
<td>$50,000</td>
<td>442,700</td>
</tr>
<tr>
<td>Agriculture Department</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Inspection Account</td>
<td>105,200</td>
<td>21,400</td>
<td></td>
<td>126,600</td>
<td></td>
</tr>
<tr>
<td>Bee Inspection Account</td>
<td>13,200</td>
<td>3,300</td>
<td></td>
<td>16,500</td>
<td></td>
</tr>
<tr>
<td>Commercial Feed and Fertilizer Account</td>
<td>129,700</td>
<td>63,600</td>
<td>18,800</td>
<td>212,100</td>
<td></td>
</tr>
<tr>
<td>Pesticide Account</td>
<td>30,100</td>
<td>17,100</td>
<td>47,200</td>
<td>88,000</td>
<td></td>
</tr>
<tr>
<td>Plant Industries Account</td>
<td>33,600</td>
<td>9,400</td>
<td></td>
<td>43,000</td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>$607,700</td>
<td>$209,200</td>
<td>$21,200</td>
<td>$95,000</td>
<td>$933,100</td>
</tr>
<tr>
<td>E. MARKETS:</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 Account</td>
<td>$394,400</td>
<td>$140,600</td>
<td>$14,400</td>
<td>$549,400</td>
<td></td>
</tr>
<tr>
<td>Public Livestock Market Account</td>
<td>2,100</td>
<td>3,000</td>
<td></td>
<td>5,100</td>
<td></td>
</tr>
<tr>
<td>Dairy Industry and Inspection Account</td>
<td>110,400</td>
<td>34,100</td>
<td></td>
<td>144,500</td>
<td></td>
</tr>
</tbody>
</table>
Egg Inspection Account  36,800  15,600  52,400
Wheat Statistics Account  2,400  500  2,900
Egg & Poultry Inspection Account  64,000  19,900  1,000  84,900
TOTAL  $ 610,100  $ 213,700  $ 15,400  $ 839,200
F. SHEEP COMMISSION:
FROM:
Sheep Commission Account  $ 77,900  $ 35,700  $ 113,600
G. HONEY ADVERTISING COMMISSION:
FROM:
Idaho Honey Advertising Commission Account  $ 300  $ 7,200  $ 7,500
GRAND TOTAL  $5,730,600  $1,286,300  $ 69,700  $ 293,200  $7,379,800

Approved April 1, 1977.
CHAPTER 317
(S.B. No. 1292)

AN ACT
AMENDING SECTION 1, CHAPTER 105, LAWS OF 1976, RELATING TO
THE APPROPRIATION TO THE STATE TREASURER BY INCREASING
THE APPROPRIATION FROM THE GENERAL FUND BY $22,000; AND
DECLARING AN EMERGENCY.

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

SECTION 1. That Section 1, Chapter 105, Laws of 1976,
be, and the same is hereby amended to read as follows:

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:
FOR:
Personnel Costs $213,700 218,700
Operating Expenditures $63,900 81,000
Capital Outlay $2,000
TOTAL $279,700 301,700
FROM:
General Fund $279,700 301,700

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 April 1, 1977.
AN ACT


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 program, from the listed accounts, according to the designated standard expenses classes for the period July 1, 1977, through June 30, 1978:

<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. PHYSICAL 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 Account</td>
<td>$ 570,400</td>
<td>$ 288,300</td>
<td>$ 10,500</td>
<td>$ 488,900</td>
<td>$1,358,100</td>
</tr>
<tr>
<td>Miscellaneous Receipts Account</td>
<td>6,000</td>
<td></td>
<td></td>
<td>3,200</td>
<td>9,200</td>
</tr>
<tr>
<td>Cooperative Welfare Account</td>
<td>617,500</td>
<td>569,600</td>
<td>12,100</td>
<td>1,591,800</td>
<td>2,791,000</td>
</tr>
<tr>
<td>Central Tumor Registry Account</td>
<td></td>
<td></td>
<td></td>
<td>55,000</td>
<td>55,000</td>
</tr>
<tr>
<td>Anti-recession Fiscal Assistance Account</td>
<td>250,000</td>
<td></td>
<td></td>
<td></td>
<td>250,000</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$1,187,900</td>
<td>$1,113,900</td>
<td>$22,600</td>
<td>$2,138,900</td>
<td>$4,463,300</td>
</tr>
</tbody>
</table>

SECTION 2. The State Auditor shall make transfers of the enumerated General Account moneys to the Cooperative Welfare Account of the Dedicated 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 April 1, 1977.
CHAPTER 319
(S.B. No. 1294)

AN ACT

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 program, from the listed accounts, according to the designated standard expense classes for the period July 1, 1977, through June 30, 1978:

<table>
<thead>
<tr>
<th>FOR PROGRAM PERSONNEL COSTS</th>
<th>FOR OPERATING EXPENDITURES</th>
<th>FOR CAPITAL OUTLAY</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>FOR AIR QUALITY:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Acct. $173,700</td>
<td>$53,600</td>
<td>$1,800</td>
<td>$229,100</td>
</tr>
<tr>
<td>Cooperative Welfare Account $166,900</td>
<td>$44,400</td>
<td>$1,800</td>
<td>211,300</td>
</tr>
<tr>
<td>TOTAL $340,600</td>
<td>$98,000</td>
<td></td>
<td>440,400</td>
</tr>
</tbody>
</table>

SECTION 2. The State Auditor shall make transfers of the enumerated General Account moneys to the Cooperative Welfare Account of the Dedicated 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 April 1, 1977.
CHAPTER 320
(S.B. No. 1291)

AN ACT
AMENDING SECTION 4, CHAPTER 338, LAWS OF 1976, RELATING TO THE APPROPRIATION TO THE PERMANENT BUILDING FUND ADVISORY COUNCIL AND THE DIVISION OF PUBLIC WORKS; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 4, Chapter 338, Laws of 1976, be, and the same is hereby amended to read as follows:

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
- Development of a long range plan of the future needs of the Department of Correction
- Remodeling of medium security unit into a close custody security unit

FROM:
- Fiscal Year 1976 General Fund moneys

Approved April 1, 1977.

$100,000
$17,000
$23,000
$60,000

897
AN ACT
RELATING TO DENIAL OF MEDICAL ASSISTANCE FOR ABORTIONS, UNLESS CERTAIN CONDITIONS ARE MET; AMENDING CHAPTER 2, TITLE 56, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 56-209c, IDAHO CODE, PROVIDING THAT NO ABORTIONS WILL BE PAID FOR UNLESS RECOMMENDED BY TWO PHYSICIANS TO SAVE THE LIFE OR HEALTH OF THE MOTHER, OR UNLESS PREGNANCY IS A RESULT OF RAPE OR INCEST.

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

SECTION 1. 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 56-209c, Idaho Code, and to read as follows:

56-209c. DENIAL OF PAYMENT FOR ABORTIONS UNDER CERTAIN CONDITIONS. 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.

Approved April 1, 1977.
AN ACT
APPROPRIATING $5,258,300 FROM THE PERMANENT BUILDING ACCOUNT TO THE PERMANENT BUILDING FUND ADVISORY COUNCIL AND THE DIVISION OF PUBLIC WORKS FOR THE PURPOSES SPECIFIED; APPROPRIATING $355,000 FROM THE PUBLIC BUILDING ACCOUNT TO THE PERMANENT BUILDING FUND ADVISORY COUNCIL AND THE DIVISION OF PUBLIC WORKS FOR THE PURPOSES SPECIFIED; PROVIDING A CONTINGENT APPROPRIATION OF $290,000 TO THE PERMANENT BUILDING FUND ADVISORY COUNCIL AND THE DIVISION OF PUBLIC WORKS FOR THE PURPOSE SPECIFIED; PROVIDING AN APPROPRIATION OF $1,000,000 TO THE PERMANENT BUILDING FUND ADVISORY COUNCIL AND THE DIVISION OF PUBLIC WORKS FOR THE PURPOSE SPECIFIED TO BE FINANCED FROM THE PROCEEDS OF THE SALE OF EAGLE ISLAND FARM; EXPRESSING LEGISLATIVE INTENT CONCERNING THE USE OF MONEYS APPROPRIATED BY THIS ACT; EXEMPTING THE APPROPRIATIONS 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 Account 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 Account 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.

A. OFFICE OF THE GOVERNOR, MILITARY DIVISION:
  Construction of 100-man armory--Rexburg  $ 50,000
Installation of intrusion detection systems --
Ten armory locations
Construction of 60-man armory -- Coeur d'Alene

B. DEPARTMENT OF ADMINISTRATION:
Program planning for building space needs
for the state of Idaho

C. STATE BOARD OF EDUCATION:
University of Idaho: Water system extension
to well no. 4 including pump, pumphouse and
connecting water main
Idaho State University: Renovation of a
vocational-technical building
Boise State University: Planning for
maintenance building should vocational-technical building funding be available
Boise State University: Security lighting
for dormitory area
Eastern Idaho Vocational-Technical School:
Matching funds for technology building
North Idaho College: Construction of
humanities classroom building

D. DEPARTMENT OF LANDS:
Kootenai Valley Fire District headquarters

E. DEPARTMENT OF ADMINISTRATION:
Construction of parking structure in the
Capitol Mall

F. GOVERNOR'S RESIDENCE:
Planning, construction and furnishing

G. CONSTRUCTION CONTINGENCY:
Moneys reserved within building program
appropriation to cover contingencies and
overruns in the authorized construction
program; and moneys for payment of
interest on anticipation notes

SECTION 2. There is hereby appropriated from the Public
Building Account 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 equipment or the rebuilding, renovation or repair of the
following building:

A. CAPITOL BUILDING
1. Portico repair
2. Mechanical system modifications
3. Code compliance modifications

TOTAL $55,250,300

$4,913,300
4. Exterior preservation and waterproofing 25,000
5. Remodeling, renovation and furnishing of office facilities for the Lieutenant Governor on the second floor of the Capitol Building 10,000
TOTAL $355,000

SECTION 3. In the event that revenues received by the Permanent Building Account during fiscal year 1978 exceed $5,636,700, there is hereby appropriated to the Permanent Building Fund Advisory Council and the Division of Public Works $290,000 or so much thereof as may be necessary from the Permanent Building Account to complete construction of the Science-Education Building at Boise State University.

SECTION 4. From moneys accruing to the Permanent Building Account from the sale of the Eagle Island farm property, there is hereby appropriated to the Permanent Building Fund Advisory Council and the Division of Public Works, an amount not to exceed $1,000,000 or the total amount realized from such sale, whichever amount is less, to be used for construction of an inmate housing unit at the Idaho State Penitentiary.

SECTION 5. It is the express intention that the moneys appropriated by this act may be made available for matching any allocation of moneys now in existence or hereafter made available by agencies of the United States and/or private donations; provided the express approval by the Permanent Building Fund Advisory Council is granted to make application for such moneys in each instance. It is further the intention of the legislature that this authority be effective from the effective date of this act.

SECTION 6. 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 7. 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 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 April 1, 1977.

* Line item vetoed--total changed by Governor.
CHAPTER 323
(H.B. No. 275)

AN ACT
RELATING TO A GOVERNOR'S RESIDENCE; AUTHORIZING AND DIRECTING THE STATE BOARD OF LAND COMMISSIONERS TO ACT AS CUSTODIAN OF CERTAIN PROPERTIES; AUTHORIZING THE DISPOSAL OF PROPERTY AS IT BECOMES SURPLUS AND DIRECTING MONEYS REALIZED FROM THE SALE TO BE CREDITED TO THE GOVERNOR'S RESIDENCE ACCOUNT; CREATING THE GOVERNOR'S RESIDENCE ACCOUNT IN THE DEDICATED FUND AND APPROPRIATING THE MONEYS FOR PURPOSES SPECIFIED, AND AUTHORIZING THE DIVISION OF PUBLIC WORKS TO ACCEPT, STORE AND USE GIFTS AND DONATIONS; CREATING THE GOVERNOR'S RESIDENCE CITIZENS' ADVISORY COMMITTEE AND SPECIFYING THEIR DUTIES; AND DECLARING AN EMERGENCY.

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

SECTION 1. The State Board of Land Commissioners is hereby authorized and directed, for and on behalf of the state of Idaho, to become the custodian of the real property and residence situate thereon located at 1805 North 21st Street, Boise, Idaho. The property above described shall be declared surplus as the new governor's residence becomes available.

SECTION 2. The Department of Lands is hereby authorized, for and on behalf of the State of Idaho, to dispose of the property described in section 1 of this act by sale, according to prescribed procedures of the Department of Lands. The moneys realized from the sale of the property shall be deposited to the Governor's Residence Account in the dedicated fund.

SECTION 3. (a) There is hereby created in the state treasury an account in the dedicated fund to be known as the Governor's Residence Account, which shall consist of all moneys received from any and all gifts, grants or endowments from any and all persons, firms, organizations, corporations, and otherwise, for the purpose of decorating, equipping, completing and/or furnishing the governor's residence and/or landscaping the grounds surrounding such residence. All moneys which shall be deposited to such account are
perpetually appropriated and set apart for the purposes for which the moneys are received, the same to be available for such purposes immediately upon their being credited to the said account, upon authorization for expenditure being given by the Permanent Building Fund Advisory Council, and the Division of Public Works.

(b) The Division of Public Works is authorized to accept, store and subsequently use all gifts or donations from all persons, firms, organizations, corporations, and otherwise, of materials, supplies, or other items for use in the governor's residence.

SECTION 4. (1) There is hereby created a Governor's Residence Citizens' Advisory Committee consisting of the director of the Historical Society, and four (4) citizen members, who shall be appointed by the Permanent Building Fund Advisory Council to serve at the pleasure of the Council or for a specific term, whichever is the shorter. Unless otherwise removed, the first citizen members of the committee shall consist of one (1) member appointed for a term of one (1) year, one (1) member appointed for a term of two (2) years, one (1) member appointed for a term of three (3) years, and one (1) member appointed for a term of four (4) years.

(2) It shall be the duty and responsibility of the Governor's Residence Citizens' Advisory Committee to advise the Permanent Building Fund Advisory Council on matters of historical and traditional character, and to provide continuity for the preservation of the historical aspects of the governor's residence for the people of the state of Idaho.

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 April 1, 1977.
CHAPTER 324
(H.B. No. 196)

AN ACT
RELATING TO SHOOTING PRESERVES; ADDING A NEW CHAPTER 22, TITLE 36, IDAHO CODE, AUTHORIZING THE ESTABLISHMENT AND CONTROL OF SHOOTING PRESERVES, PROVIDING FOR THE ISSUANCE OF SHOOTING PRESERVE LICENSES, PROVIDING THAT THE IDAHO FISH AND GAME COMMISSION SHALL ESTABLISH RULES AND REGULATIONS; PROVIDING FOR THE INSPECTION OF THE PROPOSED SHOOTING PRESERVE PREMISES AND FACILITIES AND THE ISSUANCE OF OPERATING LICENSES OR PERMITS; PROVIDING MINIMUM AND MAXIMUM ACREAGE REQUIREMENTS FOR SHOOTING PRESERVES AND REQUIRING SEPARATION OF AT LEAST ONE MILE FROM ANY STATE OR FEDERAL PARK, WILDERNESS AREA, REFUGE OR WILDLIFE MANAGEMENT AREA; REQUIRING POSTED SIGNS ON THE PERIMETER OF THE PRESERVE; PROVIDING REQUIREMENTS FOR THE RELEASE OF ARTIFICIALLY PROPAGATED UPLAND GAME BIRDS, MAKING PROVISIONS FOR ANY WILD BIRDS INCIDENTALLY TAKEN AND PROVIDING FEE; PROVIDING FEES FOR SHOOTING PRESERVE PERMITS; PROVIDING HUNTING LICENSE REQUIREMENTS; PROVIDING REQUIREMENTS FOR THE TAKING OF STOCKED BIRDS AND A MINIMUM AGE FOR BIRDS RELEASED; PROVIDING FOR LENGTH OF SHOOTING SEASONS AND HOURS OF SHOOTING; PROVIDING THAT THE HUNTING AND SHOOTING OF GAME ON SHOOTING PRESERVES SHALL BE SUBJECT TO THE GAME LAWS OF THE STATE OF IDAHO AND THE RULES AND REGULATIONS OF THE IDAHO FISH AND GAME COMMISSION; PROVIDING FOR THE REGULATION OF THE REARING, IMPORTING AND RELEASE OF GAME BIRDS; PROVIDING FOR THE TRANSFER OF SHOOTING PRESERVE LICENSES UPON CHANGE IN OWNERSHIP OF REAL PROPERTY CONCERNED; PROVIDING FOR THE KEEPING OF CERTAIN RECORDS; PROVIDING FOR THE CONTROL OF THE REMOVAL OF BIRDS FROM THE SHOOTING PRESERVE AREA AND PROHIBITING SALE OR PURCHASE OF GAME BIRDS TAKEN ON A SHOOTING AREA; PROVIDING FOR THE SUSPENSION OR REVOCATION OF SHOOTING PRESERVE LICENSES; PROVIDING FOR PENALTIES; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Title 36, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 22, Title 36, Idaho
Code, and to read as follows:

36-2201. PURPOSE. It is the intent of the legislature by this act to provide for and control the establishment and operation of shooting preserves and to do so in such a manner as to be in the best public interest. Pursuant thereto the director of the Idaho fish and game department is hereby authorized to issue shooting preserve licenses for the purpose of permitting shooting of privately owned upland game birds on privately owned premises as hereinafter provided.

Further, the Idaho fish and game commission is hereby authorized to make rules and regulations consistent with and for the purpose of carrying out, administering and enforcing the provisions of this act. During the shooting preserve season, the hunting and shooting of upland game birds on such preserves shall be open to any holder of a valid license of the proper class following payment of the required shooting fee established by the licensed shooting preserve operator.

36-2202. SHOOTING PRESERVE LICENSE. Upon receipt of a completed application of a type and form prescribed by the director, his representative shall inspect the proposed shooting preserve premises and facilities where such upland game birds are to be propagated, raised and released. If the department finds that the proposed operation and area meet all of the requirements of law and related rules and regulations adopted by the fish and game commission, the application shall be approved and the license issued. Upon payment of the annual fee as provided in this act, shooting preserve licenses issued under the provisions hereof shall be and continue in force from the date of issuance until and including the thirtieth day of June thereafter. Application for renewal thereof must be made during the thirty (30) days immediately preceding said expiration date.

Operating licenses or permits may be issued to any person, partnership, association or corporation for the operation of shooting preserves that meet the requirements herein prescribed.

36-2203. STANDARDS. (a) Each shooting preserve shall contain a minimum of one hundred sixty (160) acres in a single tract of land (including water area, if any) and shall be restricted to not more than one thousand six hundred (1,600) contiguous acres (including water area, if any).

(b) The tract of land concerned must be owned by the
licensee; it must be adaptable to use as a game breeding and/or controlled shooting area; it must be of such nature that the game birds propagated and/or released thereon are not likely to become diseased and a menace to other wildlife; and the operation of a shooting preserve must be of such a nature as to not likely work a fraud upon persons paying a fee to hunt thereon.

(c) No license shall be granted for any shooting preserve, any portion of which is less than one (1) mile distant from any state or federal park, wilderness area, refuge or wildlife management area operated by the state or federal government.

36-2204. BOUNDARIES. The exterior boundaries of such shooting preserve shall be clearly defined and posted with appropriate signs erected around the perimeter at intervals of one hundred fifty (150) feet or less if unfenced. If the boundary of the shooting preserve is fenced, such signs must be posted at intervals of not more than five hundred (500) feet.

36-2205. GAME BIRDS. (a) Game which may be hunted under this act shall be confined to artificially propagated upland game birds.

(b) A minimum release of two hundred (200) upland game birds of each species to be hunted on each shooting preserve must be made on the licensed area during the shooting preserve season.

(c) Artificially propagated upland game birds released on a shooting preserve must be banded with a leg band of a type not removable without breaking or mutilating, such tag to be supplied by the fish and game department at cost. One (1) such band shall be securely affixed to one (1) leg of each bird released and shall remain affixed on the bird until bird is prepared for consumption.

(d) Any wild upland game bird incidentally taken upon a shooting preserve, at any time other than the general open season therefor, must be marked then and there with a tag that has been issued to the shooting preserve licensee by the Idaho fish and game department. Said bird shall count as part of the permittee's shooting preserve limit. The fee for such tags shall be three dollars ($3.00) per bird.

During the general hunting season for the taking of upland game birds, all wild birds harvested on shooting preserves will be subject to the laws applicable to such wild birds and related regulations of the Idaho fish and game commission.
36-2206. FEES. Fees for shooting preserve permits shall be one hundred fifty dollars ($150) per year.

36-2207. LICENSE TO SHOOT IN A PRESERVE. Every person taking game birds upon a shooting preserve must secure an appropriate hunting license of the proper class authorizing the hunting of upland game birds or a license entitling the person to whom issued to hunt upland game birds on a licensed shooting preserve only. A license of this kind may be had by any person upon payment of five dollars ($5.00).

36-2208. LIMITATION ON TAKING. Artificially propagated upland game birds released on licensed shooting preserves may be taken during the shooting season provided in this act but the total number taken on any shooting preserve during any such season shall not exceed eighty-five per cent (85%) of the total number of the individual species of said birds released thereon during the license year. Provided, however that, in addition to the authorized taking of upland game birds, one hundred per cent (100%) of exotic species not established and classified as game birds in this state may also be taken under the provisions of this act. Shooting preserve operators may provide their own shooting limitations and restrictions as to the sex and number of those species that may be taken by shooting preserve hunters. All birds released under this act shall be at last fourteen (14) weeks of age before liberation and must possess full plumage.

36-2209. SHOOTING SEASON. The season for shooting in any manner and for any purpose on licensed game preserves shall be from August 15 to April 15, inclusive. Shooting hours shall be the same as established for wild upland game birds by the Idaho fish and game commission.

36-2210. BIRDS TAKEN OUTSIDE BOUNDARIES. The taking or shooting of any and all artificially propagated and marked upland game birds that leave the shooting preserve area shall be subject to related provisions of the law and the rules and regulations of the Idaho fish and game commission, notwithstanding the fact of leg bands attached to said birds.

36-2211. CARE OF BIRDS. All permittees shall conform to the requirements of the fish and game commission with respect to the care of and sanitary provisions for such
birds on licensed premises, or on any licensed game farm premises where such birds are being reared or otherwise held. Upland game birds and exotic game birds not so classified which are shipped into this state from another state may only be released following approval by the director of the fish and game department or his authorized representative.

36-2212. TRANSFER OF LICENSE. Upon application to the director of the Idaho fish and game department and a determination being made by him that the provisions of this act will be met and complied with by the transferee, any shooting preserve license may be transferred to another person or to another location upon sale of the real property concerned.

36-2213. REGISTRATION BOOK. Each shooting preserve operator shall maintain a registration book listing the names, addresses and hunting license numbers of all shooters; the date on which they hunted; the amount of game taken, by sex and species; and the band numbers affixed to each carcass so taken. An accurate record likewise must be maintained of the total number, by sex and species, of game received and/or purchased and the date and number, by sex, of all species released. These records shall be open to inspection by an authorized representative of the Idaho fish and game department at any reasonable time.

36-2214. PROHIBITIONS. Only dead birds which have been killed by shooting and which have been properly tagged shall be removed from the premises licensed under this act, and it shall be unlawful for any person to thereafter sell or attempt to sell or to buy or attempt to buy any such birds.

36-2215. REVOCATION, SUSPENSION AND NONRENEWAL. The director of the Idaho fish and game department may either refuse to issue or refuse to renew or may suspend or may revoke any shooting preserve license if the said director finds that such licensed shooting preserve or the operator thereof does not meet, or is not complying with the provisions of this act or rules adopted hereunder, or if such property or areas are otherwise being operated in any unlawful or illegal manner.

36-2216. PENALTY. In addition to the foregoing provisions relative to the renewal, revocation or suspension of an operator's license, any person violating any of the
provisions of this act or any of the rules or regulations adopted hereunder shall be guilty of a misdemeanor and, upon conviction, subject to fine and/or imprisonment as provided by section 36-1402, 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.

This bill became law without the signature of the Governor.
CHAPTER 325
(H.B. No. 143)

AN ACT
RELATING TO THE SALES TAX FUND; AMENDING SECTION 63-3638, IDAHO CODE, TO PROVIDE FOR A CONTINUOUS APPROPRIATION TO THE CAPITAL RESERVE FUND OF THE IDAHO HOUSING AGENCY FROM THE SALES TAX FUND; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 63-3638, Idaho Code, be, and the same is hereby amended to read as follows:

63-3638. SALES TAX FUND -- CREATION -- SALES TAX REFUND FUND -- APPROPRIATIONS. (a) There is hereby created in the office of the state treasurer and subject to his control and custody a fund to be known and designated as the "Sales Tax Fund."

(b) All moneys collected under this act shall be paid by the tax collector into the sales tax fund.

(c) Five hundred thousand dollars ($500,000) per 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 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) An amount equal to the sum required to be certified by the chairman of the Idaho housing agency to the state tax commission pursuant to section 67-6211, Idaho Code, in each year is hereby continuously appropriated and set aside and shall be paid from the sales tax fund to any capital reserve fund, established by the Idaho housing agency pursuant to section 67-6211, Idaho Code. Such amounts, if any, as may be appropriated hereunder to such capital reserve fund of the Idaho housing agency shall be repaid to the sales tax fund, subject to the provisions of section 67-6215, Idaho Code, by the Idaho housing agency, as soon as
possible, from any moneys available therefor and in excess of the amounts which the agency determines will keep it self-supporting.

(f) 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 (h) of this section.

(g) The payments required by this section shall be made periodically but no less frequently than quarterly.

(h) The state tax commission shall compute the percentage that the average amount of taxes collected from assessments for the years 1965, 1966 and 1967 on the personal property described as business inventory in section 63-105Y, Idaho Code, for each county bears to the average total amount of taxes collected from assessments for said years on the personal property described as business inventory in section 63-105Y, Idaho Code, for all counties in the state. Such percentage so determined for each county shall be applied to the amount of sales tax fund appropriated under subsection (f) herein and the resulting sum shall be paid to the county treasurer of each county for distribution to each taxing district in the county as follows:

(1) The county commissioners in each county shall compute the percentage that the average amount of taxes collected from assessments for the years 1965, 1966 and 1967 on the personal property described as business inventory in section 63-105Y, Idaho Code, for each taxing district in the county bears to the average total amount of taxes collected from assessments for said years on the personal property described as business inventory in section 63-105Y, Idaho Code, for all taxing districts in said county. The percentage thus determined for each taxing district in the county shall be adjusted to reflect increases and decreases in levies which vary from the average levy by each such district in the period above described and, as adjusted, applied to the county's proportionate share of said sales tax fund and the resulting amount shall be distributed to each taxing district in the county periodically but not less frequently than quarterly by the county auditor and applied by such taxing districts in the same manner and in the same proportions as revenues from ad valorem taxation.

(2) The moneys set aside and appropriated to the county treasurer out of the sales tax fund above may be considered by the counties and other taxing districts and budgeted against at the same time, in the same manner and in the same
year as revenues from taxation on all classes of personal property which these moneys replace.

(ii) Notwithstanding the provisions of subsections (f) and (h) 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.

(jj) An amount equal to five per centum (5%) of the amount deposited in the sales tax fund, but not in excess of fifty thousand dollars ($50,000), shall be retained in this fund as a "Sales Tax Refund Fund" for the purpose of repaying overpayments made under this act and for the purpose of paying any other erroneous receipt illegally assessed or collected, penalties collected without authority and taxes and other amounts unjustly assessed, collected, or which are excessive in amount, and there is hereby appropriated from this fund so much thereof as may be necessary for the payment of the refunds herein provided for. The balance of the sales tax refund fund in excess of fifty thousand dollars ($50,000) shall be transferred to the general fund.

(k) Any moneys remaining in the sales tax fund over and above those necessary to meet and reserve for payments under subsections (c), (d), (e) and (jj) of this section shall be paid periodically, but no less frequently than quarterly, to the general fund.

(l) The appropriations herein provided shall not be subject to the provisions of the "Standard Appropriations Act of 1945."

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

Approved April 1, 1977.
CHAPTER 326
(H.B. No. 144)

AN ACT
RELATING TO THE IDAHO HOUSING AGENCY; AMENDING SECTION 67-6205, IDAHO CODE, TO CLARIFY THE DEFINITIONS OF MORTGAGE LOAN AND INTERIM FINANCING; AMENDING SECTION 67-6206, IDAHO CODE, TO AMEND THE REQUIREMENT OF A GRANT OF POWER BY AN ACTIVE LOCAL HOUSING AUTHORITY, TO REMOVE SPECIAL INVESTIGATION POWERS, TO ALLOW MORTGAGE LENDERS TO REINVEST PROCEEDS OF AGENCY FINANCING IN OTHER AGENCY OBLIGATIONS AND TO REMOVE CERTAIN REVIEW POWERS OF THE AGENCY OVER THE LOCAL HOUSING AUTHORITIES; AMENDING SECTION 67-6207B, IDAHO CODE, TO CLARIFY THE PURCHASE PRICE OF MORTGAGE LOANS AND TO ALLOW MORTGAGE LENDERS TO REINVEST PROCEEDS OF AGENCY FINANCING IN HOUSING PROJECTS; AMENDING SECTION 67-6220, IDAHO CODE, TO ALLOW SIXTY DAYS AFTER CLOSE OF AGENCY FISCAL YEAR FOR FILING OF ANNUAL REPORT; AMENDING SECTION 67-6211, IDAHO CODE, TO PROVIDE FOR PROCEDURE FOR CERTIFICATION TO STATE TAX COMMISSION BY AGENCY CHAIRMAN OF AMOUNT, IF ANY, NEEDED TO FULFILL ITS MAXIMUM CAPITAL RESERVE FUND REQUIREMENT AND BY ESTABLISHING A MAXIMUM AMOUNT OF OUTSTANDING BONDS WHICH MAY BE CERTIFIED; AND DECLARING AN EMERGENCY.

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

SECTION 1. 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, improve, 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 and other persons 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.

(q) "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 com-
pany, and any other financial institution authorized to transact business in the state.

(r) "Mortgage loan" means an interest-bearing obligation secured by a deed of trust, a mortgage, bond, note, or other instrument which is a lien on property in the state except in the case of loans insured by the federal housing administration or the agency and which are made for the rehabilitation or improvement of existing dwellings; in such case the loans need not be secured by an instrument constituting a lien on property in the state.

(s) "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 2. 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, except that this requirement shall not apply to the agency's authority to make, to enter into commitments to make, or to participate...
in the making of interim or long-term mortgage loans, to the agency's authority to purchase, to enter into commitments to purchase or participate in the purchase of interim or long-term mortgage loans, or to the agency's authority to make loans to mortgage lenders under the terms of this act.

(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 a 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 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, improve-
ment, 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.

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 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 obligations of the agency, in mortgage loans to persons of low income, or in mortgage loans 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.

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.

To prescribe rules, regulations and policies in connection with the performance of its functions and duties.

To do all other things deemed necessary and desirable to accomplish the objectives of this act.

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.

To receive and accept aid or contributions from any source.

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.

\(\text{v})\) To insure mortgage payments of any mortgage loan made for the purpose of constructing, rehabilitating, purchasing, leasing, or refinancing housing projects upon such terms and conditions as the agency may prescribe.

\(\text{w})\) 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.

\(\text{x})\) To organize a nonprofit corporation to assist the agency in providing for housing projects.

\(\text{y})\) 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.

\(\text{z})\) 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 3. 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 obligations of the agency or in residential mortgage loans to provide residential housing for persons of low income within this state, or, if required by the agency, invested in short term obligations pending the purchase of such agency obligations or 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 the agency, in its discretion, based upon the rate of interest payable by the agency on its obligations issued to purchase such mortgages, its administrative expenses, and market conditions and any other relevant factors existing at the time of purchase.

(f) Each mortgage loan to a housing sponsor for a rental housing project 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 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 or
mortgage loans for housing projects or to purchase obligations of the agency 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 or has added to or made commitments to add to its portfolio of agency obligations 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 4. That Section 67-6220, Idaho Code, be, and the same is hereby amended to read as follows:

67-6220. ANNUAL REPORTS. The agency shall file an annual report with the secretary of state within thirty (30) sixty (60) days after the close of its fiscal year describing its activities during the preceding year. In such report it may make recommendations regarding additional legislation or other action it deems necessary to permit it to carry out the purposes of this act.

SECTION 5. That Section 67-6211, Idaho Code, be, and the same is hereby amended to read as follows:

67-6211. ADDITIONAL DEFINITIONS AND CAPITAL RESERVE FUND PROCEDURES. 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) Within sixty (60) days after the close of the agency's fiscal year, the chairman of the agency shall certify to the state tax commission the amount, if any, required to maintain the capital reserve funds established pursuant to this section at the maximum capital reserve fund requirement. The chairman of the agency shall not be entitled to so certify to the state tax commission at any time that the total principal amount of the agency's outstanding bonds exceeds the sum of two hundred million dollars ($200,000,000).

(h) The agency may provide by resolution that it shall not issue bonds at any time if upon issuance, the amount in the capital reserve fund 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.

(i) 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.

(j) The agency shall create and establish such other fund or funds as may be necessary or desirable for its corporate purposes.

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 April 1, 1977.
SENATE CONCURRENT RESOLUTIONS

(S.C.R. No. 102)

A CONCURRENT RESOLUTION
RATIFYING AND ADOPTING THE ACTS OF THE ORGANIZATIONAL SESSION OF FORTY-FOURTH LEGISLATURE.

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

WHEREAS, the Senate and the House of Representatives of the Forty-fourth Legislature, of the State of Idaho met in Organizational Session on December 2, 3, and 4, 1976, pursuant to law; and

WHEREAS, certain resolutions and other acts were voted upon and passed.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Forty-fourth Idaho Legislature, the Senate and the House of Representatives concurring therein, that all appointments, authorizations, rules, and all other acts passed upon by the Organizational Session of the Forty-fourth Legislature, are hereby ratified, affirmed and adopted in the same manner as if they were the acts of the First Regular Session of the Forty-fourth Legislature.

Adopted by the Senate January 10, 1977.
Adopted by the House January 11, 1977.
A CONCURRENT RESOLUTION
ACCEPTING THE RESIGNATION OF CECIL D. ANDRUS AS GOVERNOR OF THE STATE OF IDAHO.

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

WHEREAS, Governor Cecil D. Andrus has been nominated to the Office of Secretary of the Interior of the United States; and

WHEREAS, Governor Cecil D. Andrus has submitted his resignation from office as Governor of the State of Idaho; and

WHEREAS, the laws of this state require the resignation of the Governor to be submitted to the Legislature, if in session; and

WHEREAS, the Legislature of the State of Idaho is now in session.

NOW, THEREFORE, BE IT RESOLVED, by members of the First Regular Session of the Forty-fourth Idaho Legislature, the Senate and the House of Representatives concurring therein, that the resignation of Cecil D. Andrus from the Office of Governor of the State of Idaho, be, and the same is hereby accepted.

Adopted by the Senate January 24, 1977.
Adopted by the House January 24, 1977.
A CONCURRENT RESOLUTION

MODIFYING A REPORT OF THE PERSONNEL COMMISSION RELATING TO PERSONNEL POLICIES AFFECTING STATE EMPLOYEES, AND ADOPTING CERTAIN PERSONNEL POLICIES FOR IMPLEMENTATION BY LAW DURING FISCAL YEAR 1977-1978.

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

WHEREAS, the Legislature has by law provided that the Personnel Commission shall report to the Legislature its recommendations on proposed personnel pay policies together with estimated costs therefor; and

WHEREAS, the Legislature has received such report dated January 14, 1977; and

WHEREAS, the Legislature by law may modify or reject such report.

NOW, THEREFORE, BE IT RESOLVED by the members of the Legislature of the State of Idaho, the Senate and the House of Representatives concurring therein, that the report of the Personnel Commission, dated January 14, 1977, is modified to the extent contained in this concurrent resolution, as follows:

(1) Those recommendations to allocate those job classifications in the classified service to a pay grade in the compensation schedule to conform with the job content evaluations assigned, are hereby approved and confirmed.

(2) Those recommendations to place all classified positions in the lowest step in the new compensation schedule which assure each employee at least a five per cent increase from his June 30, 1977 salary level is modified to this extent; Each classified employee who does not receive a salary increase because of the allocations approved in paragraph (1) above, shall be placed in a step in the compensation schedule which represents a salary increase not greater than five per cent above his June 30, 1977 salary level.

(3) No employee shall be permanently assigned to steps F or G of the compensation schedule except upon strict compliance with the provisions of Section 67-5309C (c)(iii), Idaho Code.

(4) To the extent possible, those nonclassified posi-
tions which have had a job content evaluation, shall be allocated to a pay grade in the compensation schedule to conform with the job content evaluations assigned, in the same manner as for classified positions.

(5) Sufficient funds shall be made available for those nonclassified positions which have not had a job content evaluation to provide a minimum five per cent salary increase above current salary levels.

(6) Additionally, the report is modified to this extent:

(a) Sufficient funds shall be provided to offset rising costs of health insurance programs;

(b) Sufficient funds shall be provided to allow for longevity adjustments as provided by Section 67-5309C, Idaho Code.

(c) Sufficient funds shall be provided to allow step increases, as provided by Section 67-5309C, Idaho Code.

BE IT FURTHER RESOLVED that the Joint Finance Appropriations Committee is instructed to prepare appropriations measures to implement these recommendations, and that the estimated cost for fiscal year 1977-1978 for such recommendations is approximately $7,800,000 from the general account in the state operating fund, and approximately $5,200,000 from all other funds or accounts.

Adopted by the Senate February 8, 1977.
Adopted by the House February 15, 1977.
A CONCURRENT RESOLUTION

AUTHORIZING AND DIRECTING THE LEGISLATIVE COUNCIL TO UNDER­
TAKE AND COMPLETE A STUDY OF THE FEASIBILITY OF INCORPO­
RATING CITY, COUNTY, AND STATE PUBLIC EMPLOYEE RETIRE­
MENT PROGRAMS INTO THE PUBLIC EMPLOYEES RETIRE­
MENT SYSTEM.

Be It Resolved by the Legislature of the State of Idaho:
WHEREAS, retirement programs have been extended to
nearly all public employees in the State of Idaho; and
WHEREAS, retirement programs are diverse and dissimilar; and
WHEREAS, the actuarial soundness of retirement programs
varies; and
WHEREAS, it is desirable to achieve uniformity of
employment conditions of all public employees; and
WHEREAS, the actuarial soundness of the State Public
Employee Retirement System is of paramount importance to the
State of Idaho.

NOW, THEREFORE, BE IT RESOLVED by the members of the
First Regular Session of the Forty-fourth Idaho Legislature,
the Senate and the House of Representatives concurring
therein, that the Idaho Legislative Council shall undertake
and complete a study of the Public Employees Retirement
System with special emphasis given to fiscal soundness of
the system.

BE IT FURTHER RESOLVED that the committee shall study
the feasibility of incorporating city, county, and state
public retirement programs into the Public Employees Retire­
ment System.

BE IT FURTHER RESOLVED that the Legislative Council
report its findings, together with necessary proposed legis­
lation, to the Second Regular Session of the Forty-fourth
Idaho Legislature.

Adopted by the Senate February 7, 1977.
Adopted by the House March 1, 1977.
A CONCURRENT RESOLUTION
AUTHORIZING AND DIRECTING THE LEGISLATIVE COUNCIL TO UNDER­
TAKE AND COMPLETE A STUDY OF THE STATE'S INVESTMENT IN
AND NEEDS FOR CAPITAL FACILITIES.

WHEREAS, provision of adequate public facilities is a
significant responsibility of state government, and is an
important factor in providing governmental services to the
citizenry; and

WHEREAS, investment in capital facilities is a major
expenditure in state government, and the existing structures
represent a major investment of the public's resources; and

WHEREAS, no procedure exists to provide a statewide
overview of facility needs, a complete inventory of present
facilities, a projection of needed facilities, the impact
upon the private economy and the tax base of publicly owned
facilities, a commitment for projected facilities based upon
inventory and needs; and

WHEREAS, the Legislature, representing the people of the
State of Idaho, should undertake a review of procedures and
methods of providing responsible planning for public facili­
ties based upon existing facilities, needed facilities, and
resources available.

NOW, THEREFORE, BE IT RESOLVED by the members of the
First Regular Session of the Forty-fourth Idaho Legislature,
the Senate and the House of Representatives concurring
therein, that the Legislative Council is hereby authorized
and directed to undertake and complete a review of all mat­
ters relating to provision of capital facilities within the
State of Idaho. The review should involve existing respon­sibilities and authority of the Permanent Building Fund
Advisory Council; the Idaho State Building Authority; the
Division of Public Works, Department of Administration; all
public institutions of the State of Idaho, and any other
agency or department. An inventory of all existing real
property capital facilities and an assessment of methods for
projecting needs and commitments for future facilities shall
be a prime objective of the study.

BE IT FURTHER RESOLVED, that the results of the study
shall be reported to the Second Regular Session of the
Forty-fourth Legislature.

Adopted by the Senate March 2, 1977.
Adopted by the House March 21, 1977.
A CONCURRENT RESOLUTION

STATING LEGISLATIVE FINDINGS AND DIRECTING THE BOARD OF CORRECTION TO PLAN FOR AND ESTABLISH FACILITIES AND PROGRAMS FOR FEMALE CONVICTS WITHIN THE STATE OF IDAHO.

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

WHEREAS, females convicted of felonies in this state are confined in the state of Nevada during their terms of imprisonment; and

WHEREAS, this constitutes patent sex discrimination when compared to the treatment of male convicts; and

WHEREAS, for the purpose of rehabilitation it is desirable that women convicts be confined in an area close to their families.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Forty-fourth Idaho Legislature, the Senate and House of Representatives concurring therein, that it is the policy of the State of Idaho that any female convicted of a felony in the courts of this state be incarcerated during her term of imprisonment in facilities in Idaho.

BE IT FURTHER RESOLVED that the Board of Correction is hereby directed to study, plan for, and establish, with all deliberate speed, facilities, programming and resources within the State for female convicts appropriate to the nature of the offenses and dangers presented to the community by such female convicts, and at a minimum as provided to male convicts incarcerated for the same or similar offenses.

BE IT FURTHER RESOLVED that the Board of Correction shall, within the first seven days of each legislative session, report to the Legislature on the status of female convicts and the progress toward implementing the policy stated herein.

Adopted by the Senate March 3, 1977.
Adopted by the House March 14, 1977.
A CONCURRENT RESOLUTION
DIRECTING THE STATE LIQUOR DISPENSARY TO SELL THE JONES LIQ­
UOR COLLECTION WHICH WAS DEEDED TO THE IDAHO DEPARTMENT
OF PARKS AND RECREATION AS PART OF THE GIFT FROM MRS.
GENEVIEVE JONES, AND THAT ALL PROCEEDS FROM THE SALE
THEREOF ACCRUE TO PARKS AND RECREATION FUND FOR THE
BENEFIT OF HARRIMAN STATE PARK OF IDAHO.

Be It Resolved by the Legislature of the State of Idaho:
WHEREAS, the Legislature of the State of Idaho recog­
nizes the need of the Idaho Department of Parks and Recrea­
tion for additional funds; and
WHEREAS, the Idaho Department of Parks and Recreation
accepted on December 27, 1976, a gift deed dated November 8,
1976, from Mrs. Genevieve F. Jones; and
WHEREAS, the gift deed included the remainder of the
Jones liquor collection; and
WHEREAS, the Idaho Department of Parks and Recreation
desires to generate funds by selling the liquor collection; and
WHEREAS, the State Liquor Dispensary is empowered to
sell liquor and establish the price therefor.

NOW, THEREFORE, BE IT RESOLVED by the members of the
First Regular Session of the Forty-fourth Idaho Legislature,
the Senate and the House of Representatives concurring therein,
that the State Liquor Dispensary be directed to
sell at public auction, each bottle contained in the Jones
liquor collection, to the highest bidder.

BE IT FURTHER RESOLVED that the State Liquor Dispensary
be directed to place all bottles from the Jones liquor
collection which are not purchased at public auction in
State liquor stores for public sale.

BE IT FURTHER RESOLVED that all proceeds from the sale
of any liquor from the Jones collection accrue to the Parks
and Recreation Fund.

BE IT FURTHER RESOLVED that the Idaho Department of
Parks and Recreation is authorized to expend said monies for
the benefit of Harriman State Park of Idaho.

Adopted by the Senate March 7, 1977.
Adopted by the House March 16, 1977.
A CONCURRENT RESOLUTION
PROVIDING FOR CONFIRMATION AND CONTINUATION OF THE UNIVERSITY OF UTAH MEDICAL PROGRAM FOR IDAHO STUDENTS.

Be It Resolved by the Legislature of the State of Idaho:
WHEREAS, the Idaho Legislature had indicated its desire to have certain Idaho residents admitted to the University of Utah's medical program; and
WHEREAS, the State Board of Education has entered into an agreement with the University of Utah to accomplish this purpose; and
WHEREAS, by the terms of this agreement the Idaho Legislature must approve continuation of the medical program for years succeeding the 1976-77 academic year.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Forty-fourth Idaho Legislature, the Senate and the House of Representatives concurring therein, that the certain agreement dated July 16, 1976, entered into by the University of Utah and the Idaho State Board of Education to provide a medical education program for Idaho residents is hereby confirmed and continued.

Adopted by the Senate March 9, 1977.
Adopted by the House March 14, 1977.

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

WHEREAS, the Governor has informed the House and the Senate that he desires to deliver a message to a Joint Session of the House of Representatives and the Senate of the First Regular Session of the Forty-fourth Idaho Legislature in the Chamber of the House of Representatives at 1 p.m. on Monday, January 10, 1977.

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 10, 1977, at 1 p.m. for the purpose of hearing the message from the Governor.

Adopted by the House January 10, 1977.
Adopted by the Senate January 10, 1977.
A CONCURRENT RESOLUTION

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

WHEREAS, the Governor has informed the House of Representatives and the Senate that he desires to deliver a budget message to a Joint Session of the House of Representatives and the Senate of the First Regular Session of the Forty-fourth Idaho Legislature in the Chamber of the House of Representatives at 11 a.m., on Wednesday, January 12, 1977.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Forty-fourth 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 Wednesday, January 12, 1977 for the purpose of hearing a budget message from the Governor.

Adopted by the House January 11, 1977.
Adopted by the Senate January 12, 1977.

A CONCURRENT RESOLUTION
PROVIDING FOR CONFIRMATION OF THE COMMITTEE TO STUDY REVENUE PROJECTIONS AND AUTHORIZING PAYMENT OF EXPENSES.

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

WHEREAS, it is the responsibility of the legislature to provide, in cooperation with the chief executive, for the sound fiscal operation of the State of Idaho; and

WHEREAS, the legislature concludes that a sound budget practice is dependent upon an accurate income projection; and

WHEREAS, the legislature will benefit from an authoritative estimate arrived at on the basis of the best and most accurate information available.

NOW, THEREFORE, BE IT RESOLVED by the First Regular Session of the Forty-fourth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the joint committee created and constituted to study revenue projection is hereby confirmed. The committee shall have
consisted of three members of the Senate, appointed by the President Pro Tempore of the Senate, no more than two of whom shall have been from the same political party, and four members of the House of Representatives, appointed by the Speaker of the House, no more than two of whom shall have been from the same political party. Because of the constitutional provision that makes the House of Representatives responsible for revenue raising measures, and the tradition which places revenue projection responsibility with the Revenue and Taxation Committee, it is further resolved that the Speaker of the House shall have designated the chairman of the committee. The committee shall have availed itself of the expert knowledge available within the state to provide the First Regular Session of the Forty-fourth Idaho Legislature with the most accurate revenue projection available and shall present such supporting information as may be possible.

BE IT FURTHER RESOLVED that meetings of the committee shall, with the approval of the Speaker and the President Pro Tempore, have been held at such times as necessary.

BE IT FURTHER RESOLVED that the President of the Senate and the Speaker of the House of Representatives are authorized and directed to provide for the payment of expenses and compensation of the committee members, and the expenses of the committee including necessary staff and consultants, and to certify such compensation and expenses to the state auditor for payment.

Adopted by the House January 20, 1977.
Adopted by the Senate January 27, 1977.
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 House Printing and Legislative Expense Committee and the Senate Judiciary Committee,

BE IT RESOLVED, by the Senate and the House of Representatives of the First Regular Session of the Forty-fourth 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 contract between the House Printing and Legislative Expense Committee and the Senate Judiciary and Rules 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 14th day of December, 1976, by and between the SENATE JUDICIARY AND RULES COMMITTEE and the HOUSE PRINTING AND LEGISLATIVE EXPENSE COMMITTEE of the Forty-fourth 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 legislative printing is hereby awarded to the said SYMS-YORK COMPANY, as follows:

HOUSE DAILY JOURNAL OF THE FIRST REGULAR SESSION
375 copies ..............................................$23.90 per column
Additional 100 copies .................................$ 1.15 per column
Said copies to be distributed as directed by the Speaker of the House of Representatives.

SENATE DAILY JOURNAL OF THE FIRST REGULAR SESSION
375 copies ..............................................$23.90 per column
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 Fifty Dollars ($50) 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 Five Thousand Dollars ($5,000), 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

(S) Edith Miller Klein
By: EDITH MILLER KLEIN, Chm.

HOUSE PRINTING AND LEGISLATIVE EXPENSE COMMITTEE

(S) George G. Danielson
By: GEORGE G. DANIELSON, Chm.

Party of the first part

SYMS-YORK COMPANY

(S) Stuart Davison
By: STUART DAVISON

Party of the second part.

Adopted by the House January 20, 1977.
Adopted by the Senate January 28, 1977.
A CONCURRENT RESOLUTION

PROVIDING FOR OFFSET PRINTING OF HOUSE AND SENATE BILLS, RESOLUTIONS AND MEMORIALS, AND FIXING THE PRICE FOR PRINTING THE SAME.

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

WHEREAS, the House Printing and Legislative Expense Committee and the Senate Judiciary and Rules Committee has, according to law, made provisions for the offset printing of the House and Senate bills, resolutions and memorials;

NOW, THEREFORE, in accordance with a written contract duly made and entered into by the House Printing and Legislative Expense Committee and the Senate Judiciary and Rules Committee,

BE IT RESOLVED by the Legislature of the First Regular Session of the Forty-fourth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the contract for the offset printing of the House and Senate bills, resolutions and memorials, in accordance with the provisions of law and in accordance with the written contract between the Joint Committee as party of the first part, and COMET PRINTING AND LITHOGRAPH COMPANY, Boise, Idaho, as party of the second part, be, and the same is hereby ratified and concurred in, and is incorporated herein, except for the attachments, and made a part of this resolution in words and figures following, to-wit:

PRINTING AGREEMENT

THIS AGREEMENT, made and entered into this 14th day of December, 1976, by and between the SENATE JUDICIARY AND RULES COMMITTEE and the HOUSE PRINTING AND LEGISLATIVE EXPENSE COMMITTEE of the First Regular Session of the Forty-fourth Idaho Legislature, hereinafter referred to as the Joint Committee, and COMET PRINTING AND LITHOGRAPH COMPANY, a corporation, hereinafter referred to as Comet.

WITNESSETH:

That pursuant to a resolution of the Joint Committee and written bids submitted to and considered by the Joint Committee, which are made part and parcel of this contract and included as Attachment A, a contract of legislative printing is hereby awarded to Comet per your letter response of December 13, 1976, included as Attachment B, for the First Regular Session of the Forty-fourth Idaho Legislature upon the additional following terms and conditions:

1. That Comet will utilize an offset process from
"Camera Ready" copies as those terms are used and recognized in the trade, to print Senate and House Bills, Resolutions and Memorials.

2. That Comet concurrently with the execution of this contract, deliver to the Joint Committee a good and sufficient surety bond in the manner and form, and with a surety acceptable to the Joint Committee, in the sum of Five Thousand Dollars ($5,000), guaranteeing the satisfactory and faithful performance by Comet of all the terms and conditions of this contract.

3. That Comet will maintain at all times a high standard of workmanship to the end that all printing will be neat, clean, legible and with adequate contrast between print and paper to be easily read.

4. That Comet will produce all bills, resolutions and memorials with line and page numbering.

5. That Comet will insure that all bills, resolutions and memorials will have neat and proper underlining, strikeovers and deletions and that the paper used will be properly punched and sized.

6. That for the purposes of this contract, all printing will be received from and delivered to the presiding officer of each house or his designee.

7. That Comet will deliver all standard lot printed material conforming to the above requirements by 9:00 A.M. the next morning after receipt of copy, unless prior arrangements have been made.

8. Upon failure to deliver such bills in the manner and within the time herein specified, this contract may be deemed terminated forthwith at the option of the Joint Committee and recourse had against Comet bond.

9. That a standard lot of printed material will be One Thousand Two Hundred (1,200) copies of individual bills, resolutions or memorials at a cost of Fourteen Dollars and Twenty-five Cents ($14.25) per printed page. Additional copies may be obtained by the Joint Committee in lots of One Hundred (100) or any lesser number ordered, at a cost of One Dollar and Twenty-five Cents ($1.25) per printed page, upon the condition that Comet be notified of the exact number more or less than One Thousand Two Hundred (1,200) prior to or concurrently upon receipt of the bills, resolutions or memorials by Comet.

In the event less than One Thousand Two Hundred (1,200) copies are ordered, a credit of One Dollar and Twenty-five Cents ($1.25) per printed page will be allowed for each One
Hundred (100) copies and will be deducted from the standard lot price of Fourteen Dollars and Twenty-five Cents ($14.25).

10. That Comet will pick up "Camera Ready" copy at least twice daily of each day that the legislature is in session.

11. That Comet will make available to and sell to the general public any bill, resolution or memorial in lots of One Hundred (100) copies at a cost of One Dollar and Twenty-five ($1.25) per printed page, provided the order for such is received prior to the time the bill is printed.

12. That this Agreement shall be subject to review and reconfirmation by memorandum agreement signed by all parties to this Agreement on or before November 1, 1977, to be effective for the Second Regular Session of the Forty-fourth Idaho Legislature.

IN WITNESS WHEREOF, the parties hereto have hereunder set their hands as of the day and year first above written.

SENATE JUDICIARY AND RULES COMMITTEE
By EDITH MILLER KLEIN, Chairman

HOUSE PRINTING AND LEGISLATIVE EXPENSE COMMITTEE
By GEORGE G. DANIELSON, Chairman

COMET PRINTING AND LITHOGRAPH COMPANY
By KENNETH R. REIMAN, President

Adopted by the House January 20, 1977.
Adopted by the Senate January 28, 1977.
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 1978 fiscal year, and to consult with experts in all fields in order to present the most complete information available; and

WHEREAS, it is the desire of the Legislature to adopt the findings of this committee as to the revenue projections in order to facilitate the appropriations process.

NOW, THEREFORE, BE IT RESOLVED by the First Regular Session of the Forty-fourth 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 account for appropriation in the 1977-1978 fiscal year.

Revenue Projections for 1977-1978 fiscal year:

<table>
<thead>
<tr>
<th>Category</th>
<th>Projection</th>
</tr>
</thead>
<tbody>
<tr>
<td>Supreme Court/Magistrates</td>
<td>$1,500,000</td>
</tr>
<tr>
<td>Secretary of State</td>
<td>$1,225,000</td>
</tr>
<tr>
<td>State Treasurer</td>
<td>$6,000,000</td>
</tr>
<tr>
<td>Department of Agriculture</td>
<td>$90,000</td>
</tr>
<tr>
<td>Department of Finance</td>
<td>$400,000</td>
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<tr>
<td>Department of Insurance</td>
<td>$10,700,000</td>
</tr>
<tr>
<td>Department of Lands</td>
<td>$90,000</td>
</tr>
<tr>
<td>Department of Law Enforcement</td>
<td>$625,000</td>
</tr>
<tr>
<td>Department of Revenue:</td>
<td></td>
</tr>
<tr>
<td>Individual Income Tax</td>
<td>$135,000,000</td>
</tr>
<tr>
<td>Corporate Income Tax</td>
<td>$31,000,000</td>
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<tr>
<td>Kilowatt Hour Tax</td>
<td>$500,000</td>
</tr>
<tr>
<td>Beer Tax</td>
<td>$2,500,000</td>
</tr>
<tr>
<td>Mine License Tax</td>
<td>$500,000</td>
</tr>
<tr>
<td>Wine Tax</td>
<td>$527,000</td>
</tr>
<tr>
<td>Cigarette Tax</td>
<td>$7,500,000</td>
</tr>
<tr>
<td>Miscellaneous Agencies</td>
<td>$50,000</td>
</tr>
<tr>
<td>Transfers:</td>
<td></td>
</tr>
<tr>
<td>Miscellaneous</td>
<td>$450,000</td>
</tr>
<tr>
<td>Liquor</td>
<td>$3,250,000</td>
</tr>
<tr>
<td>Sales Tax</td>
<td>$80,000,000</td>
</tr>
</tbody>
</table>

Total Fiscal Year 1977-78 Revenue Projection $281,907,000

* Passage and approval of H.B. 4, First Regular Session,
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 total surplus available.

NOW, THEREFORE, BE IT RESOLVED by the First Regular Session of the Forty-fourth Idaho 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, 1977.

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Beginning Balance FY 1977</td>
<td>$181,676</td>
</tr>
<tr>
<td>Add Anticipated Revenue FY 1977</td>
<td>253,000,000</td>
</tr>
<tr>
<td>Total Available</td>
<td>$253,181,676</td>
</tr>
<tr>
<td>Deduct Amount Appropriated</td>
<td>251,641,100</td>
</tr>
<tr>
<td>General Fund Surplus, June 30, 1977</td>
<td>$ 1,540,576</td>
</tr>
</tbody>
</table>

Adopted by the Senate February 8, 1977.
A CONCURRENT RESOLUTION
AUTHORIZING THE CONTINUATION OF IDAHO'S PARTICIPATION IN THE
WESTERN STATES FORESTRY TASK FORCE.
Be It Resolved by the Legislature of the State of Idaho:
WHEREAS, the State of Idaho has participated in the
formation and work of the Western States Forestry Task
Force; and
WHEREAS, the Western States Forestry Task Force is now a
working entity, and is diligently pursuing the several subjects important to forest management of the member states; and
WHEREAS, it is to the benefit of the State of Idaho that we continue to participate in the Task Force so that the involved member states have every opportunity to foster sound forest management.
NOW, THEREFORE, BE IT RESOLVED by the First Regular
Session of the Forty-fourth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the State of Idaho continue to participate in and be a member of the Western States Forestry Task Force through the medium of a legislative delegation, which is authorized to serve for the duration of the Forty-fourth Idaho Legislature.
BE IT FURTHER RESOLVED that the President Pro Tempore of the Senate is authorized to appoint two members of the Senate to serve as members of the Task Force, and that the Speaker of the House is authorized to appoint two members of the House to serve as members of the Task Force. The members of the Task Force shall be entitled to compensation and allowances as provided by law for members of other legislative interim committees.

Adopted by the Senate February 7, 1977.
A CONCURRENT RESOLUTION
REQUESTING THE GOVERNOR OF IDAHO TO MAKE USE OF THE POWERS
AND INFLUENCE OF HIS OFFICE TO MINIMIZE THE IMPACT OF
STATEWIDE WATER SHORTAGES IN 1977.
Be It Resolved by the Legislature of the State of Idaho:
WHEREAS, current conditions throughout Idaho and the
entire Columbia River Watershed indicate that the region is
faced with an extremely short supply of water for the 1977
irrigation system; and
WHEREAS, the mainstay of Idaho's economy is agriculture,
the state's largest industry, which must have adequate water
supplies to remain in good health; and
WHEREAS, the majority of Idaho's supply of power is
derived through hydroelectric generation, which also depends
upon an adequate water supply.
NOW, THEREFORE, BE IT RESOLVED by the members of the
First Regular Session of the Forty-fourth Idaho Legislature,
the House of Representatives and the Senate concurring
therein, that the Governor of Idaho be requested to use the
full powers and influence of his office to assure that all
possible measures are taken to alleviate the consequences of
a severe shortage of water during 1977. The Governor is
requested to contact the managing personnel of each of the
state's irrigation districts, asking them to formulate cri-
teria for conservation and stand-by plans for water
rationing, which could become necessary in the late summer
months.
BE IT FURTHER RESOLVED that the Governor be requested to
seek the compliance of Idaho industry and Idaho citizens in
a large-scale energy conservation program, to include
in-depth reviews of the energy used in plants, homes, places
of business and other areas of electric power use, together
with methods to curtail any non-essential uses of energy
through the current period of shortage.
BE IT FURTHER RESOLVED that the Legislature lend all of
its powers and influence to the foregoing programs of water
and energy conservation.
Adopted by the House February 4, 1977.
Adopted by the Senate February 18, 1977.
A CONCURRENT RESOLUTION
REPEALING RATIFICATION OF A PROPOSED AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES OF AMERICA.

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

WHEREAS, the Ninety-second Congress of the United States of America, at its second session, in both houses, by a constitutional majority of two-thirds thereof, adopted the following proposition to amend the Constitution of the United States of America, in the following words, to-wit:

JOINT RESOLUTION

"RESOLVED BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES OF AMERICA IN CONGRESS ASSEMBLED (TWO-THIRDS OF EACH HOUSE CONCURRING THEREIN), that the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

ARTICLE--

'SECTION 1. Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex.

'SECTION 2. The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article.

'SECTION 3. This amendment shall take effect two years after the date of ratification,'" and

WHEREAS, the Forty-first Legislature of the State of Idaho approved Senate Joint Resolution No. 133, relating to the ratification of said congressional resolution and proposed amendment.

NOW, THEREFORE, BE IT RESOLVED by the First Regular Session of the Forty-fourth Idaho Legislature, the House of Representatives and the Senate concurring therein;

1. That Senate Joint Resolution No. 133 of the Second Regular Session of the Forty-first Idaho Legislature, in support of the aforesaid proposed amendment to the Constitution of the United States of America, and the action of the Idaho State Legislature ratifying said amendment, be rescinded, voided, repealed, withdrawn, recalled, and disaffirmed.

2. That copies of this Resolution, duly certified by the Secretary of State, with the Great Seal of the State of
Idaho attached thereto, be forwarded by the Secretary of State to the Administrator of General Services, Washington, D.C., and to the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States of America.

Adopted by the House February 4, 1977.
Adopted by the Senate February 8, 1977.

(H.C.R. No. 11)


Be It Resolved by the Legislature of the State of Idaho:
WHEREAS, the Governor has informed the House and the Senate that he desires to deliver a message to a Joint Session of the House of Representatives and the Senate of the First Regular Session of the Forty-fourth Idaho Legislature in the Chamber of the House of Representatives at 1:30 p.m. on Tuesday, February 1, 1977.

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 Tuesday, February 1, 1977, at 1:30 p.m. for the purpose of hearing the message from the Governor.

Adopted by the Senate February 1, 1977.
A CONCURRENT RESOLUTION
STATING LEGISLATIVE FINDINGS AND DESIGNATING MEMBERS OF THE
IDAHO LEGISLATURE TO PARTICIPATE IN A TRI-STATE LEGISLATIVE FISHERIES COMMITTEE.

Be It Resolved by the Legislature of the State of Idaho:
WHEREAS, there are significant fisheries management problems which require interstate cooperation to arrive at effective solutions; and
WHEREAS, it is desirable to have better coordination between the Legislatures of the states of Washington, Oregon, and Idaho in order to promote better interstate cooperation in fisheries management; and
WHEREAS, the Legislature of the State of Idaho wishes to act affirmatively to achieve such coordination and cooperation.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Forty-fourth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the chairmen or their designees of the Idaho House of Representatives Resources and Conservation Committee and the Senate Natural Resources and Environment Committees join with the chairpersons or their designees of the Oregon and Washington House and Senate Natural Resources Committees in forming a Tri-State Legislative Fisheries Committee as an ongoing committee consisting of the above mentioned chairpersons, and which shall include among its duties the discussion of fisheries matters of interest to all three states; and

BE IT FURTHER RESOLVED that delegates from the Idaho Legislature shall be paid actual expenses from legislative funds at the same rates as provided for the Legislative Council.

BE IT FURTHER RESOLVED that such delegates from the State of Idaho shall periodically report the findings and recommendations of the committee to the Idaho Legislature; and

BE IT FURTHER RESOLVED that the Chief Clerk of the House be, and he is hereby authorized and directed to forward copies of this Resolution to the presiding officers of the Legislatures of Oregon and Washington.

Adopted by the Senate February 18, 1977.
A CONCURRENT RESOLUTION

PROVIDING FOR A JOINT SESSION OF THE HOUSE OF REPRESENTA-
TIVES AND THE SENATE IN THE FIRST REGULAR SESSION OF THE
FORTY-FOURTH 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 accomplis-
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 First Regular
Session of the Forty-fourth 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 10:30 a.m.,
February 11, 1977, 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 9, 1977.
Adopted by the Senate February 10, 1977.
A CONCURRENT RESOLUTION
RENDERING A FISH AND GAME REGULATION PROHIBITING FISHING FROM A RAFT OR BOAT ON A CERTAIN SECTION OF THE SNAKE RIVER NULL AND VOID.

Be It Resolved by the Legislature of the State of Idaho:
WHEREAS, the Legislature is vested with the authority to modify, reject or amend executive agency rules and regulations under the provisions of Section 67-5218, Idaho Code.
NOW, THEREFORE, BE IT RESOLVED by the First Regular Session of the Forty-fourth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Idaho Fish and Game Commission regulation approved October 23, 1974, which prohibited fishing from a raft or boat on the Snake River from Island Park Dam downstream to a posted line near Last Chance is hereby rejected and declared null and void.

Adopted by the House March 4, 1977.
Adopted by the Senate March 16, 1977.
A CONCURRENT RESOLUTION

MODIFYING THE PROVISIONS OF SENATE CONCURRENT RESOLUTION NO. 106, FIRST REGULAR SESSION, FORTY-FOURTH IDAHO LEGISLATURE, AS SUCH PROVISIONS RELATE TO CERTAIN STATE EMPLOYEES.

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

WHEREAS, the Legislature has adopted Senate Concurrent Resolution No. 106, which approved and confirmed certain recommendations of a report of the Personnel Commission, dated January 14, 1977, and which modified certain recommendations of such report; and

WHEREAS, it is the desire of the Legislature to clarify certain provisions of such report and resolution.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Forty-fourth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the report of the Personnel Commission, dated January 14, 1977, recommending that further salary increases be withheld from those classified employees whose salary presently exceeds the maximum amount for the pay grade to which the employee will be assigned on July 1, 1977, is hereby approved and confirmed, and the provisions of Senate Concurrent Resolution No. 106 are modified to the extent necessary to accomplish such approval.

Adopted by the Senate February 28, 1977.
A CONCURRENT RESOLUTION
PROVIDING FOR PRINTING THE SESSION LAWS, FIXING THE PRICE
FOR PRINTING THE SAME, AND THE PRICE WHICH THE PUBLIC
SHALL BE CHARGED FOR COPIES OF SAID SESSION LAWS.

Be It Resolved by the Legislature of the State of Idaho:
WHEREAS, Section 67-904, Idaho Code, has made provisions
for the printing of the Session Laws;
NOW, THEREFORE, in accordance with a written contract
duly made and entered into by the Joint Printing Committee
of the Senate Judiciary and Rules Committee and the House
Printing and Legislative Expense Committee,
BE IT RESOLVED by the First Regular Session of the
Forty-fourth Idaho Legislature, the Senate and the House of
Representatives concurring, that the contract for the print-
ing of the Session Laws of the First Regular Session,
Forty-fourth Idaho Legislature, and the Session Laws of any
Extraordinary Sessions, Forty-fourth 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 19th day of
January, 1977, by and between the Joint Printing Committee
of the House Printing and Legislative Expense Committee and
the Senate Judiciary and Rules Committee of the Legislature
of the State of Idaho, hereinafter mentioned as party of the
first part, and THE CAXTON PRINTERS, LTD., of Caldwell,
Idaho, hereinafter mentioned as party of the second part;
WITNESSETH:
That pursuant to a resolution of said committee and
written bids submitted to the said committee by the party of
the second part, contract for legislative printing is hereby
awarded to said CAXTON PRINTERS, LTD., as follows:
SESSION LAWS
For printing and binding 1200 copies of the Session Laws
of the First Regular Session of the Forty-fourth Legislature
and the Session Laws of any Extraordinary Session of the...
Forty-fourth Legislature: $12.85 per page, f.o.b. Boise, Idaho, if produced by offset lithography with camera-ready copy being furnished party of the second part, plus $3.80 per volume for binding. The party of the second part shall provide an additional quantity to be made available to the general public at $18.50 per single volume, and $22.30 per set of two volumes, if a second volume is required. The Session Laws of any Extraordinary Session adjourned prior to June 1, 1977, shall be included in the Session Laws of the First Regular Session. No charge shall be made by the party of the second part for proofreading or blank pages.

IT IS AGREED between the parties hereto that all of said printing shall be done in the form and manner as submitted in written bid by party of the second part, and in compliance with the statutes of the State of Idaho; where not otherwise provided such statutes shall be controlling.

IT IS FURTHER AGREED that said Session Laws shall be printed, delivered to and be ready for distribution by the Secretary of State in conformity with the provisions of Section 67-904, Idaho Code, which section is hereby referred to and by such reference made a part of this contract as though set forth at length herein, and particularly as follows:

1. The Session Laws shall be printed and made available for distribution within 60 days after the last day on which the Governor may sign or approve bills following adjournment of the session of the legislature which enacted or passed the measures included in the Session Laws, or within 30 days after the delivery to the party of the second part of the proper title pages, certificate pages, tables of laws and statutes amended and repealed and a proper index of the contents of the Session Laws, whichever date is first in time.

Such printing and delivery of said Session Laws to the Secretary of State are to be made as provided by law; that for each day's failure to so deliver volumes of such Session Laws as herein provided, there shall be deducted from the contract price for printing said Session Laws the sum of $50.00 per day for each day's delay; provided, however, that the party of the second part shall not be held responsible for delay occasioned by failure to furnish copy for such printing to the party of the second part and such delay shall, to the same extent, extend the time for the performance of this agreement.

IN WITNESS WHEREOF, the party of the second part has caused these presents to be executed by its proper 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 House February 24, 1977.
Adopted by the Senate March 3, 1977.
A CONCURRENT RESOLUTION
STATING LEGISLATIVE FINDINGS, REJECTING CERTAIN RULES OF THE
IDAHO BOARD OF HEALTH AND WELFARE RELATING TO WASTE
TREATMENT AND DISCHARGE PERMIT REGULATIONS AND STATING
RECOMMENDATIONS OF THE LEGISLATURE REGARDING FUTURE
RULES.

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 pursuant to Section 67-5218, Idaho Code; and
WHEREAS, it is the finding of the Legislature that the Waste Treatment and Discharge Permit Regulations adopted by the Idaho State Board of Health and Welfare on October 28, 1976, to be effective January 1, 1977, go beyond the intent of the Legislature.
NOW, THEREFORE, BE IT RESOLVED by the First Regular Session of the Forty-fourth Idaho Legislature, the Senate and the House of Representatives concurring therein, that said Waste Treatment and Discharge Permit Regulations are hereby rejected and declared null and void.
BE IT FURTHER RESOLVED that the Legislature finds that the rules and regulations previously in effect, and adopted and approved in 1971, were substantially in compliance with Legislative intent, and that such rules should be the basis for revised rules to be adopted by the Idaho State Board of Health and Welfare.

Adopted by the House March 4, 1977.
Adopted by the Senate March 11, 1977.
A CONCURRENT RESOLUTION
STATING FINDINGS OF THE LEGISLATURE REGARDING ENERGY POLICY NEEDS, AUTHORIZING AND DIRECTING A STUDY, APPROPRIATING MONEYS FROM LEGISLATIVE FUNDS, AND REQUIRING A REPORT.

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

WHEREAS, the State of Idaho is made urgently aware of potential water and energy shortages in the summer and autumn of 1977 because of existing drought conditions; and

WHEREAS, the economy of the State of Idaho is heavily dependent upon an adequate supply of energy; and

WHEREAS, the State of Idaho is without any substantial amounts of the conventional fuel sources such as coal, uranium, natural gas, or liquid petroleum; and

WHEREAS, conservation is important but limited without deleterious effect on the economy, comfort, and standard of living of the people of the State of Idaho; and

WHEREAS, renewable energy sources such as geothermal, solar, and hydro power generation are either or both limited in additional contribution or not yet sufficiently developed; and

WHEREAS, a reasonable minimum of five years, with possibility of many more are required from time of complete approval of electrical generating plant to electric power production; and

WHEREAS, the Legislature of the State of Idaho urgently needs a source of reliable guidance in the development of a viable energy policy for the state.

NOW, THEREFORE, BE IT RESOLVED by the First Regular Session of the Forty-fourth Idaho Legislature, the House of Representatives and the Senate concurring therein, that preparation of an econometric computer simulation study be authorized and contracted for to be available prior to the convening of the Second Regular Session of the Forty-fourth Idaho Legislature.

BE IT FURTHER RESOLVED that the study shall consider all, or as many as possible, of the influences affecting the energy requirements of the State of Idaho and their effects on the energy availability or shortfall, the economy, and the well being of the people of the state. Factors to be considered shall include, but not be limited to, demographic changes, fuel prices and availability, time lines,
bottlenecks, environmental impacts, energy flows, and income. Projections shall extend as far as possible up to but not exceeding twenty-five years.

BE IT FURTHER RESOLVED that the Speaker of the House of Representatives and the President Pro Tempore of the Senate shall appoint a committee of the smallest practical number to maintain contact with and coordinate legislative matters with the contractor.

BE IT FURTHER RESOLVED that the Speaker of the House and President of the Senate are authorized and directed to provide for the payment of the study not to exceed $110,000 and of the expense and compensation of the committee as necessary but not to exceed $2,000, from legislative funds, and shall certify such contract amount, compensation, and expenses to the state auditor for payment.

Adopted by the House March 4, 1977.
Adopted by the Senate March 10, 1977.
A CONCURRENT RESOLUTION
DIRECTING THE LEGISLATIVE COUNCIL TO APPOINT A COMMITTEE TO
COMPLETE THE SECOND HALF OF THE STUDY OF ENERGY DEVELOP­
MENT AND CONSERVATION IN THE STATE OF IDAHO, 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, an energy crisis continues in this nation, highlighted by energy shortages brought on by severe weather in the eastern United States and the continuing drought in the northwestern United States; and
WHEREAS, the relationship between energy, agriculture, and water resources is intimate and complex, and of fundamental importance to the people of the State of Idaho; and
WHEREAS, legislators have shown persistent and timely interest in the development of new energy sources, the expanded use of energy-efficient methods, and the review and possible reform of state law to insure that its provisions are consistent with fostering energy conservation and sound energy development; and
WHEREAS, the Second Regular Session of the Forty-third Idaho Legislature authorized the Legislative Council to appoint a study committee to undertake and complete a study of matters relating to energy development in the State of Idaho; and
WHEREAS, said Committee's work for 1976 was designed as the first half of a two-year ongoing legislative study of energy matters; and
WHEREAS, the study committee emphasized the general background of energy in modern societies, and assessed its overall significance to, and implications for, the State of Idaho and the United States, but did not address the second half of the study, to-wit: an analysis of specific energy policy options available to the State of Idaho; and
WHEREAS, the Legislature of the State of Idaho recognizes the imperative of taking timely and informed action, by the establishment of a statewide policy with regard to energy.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Forty-fourth Idaho Legislature, the House of Representatives and Senate concurring therein,
that the Legislative Council shall appoint a committee to complete the second half of the study of energy development and conservation in the State of Idaho, making every effort to appoint legislators to the study committee who were members of the 1976 study committee. Particular attention shall be directed to the analysis and recommendation of specific energy policy options which will bring the greatest benefit to the people of Idaho at the least economic and environmental cost.

BE IT FURTHER RESOLVED that the Committee shall report its findings and recommendations to the Second Regular Session of the Forty-fourth Idaho Legislature.

Adopted by the House March 8, 1977.
Adopted by the Senate March 21, 1977.
A CONCURRENT RESOLUTION
STATING LEGISLATIVE FINDINGS; CREATING A LEGISLATIVE LAND
GRANTS COMMITTEE; PROVIDING FOR DUTIES OF THE COMMITTEE;
PROVIDING AUTHORITY OF THE COMMITTEE; AUTHORIZING
EXPENSES OF THE COMMITTEE; REQUIRING REPORTS OF THE
COMMITTEE.

Be It Resolved by the Legislature of the State of Idaho:
WHEREAS, the Legislature, acting on behalf of the citi­zens of Idaho, maintains an active interest and sense of responsibility for advising the State Board of Land Commissioners in matters of lands policy; and
WHEREAS, previous efforts on the part of the special legislative advisory committee have made progress toward resolution of the problems facing the state in regard to selec­tion of lands; and
WHEREAS, future deliberations regarding state lands should continue to utilize the expertise and background of the special legislative advisory committee.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Forty-fourth Idaho Legislature, the House of Representatives and the Senate concurring therein, that there is hereby created a Legislative Land Grants Committee, to be composed of: the Speaker of the House of Representatives; the President Pro Tempore of the Senate; the Minority Leader of the Senate or his designee; the Minority Leader of the House of Representatives or his designee; one member of the majority party of the Senate appointed by the President Pro Tempore; and one member of the majority party of the House of Representatives appointed by the Speaker.

The Committee shall meet upon the call of the President Pro Tempore of the Senate, shall organize by electing a chairman and a vice-chairman, and shall thereafter convene upon the call of the chairman, or by order of a majority of the members of the committee.

BE IT FURTHER RESOLVED that it shall be the responsibility and duty of the Committee:
(1) To continue the process of recommending the selec­tion of all in-lieu lands due to the State of Idaho from the United States by reason of the Admissions Act and resulting statutes and laws;
(2) To continue:
(a) advising the state land board regarding the identification of problems relating to the entitlement of the citizens of Idaho to the benefits of the Carey Act;
(b) presenting such recommendations from time to time for executive action or legislative action as will insure to the state of Idaho all of the benefits and provisions under the original Carey Act;
(c) to develop recommendations for an on-going exchange program towards the end of blocking up Idaho lands into manageable units wherever possible;
(d) to develop recommendations for the recovery of the royalty rights on all phosphate beds which originate on state endowment lands but which royalties are currently being paid to the United States government;
(e) to review the historic pattern of use of the endowment lands by state agencies and to recommend appropriate action for the state land board for acquisition of lands if necessary;
(f) to conduct such other studies and investigations, and to recommend such action to the state land board as the committee deems necessary and desirable to accomplish its several charges.

BE IT FURTHER RESOLVED that, in order that the Committee may perform the responsibilities and duties assigned to it, it shall have the authority to:

(1) Delegate or assign particular tasks to individual members of the committee;
(2) Appoint members of the committee to serve on subcommittees or task forces;
(3) Request assistance, service and information from appropriate executive departments;
(4) Hire, engage or retain such staff and/or consultants and advisors as is necessary.

BE IT FURTHER RESOLVED that the Committee shall continue during the duration of the Forty-fourth Idaho Legislature and shall make a report of its activities and recommendations to the Second Regular Session of the Forty-fourth Idaho Legislature, and further shall report to the First Regular Session of the Forty-fifth Idaho Legislature. A copy of each report shall be filed with the Secretary of the Senate, the Clerk of the House of Representatives, the State Board of Land Commissioners, the Governor, and each executive department affected by its recommendations, to the State Land Board.

BE IT FURTHER RESOLVED that the members of the Committee
shall be compensated in the manner provided by law for members of the Legislature. All expenses of the Committee shall be paid out of moneys in the legislative account in the state operating fund, and the President of the Senate and the Speaker of the House of Representatives are hereby authorized and directed to make such payments as required by the purposes of this resolution.

Adopted by the House March 9, 1977.
Adopted by the Senate March 18, 1977.

(H.C.R. No. 29)

A CONCURRENT RESOLUTION PROVIDING A STATEMENT OF LEGISLATIVE FINDINGS AND AMENDING A RULE OF THE WEIGHTS AND MEASURES BUREAU OF THE DEPARTMENT OF AGRICULTURE.

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

WHEREAS, the rules and regulations of the Bureau of Weights and Measures of the Department of Agriculture 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 Regulation 5.4 of the Rules be amended to comply with legislative intent.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Forty-fourth Idaho Legislature, the House of Representatives and the Senate concurring therein, that Section 5.4 of the Rules and Regulations governing weights and measures be amended to read as follows:

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." Trucks with a single meter which are used to meter oils and gasolines shall be calibrated and adjusted on one of the following only: furnace or heating oils, diesel fuels, kerosine and/or high flash solvents. This regulation shall apply to all petroleum metering systems beginning July 1, 1977.

Adopted by the House March 9, 1977
Adopted by the Senate March 17, 1977.
A CONCURRENT RESOLUTION

PROVIDING FOR THE ESTABLISHMENT OF A COMMITTEE TO STUDY CERTAIN TAXATION AND REVENUE MATTERS, AND AUTHORIZING PAYMENT OF COSTS AND EXPENSES.

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

WHEREAS, the First Regular Session of the Forty-fourth Idaho Legislature has had before it several measures that affect various areas of the tax laws and revenue 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 members of the First Regular Session of the Forty-fourth Idaho Legislature, the House of Representatives and 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 five year cycle for reappraisal;
2. The appraisal and assessment of operating property.

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 of the Second Regular Session of the Forty-fourth Idaho Legislature.

BE IT FURTHER RESOLVED that the joint committee authorized and established by House Concurrent Resolution No. 3, First Regular Session, Forty-fourth Idaho Legislature, to study revenue projections shall continue to perform its duties prior to the convening of the Second Regular Session, Forty-fourth Idaho Legislature, under the direction of the chairman of the Revenue and Taxation Committee.

BE IT FURTHER RESOLVED that members of the special committee and members of the joint committee to study
revenue projections shall be paid compensation and expenses from legislative funds as provided by law.

BE IT FURTHER RESOLVED that the chairman of the special committee is authorized to conclude contracts or agreements for further assistance in revenue projections through a legislative tax analysis computer service, but the total cost of such contracts or agreements shall not exceed seven thousand five hundred dollars for services provided prior to the adjournment of the Second Regular Session, Forty-fourth Idaho Legislature, and such costs shall be paid from the Legislative Fund.

Adopted by the House March 9, 1977.
Adopted by the Senate March 21, 1977.
A CONCURRENT RESOLUTION
STATING FINDINGS OF THE LEGISLATURE AND REQUESTING THE
PUBLIC UTILITIES COMMISSION TO REPORT ADDITIONAL ENVI-
RONMENTAL GUIDELINES AND CRITERIA, AND GROUPINGS OF
PREVIOUSLY IDENTIFIED FUTURE SITES, TO THE LEGISLATURE
AND THE GOVERNOR.

Be It Resolved by the Legislature of the State of Idaho:
WHEREAS, it is the finding of the Legislature that it is
in the public interest to provide for an orderly development
of adequate energy production for the benefit of the citi­
zens of the State of Idaho; and
WHEREAS, the Public Utilities Commission, in rejection
of the application by the Idaho Power Company for permission
to construct a coal-fired plant at Orchard, Idaho, stated
the need for additional power sources; and
WHEREAS, the Public Utilities Commission did not state
the environmental standards of the Commission to be met in
future applications; and
WHEREAS, it is in the interests of the citizenry to
avoid the costs and delays of repeatedly submitting plans to
be judged against uncertain criteria.

NOW, THEREFORE, BE IT RESOLVED by the First Regular
Session of the Forty-fourth Idaho Legislature, the House of
Representatives and the Senate concurring therein, that we
respectfully request of the Public Utilities Commission a
report of the findings and determination of the Commission
establishing minimum environmental criteria of potential
future sites for energy generating facilities. The report
shall clarify whether or not the Public Utilities Commission
will require environmental standards over and beyond those
already specified by the Idaho Department of Health and
Welfare and the Federal Environmental Protection Agency.
The initial report shall also rank in at least five or more
priority groupings the twenty-one potential sites on which
the Commission already has detailed location and environ-
mental information resulting from their "Orchard" applica-
tion hearings. These groupings shall be made within a
framework which can be used both as a guide line and as a
basis for comparison when reviewing other potential sites
within the State of Idaho. The initial report shall be sub-
mitted on or before June 1, 1977, and the Public Utilities
Commission should report within the first three days of each subsequent legislative session any new sites, and any amendments, changes or additions in standards or guidelines.

BE IT FURTHER RESOLVED that a summary statement of existing data on present and future electrical energy needs in Idaho, contained in previous proceedings and hearings and from any other study heretofore commissioned by the Public Utilities Commission, be prepared and presented to the Idaho Legislature on or before January 15, 1978, and on January 15 each year thereafter.

BE IT FURTHER RESOLVED that duplicate copies of all reports mandated by this resolution be provided to the Governor of the State of Idaho as they are presented to the Legislature, or to the Legislative Council in the event the Legislature is not then in session.

Adopted by the House March 12, 1977.
Adopted by the Senate March 18, 1977.
A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND DIRECTING SUBMISSION
OF ZERO BASED BUDGET REQUESTS TO DEMONSTRATE FEASIBILITY
AND TO ILLUSTRATE THE APPLICATION OF ZERO BASE BUDGETING
AND RECOMMENDING A REPORT OF RESULTS.

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

WHEREAS, zero base budgeting may be defined as a system
by which state activities are organized and budgeted in a
detailed plan which focuses review, evaluation and analysis
on all proposed expenditures rather than on increases above
current expenditure levels; and

WHEREAS, the budget analysis technique of zero base
budgeting is a recent and promising development intended to
provide more complete budget review for decision making pur-
poses; and

WHEREAS, the Legislative Fiscal Office has worked with
the Bureau of the Budget in the Division of Budget, Policy
Planning and Coordination to implement many facets of zero
base budgeting within the current structure of budget analy-
sis in Idaho; and

WHEREAS, the efforts have enhanced the ability of the
Legislature to make informed budgetary decisions; and

WHEREAS, it is the purpose and intent of the Legislature
to encourage and foster continued progress toward a zero
base budgeting system.

NOW, THEREFORE, BE IT RESOLVED by the members of the
First Regular Session of the Forty-fourth Idaho Legislature,
the House of Representatives and the Senate concurring
therein, that the Legislative Fiscal Office and the Bureau
of Budget be commended for progress to date, and that we
concur with the current efforts toward implementation of
zero base budgeting. To further this goal, we recommend
that the aforementioned offices continue to cooperate and
coordinate their efforts to the maximum extent possible and
that they provide some zero base budget requests during
the next budget cycle. For such purposes they should desig-
nate a representative selection of state departments and/or
programs, and apply such techniques as are deemed necessary
to demonstrate the feasibility and applicability of the con-
cepts and illustrate associated problems and results. We
further recommend that a report be prepared for distribution
to the Legislature, providing a full explanation of all
aspects of the zero base budget process.

Adopted by the House March 17, 1977.
Adopted by the Senate March 21, 1977.
A CONCURRENT RESOLUTION
EXPRESSING APPRECIATION TO MOUNTAIN HOME AIR FORCE BASE FOR THE COURTESY AND HOSPITALITY SHOWN DURING THE LEGISLATIVE DELEGATION VISIT.

Be It Resolved by the Legislature of the State of Idaho:
WHEREAS, the officers and enlisted personnel of Idaho's own Mountain Home Air Force Base have hosted a visit from a delegation of members of the Idaho Legislature; and
WHEREAS, the Idaho Legislature wishes to publicly thank the officers and personnel who extended their hospitality and services.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Forty-fourth Idaho Legislature, the House of Representatives and the Senate concurring therein, that we commend the officers and personnel of Mountain Home Air Force Base for the courtesy and hospitality shown to the members of the Idaho Legislature during a visit to the Base on Sunday, March 13, 1977.

Adopted by the House March 18, 1977.
Adopted by the Senate March 21, 1977.
A CONCURRENT RESOLUTION
EXPRESSING APPRECIATION TO PHILIP E. PETERSON FOR AIDING THE
FORTY-FOURTH LEGISLATURE, FIRST REGULAR SESSION, BY HIS
PROFESSIONAL ADVICE IN THE FIELD OF TAXATION.

Be It Resolved by the Legislature of the State of Idaho:
WHEREAS, the First Regular Session of the Forty-fourth
Idaho Legislature was faced with many difficult problems in
the field of taxation; and
WHEREAS, it was necessary that the House of Representa­
tives seek the most competent help available in solving
these problems; and
WHEREAS, the House of Representatives requested the
counsel of Philip E. Peterson to aid them in their deliber­
atons.

NOW, THEREFORE, BE IT RESOLVED by the members of the
First Regular Session of the Forty-fourth Idaho Legislature,
the House of Representatives and the Senate concurring
therein, that we express our deep gratitude and appreciation
to Philip E. Peterson for serving as counsel to the Revenue
and Taxation Committee of the House of Representatives.

BE IT FURTHER RESOLVED that the Chief Clerk of the House
of Representatives be, and he is hereby authorized and
directed to forward a copy of this resolution to Mr. Peterson.

Adopted by the House March 19, 1977.
Adopted by the Senate March 21, 1977.
A CONCURRENT RESOLUTION AUTHORIZING THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND THE PRESIDENT PRO TEMPORE OF THE SENATE TO COMPLETE NECESSARY WORK AFTER ADJOURNMENT OF ANY SESSION OF THE FORTY-FOURTH IDAHO LEGISLATURE, TO PERFORM ALL NECESSARY FUNCTIONS IN PREPARING FOR ANY SESSION OF THE LEGISLATURE, AND TO PERFORM ANY 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 matters must be completed upon the adjournment of any session, that certain preparations must be made for upcoming sessions of the Legislature, and that certain functions must be performed during the interim between legislative sessions.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Forty-fourth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Speaker of the House and the President of the Senate be, and they are hereby, empowered and directed to retain the Chief Clerk of the House and the Secretary of the Senate and a sufficient number of employees of both houses for the period of time after adjournment of any session of the Legislature necessary to complete, correct, index, transcribe, arrange, compare and file the records of the House of Representatives and the Senate 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 each house following any adjournment; that the compensation for the Chief Clerk and the Secretary and the employees retained shall be fixed by the Speaker and the President Pro Tempore, and that the Speaker and the President Pro Tempore are hereby authorized to certify the same to the State Auditor for payment.

BE IT FURTHER RESOLVED that during the time necessary to make final disposition of the records and papers of the Senate and the House, the Chief Clerk and the Secretary and the other employees shall perform such duties as may be directed by the Speaker or the President Pro Tempore.

BE IT FURTHER RESOLVED that the President Pro Tempore be, and he is hereby instructed to have prepared under his direction an index to the Senate Journal to be printed in
the Journal.

BE IT FURTHER RESOLVED that the Speaker 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 and the President Pro Tempore are authorized to provide for the payment of compensation and expenses of members for post adjournment activities and for meetings found necessary prior to the convening of any legislative session, and are hereby authorized to certify the same to the State Auditor for payment.

BE IT FURTHER RESOLVED that the Speaker and the President Pro Tempore are authorized to prepare for future sessions of the Legislature and are authorized to retain the necessary personnel for such purposes and to certify their compensation to the State Auditor for payment.

BE IT FURTHER RESOLVED that the Speaker and the President Pro Tempore are authorized to direct and supervise the post adjournment work and interim activities of the Legislature as herein provided, and for such shall receive a salary of $25.00 for each day spent on such official duties, plus vouchered travel expenses, as provided by law.

Adopted by the House March 21, 1977.
Adopted by the Senate March 21, 1977.

(H.C.R. No. 36)

A CONCURRENT RESOLUTION
ADOPTING THE PERMANENT JOINT RULES OF THE FORTY-THIRD IDAHO LEGISLATURE, AS THE PERMANENT JOINT RULES OF THE FORTY-FOURTH IDAHO LEGISLATURE.

Be It Resolved by the Legislature of the State of Idaho:
WHEREAS, it is the desire of the Senate and the House of Representatives to adopt Permanent Joint Rules for the Forty-fourth Idaho Legislature.

NOW, THEREFORE, BE IT RESOLVED by the House of Representatives and the Senate of the First Regular Session, Forty-fourth Idaho Legislature concurring therein, that the Permanent Joint Rules of the Forty-third Idaho Legislature be, and they hereby are, adopted as the Permanent Joint Rules for the Forty-fourth Idaho Legislature.

Adopted by the House March 21, 1977.
Adopted by the Senate March 21, 1977.
A CONCURRENT RESOLUTION
AUTHORIZING THE PRESIDENT OF THE SENATE AND THE SPEAKER OF
THE HOUSE OF REPRESENTATIVES TO ACQUIRE THE NECESSARY
NUMBER OF SETS OF THE IDAHO CODE TO FURNISH NEW MEMBERS
OF THE FORTY-FOURTH IDAHO LEGISLATURE WITH ONE SET AND
TO DELIVER THE SAME TO SUCH MEMBERS; AUTHORIZING PAYMENT
FOR THE FOREGOING TO BE MADE FROM ANY FUNDS APPROPRIATED
FOR THE LEGISLATIVE EXPENSE OF THIS FORTY-FOURTH IDAHO
LEGISLATURE.

Be It Resolved by the Legislature of the State of Idaho:
BE IT RESOLVED by the members of the First Regular
Session of the Forty-fourth Idaho Legislature, the House of
Representatives and the Senate concurring therein, that the
President of the Senate and the Speaker of the House of
Representatives of the Forty-fourth Idaho Legislature be
authorized as follows:

(1) To acquire the necessary number of sets of the
Idaho Code to furnish each member of the Forty-fourth Idaho
Legislature, who has not previously received a set of the
Idaho Code, with one set and deliver the same to such mem-
bers in the event the member desires such set.
Payment for the forgoing shall be made from any funds
appropriated for the legislative expense of this
Forty-fourth Idaho Legislature.

Adopted by the House March 21, 1977.
Adopted by the Senate March 21, 1977.
A CONCURRENT RESOLUTION

PROVIDING FOR THE ADJOURNMENT OF THE FIRST REGULAR SESSION OF THE FORTY-FOURTH IDAHO LEGISLATURE AND FIXING THE TIME FOR ADJOURNMENT SINE DIE.

Be It Resolved by the Legislature of the State of Idaho: WHEREAS, it is the desire of the Senate and the House of Representatives to adjourn Sine Die.

NOW, THEREFORE, BE IT RESOLVED by the First Regular Session of the Forty-fourth Idaho Legislature, the House of Representatives and the Senate concurring therein, that at the hour of 10:00 p.m., on March 21 1977, the House of Representatives and the Senate of the First Regular Session of the Forty-fourth Idaho Legislature adjourn Sine Die.

Adopted by the House March 21, 1977.
Adopted by the Senate March 21, 1977.
A JOINT RESOLUTION
PROPOSING AN AMENDMENT OF ARTICLE VIII OF THE CONSTITUTION
OF THE STATE OF IDAHO, BY THE ADDITION OF A NEW SECTION,
TO BE KNOWN AND DESIGNATED AS SECTION 3B, ARTICLE VIII,
RELATING TO REVENUE BOND FINANCING OF PORT DISTRICT
FACILITIES AND PROJECTS, BY PROVIDING THAT PORT DIS­
TRICTS MAY ACQUIRE, CONSTRUCT, INSTALL, AND EQUIP
FACILITIES AND PROJECTS TO BE FINANCED FOR, OR TO BE
LEASED, SOLD OR OTHERWISE DISPOSED OF TO PERSONS, ASSO­
CIATIONS OR CORPORATIONS OTHER THAN MUNICIPAL CORPORATIONS, AND MAY IN THE MANNER PRESCRIBED BY LAW ISSUE
REVENUE BONDS TO FINANCE THE COSTS THEREOF, BY PROVIDING
THAT ANY SUCH REVENUE BONDS SHALL BE REPAYABLE SOLELY
FROM CHARGES, RENTS OR PAYMENTS DERIVED FROM THE FACILI­
TIES OR PROJECTS FINANCED THEREBY AND SHALL NOT BE
SECURED BY THE FULL FAITH AND CREDIT OR THE TAXING POWER
OF THE PORT DISTRICT, THE STATE, OR ANY OTHER POLITICAL
SUBDIVISION, AND BY PROVIDING THAT NO PROVISION OF THE
CONSTITUTION SHALL BE CONSTRUED AS A LIMITATION UPON THE
AUTHORITY GRANTED; BY STATING THE QUESTION TO BE SUBMIT­
TED TO THE ELECTORS; BY DIRECTING THE LEGISLATIVE COUN­
CIL TO PREPARE THE STATEMENTS REQUIRED BY LAW; AND BY
DIRECTING THE SECRETARY OF STATE TO PUBLISH THE AMEND­
MENT AND ARGUMENTS AS REQUIRED BY LAW.

Be It Resolved by the Legislature of the State of Idaho:
SECTION 1. That Article VIII of the Constitution of the
State of Idaho, be, and the same is hereby amended by the
addition thereto of a NEW SECTION, to be known and designated as Section 3B, Article VIII of the Constitution of the State of Idaho, and to read as follows:

SECTION 3B. PORT DISTRICT FACILITIES AND PROJECTS — REVENUE BOND FINANCING. Port districts may acquire, construct, install, and equip facilities or projects to be financed for, or to be leased, sold or otherwise disposed of to persons, associations or corporations other than municipal corporations and may in the manner prescribed by law issue revenue bonds to finance the costs thereof; provided that any such revenue bonds shall be payable solely from charges, rents or payments derived from the facilities or projects financed thereby and shall not be secured by the full faith and credit or the taxing power of the port district, the state, or any other political subdivision. No provision of this Constitution, including, but not limited to Sections 3 and 4 of Article VIII and Section 4 of Article XII, shall be construed as a limitation upon the authority granted under this section.

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 Article VIII of the Constitution of the State of Idaho be amended by the addition of a new Section 3B to provide for the issuance of revenue bonds by port districts in the manner prescribed by law, for the acquisition, construction, installation and equipping of facilities and projects to be financed for, or to be leased, sold or otherwise disposed of to persons, associations or corporations other than municipal corporations; provided, that any such revenue bonds shall be payable solely from charges, rents, or payments derived from the facilities or projects financed thereby and shall not be secured by the full faith and credit or the taxing power of the port district, the state, or any other political subdivision?"

SECTION 3. The Legislative Council is directed to prepare the statements required by Section 67-453, 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 Senate January 24, 1977.
Adopted by the House February 1, 1977.
A JOINT MEMORIAL

HONORING THE MEMORY OF A DEDICATED AND SKILLED SON OF THE STATE OF IDAHO, T. H. "TED" EBERLE.

We, your Memorialists, the Senate and House of Representatives of the State of Idaho assembled in the First Regular Session of the Forty-fourth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, Theodore Holcomb "Ted" Eberle, a native son of Idaho, was an active civic leader in Boise, and dedicated much of his life to service in the interests of the state of Idaho; and

WHEREAS, Ted Eberle was well known for his support and personal contributions of time and leadership to the Red Cross, including service as Chairman of the Boise Red Cross, Chairman of the National Red Cross, and membership on the American Red Cross Board of Governors; and

WHEREAS, Ted Eberle gave leadership and foresight to the city of Boise through numerous community activities including membership on the Ada County Zoning Commission, and the Boise Downtown Planning and Development Committee; and

WHEREAS, Ted Eberle achieved recognition in his profession as one who gave willingly of his expertise to many causes, including responding generously to requests for assistance and advice from members of the Idaho Legislature; and

WHEREAS, Ted Eberle was a leader in his church and a respected member of his community.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Forty-fourth Idaho Legislature of the State of Idaho, the Senate and the House of Representatives concurring, that the members of the Legislature take this opportunity to recognize and memorialize the contribution of Theodore Holcomb Eberle to the State of Idaho and to express deep sympathy to his family at their loss.

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 Ted's widow, Lucille; his children, Jule and Joch; his brother Bill; and his sister Nancy Umbach.

Adopted by the Senate February 1, 1977.
Adopted by the House February 2, 1977.
A JOINT MEMORIAL
REGARDING CURRENT SUGAR BEET MARKET CONDITIONS; TO THE
HONORABLE PRESIDENT OF THE UNITED STATES, JIMMY CARTER,
THE HONORABLE SECRETARY OF AGRICULTURE, ROBERT BERGLAND,
THE SENATE AND HOUSE OF REPRESENTATIVES IN THE CONGRESS
OF THE UNITED STATES ASSEMBLED, AND THE MEMBERS OF THE
CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF
IDAHO.

We, your Memorialists, the Senate and House of Repre-
sentatives of the State of Idaho assembled in the First
Regular Session of the Forty-fourth Idaho Legislature, do
hereby respectfully represent that:

WHEREAS, sugar beet production is an important agricul-
tural crop in the state of Idaho and makes a significant
contribution to the states economy; and

WHEREAS, the glut of the sugar market as a result of
current unlimited imports is causing serious economic loss
to sugar beet producers; and

WHEREAS, at present prices, sugar beet producers are not
receiving a market price which covers even the minimum costs
of production, and provides no return to the producer; and

WHEREAS, the impact of such losses to a major agricul-
tural segment in the state's economy has serious
repercussions throughout the state and among her citizens.

NOW, THEREFORE, BE IT RESOLVED by the First Regular
Session of the Forty-fourth Idaho Legislature, the Senate
and the House of Representatives concurring therein, that we
respectfully urge immediate relief from dumping of foreign
sugar and the resulting economic depression in which sugar
beet growers of Idaho are experiencing serious losses. We
urge consideration of realistic import quotas and increased
duties and such other action as may be appropriate to
insure at least the costs of production and a reasonable
return to the sugar beet producers of the State of Idaho and
of the United States.

BE IT FURTHER RESOLVED that the Secretary of the Senate
be, and she is hereby authorized and directed to forward
copies of this Memorial to the President of the United
States and the Secretary of Agriculture and the Senate and
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 Senate February 25, 1977.
A JOINT MEMORIAL


We, your Memorialists, the Senate and House of Representatives of the State of Idaho assembled in the First Regular Session of the Forty-fourth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, the Burgdorf Hot Springs is an area in Idaho which has unique and continuing historical character; and

WHEREAS, this is an area enjoyed by many generations of Idahoans since it was originally developed over a hundred years ago; and

WHEREAS, Burgdorf Hot Springs is on the National Register of Historic Places and is a portion of Idaho heritage worthy of protection and preservation; and

WHEREAS, there is now pending a plan by the U.S. Forest Service to undertake construction of a two-lane highway through the Burgdorf townsite; and

WHEREAS, inadequate recognition was given by the Forest Service to the unique character of the Burgdorf area in the planning stages of the highway project; and

WHEREAS, there is an alternative route which would prudently accomplish the same purpose with no direct adverse impact upon the character of Burgdorf; and

WHEREAS, no consideration has been given in the development of the proposal to the potential impact upon Burgdorf including the increased traffic through the area which could affect the authentic nature of the area and result in actual physical destruction of valuable natural features.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Forty-fourth Idaho Legislature, the Senate and the House of Representatives concurring therein, that we find and declare that there is considerable evidence to indicate that the development of the highway as now planned by the U.S. Forest Service will adversely impact the Burgdorf Hot Springs area, and that we respectfully urge
and recommend reconsideration of this proposal. The citizens of the State of Idaho deserve the right to the continued enjoyment of their historical heritage and traditions. We find that in view of the existence of an alternative route with no impact on the Burgdorf townsite, the continuation of the present proposal is not in the interests of the people of the State of Idaho.

BE IT FURTHER RESOLVED that the Secretary of the Senate be, and she is hereby authorized and directed to forward copies of this Memorial to the Honorable President of the United States, the Secretary of the Department of Agriculture, the Office of the Regional Forester, the Payette National Forest Supervisor, 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 Senate March 7, 1977.
Adopted by the House March 17, 1977.
A JOINT MEMORIAL
TO PRESIDENT JIMMY CARTER, PRESIDENT OF THE UNITED STATES.

We, your Memorialists, the Senate and House of Representa­
tives of the State of Idaho assembled in the First
Regular Session of the Forty-fourth Idaho Legislature do
respectfully represent that:

WHEREAS, you have designated Governor Cecil D. Andrus of
the State of Idaho to serve in your cabinet as Secretary of
Interior; and

WHEREAS, in his service as governor of Idaho, Cecil D.
Andrus has experience in seeking to achieve the unique bal­
ance of conservation and industrial progress; and

WHEREAS, there is a special need for an individual well
grounded in the perspectives of western states to serve in
the post of Secretary of Interior; and

WHEREAS, Governor Andrus is aware of the needs and prob­
lems of the western states; and

WHEREAS, Governor Andrus has a strong background in
public land management.

NOW, THEREFORE, BE IT RESOLVED by the members of the
First Regular Session of the Forty-fourth Idaho Legislature,
the House of Representatives and the Senate concurring, that
the selection of Governor Cecil D. Andrus as Secretary of
Interior is a wise choice of the President and we commend
the President for his choice of an individual whose back-
ground and qualifications are so directly related to the needs of the Interior Department.

BE IT FURTHER RESOLVED, that the Chief Clerk be, and he is hereby authorized and directed to forward copies of this Memorial to President Jimmy Carter and Senators and Representatives representing this state in the Congress of the United States.

Adopted by the House January 24, 1977.
Adopted by the Senate January 24, 1977.

(H.J.M. No. 2)

A JOINT MEMORIAL

STATING THE FINDINGS OF THE LEGISLATURE OF THE STATE OF IDAHO FOR THE HEARING RECORD OF THE UNITED STATES FISH AND WILDLIFE SERVICE PROPOSED DESIGNATION OF CRITICAL HABITAT FOR THE GRIZZLY BEAR, AND DIRECTING COPIES TO BE SENT TO PERSONS SPECIFIED.

We, your Memorialists, the House of Representatives and the Senate of the State of Idaho assembled in the First Regular Session of the Forty-fourth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, an overwhelming majority of Idahoans, individually and representing groups, who appeared before hearing officers of the U.S. Fish and Wildlife Service, testified that the Grizzly Bear population for the past 50 years has remained relatively stable, and, in fact, during the last three years has been on the increase; and

WHEREAS, it is apparent that the Grizzly Bear lives compatibly with Idaho natural resource uses that include logging, grazing, hunting, fishing, camping, hiking, roads, trails, water developments, organization camps and off-road vehicles; and

WHEREAS, there has developed a harmonious existence between the Grizzly Bear and resource users and the majority of those testifying feel that the Grizzly Bear has sufficient biological habitat to maintain its population under existing U.S. Forest Service and U.S. Park Service management programs; and

WHEREAS, there is widespread disagreement among students of big game biology as to whether or not the Grizzly Bear is indeed a threatened species and, even so, there has been no sport hunting of the Grizzly Bear in Idaho since 1946; and

WHEREAS, it is felt that the biologic aspects of Grizzly Bear management cannot be separated from the social and economic needs of the American public at the present time nor in the future; and
WHEREAS, the citizens particularly of Southeastern Idaho have a social and economic life pattern that is dependent upon the federal lands within the proposed Grizzly Bear habitat which includes a major portion of the Lodgepole pine base on the Targhee National Forest with an annual timber yield potential estimated at 22-million board feet with more than 200-million board feet now under contract; and

WHEREAS, the above mentioned cut provides nearly all of the raw material to the Idaho Stud Mill in St. Anthony, the Garland Call Pole Company in Idaho Falls, and about 30 small timber product businesses and approximately 250 individual permittees who cut poles, posts and such timber; and

WHEREAS, the above-mentioned activity provides a major share of the economic base of Fremont County and a large portion of the pine in the area has been killed by the Mountain Pine Beetle in past years and it is now desirable to have this dead timber removed by commercial operations to eliminate a fire hazard and to permit new timber stands to grow, both of which will work to the benefit of Grizzly Bears as well as other wildlife in the area; and

WHEREAS, the Interagency Grizzly Bear Study Team in its report of February 11, 1976, stated that logging modifies the habitat only temporarily and has the potential for improving bear habitat within a short period,

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Forty-fourth Idaho Legislature, the House of Representatives and the Senate concurring, that we respectfully urge the U.S. Fish and Wildlife Service to withhold designation of any Grizzly Bear critical habitat outside of the Yellowstone and Glacier National Parks until all of the questions concerning the advisability of such establishment are answered in a scientific and reasonable manner.

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and he is hereby authorized and directed to forward copies of this Memorial to the President of the United States, to the Director of the Fish and Wildlife Service for entry in the public hearing record, to the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States, and to the Secretary of Interior of the United States.

Adopted by the House February 2, 1977.
Adopted by the Senate February 3, 1977.
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 First Regular Session of the Forty-fourth 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 Constitution 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 First Regular Session of the Forty-fourth 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 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 9, 1977.
Adopted by the Senate February 15, 1977.
A JOINT MEMORIAL

We, your Memorialists, the House of Representatives and Senate of the State of Idaho assembled in the First Regular Session of the Forty-fourth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, a variety of external pressures which seem heavily weighted toward wilderness classification of lands in the commercial timber base, are exerted in decision arenas today; and

WHEREAS, substantial lands have already been committed to the wilderness classification; and

WHEREAS, remaining acreages are essential for development of recreation, timbering, mining, and grazing in the Nezperce National Forest; and

WHEREAS, further erosion of the potential base for multiple use development will seriously threaten the economic health of the surrounding communities; and

WHEREAS, in 1978, specific units under consideration for wilderness designation in the Nezperce National Forest would remove an additional 435 thousand acres from potential use, with a loss in allowable cut of approximately 15 million feet; and

WHEREAS, if the current study areas are authorized as wilderness, the potential annual yield from the Nezperce National Forest will decline from 144.5 million feet to an estimated 60 million feet; and

WHEREAS, present mill capacities are 110-120 million board feet annually; and

WHEREAS, further reductions will result in direct loss of not less than 130 jobs in 1978, with serious impact throughout the economy of the region; and

WHEREAS, over $500,000 is returned annually to the schools and roads of the region as a result of the refund to counties from forest receipts, of which timber contributes the major portion; and

WHEREAS, current planning procedures, with numerous
appeals and subsequent delays, tie up large areas for indefinite periods of time; and

WHEREAS, adequate protection of forest areas should be balanced by protection of the interests of the citizens who reside in the nearby communities, as well as the goals and directions desired by the people of the State of Idaho.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Forty-fourth Idaho Legislature, the House of Representatives and the Senate concurring therein, that it is the finding of the Legislature that consideration should be given to the diversity of needs of the residents of this State, and specifically of the area dependent upon the balanced management of the Nezperce National Forest. We urge the decision makers to reject excessive demands for designations of wilderness areas, and to insure responsible compromise between the desires for preservation and multiple use. We find that the withdrawal of additional areas now under consideration in the Nezperce National Forest, would adversely impact the region and have serious consequences on the future economic health of the area.

BE IT FURTHER RESOLVED that the Chief Clerk of the House be, and he is hereby authorized and directed to forward copies of this Memorial to John McGuire, Chief, Forest Service, United States Department of Agriculture, the President of the Senate, and Speaker of the House of Representatives of the Congress of the United States, and the members of Congress representing the State of Idaho.

Adopted by the House March 14, 1977.
Adopted by the Senate March 18, 1977.
A JOINT MEMORIAL
TO THE PRESIDENT OF THE UNITED STATES; TO CECIL D. ANDRUS, SECRETARY OF THE INTERIOR; ROBERT BERGLAND, SECRETARY OF AGRICULTURE; JACK WATSON, PRESIDENTIAL ASSISTANT; TO THE GOVERNORS OF THE WESTERN STATES; TO THE STATE DEPARTMENTS OF LANDS OF THE WESTERN STATES; AND TO THE SENATORS AND REPRESENTATIVES IN CONGRESS FROM THE STATE OF IDAHO.

We, your Memorialists, the House of Representatives and Senate of the State of Idaho assembled in the First Regular Session of the Forty-fourth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, the Western States are experiencing the worst drought conditions in the history of the United States; and

WHEREAS, meteorologists give very little hope of relief in the near future; and

WHEREAS, the livestock industry is already close to bankruptcy; and

WHEREAS, it is of paramount importance that the United States continue to produce an abundance of food and fiber for the general well being of its people; and

WHEREAS, it will be catastrophic to the livestock industry facing extreme drought conditions compounded with the existing critically depressed prices of the cattle industry; and

WHEREAS, because of the impending livestock industry liquidations, the consumers of the United States in the near future will be faced with serious shortages of red meats; and

WHEREAS, many national forests, Bureau of Land Management controlled lands, and lands owned by the various states have had no grazing or very little grazing for a number of years; and

WHEREAS, an abundance of forage exists in many of the areas which may have favorable moisture conditions and little or no grazing.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Forty-fourth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Secretary of the Interior and the Secretary of Agriculture of the United States and the Department
of Lands of the Western States, initiate immediate surveys of their respectively controlled lands so as to determine any excess forage that might be available for temporary livestock migrations from drought-stricken areas to areas of abundant forage.

BE IT FURTHER RESOLVED that livestock growers of the Western States be allowed to temporarily transport or move their livestock from drought areas to areas of more abundant forage in order to aid in saving the livestock industry of the United States not only for benefit of producers but also for the benefit of the people of the United States.

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 of the United States, to the special assistant to the President on drought, to the Secretary of the Interior and the Secretary of Agriculture of the United States, to the Governors of the Western States, to the State Departments of Lands of the various Western States, and the Senators and Representatives representing Idaho in the United States Congress.

Adopted by the House March 15, 1977.
Adopted by the Senate March 21, 1977.
A JOINT MEMORIAL
TO THE CONGRESS OF THE UNITED STATES TO REQUEST CONGRESS TO
CONSIDER THE EFFECTS OF LEGISLATIVE ACTION ON TELEPHONE
RATES APPLICABLE TO THE GENERAL PUBLIC.

We, your Memorialists, the House of Representatives and
Senate of the State of Idaho assembled in the First Regular
Session of the Forty-fourth Idaho Legislature, do hereby
respectfully represent that:

WHEREAS, increased competition within the telecommunica­
tions industry and its effect on basic residential telephone
rates is a matter of great public concern; and

WHEREAS, much discussion has been generated regarding
the possible benefits of such competition to the large users
of telecommunications services and to the manufacturers of
customer-provided devices; and

WHEREAS, it is pointed out in these discussions that the
widespread use of private transmission services and
customer-provided devices may cause increased costs for
residential telephone service, with the result that much if
not all the increased costs will, of necessity, be paid by
the utilities' small business and residential customers,
including persons in lower income groups and those on fixed
incomes; and

WHEREAS, it is the duty of every public utility serving
Idaho customers to furnish adequate, efficient, just and
reasonable service, instrumentalities, equipment and facili­
ties as are necessary to promote the safety, health, comfort
and convenience of its patrons; and

WHEREAS, it has come to the attention of the members of
the Legislature that the United States Congress has had
under its consideration legislation concerning possible
limitations on competition in the telecommunications indus­
try.

NOW, THEREFORE, BE IT RESOLVED by the members of the
First Regular Session of the Forty-fourth Idaho Legislature,
the House of Representatives and Senate concurring therein,
that the members do hereby express their interest and con­
cern regarding the Congress' investigation into telephone
competition and interconnection; and

BE IT FURTHER RESOLVED that the Congress be requested to
include in its deliberations a full inquiry into the pos-
sible economic impact of any action it may contemplate, with
the view of providing complete assurance that its action
will not have an adverse effect on telephone rates appli­
cable to the general public, and particularly to low-income
individuals and small business, so that the public interest
will be served; and

BE IT FURTHER RESOLVED that the Federal Communications
Commission is requested to delay full implementation of its
policies fostering competition until Congress has had the
opportunity to complete its investigation and to develop
national policy; and

BE IT FURTHER RESOLVED that the Chief Clerk of the House
of Representatives transmit copies of this resolution to the
President, the President of the Senate and the Speaker of
the House of Representatives of Congress, and to the Sena­
tors and Representatives from Idaho in the Congress of the
United States, and to the Federal Communications Commission.

Adopted by the House March 18, 1977.
Adopted by the Senate March 21, 1977.
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-fourth Legislature of the State of Idaho, First Regular Session thereof, which convened January 10, 1977, and adjourned March 21, 1977, 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 hereto set my hand and affixed the Great Seal of the State of Idaho. Done at Boise City, the Capital of Idaho, this 20th day of April, 1977.

Secretary of State

When errors appear in the enrolled bills received from the Legislature at the office of the Secretary of State, this office has no authority to correct them.
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SENATE JOINT RESOLUTIONS

That were adopted by both the Senate and House and appear in the 1977 Session Laws.

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SENATE JOINT MEMORIALS

That were adopted by both the Senate and House and appear in the 1977 Session Laws.

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HOUSE JOINT MEMORIALS

That were adopted by both the Senate and House and appear in the 1977 Session Laws.

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WHEREAS, by Proclamation dated June 5, 1976, I did proclaim and declare that a state of extreme emergency did exist in Fremont, Madison, Jefferson, Bonneville and Bingham Counties in the State of Idaho by virtue of the collapse of the Teton Dam; and

WHEREAS, I find that the disaster is of such magnitude that it has not yet been dealt with to the extent that the emergency conditions no longer exist;

NOW, THEREFORE, I, CECIL D. ANDRUS, Governor of the State of Idaho, by virtue of the authority vested in me by Section 46-601 and Section 46-1008, Idaho Code, do hereby declare that the state of emergency should be continued to and including August 4, 1976, unless before that date I find that the state of emergency has passed.

It is so ordered.

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 thirtieth day of June, 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 Statehood of Idaho the eighty-sixth.

/s/ CECIL D. ANDRUS
GOVERNOR OF THE STATE OF IDAHO

/s/ PETE T. CENARRUSA
SECRETARY OF STATE
EXECUTIVE ORDER NO. 76-3

EXTENSIONS OF PUBLIC WORKS CONTRACTORS LICENSES FOR FLOOD VICTIMS

WHEREAS, the State of Idaho has undertaken by statute (Title 54, Chapter 19, Idaho Code,) and implementing rules to regulate the procedures for public works contracting, specifically providing that a license as a public works contractor in the State of Idaho expires June 30 unless the license holder files an application for license renewal by that date; and

WHEREAS, a number of licensed contractors residing in the counties of Fremont, Madison, Jefferson, Bonneville and Bingham in the Teton Dam disaster area are victims of the flood and unable to file timely applications for renewal of licenses by June 30; and

WHEREAS, it would be unlawful for those contractors to bid or perform public works construction after the expiration of licenses and further it would be unlawful for any public officer to award a contract for public works to a contractor whose license has expired; and

WHEREAS, it is the desire of the Public Works Contractors State License Board to grant any contractor who was a victim of the flood disaster a reasonable opportunity beyond the expiration date set by law to comply with the requirements for the renewal of license; and

WHEREAS, it is in the public interest in those counties included in the disaster area that local contractors shall be licensed to bid or perform contracts to be let for the construction, repair and restoration of public facilities to a predisaster level.

NOW, THEREFORE, I, CECIL D. ANDRUS, Governor of the State of Idaho, pursuant to the authority vested in me, inter alia, in Section 46-1008, Idaho Code, do hereby suspend the requirements of the first and second paragraphs of Section 54-1912, Idaho Code, and the implementing rules of the Public Works Contractors State License Board, for and on behalf of those licensed public works contractors who were unable to file timely applications for the renewal of license because they were victims of the flood disaster, and further, I hereby extend the licenses of those contractors so affected until August 9, 1976, during which time these
licensees shall be granted an opportunity to comply with the license renewal requirements.

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 July, 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 Statehood of Idaho the eighty-sixth.

/s/ CECIL D. ANDRUS
GOVERNOR OF THE STATE OF IDAHO

/s/ PETE T. CENARRUSA
SECRETARY OF STATE
EXECUTIVE ORDER NO. 76-4

ESTABLISHING AN IDAHO OFFICE OF ENERGY, DIRECTING STATE AGENCIES TO REVIEW AND TO CHANGE ACTIVITIES NOT CONSISTENT WITH THIS EXECUTIVE ORDER, AND REPEALING EXECUTIVE ORDER NO. 74-2 AND EXECUTIVE ORDER NO. 75-3

Spiraling costs for energy, natural resources and commodities, continuing high levels of inflation, unemployment and interest rates, unstable national economies around the world, increasing world levels of air and water pollution, increasing scarcity of resources and ever-larger demands for capital—these are all unmistakable signs that we are moving more and more out of balance with our natural resources, more and more out of harmony with our physical environment.

Idaho cannot isolate itself from these world trends. We are a single state in a nation on a globe of nations. To the extent we can influence our future, the people of Idaho prefer environmental order over economic disorder, energy conservation over inappropriate energy consumption, and material frugality over the "throw-away" society.

Aware of the state's responsibility to promote energy conservation and to offer to Idaho's citizens the direction toward continued social and economic viability consistent with available resources, I hereby establish within the Office of the Governor an Office of Energy to be headed by a director appointed by the Governor.

As I do so, I am mindful that energy conservation, however laudable, is not an end in itself. Though energy conservation yields present environmental and economic benefits, the unchanging fact is that the traditional energy sources—the fossil fuels—are being rapidly depleted. New discoveries of traditional energy sources and new processes for their use will be obtained only at a tremendous cost of other natural resources and capital. Conservation of energy and conservation of natural resources must be viewed overall as an effort to save the energy, acquire the knowledge and gain the time necessary to change to patterns of consumption and economic development consistent with our available resources, especially the renewable energy resources available in Idaho.
Except as otherwise provided by law or by action of the Governor, the Office of Energy shall have the primary responsibility within the Executive Department of the State of Idaho to:

1. Promote energy conservation through the efficient thermal use of energy systems;

2. Guide regional, state, county and city energy policies toward actions which will provide the maximum opportunities to continue and to increase the use of renewable energy resources;

3. Educate all levels of society to the inherent economic benefits of appropriate technology which uses wherever possible renewable energy resource systems, through programs of demonstration and involvement of all Idaho's citizens;

4. Make known to all Idaho's citizens the results of promising energy conservation programs in use to encourage continued changes in activities which will insure energetic and economic stability;

5. Gather, analyze, integrate and make available data from energy supply and demand systems;

6. Make recommendations to the Governor regarding energy resource planning;

7. Coordinate energy-related federal programs in which the State of Idaho participates;

8. Coordinate energy policy and related activities of all state agencies, and in order to maintain consistent statewide energy policy, insure the greatest possible understanding of the impacts of energy policy decisions made by all levels of government;

9. Furnish assistance upon request to the Idaho Legislature, in particular to the Legislative Council committee established pursuant to Senate Concurrent Resolution 132, Forty-third Idaho Legislature, Second Session; and

10. Perform other duties as directed by the Governor.

All state agencies are directed to cooperate fully with the Office of Energy.

All state agencies are directed to review their current activities and to take whatever steps are necessary, not inconsistent with Idaho law, to bring their activities into line with the philosophy and goals reflected in this Executive Order. They shall be prepared to report to the Office of Energy on or before October 1, 1976, activities which have been changed, activities which can be changed in the future, activities which can only be changed with additional funding, and activities where change is desirable but inconsistent with Idaho law.
Nothing in this Executive Order shall be interpreted to give the Office of Energy any regulatory authority.

Executive Order No. 74-2 and Executive Order No. 75-3 are hereby repealed.

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 thirtieth day of July, in the year of our Lord nineteen hundred seventy-six, and of the Independence of the United States of America the two hundred first, and of the Statehood of Idaho the eighty-seventh.

/s/ CECIL D. ANDRUS
GOVERNOR OF THE STATE OF IDAHO

/s/ PETE T. CENARRUSA
SECRETARY OF STATE
SETTING FORTH A CODE OF ETHICAL CONDUCT FOR EMPLOYEES OF THE EXECUTIVE DEPARTMENT OF IDAHO STATE GOVERNMENT

GENERAL PURPOSE

This Executive Order is issued to insure high standards of conduct among state employees and to strengthen the faith and confidence of the people of Idaho in the integrity of state government and state employees. This Executive Order sets forth a code of conduct for state employees and restates existing Idaho law governing employee conduct in areas where there are actual or potential ethical concerns between their public duties and their private interests. Unless the context indicates otherwise, "state employee(s)" shall have the broadest meaning possible within the Executive Department of Idaho state government consistent with Idaho law, and "person" shall include an association, corporation or governmental entity.

It shall be a paramount concern of state employees that they engage in no conduct which might reasonably be interpreted by the people of Idaho as tending to influence or adversely affect the performance of their official duties.

GRATUITIES AND OTHER BENEFITS

State employees shall never solicit in their official capacity any gratuity or other benefit from any person under any circumstances. State employees shall not accept gratuities or other benefits exceeding a total retail value of $25.00 within a calendar year from any person who is subject to their legal jurisdiction or who is likely to become interested in any contract or transaction over which they exercise any discretionary function. State employees are not precluded from accepting from time to time food or beverages consumed at the time and place of receipt from any person with whom they deal in their official capacity, subject to the limitation of $25.00 retail value within a calendar year. These rules apply irrespective of kinship or other relationship with the donor outside of the official status of the state employee, and irrespective of the existence of legal consideration for or legal entitlement to the gratuity of other benefit. It is not material that the acceptance of any gratuity or other benefit contrary to this Executive Order is not prejudicial to official impartiality in fact.
State employees shall not accept transportation or lodging from any person who is subject to their jurisdiction or who is or is likely to become interested in any contract or transaction over which they exercise any discretionary function. It shall be the general policy that reimbursable expenses for transportation and lodging of state employees shall be paid by the State of Idaho rather than by another person. This rule does not apply under circumstances where state employees do not have reasonable access to public services or accommodations, when the acceptance of an offer of transportation makes an economical and efficient use of time or transportation and any benefit conferred is trivial or otherwise consistent with the general purpose of this Executive Order.

All state employees exercising any discretionary function shall make a conscious effort to be open to contact by all segments of Idaho society that have an interest in the exercise of that discretionary function. State employees exercising any discretionary function shall not associate with any one person who has or may have an interest in the exercise of that discretionary function to such an extent as would reasonably be interpreted by the people of Idaho as tending to influence or adversely affect the performance of their official duties.

Honorariums shall not be accepted by state employees from Idaho citizens, associations, corporations or governmental entities for appearances or services given in the course of their official duties.

CONFLICTS OF INTEREST

State employees shall not profit, directly or indirectly, from public funds under their control. State employees shall not have a private interest in any contract made by them in their official capacity. State employees must avoid self-dealing in any purchase or sale made in their official capacity. Any state employee having a private interest in any discretionary matter coming before him in the course of his official duties, whether the matter be regulatory, adjudicative, contractual, or the formation of public policy, shall not act but shall withdraw himself.

No state employee shall appoint or otherwise employ for compensation payable from public funds any person related by blood or marriage to within the second degree.
OUTSIDE EMPLOYMENT AND EXTRA COMPENSATION

Heads of executive departments, members of the Tax Commission, the Industrial Commission, and the Public Utilities Commission, the Executive Director of the State Board of Education, and the Director of the Executive Office of the Governor shall not hold any other public office or public employment for which compensation is received, nor shall they serve as a director or officer of any profitmaking corporation or institution. State employees other than those identified above may occupy offices or positions of profit outside of state government service but only to the extent that it does not interfere with the performance of their official duties in an efficient, mentally and physically alert manner.

Except as otherwise prohibited by law, all state employees including those identified above may own stock in a public or private corporation, be a trustee to a trust, be a personal representative to an estate, serve as a part-time member of the military reserves or the National Guard, and serve upon a jury.

All state employees receiving fixed compensation are not to be paid for any extra service performed in the ordinary course of their employment, except for overtime compensation as provided by law, employment in any state educational program as provided in Section 59-512, Idaho Code, or other circumstances expressly authorized by law.

POLITICAL ACTIVITIES

As provided by Section 67-5311, Idaho Code, and an Idaho Personnel Commission directive dated August 9, 1976, state employees shall not command political contributions from other state employees. State employees subject to the state personnel system (hereinafter "classified employees") shall not use their official authority or influence to bring about any nomination or election to public office. Classified employees shall not take an active part in the management of any political organization. Classified employees shall not hold the elected office of precinct committeeman/committeewoman. Classified employees shall not seek election to a partisan public office. All state employees may vote and express their personal opinion on political issues and candidates and take an active part in support of a candidate in partisan or nonpartisan elections. All state employees may be members of a political party or organiza-
tion, participate in its activities, serve as an elected convention delegate, and voluntarily contribute to political parties or candidates. Classified employees shall avoid participation in public affairs in a manner which would materially compromise their neutrality, efficiency or integrity in the performance of their official duties.

ADMINISTRATION

Department heads and boards and commissions within the Executive Department of the State of Idaho may establish particular codes of employee conduct to supplement the general code of conduct provided under Idaho law and this Executive Order. Nothing in this Executive Order is intended to preclude more strict provisions of conduct than are required under this Executive Order, except as precluded by Idaho law.

Questions or disputes regarding the conduct of state employees under this Executive Order and Idaho law shall be directed to the appropriate appointing authority who may seek legal counsel from the Attorney General.

State employees who have questions regarding their conduct that are not specifically addressed in this Executive Order or who need more direction than is included herein should consult their appointing authorities. State employees who are presently engaged in a course of conduct addressed herein are directed to review that conduct in light of this Executive Order.

Violation of this Executive Order may lead to dismissal, suspension, demotion or other personnel action. In addition, state employees whose conduct violates Idaho law whether or not restated in this Executive Order are subject to the penalties provided under Idaho law.

DISTRIBUTION

Appointing authorities shall bring this Executive Order to the attention of state employees now or hereafter under their supervision.

It is the duty of state employees to familiarize themselves with the code of conduct contained in this Executive Order and to reflect upon their own conduct.
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 eighteenth day of October, in the year of our Lord nineteen hundred seventy-six, and of the Independence of the United States of America the two hundred first, and of the Statehood of Idaho the eighty-seventh.

/s/ CECIL D. ANDRUS
GOVERNOR OF THE STATE OF IDAHO

/s/ PETE T. CENARRUSA
SECRETARY OF STATE

References:

Gifts and Other Benefits--Chapter 13A, Title 18, Idaho Code.


EXECUTIVE ORDER NO. 76-6

ESTABLISHMENT OF A STATEWIDE HEALTH COORDINATING COUNCIL

WHEREAS, the Congress of the United States has enacted the National Health Planning and Resources Development Act of 1974 (P.L. 93-641), for which the stated purpose is 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, timely implementation of this Act requires the involvement of all levels of government, cooperation among all participants in both the public and private sectors of the health care field, and consumers;

NOW, THEREFORE, I, CECIL D. ANDRUS, Governor of the State of Idaho, do hereby establish the Statewide Health Coordinating Council pursuant to the provisions of P.L. 93-641.

FURTHERMORE, within the compositional restrictions of P.L. 93-641, the Council shall consist of thirty (30) members appointed by the Governor. At least eighteen (18) of the members will represent Idaho Health Systems Agency, Inc., established pursuant to the provisions of P.L. 93-641. The remaining twelve (12) members will be selected and appointed by the Governor's Office. The Statewide Health Coordinating Council membership will represent the health professions; various units and levels of government; public, private and voluntary health associations; ethnic, racial and other minority groups. In the aggregate, the Council will include persons residing in various geographic areas in the State; will be drawn from all socio-economic stations in life; a majority of the members will be persons classified as consumers of health services as defined by the Act;

FURTHER, The Idaho Department of Health and Welfare, as previously designated in Executive Order No. 75-4, as the State Health Planning and Resource Development Agency, is hereby directed to serve as the professional staff resource to the Council in accordance with the provisions of P.L. 93-641;
FURTHERMORE, the Governor's Advisory Council on Comprehensive Health Planning as officially established by Executive Order No. 72-5 of June 8, 1972, for purposes of serving as "Idaho's instrumentality for developing a comprehensive health planning program" pursuant to provisions of P.L. 89-749, is hereby formally declared to be dissolved; its present members are hereby relieved of all duties and responsibilities inherent therein, and discharged with my thanks and that of the people of Idaho, for their long and dedicated service.

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-seventh day of October, in the year of our Lord nineteen hundred seventy-six, and of the Independence of the United States of America the two hundred first, and of the Statehood of Idaho the eighty-seventh.

/s/ CECIL D. ANDRUS
GOVERNOR OF THE STATE OF IDAHO

/s/ PETE T. CENARRUSA
SECRETARY OF STATE
## ELECTED OFFICIALS

### CONGRESSIONAL

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<tr>
<th>UNITED STATES SENATORS</th>
<th>REPRESENTATIVES IN CONGRESS</th>
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<tbody>
<tr>
<td>Frank Church (D)</td>
<td>Steven D. Symms (R), First District</td>
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<td>James A. McClure (R)</td>
<td>George Hansen (R), Second District</td>
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Mailing Address: 304 N. 8th, Boise, Idaho 83702

### STATE

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<tr>
<th>GOVERNOR</th>
<th>1805 North 21st, Boise, Idaho 83702</th>
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<td>John V. Evans (D)</td>
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<th>LIEUTENANT GOVERNOR</th>
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<td>William J. Murphy (D)</td>
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<td>Marjorie Ruth Moon (D)</td>
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<td>Roy Truby (D)</td>
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IDAHO STATE LEGISLATORS 1976-77

1 – BOUNDARY & BONNER COUNTIES
Kermit V. Kiebert, Senate (D)
Box 187, Hope 83836
Asst. Minority Caucus Chairman

Marion Davidson, House (D)
Rt. 3, Bonners Ferry 83805
Minority Caucus Chairman

Don Maynard, House (D)
Clark Fork 83811

2 – KOOTENAI COUNTY
Art Manley, Senate (D)
1109 11th, Coeur d'Alene 83814

Gary J. Ingram, House (R)
3530 Highland Dr.,
Coeur d'Alene 83814

L. C. (Jack) Spurgeon, House (D)
2921 N. 6th St., P:O. Box 820,
Coeur d'Alene 83814

3 – KOOTENAI & BENEWAH COUNTIES
C. C. Chase, Senate (D)
201 11th, St. Maries 83861
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Emery E. Hedlund, House (D)
1746 Main Ave., St. Maries 83861

B. E. (Bud) Lewis, House (R)
Rt. 3, St. Maries 83861
Majority Caucus Chairman

4 – KOOTENAI & SHOSHONE COUNTIES
Arthur P. Murphy, Senate (D)
Box 554, Mullan 83846
Minority Caucus Chairman

Dorothy H. McCann, House (D)
Box 618, Wallace 83873

Thomas M. Snyder, House (D)
Rt. 1, Cataldo 83810

5 – LATAH COUNTY
Norma Dobler, Senate (D)
1401 Alpowa St., Moscow 83843

Tom Boyd, House (R)
Rt. 1, Genesee 83832

Robert E. Hosack, House (D)
820 West C St., Moscow 83843

6 – NEZ PERCE COUNTY
Mike P. Mitchell, Senate (D)
316 Skyline Dr., Lewiston 83501

Ronald V. Harlow, House (D)
604 Burrell Dr., Lewiston 83501
Asst. Minority Leader

Joe N. Wagner, House (D)
2828 Sunset Dr., Lewiston 83501

7 – CLEARWATER, LATAH & NEZ PERCE COUNTIES
Claud R. Judd, Senate (D)
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Carl P. Braun, House (D)
Box 752, Orofino 83544

Lester V. Clemm, House (D)
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8 – LEWIS, NEZ PERCE & IDAHO COUNTIES
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K. Jim Ries, House (D)
P.O. Box 42, Grangeville 83530

Harold W. Reid, House (D)
RR 2, Box 34, Craigmont 83523
IDAHO STATE LEGISLATORS 1976-77

9 – ADAMS, BOISE, GEM, VALLEY, IDAHO, ADA & CANYON COUNTIES

David Little, Senate (R)
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Herbert G. Finz, House (R)
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Morgan Munger, House (R)
Ola 83657

10 – PAYETTE & WASHINGTON COUNTIES

Larry E. Craig, Senate (R)
Midvale 83645

George G. Danielson, House (R)
Cambridge 83610

Walter E. Little, House (R)
Rt. 1, New Plymouth 83655

Majority Leader

11 – CANYON COUNTY

W. Dean Abrahams, Senate (R)
116 S. 7th Ave., Caldwell 83605

Carroll W. Dean, House (R)
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Dorothy L. Reynolds, House (D)
1920 Howard, Caldwell 83605

12 – CANYON COUNTY

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Kenneth Stephenson, House (R)
Rt. 5, Box 5629, Nampa 83651

13 – CANYON COUNTY

Philip E. Batt, Senate (R)
Box 428, Wilder 83676

President Pro Tempore

Virginia D. Smith, House (R)
Rt. 6, Caldwell 83605

Percival A. Wesche, House (R)
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14 – ADA COUNTY

Vernon K. Brassey, Senate (R)
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6400 Pierce Park Lane, Boise 83703

Lawrence C. (Larry) Jackson, House (R)
3300 Bogus Basin Rd., Boise 83702

15 – ADA COUNTY

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Peggy Bunting, House (R)
944 Lewis, Boise 83702

Daryl Steven Salazar, House (D)
115 N. Garden St., Boise 83704

16 – ADA COUNTY

Lyle R. Cobb, Senate (R)
7211 Court Ave., Boise 83704

Paul W. Worthen, House (R)
6414 Robertson Dr., Boise 83705

James D. Golder, House (R)
8365 Amherst, Boise 83704

17 – ADA COUNTY

Ron J. Twilegar, Senate (D)
106 N. 6th, Suite 222, Boise 83702

Kathleen W. (Kitty) Gurnsey, House (R)
1111 W. Highland View Dr., Boise 83702

Larry W. Harris, House (R)
1925 Montclair Dr., Boise 83702

18 – ADA COUNTY

James E. Risch, Senate (R)
Rt. 3, S. Cole Rd., Boise 83705

Majority Leader

Wendy A. Ungricht, House (R)
5302 Aztec Circle, Boise 83705

Jack C. Kennevick, House (R)
1 Mesa Dr., Boise 83705

Asst. Majority Leader
IDAHO STATE LEGISLATORS 1976-77

19 — ADA & OWYHEE COUNTIES

Walter H. Yarbrough, Senate (R)
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Majority Caucus Chairman

John F. Reardon, House (R)
3100 N. Five Mile Rd., Boise 83704

Lyman G. Winchester, House (R)
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20 — CLARK, CUSTER, JEFFERSON & LEMHI COUNTIES

Vearl C. Crystal, Senate (R)
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Ray E. Infanger, House (R)
Rt. 1, Box 174, Salmon 83467

Wayne E. Tibbits, House (R)
Lorenzo Rt., Box 15D, Rigby 83442

21 — BLAINE, LINCOLN & MINIDOKA COUNTIES

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1143 Link St., Rupert 83350

Steve Antone, House (R)
1141 Link St., Rupert 83350

Mack Wm. Neibaur, House (R)
Rt. 1, Box 142, Paul 83347

22 — CAMAS, ELMORE, GOODING & TWIN FALLS COUNTIES

J. Wilson Steen, Senate (R)
P.O. Drawer B, Glenns Ferry 83623
Asst. Majority Leader

Dan Kelly, House (R)
930 N. 10th E., Mtn. Home 83647

Virgil L. Kraus, House (R)
500 N. 11th E., Mtn. Home 83647

23 — JEROME, LINCOLN & GOODING COUNTIES

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Gordon R. Hollifield, House (R)
Rt. 3, Box 115, Jerome 83338

24 — TWIN FALLS COUNTY

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Noy E. Brackett, House (R)
Box 403, Twin Falls 83301

Lawrence Knigge, House (R)
Rt. 1, Filer 83328

25 — TWIN FALLS COUNTY

Richard S. High, Senate (R)
802 Sunrise Blvd. N., Twin Falls 83301

T. W. Stivers, House (R)
144 N. Juniper, Twin Falls 83301

Ralph Olmstead, House (R)
Rt. 2, Twin Falls 83301

26 — CASSIA & MINIDOKA COUNTIES

Dean VanEngelen, Senate (R)
P.O. Box 98, Burley 83318

J. Vard Chatburn, House (R)
Box 97, Albion 83311

Ernest A. Hale, House (R)
725 E. 16th, Burley 83318

27 — BINGHAM COUNTY

Israel (Is) Merrill, Senate (D)
581 N. Stout St., Blackfoot 83221

Allan F. Larsen, House (R)
Rt. 5, Box 33, Blackfoot 83221
Speaker of the House

Darwin L. Young, House (R)
Rt. 5, Box 99, Blackfoot 83221
IDAHO STATE LEGISLATORS 1976-77

28 – FREMONT & MADISON COUNTIES

Dick Smith, Senate (R)
74 Ash Ave., Rexburg 83440

F. Melvin Hammond, House (D)
149 Elm Ave., Rexburg 83440

Doyle C. Miner, House (R)
310 N. 7 E., St. Anthony 83445

29 – BUTTE, BINGHAM & BONNEVILLE COUNTIES

J. Marsden Williams, Senate (R)
1950 Carmel Dr., Idaho Falls 83401

Kurt L. Johnson, House (R)
Rt. 6, Box 407, Idaho Falls 83401

C. Wendell Miller, House (D)
791 N. Skyline Dr., Idaho Falls 83401

30 – BINGHAM & BONNEVILLE COUNTIES

Dane Watkins, Senate (R)
2975 Fieldstream Lane, Idaho Falls 83401

Ronald K. Lechelt, M.D., House (D)
247 Hartert Dr., Idaho Falls 83401

Elaine Kearnes, House (R)
3040 Gustafson Circle, Idaho Falls 83401

31 – TETON, BONNEVILLE & MADISON COUNTIES

Richard A. Egbert, Senate (D)
Tetonia 83452

Linden B. Bateman, House (R)
Rt. 1, Box 442, Idaho Falls 83401

John O. Sessions, House (R)
Box 152, Driggs 83422

32 – BEAR LAKE, CARIBOU & FRANKLIN COUNTIES

Reed W. Budge, Senate (R)
231 S. 1st E., Soda Springs 83276

Robert C. Geddes, House (R)
Rt. 3, Box 107, Preston 83263

Russell A. Westerberg, House (D)
170 Keystone, Soda Springs 83276

33 – ONEIDA & BANNOCK COUNTIES

Lester A. Hartvigsen, Senate (D)
255 E. 155 S., Malad 83252

Kent S. Walker, House (R)
Rt. 2, Inkom 83245

Myron Jones, House (R)
Rt. 1, Box 123C, Malad 83252

34 – BANNOCK COUNTY

Robert C. Kinghorn, Senate (D)*
1306 Cottage Ave., Pocatello 83201
Asst. Minority Leader

Patricia McDermott, House (D)
P.O. Box 3, Pocatello 83201
Minority Leader

James A. Leese, House (D)
1075 East Elm, Pocatello ,83201

35 – POWER, BINGHAM & BANNOCK COUNTIES

C. E. (Chick) Bilyeu, Senate (D)
Rt. 1N, Box 48, Pocatello 83201

W. Rusty Barlow, House (R)
557 Franklin, Pocatello 83201

Max Kendell, House (R)
Aberdeen 83210

* Resigned April 1, 1977