AN ACT AMENDING SECTION 1, CHAPTER 3, LAWS OF 1977, BY AMENDING THE APPROPRIATION TO THE IDAHO BEAN COMMISSION BY $12,100; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 1, Chapter 2, Laws of 1977, be, and the same is hereby amended to read as follows:

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 during the period July 1, 1977, through June 30, 1978, from the listed accounts for the period July 1, 1977, to June 30, 1978:

<table>
<thead>
<tr>
<th>PROGRAM</th>
<th>PERSONNEL EXPENDITURES</th>
<th>OPERATING COSTS</th>
<th>CAPITAL OUTLAY</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. IDAHO APPLE COMMISSION: FOR: Advertising and Promotion</td>
<td>Apple Commission Acct.</td>
<td>$2,300</td>
<td>$12,600</td>
<td>$140,700</td>
</tr>
<tr>
<td>B. IDAHO BEAN COMMISSION: FOR: Marketing and Development</td>
<td>Idaho Bean Marketing &amp; Production Promotion Acct.</td>
<td>$25,700</td>
<td>$113,000</td>
<td>$140,700</td>
</tr>
<tr>
<td>C. IDAHO CHERRY COMMISSION: FOR: Advertising and Promotion</td>
<td>Cherry Commission Acct.</td>
<td>$1,800</td>
<td>$22,100</td>
<td>$24,000</td>
</tr>
<tr>
<td>D. IDAHO DAIRY PRODUCTS COMMISSION: FOR: Dairy Products Promotion</td>
<td>Daily Products Commission Acct.</td>
<td>$88,100</td>
<td>$626,000</td>
<td>$714,100</td>
</tr>
<tr>
<td>E. IDAHO POTATO COMMISSION:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
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
G. IDAHO PRUNE COMMISSION
FOR: Advertising Idaho Prunes
FROM:
Idaho Prune Commission Acct.  $13,300  $1,000  $14,300
GRAND TOTAL  $421,900  $3,815,800  $27,500  $4,252,200

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 February 7, 1978.
AN ACT
AMENDING SECTION 1, CHAPTER 289, LAWS OF 1977, RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE SOCIAL SERVICES PROGRAM, BY INCREASING THE APPROPRIATION FROM THE MISCELLANEOUS RECEIPTS ACCOUNT BY $324,000; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 1, Chapter 289, Laws of 1977, be, and the same is hereby amended to read as follows:

SECTION 2. There is hereby appropriated to the Department of Health and Welfare the following amounts to be expended for the designated program, from the listed accounts, according to the designated 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:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Account</td>
<td>$1,610,400</td>
<td>$688,800</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>517,000</td>
<td>377,400</td>
<td>10,700</td>
<td>69,200</td>
<td>577,400</td>
</tr>
<tr>
<td>191,300</td>
<td>122,600</td>
<td></td>
<td></td>
<td>157,000</td>
<td>481,600</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$5,596,400</strong></td>
<td><strong>$2,536,400</strong></td>
<td><strong>$2,200</strong></td>
<td><strong>$1,634,600</strong></td>
<td><strong>$11,615,800</strong></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 February 9, 1978.
AN ACT
AMENDING SECTION 1, CHAPTER 278, LAWS OF 1977, RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE VETERANS SERVICES PROGRAM, BY INCREASING THE APPROPRIATION FROM THE MISCELLANEOUS RECEIPTS ACCOUNT BY $9,700; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 1, Chapter 278, Laws of 1977, 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 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. VETERANS SERVICES:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Account</td>
<td>$93,700</td>
<td>$75,800</td>
<td>$169,500</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Miscellaneous Receipts Account</td>
<td>$9,700</td>
<td>$52,500</td>
<td>$30,000</td>
<td>$82,200</td>
<td></td>
</tr>
<tr>
<td>Cooperative Welfare Account</td>
<td>227,400</td>
<td>227,400</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Idaho Veterans Home Income Account</td>
<td>$321,600</td>
<td>$102,100</td>
<td>$75,800</td>
<td>$599,500</td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>$330,800</td>
<td>$152,900</td>
<td>$130,000</td>
<td>$252,000</td>
<td>$591,700</td>
</tr>
</tbody>
</table>

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

Approved February 9, 1978.
AN ACT
AMENDING SECTION 1, CHAPTER 273, LAWS OF 1977, RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE STATE YOUTH SERVICES CENTER, BY INCREASING THE APPROPRIATION FROM THE MISCELLANEOUS RECEIPTS ACCOUNT BY $9,200; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 1, Chapter 273, Laws of 1977, 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 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. STATE YOUTH SERVICES CENTER:</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>$747,800</td>
<td>$190,300</td>
<td>$18,400</td>
<td>$956,500</td>
</tr>
<tr>
<td>Miscellaneous Receipts Account</td>
<td>14,800</td>
<td>9,200</td>
<td></td>
<td>$24,000</td>
</tr>
<tr>
<td>Cooperative Welfare Account</td>
<td>1,041,000</td>
<td>16,200</td>
<td>14,700</td>
<td>1,071,900</td>
</tr>
<tr>
<td>State Youth Training Center Income Account</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>$1,803,600</td>
<td>$394,480</td>
<td>$33,100</td>
<td>$2,240,300</td>
</tr>
</tbody>
</table>

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

AN ACT
AMENDING SECTION 2, CHAPTER 57, LAWS OF 1977, RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF PARKS AND RECREATION, BY INCREASING THE APPROPRIATION FROM THE LAVA HOT SPRINGS ACCOUNT BY $45,500; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 2, Chapter 57, Laws of 1977, 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 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: FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Account</td>
<td>$189,200</td>
<td>$46,100</td>
<td>51,700</td>
<td>$235,300</td>
<td></td>
</tr>
<tr>
<td>Park &amp; Recreation Account</td>
<td>51,700</td>
<td>51,700</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Federal Bureau of Outdoor Recreation Account</td>
<td>38,400</td>
<td>38,400</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>$227,600</td>
<td>$97,800</td>
<td></td>
<td>325,400</td>
<td></td>
</tr>
<tr>
<td>B. PARK OPERATIONS: FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Account</td>
<td>$1,148,600</td>
<td>$196,900</td>
<td>4,500</td>
<td>$1,350,000</td>
<td></td>
</tr>
<tr>
<td>Park &amp; Recreation Capital Improvement Account</td>
<td>78,300</td>
<td>65,800</td>
<td>166,400</td>
<td>166,400</td>
<td></td>
</tr>
<tr>
<td>Park &amp; Recreation Account</td>
<td>198,400</td>
<td>87,900</td>
<td>129,300</td>
<td>334,200</td>
<td></td>
</tr>
<tr>
<td>Lava Hot Springs Foundation Account</td>
<td>87,900</td>
<td>3,700</td>
<td>6,500</td>
<td>85,200</td>
<td></td>
</tr>
<tr>
<td>Federal Bureau of Outdoor Recreation Account</td>
<td>76,200</td>
<td>9,000</td>
<td>85,200</td>
<td>2,079,900</td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>$1,701,500</td>
<td>$401,000</td>
<td>177,400</td>
<td>2,079,900</td>
<td></td>
</tr>
</tbody>
</table>
### C. PARK DEVELOPMENT:

<table>
<thead>
<tr>
<th>Account</th>
<th>Costs</th>
<th>Expenditures</th>
<th>Outlay</th>
<th>Benefit</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Account</td>
<td>$71,500</td>
<td>$130,900</td>
<td></td>
<td></td>
<td>$202,400</td>
</tr>
<tr>
<td>Park &amp; Recreation Capital</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Improvement Account</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Park &amp; Recreation Account</td>
<td>$10,000</td>
<td>175,000</td>
<td></td>
<td>175,000</td>
<td></td>
</tr>
<tr>
<td>Parks Donation Account</td>
<td></td>
<td></td>
<td></td>
<td>10,000</td>
<td></td>
</tr>
<tr>
<td>Federal Bureau of Outdoor Recreation Account</td>
<td></td>
<td></td>
<td></td>
<td>15,000</td>
<td></td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>$71,500</td>
<td>$10,000</td>
<td>138,800</td>
<td></td>
<td>138,800</td>
</tr>
</tbody>
</table>

### D. STATEWIDE RECREATION ASSISTANCE:

<table>
<thead>
<tr>
<th>Account</th>
<th>Costs</th>
<th>Expenditures</th>
<th>Outlay</th>
<th>Benefit</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Account</td>
<td>$16,500</td>
<td>$16,200</td>
<td>3,100</td>
<td></td>
<td>$35,800</td>
</tr>
<tr>
<td>Park &amp; Recreation Account</td>
<td></td>
<td>16,900</td>
<td></td>
<td>16,900</td>
<td></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>$18,100</td>
<td>27,200</td>
<td></td>
<td></td>
<td>$400,300</td>
</tr>
<tr>
<td>Federal Bureau of Outdoor Recreation Account</td>
<td></td>
<td></td>
<td></td>
<td>3,000,00</td>
<td>3,117,500</td>
</tr>
<tr>
<td>Coast Guard Boating Safety Account</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>85,000</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>$152,100</td>
<td>$60,300</td>
<td>$3,100</td>
<td></td>
<td>$3,965,500</td>
</tr>
</tbody>
</table>

### E. STATEWIDE RECREATION PLANNING:

<table>
<thead>
<tr>
<th>Account</th>
<th>Costs</th>
<th>Expenditures</th>
<th>Outlay</th>
<th>Benefit</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Account</td>
<td>$21,700</td>
<td>$21,700</td>
<td></td>
<td></td>
<td>$43,400</td>
</tr>
<tr>
<td>Park &amp; Recreation Account</td>
<td></td>
<td>18,000</td>
<td></td>
<td>18,000</td>
<td></td>
</tr>
<tr>
<td>Federal Bureau of Outdoor Recreation Account</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Recreation Account</td>
<td>$76,900</td>
<td>$76,900</td>
<td></td>
<td></td>
<td>$76,900</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>$76,900</td>
<td>$76,900</td>
<td></td>
<td></td>
<td>$153,800</td>
</tr>
</tbody>
</table>

**GRAND TOTAL**: $2,029,600 $666,800 $636,700 $3,750,000 $6,993,100

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
AMENDING SECTION 2, CHAPTER 253, LAWS OF 1977, RELATING TO THE APPROPRIATION TO THE STATE BOARD OF EDUCATION FOR THE STATE DEPARTMENT OF EDUCATION, BY REVISING EXPENDITURE CLASSES FOR THE INSTRUCTION PROGRAM; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 2, Chapter 253, Laws of 1977, be, and the same is hereby amended to read as follows:

SECTION 2. There is hereby appropriated to the State Board of Education for the State Department of Education the following amounts to be expended for designated programs, according to expense classes designated therein from the listed 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:</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>
<td></td>
<td>$ 119,200</td>
</tr>
<tr>
<td>Elementary-Secondary</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Education Account</td>
<td>217,300</td>
<td>80,000</td>
<td>1,000</td>
<td></td>
<td>298,300</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$ 306,200</td>
<td>$ 109,300</td>
<td>$ 2,000</td>
<td></td>
<td>417,500</td>
</tr>
<tr>
<td>B. FINANCIAL AND</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>ADMINISTRATIVE SERVICES:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Account</td>
<td>$ 313,700</td>
<td>$ 73,100</td>
<td>$ 4,700</td>
<td>$ 316,600</td>
<td>$ 708,100</td>
</tr>
<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>
</tr>
<tr>
<td>Commodity Distribution Account</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></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</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Education Account</td>
<td>113,000</td>
<td>27,400</td>
<td>1,900</td>
<td></td>
<td>142,300</td>
</tr>
<tr>
<td>Veterans Approval Account</td>
<td>61,300</td>
<td>21,900</td>
<td>100</td>
<td></td>
<td>83,500</td>
</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>
<td>95,100</td>
<td>43,500</td>
<td>100</td>
<td></td>
<td>138,700</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$ 731,300</td>
<td>$ 446,400</td>
<td>$ 13,800</td>
<td>$6,959,600</td>
<td>$8,151,100</td>
</tr>
<tr>
<td>C. FEDERAL PROGRAMS:</td>
<td>FOR PERSONNEL COSTS</td>
<td>FOR OPERATING EXPENDITURES</td>
<td>FOR CAPITAL OUTLAY</td>
<td>FOR TRUSTEE AND BENEFIT PAYMENTS</td>
<td>TOTAL</td>
</tr>
<tr>
<td>---------------------</td>
<td>----------------------</td>
<td>-----------------------------</td>
<td>-------------------</td>
<td>--------------------------------</td>
<td>-------</td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Account</td>
<td>$ 80,100</td>
<td>$ 22,200</td>
<td>$ 200</td>
<td>$</td>
<td>$ 102,500</td>
</tr>
<tr>
<td>Indian Education Account</td>
<td>21,100</td>
<td>8,500</td>
<td>100</td>
<td>470,200</td>
<td>499,900</td>
</tr>
<tr>
<td>Elementary-Secondary Education Account</td>
<td>439,100</td>
<td>274,900</td>
<td>2,700</td>
<td>9,070,500</td>
<td>9,787,200</td>
</tr>
<tr>
<td>Adult Basic Education Account</td>
<td>16,200</td>
<td>17,500</td>
<td>100</td>
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<td>$ 378,700</td>
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<td>D. INSTRUCTION:</td>
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SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

AN ACT
AMENDING SECTION 2, CHAPTER 82, LAWS OF 1977, RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF LANDS, BY INCREASING THE APPROPRIATION FROM THE FOREST MANAGEMENT ACCOUNT BY $150,000 AND BY INCREASING THE APPROPRIATION FROM THE SCALING PRACTICES ACCOUNT BY $21,600; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 2, Chapter 82, Laws of 1977, 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 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>TRUSTEE AND BENEFIT PAYMENTS</th>
<th>TOTAL</th>
</tr>
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<tr>
<td><strong>A. SUPPORTING SERVICES:</strong></td>
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<td>10% Timber &amp; Grazing Land</td>
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<td>Lease Trust Account</td>
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<tr>
<td>Land Commissioners Scaling</td>
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<td>FROM:</td>
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<td>FOR CAPITAL OUTLAY</td>
<td>FOR TRUSTEE AND BENEFIT PAYMENTS</td>
<td>TOTAL</td>
</tr>
<tr>
<td>-------------------------------</td>
<td>---------------------</td>
<td>----------------------------</td>
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</table>

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

CHAPTER 8
(S.B. No. 1377)

AN ACT
RELATING TO POLICY STANDARDS OF DISABILITY INSURANCE CONTRACTS; AMENDING SECTION 41-2213, IDAHO CODE, TO REQUIRE GROUP POLICIES TO PROVIDE FOR AN EXTENSION OF BENEFITS FOR DISMEMBERMENT LOSSES.

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

SECTION 1. That Section 41-2213, Idaho Code, be, and the same is hereby amended to read as follows:

41-2213. POLICY STANDARDS -- DISABLED INDIVIDUALS. Every policy containing the benefits described in subsections (1) and (2) and (3) of this section must contain a provision which provides for a reasonable extension of benefits with respect to employees or dependents who become totally disabled after the effective date of this act and continue to be totally disabled at the date of discontinuance of the policy. Such an extension of benefits provision will be deemed a reasonable extension of benefits provision if it complies with the standards set forth in subsections (1) or (2) and (3) of this section.

(1) In the case of a policy providing benefits for loss of time or a specific indemnity during hospital confinement, the extension of benefits provision will be deemed reasonable if continuance does not affect the benefit provided.

(2) In the case of a policy providing hospital, medical or surgical expense coverage, the extension of benefits provision will be deemed reasonable if it provides benefits for covered expenses incurred as the result of the disabling condition beyond the date of discontinuance for a period of not less than twelve (12) months.

(3) In the case of a policy providing loss by dismemberment, the extension of benefits provision will be deemed reasonable if it provides benefits for dismemberment loss that occurs after termination of policy that was a result of a disabling condition that occurred while the policy was in effect. Benefits for any such loss will be payable under the policy, in accordance with its limitations, exceptions and provisions as if this policy had not been so terminated.

The benefits payable during any extension of benefits
may be subject to all limitations or restrictions contained in the policy. Any extension of benefits may be terminated at such time as the employee or dependent is no longer totally disabled.

CHAPTER 9
(S.B. No. 1378)

AN ACT
RELATING TO TAXES AND REPORTS REQUIRED OF HOSPITAL AND MEDICAL SERVICE CORPORATIONS AND HEALTH MAINTENANCE ORGANIZATIONS; AMENDING SECTION 41-3427, IDAHO CODE, PROVIDING THAT MEDICAL SERVICE CORPORATIONS WILL PAY PENALTIES FOR DELINQUENT ANNUAL FILINGS AND TAX PAYMENTS; AND AMENDING SECTION 41-3928, IDAHO CODE, PROVIDING THAT HEALTH MAINTENANCE ORGANIZATIONS WILL PAY PENALTIES FOR DELINQUENT ANNUAL FILINGS AND TAX PAYMENTS.

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

SECTION 1. That Section 41-3427, Idaho Code, be, and the same is hereby amended to read as follows:

41-3427. TAXATION AND ANNUAL REPORT. (1) Each service corporation shall annually on or before the first day of March, file with the director a report in addition to the statement required under section 41-3425, Idaho Code, (on forms as approved by the director) under oath, showing the number of subscribers' contracts, as defined under section 41-3403(6), Idaho Code, in effect during the preceding year. A tax is hereby imposed upon each such subscriber's contract, at the rate of one cent ($0.01) per subscriber's contract, per month, such amount to be computed each month. The tax imposed hereby shall be due and payable by each service corporation to the director annually on or before the first day of March of the succeeding year.

The tax imposed hereby shall be in lieu of and in place of the premium tax provided in section 41-402, Idaho Code, and except as to the tax imposed hereby, and as to the fees provided for in section 41-3433, Idaho Code, the subscription income, funds and assets of every service corporation are exempt from all state, county and municipal taxes, other than payroll taxes and taxes on real estate and office furniture and equipment.

The director shall transmit and account for all taxes received by him hereunder as provided in section 41-3433, Idaho Code.

(2) Any service corporation failing to render the annual statement or pay the fee required by section 41-3425,
Idaho Code, or to render the report or pay the tax required under subsection (1) of this section on or before the date due or within any extension of time thereof, not to exceed thirty (30) days, which the director for good cause may have granted, shall be liable to a fine of twenty-five dollars ($25.00) for each additional day of delinquency; and the taxes shall be collected by distraint and recovered by an action to be instituted by the attorney general in the name of the state in any court of competent jurisdiction. The director shall suspend or revoke the certificate of authority of the delinquent service corporation until the statement is filed and the taxes and fine, if any, are fully paid.

SECTION 2. That Section 41-3928, Idaho Code, be, and the same is hereby amended to read as follows:

41-3928. TAXATION AND ANNUAL REPORT. (1) Each health maintenance organization shall annually on or before the first day of March, file with the director a report in addition to the statement required under section 41-3910, Idaho Code, on forms as approved by the director, under oath, showing the number of subscribers, as defined under section 41-3903, Idaho Code, during the preceding year. A tax is hereby imposed upon each such health maintenance organization at the rate of one cent (1¢) per subscriber per month, such amount to be computed each month. The tax imposed hereby shall be due and payable by each health maintenance organization to the director annually on or before the first day of March of the succeeding year.

The tax imposed hereby shall be in lieu of and in place of the premium tax provided in section 41-402, Idaho Code, unless the health maintenance organization conducts other business under authority of title 41, Idaho Code, which would make the organization subject to such premium tax, and except as to the tax imposed hereby, and as to the fees provided for in section 41-3922, Idaho Code, the prepayment income, funds and assets of every nonprofit health maintenance organization are exempt from all state, county and municipal taxes, other than payroll taxes and taxes on real estate and office furniture and equipment.

The director shall transmit and account for all taxes received by him hereunder as provided in section 41-406, Idaho Code.

(2) Any health maintenance organization failing to render the annual report required under section 41-3910, Idaho Code, or to render the annual filing fee required
under section 41-3922, Idaho Code, or to render the report or pay the tax required under subsection (1) of this section on or before the date due, or within any extension of time thereof, not to exceed thirty (30) days, which the director for good cause may have granted, shall be liable to a fine of twenty-five dollars ($25.00) for each additional day of delinquency; and the taxes shall be collected by distraint and recovered by an action to be instituted by the attorney general in the name of the state in any court of competent jurisdiction. The director shall suspend or revoke the certificate of authority of the delinquent health maintenance organization until the statement is filed and the taxes and fine, if any, are fully paid.

AN ACT

RELATING TO POLICY STANDARDS OF DISABILITY INSURANCE CONTRACTS; AMENDING CHAPTER 21, TITLE 41, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 41-2141, IDAHO CODE, PROVIDING THAT INDIVIDUAL DISABILITY POLICIES' BENEFITS MAY NOT BE REDUCED BY SOCIAL SECURITY PAYMENT INCREASES; AMENDING CHAPTER 22, TITLE 41, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 41-2216, IDAHO CODE, PROVIDING THAT GROUP DISABILITY POLICIES' BENEFITS MAY NOT BE REDUCED BY SOCIAL SECURITY PAYMENT INCREASES; AMENDING SECTION 41-3245, IDAHO CODE, PROVIDING THAT FRATERNAL BENEFIT SOCIETIES' DISABILITY CONTRACT BENEFITS MAY NOT BE REDUCED BY SOCIAL SECURITY PAYMENT INCREASES; AMENDING SECTION 41-3434, IDAHO CODE, PROVIDING THAT HOSPITAL AND MEDICAL SERVICE CORPORATIONS' DISABILITY CONTRACT BENEFITS MAY NOT BE REDUCED BY SOCIAL SECURITY PAYMENT INCREASES; AMENDING SECTION 41-3931, IDAHO CODE, BY PROVIDING THAT HEALTH MAINTENANCE ORGANIZATIONS' DISABILITY CONTRACT BENEFITS MAY NOT BE REDUCED BY SOCIAL SECURITY PAYMENT INCREASES; AMENDING SECTION 41-4021, IDAHO CODE, BY PROVIDING THAT DISABILITY CONTRACT BENEFITS OF SELF-FUNDED HEALTH CARE PLANS MAY NOT BE REDUCED BY SOCIAL SECURITY PAYMENT INCREASES.

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

SECTION 1. That Chapter 21, 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 41-2141, Idaho Code, and to read as follows:

41-2141. COORDINATION WITH SOCIAL SECURITY BENEFITS. Any provision contained in a policy of disability insurance providing for a reduction of benefits payable under the policy during a policy benefit period due to an increase in benefits payable under the federal social security act, as amended, shall be null and void with respect to any such increase which occurs on or after the effective date of this act.

SECTION 2. That Chapter 22, 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 41-2216,
Idaho Code, and to read as follows:

41-2216. COORDINATION WITH SOCIAL SECURITY BENEFITS. Any provision contained in a policy of group or blanket disability insurance providing for a reduction of benefits payable under the policy during a policy benefit period due to an increase in benefits payable under the federal social security act, as amended, shall be null and void with respect to any such increase which occurs on or after the effective date of this act.

SECTION 3. That Section 41-3245, Idaho Code, be, and the same is hereby amended to read as follows:

41-3245. OTHER PROVISIONS APPLICABLE. The following chapters and provisions of this code shall also apply to fraternal benefit societies (who for the purpose shall be deemed also to be "insurers") to the extent so applicable and not inconsistent with the express provisions of this chapter and the reasonable implications of such express provisions:

(1) Chapter 1 (scope of code);
(2) Chapter 2 (the commissioner of insurance);
(3) Section 41-308(2) (general eligibility for certificate of authority), and for the purpose the annual license of a fraternal benefit society is deemed to be its "certificate of authority";
(4) Sections 41-1201 (representing or aiding unauthorized insurer prohibited), 41-1202 (penalty), and 41-1203 (suits by unauthorized insurer prohibited);
(5) Chapter 13 (trade practices and frauds);
(6) The following sections of chapter 18 (the insurance contract):
   (a) Section 41-1828 (payment discharges insurer -- payment to marital community);
   (b) Section 41-1829 (minor may give acquittance);
   (c) Section 41-1830 (life policy as separate property of married woman);
   (d) Section 41-1838 (venue of suits against insurers);
   (e) Section 41-1839 (allowance of attorney fees in suits against insurers);
(7) Section 41-1934 (prohibited policy plans);
(8) Section 41-2837 (prohibited pecuniary interest of officials);
(9) Chapter 33 (rehabilitation and liquidation); and
(10) Sections 799 to 809 of chapter 330 of the session laws of 1961 (transitory provisions); and
(11) Section 41-2141 (coordination with social security benefits).
SECTION 4. That Section 41-3434, Idaho Code, be, and the same is hereby amended to read as follows:

41-3434. OTHER PROVISIONS APPLICABLE. In addition to those contained or referred to heretofore in this chapter, the following chapters and provisions of this code shall also apply with respect to service corporations to the extent applicable and not in conflict with the express provisions of this chapter and the reasonable implications of such express provisions, and for the purposes of such application such corporations shall be deemed to be mutual "insurers":

(1) Chapter 1 (scope of code);
(2) Chapter 2 (the director of insurance);
(3) Section 41-300(2) (general eligibility for certificate of authority--competence, affiliations of management);
(4) Section 41-601 ("assets" defined);
(5) Section 41-603 (assets not allowed);
(6) Section 41-604 (disallowance of "wash" transactions);
(7) Section 41-613 (valuation of bonds);
(8) Section 41-731 (prohibited investments and investment underwriting);
(9) Chapter 13 (trade practices and frauds);
(10) Section 41-2840 (vouchers for expenditures);
(11) Section 41-2841 (borrowed surplus);
(12) Sections 41-2857 (mergers and consolidations, mutual insurers), 41-2858 (bulk reinsurance, mutual insurers), and 41-2859 (mutual member's share of assets on liquidation);
(13) Chapter 33 (rehabilitation and liquidation);
(14) Sections 799 to 809 of chapter 330 of Session Laws of 1961 (transitory provisions); and
(15) Section 41-2106(3) (health history application for disability insurance); and
(16) Section 41-2141 (coordination with social security benefits).

SECTION 5. That Section 41-3931, Idaho Code, be, and the same is hereby amended to read as follows:

41-3931. OTHER PROVISIONS APPLICABLE. In addition to those contained or referred to heretofore in this act, the following chapters and provisions of title 41, Idaho Code, shall also apply with respect to health maintenance organizations to the extent applicable and not in conflict with the express provisions of this act and the reasonable implications of such express provisions; and for the purposes of
such application such health maintenance organizations shall be deemed to be mutual "insurers":

(a) chapter 2 (the director of the department of insurance);

(b) chapter 13 (trade practices and frauds);

(c) Section 41-2141 (coordination with social security benefits).

SECTION 6. That Section 41-4021, Idaho Code, be, and the same is hereby amended to read as follows:

41-4021. OTHER PROVISIONS APPLICABLE. Chapter 2, title 41, Idaho Code, (the director of the department of insurance) and chapter 13, title 41, Idaho Code, (trade practices and frauds) and section 41-2141 (coordination with social security benefits), to the extent applicable and not in conflict with the express provisions of this act, shall also apply with respect to self-funded plans, and for the purpose such plans shall be deemed to be "insurers."

**AN ACT**

AMENDING SECTION 1, CHAPTER 281, LAWS OF 1977, RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE INSTITUTIONAL DEVELOPMENTAL DISABILITIES PROGRAM, BY INCREASING THE APPROPRIATION FROM THE MISCELLANEOUS RECEIPTS ACCOUNT BY $100,200 AND DECREASING THE APPROPRIATION FROM THE COOPERATIVE WELFARE ACCOUNT BY $100,200; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 1, Chapter 281, Laws of 1977, 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 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. INSTITUTIONAL DEVELOPMENTAL DISABILITIES:</td>
<td></td>
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<tr>
<td>From: General Account</td>
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<td>7,961,300</td>
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<tr>
<td>Cooperative Welfare Account</td>
<td>6,529,300</td>
<td>1,367,200</td>
<td>58,398</td>
<td>20,000</td>
<td>7,961,300</td>
</tr>
<tr>
<td>Total</td>
<td>$7,718,900</td>
<td>$1,528,100</td>
<td>$214,800</td>
<td>$30,700</td>
<td>$9,492,500</td>
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</table>

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

CHAPTER 12
(S.B. No. 1338)

AN ACT
RELATING TO ACCEPTANCE OF FEDERAL ACTS; AMENDING SECTION 33-2301, IDAHO CODE, TO INCLUDE REHABILITATION ACT AMENDMENTS IN THOSE ACTS ACCEPTED BY THE STATE OF IDAHO.

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

SECTION 1. That Section 33-2301, Idaho Code, be, and the same is hereby amended to read as follows:


AN ACT
RELATING TO BLOOD DONATIONS; AMENDING SECTION 39-3701, IDAHO CODE, TO ALLOW THOSE SEVENTEEN YEARS AND OLDER TO DONATE BLOOD WITHOUT PERMISSION; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 39-3701, Idaho Code, be, and the same is hereby amended to read as follows:

39-3701. BLOOD DONATIONS BY MINORS. Any person who is seventeen (17) years of age or older shall be eligible to donate blood in a voluntary and noncompensatory blood program without the necessity of obtaining parental permission or authorization.

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

CHAPTER 14
(S.B. No. 1327)

AN ACT
RELATING TO CORPORATIONS; AMENDING SECTION 30-608, IDAHO CODE, TO LIMIT THE ACCRUAL OF TAX AND PENALTY ON FORFEITED FOREIGN CORPORATIONS; AND AMENDING CHAPTER 6, TITLE 30, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 30-614, IDAHO CODE, TO PROVIDE FOR DISSOLUTION OF FORFEITED DOMESTIC CORPORATIONS.

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

SECTION 1. That Section 30-608, Idaho Code, be, and the same is hereby amended to read as follows:

30-608. REINSTATEMENT OF CORPORATION. Any corporation which failed to pay the license tax and penalty required by this chapter may pay all the said license taxes and penalties prescribed by section 30-603, Idaho Code, and the license taxes and penalties that would have accrued, if such corporation had not forfeited its charter or right to do business, and any such corporation making such payment shall be relieved from the forfeiture prescribed by this chapter, and all persons exercising the powers of any such corporation, making such payment, shall be relieved from the provisions of section 30-610, Idaho Code; provided, that any of the corporations, enumerated in section 30-602, Idaho Code, which are exempted by that section from the payment of an annual license tax, may be relieved from the forfeiture of their charters upon paying to the secretary of state a penalty of ten dollars ($10.00) for each year, or part thereof, that their charters have been forfeited; provided, however, in no event shall said penalty exceed the total sum of thirty dollars ($30.00); provided, that any foreign corporation not exempted from payment of the annual license tax by section 30-602, Idaho Code, whose license has been forfeited for ten (10) or more years may have its license reinstated upon payment of the license taxes and penalties for the most recent ten (10) full fiscal years of the forfeiture period, plus the license tax and any penalty which may be due for the fiscal year in which the license is reinstated. The secretary of state shall issue to every corporation so reinstated a certificate showing such reinstatement, and the
date thereof, and any such corporation shall file a copy of such certificate of reinstatement with the county recorder of each county in this state in which it shall purchase, locate or hold property in the manner required by law by filing a copy of the articles of incorporation of such corporation; and no such corporation shall maintain or defend any action or proceeding in relation to property in any such county until a copy of such certificate of reinstatement is so filed in such county; provided, the rehabilitation of a corporation under the provisions of this chapter shall be without prejudice to any action, defense or right which accrued by reason of the original forfeiture: provided, that in case the name of any corporation which has suffered the forfeiture prescribed by this chapter has been adopted by any other corporation since the date of said forfeiture, or a name which so closely resembles the name of such corporation as will tend to deceive, then said corporation, having suffered said forfeiture, shall be relieved therefrom, pursuant to the terms of this section of this chapter, only upon the adoption by said corporation seeking reinstatement of a new name, and in such case, nothing in this chapter contained shall be construed as permitting such corporation to be revived, or carry on any business, under its former name, and such corporation shall have the right to use its former name or take such new name only upon filing an application therefor with the secretary of state, and upon the issuing of a certificate to such corporation by the secretary of state, setting forth the right of such corporation to take such new name, or use its former name, as the case may be.

SECTION 2. 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 30-614 , Idaho Code, and to read as follows:

30-614. DISSOLUTION OF FORFEITED CORPORATIONS. (1) (a) All domestic corporations whose charters were forfeited on or before December 2, 1968, will be dissolved by operation of law on March 1, 1979, unless their charters are earlier reinstated pursuant to section 30-608, Idaho Code.

(b) Thereafter, domestic corporations will be dissolved by operation of law on March 1 of the year following the tenth anniversary of their forfeiture, unless their charters are earlier reinstated pursuant to section 30-608, Idaho Code.

(2) Upon request, the secretary of state shall issue a
certificate verifying the dissolution pursuant to this section of individual corporations.

(3) The district court in the county of the corporation's registered office shall have full power to liquidate the assets of a corporation so dissolved in an action by a shareholder or creditor. Such shareholder or creditor shall include in his application for liquidation a certificate from the secretary of state verifying that the corporation has been dissolved pursuant to this section.

Approved February 20, 1978.
AN ACT
RELATING TO EXAMINATIONS AND AUDIT REPORTS OF MORTICIANS, FUNERAL DIRECTORS AND EMBALMERS; AMENDING SECTION 54-1125, IDAHO CODE, BY PROVIDING THAT EXAMINATIONS MAY BE MADE BY THE BOARD OF MORTICIANS, THAT THE BOARD MAY CHARGE AND COLLECT A FEE FOR SUCH EXAMINATIONS AND THAT A DEPOSITOR SHALL FILE A CERTIFIED AUDIT REPORT WITH THE BOARD OF MORTICIANS ANNUALLY.

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

SECTION 1. That Section 54-1125, Idaho Code, be, and the same is hereby amended to read as follows:

54-1125. EXAMINATION OF DEPOSITOR'S RECORDS AND ACCOUNTS -- ANNUAL AUDIT REPORTS -- CONTENTS. For the purpose of ascertaining compliance with law, the director of the department of finance board of morticians of the state of Idaho or its accredited examiners may, as often as he deems reasonably necessary, examine the accounts, records, documents and transactions of a depositor as that term is defined in section 54-1123, Idaho Code, pertaining to or affecting agreements within the purview of section 54-1122, Idaho Code. The director board shall determine the reasonable cost of such examination, which shall be paid by the department board by the depositor to cover the cost of the examination. Each such depositor is hereby required to file not less than annually with the director of the department of finance board of morticians a certified audit report revealing the number of such agreements executed by him during the preceding year, the total value of said agreements, the amount of money collected and paid in trust pursuant to said agreements and the name of the trustee.

Approved February 20, 1978.
AN ACT
AMENDING SECTION 2, CHAPTER 261, LAWS OF 1977, RELATING TO THE APPROPRIATION TO THE DEPART-
MENT OF ADMINISTRATION BY INCREASING THE APPROPRIATION FROM THE GENERAL INTERACCOUNT
ACCOUNT BY $527,200; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 2, Chapter 261, Laws of 1977, be, and the same is hereby
amended to read as follows:

SECTION 2. There is hereby appropriated to the Department of Administration the follow-
ing 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>
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<tr>
<td>FROM:</td>
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<tr>
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<tr>
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<td>$ 107,800</td>
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<td>FROM:</td>
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<td></td>
<td></td>
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<td>FOR CAPITAL OUTLAY</td>
<td>FOR TRUSTEE AND BENEFIT PAYMENTS</td>
<td>TOTAL</td>
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<td>RADIO:</td>
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<tr>
<td>PROGRAM</td>
<td>FOR PERSONNEL COSTS</td>
<td>FOR OPERATING EXPENDITURES</td>
<td>FOR CAPITAL OUTLAY</td>
<td>FOR TRUSTEE AND BENEFIT PAYMENTS</td>
<td>TOTAL</td>
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<td>FROM:</td>
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<tr>
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<td>XVII. EMPLOYEES GROUP INSURANCE:</td>
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<td>Employees Group Insurance Account</td>
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<td>$ 61,100</td>
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<td>XVIII. PERSONNEL COMMISSION:</td>
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<tr>
<td>FROM:</td>
<td></td>
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<td>XIX. PERSONNEL COMMISSION-TRAINING:</td>
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<td>FROM:</td>
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<td></td>
</tr>
<tr>
<td>General Interaccount</td>
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</tr>
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<td>Account</td>
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<td>$2,702,500</td>
<td>$597,800</td>
<td>$10,920,600</td>
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</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 20, 1978.
AN ACT
RELATING TO ANNUAL REPORTS; REPEALING SECTIONS 59-608, 59-609, 59-610, 59-611 AND 59-613, IDAHO CODE; AMENDING SECTION 67-2509, IDAHO CODE, TO STRIKE REQUIREMENTS FOR ANNUAL REPORTS; AND AMENDING SECTION 67-3502, IDAHO CODE, TO PROVIDE FOR SUBMISSION OF AN ANNUAL REPORT TO THE ADMINISTRATOR, DIVISION OF BUDGET, POLICY PLANNING, AND COORDINATION.

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

SECTION 1. That Sections 59-608, 59-609, 59-610, 59-611 and 59-613, Idaho Code, be, and the same are hereby repealed.

SECTION 2. That Section 67-2509, Idaho Code, be, and the same is hereby amended to read as follows:

67-2509. REPORTS. Each director, or other head of an agency in the executive department, shall annually before the first day of December, submit a report in a form and style prescribed by the director of the department of administration to the governor concerning the condition, management and financial transactions of his respective department which shall contain:

{1} An organizational chart of the department;
{2} An employee court by divisions for the current fiscal year and the fiscal year prior to submission;
{3} Major policy adoptions or changes made by the agency;
{4} New program responsibilities within the department;
{5} A narrative description of significant developments in each division of the department;
{6} A statement of the number of copies prepared and an accurate estimate of the cost of preparation and dissemination of the report.

A copy of each such report shall be filed with the secretary of state, together with such additional copies as the secretary may require.

All publications of any department, other than the annual report required by this section, shall, prior to
reproduction or printing, be submitted to the director of the department of administration for approval of the expenditures involved in the production and dissemination of such publication.

SECTION 3. That Section 67-3502, Idaho Code, be, and the same is hereby amended to read as follows:

67-3502. BLANKS TO BE FURNISHED. In the preparation of a state budget, the administrator of the division of budget, policy planning and coordination shall, not later than the fifteenth day of July distribute to all departments and to all offices and institutions of the state government (including the elective officers in the executive department, the judicial department, the legislative department and the state board of education) the proper blanks necessary to the preparation of budget estimates. Such blanks shall be in such form as shall be prescribed by the administrator of the division, to procure the following information:

1. The revenues from all sources including appropriations for the preceding fiscal year and an estimate of the receipts for the current fiscal year. Receipts shall be segregated to show source of income.

2. A statement of expenditures made from appropriations during the preceding fiscal year and an estimate of the amounts to be expended during the current fiscal year. The expenditures to be itemized according to the standard classification set forth in this chapter.

3. A statement of expenditures made of revenues from other sources during the preceding fiscal year and an estimate of the amounts of such revenues to be expended during the current fiscal year. These expenditures to be itemized according to the standard classification set forth in this chapter.

4. An estimate of the revenues anticipated during the succeeding fiscal year from sources other than appropriations by the legislature, such anticipated revenues to be segregated as to source.

5. A statement of the purposes for which it is expected to expend the revenues anticipated from sources other than appropriations, said statement to show purposes classified according to the standard classification where possible and where not so classified, an explanation of the reasons for failure to so classify.

6. An estimate of appropriations needed for the succeeding fiscal year, said estimate to show each primary pro-
gram or major objective as a separate item of the request as required by the blanks provided by the administrator of the division, said primary program or major objective to be further itemized according to the standard classification.

7. A report concerning the condition and management of programs, program performance, and progress toward accomplishing program objectives.

CHAPTER 18
(S.B. No. 1376)

AN ACT
RELATING TO THE INVESTMENT OF SURPLUS OR RESERVE FUNDS OF
THE STATE INSURANCE FUND; AMENDING SECTION 72-912, IDAHO
CODE, BY PROVIDING THAT THE ENDOWMENT FUND INVESTMENT
BOARD SHALL INVEST SURPLUS AND RESERVE FUNDS; AMENDING
SECTION 72-912A, IDAHO CODE, BY PROVIDING THAT THE MAN-
AGER OF THE FUND MAY DIRECT THE ENDOWMENT FUND INVEST-
MENT BOARD TO CONTRACT WITH A MINIMUM OF ONE INVESTMENT
MANAGER.

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

SECTION 1. That Section 72-912, Idaho Code, be, and the
same is hereby amended to read as follows:

72-912. INVESTMENT OF SURPLUS OR RESERVE. The department-of-finance endowment fund investment board shall at the
direction of the manager invest any of the surplus or
reserve funds belonging to the state insurance fund in real
estate and the same securities and investments authorized
for investments by insurance companies in Idaho as shall be
approved by the manager. All such securities or evidences of
indebtedness shall be kept in the hands of the department-of
finance, which shall be the custodian thereof. The endowment
fund investment board shall be the custodian of all such
securities or evidences of indebtedness, provided that the
endowment fund investment board may employ a custodial bank
to hold such securities. The state insurance fund is
authorized to pay the actual expenses of the endowment fund
investment board which the board incurs in investing surplus
or reserve funds and which are approved by the manager of
the state insurance fund. It shall collect the principal and
interest thereof, when due, and pay the same into the state
insurance fund. The state treasurer shall pay all warrants
or vouchers drawn on the state insurance manager and by the
state auditor. The department-of-finance endowment fund
investment board at the request of the manager may sell any
of such securities, the proceeds thereof to be paid over to
the state treasurer for said insurance fund. Where such
funds of the state insurance fund have been or are hereafter
invested, with real property as security, and the said real
property has been or is hereafter acquired by the state of Idaho by reason of foreclosure proceedings, voluntary deed, or otherwise, such property shall be held in trust by the state of Idaho for the benefit of the state insurance fund and may be sold by the department of finance endowment fund investment board at the request of the manager of said fund, and said sale may be had at private sale or public auction, upon such terms and under such conditions as the department of finance endowment fund investment board deems for the best interest of the state, but no sale of real estate at private sale may be had for a less price than the amount, with accrued interest, costs and expenses, which has been invested by the state insurance fund in said real estate. Where such sale is to be made at public auction, it must take place in the county where the real estate is situated, and notice of time and place of sale must be posted in three (3) of the most public places in such county, and published in a newspaper, if there be one (1) printed in the said county, for at least once a week for not less than two (2) consecutive weeks, within thirty (30) days prior to the sale. Where such sale is to be made at private sale, it must take place in the county where the real estate is situated, and notice of time and place of sale must be posted in three (3) of the most public places in such county, and published in a newspaper, if there be one (1) printed in said county, for at least once a week for not less than two (2) consecutive weeks, within thirty (30) days prior to the sale. The notice must state a day on or after which the sale will be made, and a place where offers or bids will be received. The day last referred to must be at least fifteen (15) days from the first publication of notice, and the sale must not be made before that day, but must be made within six (6) months thereafter. The bids or offers must be in writing, sealed, and delivered to the commissioner of finance investment manager of the endowment fund investment board. The real estate and tenements, or the part thereof or interest therein to be sold, must be described with common certainty in the notice. The deed or deeds to such real estate shall be executed in the name of the state of Idaho as required by section 16, chapter 4 of the constitution of the state of Idaho, and the proceeds from any such sale be paid over to the state treasurer for said insurance funds.

SECTION 2. That Section 72-912A, Idaho Code, be, and the same is hereby amended to read as follows:

72-912A. APPOINTMENT OF TRUSTEES INVESTMENT MANAGERS.
The manager of the state insurance fund may direct the 
department-of-finance endowment fund investment board to 
select and contract with a minimum of one (1) investment 
trustee manager to manage the investment of the state insur-
ance funds. The designated trustee investment manager or 
trustees managers, shall, subject to the direction of the 
department-of-finance endowment fund investment board, exert 
control over the funds as though the investment trustee man-
ager were the owner thereof. The department--of--finance 
endowment fund investment board shall be responsible for 
insuring assuring that the investment trustee manager com-
plies with this act.

AN ACT
AMENDING SECTION 2, CHAPTER 150, LAWS OF 1977, RELATING TO THE APPROPRIATION FOR THE ATTORNEY GENERAL, BY TRANSFERRING $50,000 OF GENERAL ACCOUNT MONEYS FROM THE ADMINISTRATION AND INVESTIGATION PROGRAM TO THE LEGAL-CIVIL PROGRAM; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 2, Chapter 150, Laws of 1977, be, and the same is hereby amended to read as follows:

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

<table>
<thead>
<tr>
<th>PROGRAM</th>
<th>FROM:</th>
<th>FOR PERSONNEL COSTS</th>
<th>FOR OPERATING EXPENDITURES</th>
<th>FOR CAPITAL OUTLAY</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. ADMINISTRATION AND INVESTIGATION:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Acct.</td>
<td></td>
<td>$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>
<td></td>
</tr>
<tr>
<td>General Acct.</td>
<td></td>
<td>$275,400</td>
<td>$8,588</td>
<td>$58,500</td>
<td>$333,900</td>
</tr>
<tr>
<td>General Interaccount Account</td>
<td></td>
<td>913,700</td>
<td>126,800</td>
<td>$1,040,500</td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td></td>
<td>$1,189,100</td>
<td>$135,900</td>
<td>$185,300</td>
<td>$1,374,400</td>
</tr>
<tr>
<td>C. LEGAL-CRIMINAL:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Acct.</td>
<td></td>
<td>$127,800</td>
<td>$57,200</td>
<td>$185,000</td>
<td></td>
</tr>
<tr>
<td>General Interaccount Account</td>
<td></td>
<td>42,300</td>
<td>24,500</td>
<td>66,800</td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td></td>
<td>$170,100</td>
<td>$81,700</td>
<td>$251,800</td>
<td></td>
</tr>
<tr>
<td>D. SPECIAL SERVICES LITIGATION:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Acct.</td>
<td></td>
<td>$50,000</td>
<td></td>
<td></td>
<td>$50,000</td>
</tr>
<tr>
<td>GRAND TOTAL</td>
<td></td>
<td>$1,671,000</td>
<td>$440,400</td>
<td>$10,800</td>
<td>$2,122,200</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.

AN ACT
RELATING TO PETITION FOR FORMATION OF AUDITORIUM DISTRICT;
AMENDING SECTION 67-4904, IDAHO CODE, TO REQUIRE THAT
TEN PERCENT OF THE TAXPAYERS OF THE DISTRICT MUST PETI-
TION FOR ELECTION ON FORMATION OF THE DISTRICT; AND
DECLARING AN EMERGENCY.

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

SECTION 1. That Section 67-4904, Idaho Code, be, and
the same is hereby amended to read as follows:

67-4904. PETITION -- CONTENTS -- AMENDMENTS. The orga-
nization of a district shall be initiated by a petition
filed in the office of the clerk of the court vested with
jurisdiction, in a county in which the major part of the
real property in the proposed district is situated. The
petition shall be signed by not less than 37,000 ten percent
(10%) of the taxpayers of the district, who pay a general
tax on real property owned by him or her within the dis-
trict, and not less than ten (10) of whom shall reside in
each election precinct which is wholly or partially within
the boundaries of any such proposed district.
The petition shall set forth:
(1) The name of the proposed district consisting of a
chosen name preceding the words, "auditorium district".
(2) A general description of the improvements to be
constructed or installed within and for the district.
(3) The estimated cost of the proposed improvements.
(4) A general description of the boundaries of the dis-
trict or the territory to be included therein, with such
certainty as to enable a property owner to determine whether
or not his property is within the district.
(5) A prayer for the organization of the district.
No petition with the requisite signatures shall be
declared null and void on account of alleged defects, but
the court may at any time permit the petition to be amended
to conform to the facts by correcting any errors in the
description of the territory, or in any other particular.
Similar petitions or duplicate copies of the same petition
for the organization of the same district may be filed and
shall together be regarded as one (1) petition. All such petitions filed prior to the hearing on the first petition filed, shall be considered by the court the same as though filed with the first petition placed on file.

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

Approved February 23, 1978.
CHAPTER 21  
(S.B. No. 1383)

AN ACT
RELATING TO THE AUTHORITY OF AUDITORIUM DISTRICTS; AMENDING SECTION 67-4913, IDAHO CODE, TO REDUCE FROM FIVE MILLS TO TWO MILLS THE MAXIMUM MILL LEVY AUTHORIZED FOR PURPOSES OF AN AUDITORIUM DISTRICT; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 67-4913, Idaho Code, be, and the same is hereby amended to read as follows:

67-4913. TAXES. In addition to the other means providing revenue for such districts as herein provided, the board shall have power and authority to levy and collect ad valorem taxes on and against all taxable property within the district provided said ad valorem taxes shall not exceed a mill levy of 2 (two) mills for all levies provided in sections 67-4913 (this section), 67-4914, 67-4915, 67-4916 and 67-4917, 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 February 23, 1978.
AN ACT
RELATING TO RESIDENCY REQUIREMENTS AT STATE COLLEGES AND UNIVERSITIES; AMENDING SECTION 33-3717, IDAHO CODE, TO PROVIDE ADDITIONAL REQUIREMENTS TO ACHIEVE RESIDENT STATUS FOR THE PURPOSE OF TUITION AT STATE COLLEGES AND UNIVERSITIES.

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

SECTION 1. That Section 33-3717, Idaho Code, be, and the same is hereby amended to read as follows:

33-3717. TUITION AT STATE COLLEGES AND UNIVERSITIES NOT REQUIRED -- EXCEPTIONS. (1) Any student who shall be a full time regularly enrolled resident student in any degree granting program at a state college or university now or hereafter established shall not be required to pay tuition in said college or university, excepting in a professional college, school, or department, or for extra studies or for part-time enrollment. The state board of education and board of regents for the University of Idaho may prescribe rates of tuition for nonresident students, and shall adopt uniform regulations, including a standard definition of a full time regularly enrolled student, applicable to all said colleges and universities.

(2) For purposes of this section, a resident student is:

(a) Any student under the legal voting age whose parents or court-appointed guardian is domiciled in the state of Idaho. Domicile is deemed to exist when the parent or guardian has established residence in Idaho for an indefinite time and the former residence is abandoned. To qualify under this section the parents or guardian must be residing in the state on the opening day of the term for which the student matriculates.

(b) Any student, legal voting age or older, who has continuously resided in the state of Idaho for twelve (12) months next preceding the opening day of the period of instruction during which he proposes to attend the college or university, and who receives less than fifty per cent (50%) of his support from parents or guardians.
who are not residents of this state for voting purposes.
(c) Any student under the legal voting age who is a graduate of an accredited secondary school in the state of Idaho, and who matriculates at a college or university in the state of Idaho during the term immediately following such graduation regardless of the residence of his parent or guardian.
(d) The spouse of a person who is classified, or is eligible for classification, as a resident of the state of Idaho for the purposes of attending a college or university.
(e) A member of the armed forces of the United States, stationed in the state of Idaho on military orders.
(f) A student under the legal voting age whose parent or guardian is a member of the armed forces and stationed in the state of Idaho on military orders. The student, while in continuous attendance, shall not lose his residence when his parent or guardian is transferred on military orders.
(g) A person under the legal voting age, married, and who together with spouse, has continuously resided in the state of Idaho for twelve (12) months next preceding the opening day of the period of instruction during which he proposes to attend the college or university.
(h) A person separated, under honorable conditions, from the United States armed forces after at least two (2) years of service, who at the time of separation designates the state of Idaho as his home of record and enters a college or university in the state of Idaho within one (1) year of the date of separation.
(3) The state board of education and board of regents of the University of Idaho shall adopt uniform and standard rules and regulations applicable to all state colleges and universities now or hereafter established to determine residence status of any student and to establish procedures for review of that status.
(4) Appeal from a final determination denying resident status may be initiated by the filing of an action in the district court of the county in which the affected college or university is located; an appeal from the district court shall lie as in all civil actions.
(5) Nothing contained herein shall prevent the state board of education and board of regents of the University of Idaho from waiving tuition to be paid by nonresident students.
(6) Nothing contained in this act shall apply to junior colleges now or hereafter established, or to post-secondary
vocational-technical schools now or hereafter established not connected to or a part of a state college or university.

(7) Nothing contained herein shall prevent the state board of education and board of regents of the University of Idaho from establishing quotas, standards for admission, standards for readmission, or other terms and requirements governing persons who are not residents for purposes of higher education.

Approved February 24, 1978.

CHAPTER 23
(H.B. No. 491)

AN ACT
APPROPRIATING $100,000 FROM THE GENERAL ACCOUNT TO THE STATE BOARD OF EDUCATION FOR THE SPECIFIED PURPOSE FOR LEWIS-CLARK STATE COLLEGE; AND DECLARING AN EMERGENCY.

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

SECTION 1. There is hereby appropriated from the General Account the following amount, or so much thereof as may be necessary, to the State Board of Education for the purpose specified in this section.

FOR: Replacement of windows and shutters in the Library Building at Lewis-Clark State College $100,000

FROM: Fiscal Year 1978 General Account moneys $100,000

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

Approved February 24, 1978.
AN ACT
AMENDING SECTION 2, CHAPTER 103, LAWS OF 1977, RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF LAW ENFORCEMENT, BY INCREASING THE APPROPRIATIONS FOR THE GENERAL ADMINISTRATION PROGRAM BY $10,000 FROM THE INTERACCOUNT ACCOUNT AND THE NARCOTICS AND DANGEROUS DRUGS PROGRAM BY $12,000 FROM THE NARCOTICS FORFEITURE ACCOUNT; AMENDING SECTION 2, CHAPTER 108, LAWS OF 1977, RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF LAW ENFORCEMENT FOR THE IDAHO STATE POLICE, BY REVISING THE APPROPRIATION FROM THE MOTOR VEHICLE ACCOUNT BY $22,700; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 2, Chapter 103, Laws of 1977, 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 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>$10,000</td>
<td>$479,000</td>
</tr>
<tr>
<td>Interaccount Account</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>B. DATA PROCESSING:</td>
<td>$343,100</td>
<td>$135,900</td>
<td></td>
<td>$479,000</td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Motor Vehicle Account</td>
<td>$171,000</td>
<td>$222,600</td>
<td></td>
<td>$393,600</td>
</tr>
<tr>
<td>C. CRIMINAL IDENTIFICATION BUREAU:</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>$297,000</td>
<td>$509,500</td>
<td>$1,200</td>
<td>$807,700</td>
</tr>
<tr>
<td>D. NARCOTICS AND DANGEROUS DRUGS:</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>$465,100</td>
<td>$226,200</td>
<td>$39,900</td>
<td>$731,200</td>
</tr>
<tr>
<td>Narcotics Forfeiture Account</td>
<td></td>
<td></td>
<td></td>
<td>$20,000</td>
</tr>
</tbody>
</table>

(H.B. No. 499)
### PROGRAMS

#### E. LIQUOR LAW AND CRIMINAL INVESTIGATION:
FROM:
- General Account
- Liquor Law Enforcement Account

#### F. BRAND INSPECTION:
FROM:
- State Brand Board Account

#### G. HORSE RACING COMMISSION:
FROM:
- Idaho State Horse Racing Commission Account

<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>TOTAL</td>
<td>$465,100</td>
<td>$244,200</td>
<td>$39,900</td>
<td>$751,200</td>
</tr>
<tr>
<td>E. LIQUOR LAW AND CRIMINAL INVESTIGATION:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Account</td>
<td>$303,500</td>
<td>$37,300</td>
<td></td>
<td>$340,800</td>
</tr>
<tr>
<td>Liquor Law Enforcement Account</td>
<td>$191,900</td>
<td>$104,500</td>
<td></td>
<td>$296,400</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$495,400</td>
<td>$141,800</td>
<td></td>
<td>$637,200</td>
</tr>
<tr>
<td>F. BRAND INSPECTION:</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>State Brand Board Account</td>
<td>$704,400</td>
<td>$129,800</td>
<td>$26,000</td>
<td>$860,200</td>
</tr>
<tr>
<td>G. HORSE RACING COMMISSION:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Idaho State Horse Racing Commission Account</td>
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<td>$51,600</td>
<td></td>
<td>$163,900</td>
</tr>
<tr>
<td>GRAND TOTAL</td>
<td>$2,588,300</td>
<td>$1,515,400</td>
<td>$1,427,400</td>
<td>$4,537,100</td>
</tr>
</tbody>
</table>

SECTION 2. That Section 2, Chapter 108, Laws of 1977, 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 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></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>$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>
<tr>
<td>C. VEHICLE TITLES:</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>$349,700</td>
<td>$61,500</td>
<td></td>
<td>$411,200</td>
</tr>
<tr>
<td>D. VEHICLE REGISTRATIONS:</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>$211,700</td>
<td>$469,800</td>
<td>$700</td>
<td>$682,200</td>
</tr>
<tr>
<td>PROGRAM</td>
<td>PERSONAL COSTS</td>
<td>OPERATING EXPENDITURES</td>
<td>CAPITAL OUTLAY</td>
<td>TOTAL</td>
</tr>
<tr>
<td>----------------------------------------------</td>
<td>----------------</td>
<td>------------------------</td>
<td>----------------</td>
<td>----------</td>
</tr>
<tr>
<td>E. MOTOR CARRIER BUREAU:</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>$405,300</td>
<td>$101,900</td>
<td></td>
<td>$507,200</td>
</tr>
<tr>
<td>F. WEIGHSTATION BUREAU:</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>$1,309,700</td>
<td>$128,500</td>
<td></td>
<td>$1,438,200</td>
</tr>
<tr>
<td>G. IDAHO STATE POLICE:</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>$2,767,600</td>
<td>$759,500</td>
<td>$283,200</td>
<td>$3,810,300</td>
</tr>
<tr>
<td>Alcohol Safety Action</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Program Account</td>
<td>$379,100</td>
<td>$45,900</td>
<td>$283,200</td>
<td>$425,000</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$3,169,400</td>
<td>782,700</td>
<td></td>
<td></td>
</tr>
<tr>
<td>GRAND TOTAL</td>
<td>$5,941,700</td>
<td>$1,049,700</td>
<td>$283,900</td>
<td>$8,074,600</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 February 24, 1978.
AN ACT
AMENDING SECTION 1, CHAPTER 2, LAWS OF 1977, BY INCREASING THE APPROPRIATION TO THE STATE
ATHLETIC DIRECTOR BY $1,000, BY REVISING THE APPROPRIATION TO THE PHARMACY BOARD, BY
INCREASING THE APPROPRIATION TO THE BOARD OF MEDICINE BY $15,000 AND BY REVISI NG THE
APPROPRIATION TO THE OUTFITTERS AND GUIDES BOARD; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 1, Chapter 2, Laws of 1977, be, and the same is hereby amended
to read as follows:

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 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>Agency</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. STATE ATHLETIC DIRECTOR:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FOR: Supervision of Boxing and Wrestling</td>
<td>$5,500</td>
<td>$5,500</td>
<td>$5,500</td>
<td></td>
</tr>
<tr>
<td>FROM: General Account</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM: Athletic Account</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>$7,000</td>
<td>$7,000</td>
<td>$7,000</td>
<td></td>
</tr>
</tbody>
</table>

B. BOARD OF PHARMACY:
FOR: Protecting Public Health
FROM: Pharmacy Board Acct.  $82,200 $32,800 $3,200 $118,200
FROM: Pharmacy-TriPLICATE Prescription Program Acct.  $22,700 $7,000 $29,700
FROM: General Acct.  $39,900 $39,900 $39,900 $69,700
TOTAL  $82,200 $32,800 $3,200 $118,200
<table>
<thead>
<tr>
<th>Board of Accountancy:</th>
<th>FOR PERSONNEL COSTS</th>
<th>FOR OPERATING EXPENDITURES</th>
<th>FOR CAPITAL OUTLAY</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>FOR: Licensing and Enforcing</td>
<td>$ 23,100</td>
<td>$ 31,100</td>
<td>$ 200</td>
<td>$ 54,400</td>
</tr>
<tr>
<td>FROM: State Board of Accountancy Acct.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Board of Dentistry:</th>
<th>FOR: Enforcing the Dental Practice Act</th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>FROM: State Board of Dentistry Acct.</td>
<td>$ 19,700</td>
<td>$ 24,400</td>
<td>$ 500</td>
<td>$ 44,600</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Board of Engineering Examiners:</th>
<th>FOR: Licensing and Enforcement</th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>FROM: Professional Engineers Acct.</td>
<td>$ 43,300</td>
<td>$ 37,000</td>
<td>$ 2,100</td>
<td>$ 82,400</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Board of Medicine:</th>
<th>FOR: Licensing and Enforcement</th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>FROM: State Board of Medicine Acct.</td>
<td>$ 71,000</td>
<td>$ 22,900</td>
<td>$ 2,300</td>
<td>$ 96,200</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Board of Nursing:</th>
<th>FOR: Education, Licensure and Discipline</th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>FROM: State Board of Nursing Acct.</td>
<td>$ 133,700</td>
<td>$ 91,900</td>
<td>$ 1,900</td>
<td>$ 227,500</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Bureau of Occupational Licenses:</th>
<th>FOR: Licensing and Enforcement</th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>FROM: Occupational License Acct.</td>
<td>$ 149,100</td>
<td>$ 105,800</td>
<td>$ 8,600</td>
<td>$ 263,500</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Public Works Contractors State License Board:</th>
<th>FOR: Licensing and Enforcement</th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>FROM: Public Works Contractors State License Board Acct.</td>
<td>$ 101,500</td>
<td>$ 39,700</td>
<td></td>
<td>$ 141,200</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Idaho Real Estate Commission:</th>
<th>FOR: Administration</th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>FROM: Idaho Real Estate Brokers Commission Acct.</td>
<td>$ 177,100</td>
<td>$ 84,000</td>
<td>$ 2,200</td>
<td>$ 263,300</td>
</tr>
</tbody>
</table>

| For Real Estate Education, Research & Recovery Acct. | | | | |
|------------|-----------------------------|-------------------|-------|
| | $ 62,500 | $ 179,900 | $ 3,100 | $ 245,500 |

<table>
<thead>
<tr>
<th>Professional Geologists Board:</th>
<th>FOR: Professional Geologists Board</th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>FROM: Professional Geologists Acct.</td>
<td>$ 6,500</td>
<td>$ 6,300</td>
<td>$ 400</td>
<td>$ 13,200</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Board of Optometry:</th>
<th>FOR: Administration</th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FOR PERSONNEL COSTS</td>
<td>FOR OPERATING EXPENDITURES</td>
<td>FOR CAPITAL OUTLAY</td>
<td>TOTAL</td>
<td></td>
</tr>
<tr>
<td>----------------------</td>
<td>-----------------------------</td>
<td>---------------------</td>
<td>-------</td>
<td></td>
</tr>
<tr>
<td>State Board of Optometry Acct.</td>
<td>$3,300</td>
<td>$4,700</td>
<td>$300</td>
<td>$8,100</td>
</tr>
<tr>
<td>M. IDAHO CERTIFIED SHORTHAND REPORTERS BOARD:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FOR: Idaho Certified Shorthand Reporters Board</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>State Certified Shorthand Reporters Acct.</td>
<td></td>
<td>$6,000</td>
<td></td>
<td>$6,000</td>
</tr>
<tr>
<td>N. OUTFITTERS AND GUIDES BOARD:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FOR: Outfitters and Guides Board</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>Outfitters and Guides Board Acct.</td>
<td>$43,800</td>
<td>$40,200</td>
<td>$300</td>
<td>$84,300</td>
</tr>
<tr>
<td>GRAND TOTAL</td>
<td>$95,700</td>
<td>$740,200</td>
<td>$32,400</td>
<td>$1,741,200</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 24, 1978.
CHAPTER 26
(S.B. No. 1339)

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

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

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

1-805. FOURTH DISTRICT -- NUMBER OF JUDGES -- RESIDENT CHAMBERS. (1) The fourth judicial district shall consist of the counties of Valley, Boise, Ada and Elmore.
(2) The fourth judicial district shall have five-6 six (6) district judges.
(3) Resident chambers of the district judges of the fourth judicial district shall be established as follows:
(a) Five-5 five (5) resident chambers shall be established in Ada County;
(b) One (1) resident chamber shall be established in Ada or Elmore County.

SECTION 2. This act shall be in full force and effect on and after July 1, 1978.

Approved February 24, 1978.
AN ACT
RELATING TO REGISTRATION TO VOTE; AMENDING SECTION 34-435, IDAHO CODE, TO EXTEND THE TIME PERIOD ALLOWED FOR THE CLERK TO CANCEL REGISTRATIONS FOR PERSONS WHO HAVE NOT VOTED IN THE PAST FOUR YEARS.

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

SECTION 1. That Section 34-435, Idaho Code, be, and the same is hereby amended to read as follows:

34-435. CANCELLATION OF REGISTRATIONS FOLLOWING ANY GENERAL ELECTION OF THOSE NOT VOTING FOR FOUR YEARS. Within one hundred and twenty (120) days following the date of the 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 24, 1978.
AN ACT
AMENDING SECTION 1, CHAPTER 28, LAWS OF 1977, RELATING TO THE APPROPRIATION TO THE OFFICE OF
THE GOVERNOR FOR THE COMMISSION FOR THE BLIND, BY INCREASING THE APPROPRIATION FROM THE
GENERAL ACCOUNT BY $22,000; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 1, Chapter 28, Laws of 1977, be, and the same is hereby amended
to read as follows:

SECTION 1. There is hereby appropriated to the Office of the Governor for the Commiss-
on 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 TRUSTEE AND BENEFIT</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>FOR PERSONNEL COSTS</td>
<td>FOR OPERATING EXPENDITURES</td>
</tr>
<tr>
<td>SERVICES TO THE BLIND: FROM:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Account</td>
<td>$ 103,600</td>
<td>$ 10,000</td>
</tr>
<tr>
<td>Blind Commission Account</td>
<td>350,100</td>
<td>97,600</td>
</tr>
<tr>
<td>Miscellaneous Receipts Account</td>
<td>39,900</td>
<td>194,700</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$ 453,700</td>
<td>269,700</td>
</tr>
</tbody>
</table>

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

Approved February 24, 1978.
AN ACT

AMENDING SECTION 3, CHAPTER 65, LAWS OF 1977, RELATING TO THE APPROPRIATION TO THE IDAHO
STATE HISTORICAL SOCIETY, BY INCREASING THE APPROPRIATION FOR THE HISTORIC PRESERVATION
AND EDUCATION PROGRAM BY $1,600 FROM THE GENERAL ACCOUNT AND $1,200 FROM THE BICENTEN-
NIAL CONTRIBUTION ACCOUNT; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 3, Chapter 65, Laws of 1977, 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 func-
tions 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:
   FROM:
   
   General Account    $300,600  $56,000  $4,900  $369,500
   State Historical Society  310,200
   Foundation Account                               371,100
   Historical Preservation Account  59,400  4,800  64,200
   Bicentennial Preservation Account  43,900  29,100  73,000
   TOTAL                                           1,200
   $355,300    $144,500  $9,700  $509,500

B. HISTORIC RESTORATION PROJECTS:
   FROM:
   Historical Preservation Account  $229,900  $229,900
   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  18,600  100,000  800  100,000  219,400
<table>
<thead>
<tr>
<th>Historical Preservation Account</th>
<th>$64,500</th>
<th>$124,100</th>
<th>$800</th>
<th>$100,000</th>
<th>$289,400</th>
</tr>
</thead>
<tbody>
<tr>
<td>TOTAL</td>
<td>2,000</td>
<td></td>
<td></td>
<td></td>
<td>2,000</td>
</tr>
<tr>
<td>GRAND TOTAL</td>
<td>$419,800</td>
<td>$268,600</td>
<td>$10,500</td>
<td>$333,900</td>
<td>$1,032,800</td>
</tr>
</tbody>
</table>

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

Approved February 24, 1978.
CHAPTER 30
(S.B. No. 1478)

AN ACT
APPROPRIATING $478,650 FROM THE GENERAL ACCOUNT TO THE DEPARTMENT OF PARKS AND RECREATION FOR THE PURPOSE SPECIFIED; AND DECLARING AN EMERGENCY.

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

SECTION 1. There is hereby appropriated to the Department of Parks and Recreation the following amount for the purpose specified to be paid upon the passage and approval of this act.

FOR:
Payment of principal on Endowment land acquisition $478,650

FROM:
1978 General Account $478,650

TOTAL $478,650

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 24, 1978.
AN ACT
AMENDING SECTION 2, CHAPTER 64, LAWS OF 1977, RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF REVENUE AND TAXATION, BY DECREASING THE APPROPRIATION FROM THE GENERAL ACCOUNT BY $63,900 IN THE TAX COLLECTION AND AUDIT PROGRAM, BY INCREASING THE APPROPRIATION FROM THE GENERAL ACCOUNT BY $63,900 IN THE ADMINISTRATION AND SUPPORT PROGRAM, AND BY INCREASING THE APPROPRIATION FROM THE GENERAL ACCOUNT BY $10,600 IN THE TAX APPEALS PROGRAM; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 2, Chapter 64, Laws of 1977, be, and the same is hereby amended to read as follows:

SECTION 2. There is hereby appropriated to the Department of Revenue and Taxation the following amounts, to be expended for designated programs according to expense classes designated therein from the listed 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 &amp; SUPPORT:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Account</td>
<td>$334,800</td>
<td>$118,000</td>
<td>$800</td>
<td></td>
<td>$453,600</td>
</tr>
<tr>
<td>Highway Account</td>
<td>398,700</td>
<td>15,900</td>
<td>1,400</td>
<td></td>
<td>517,500</td>
</tr>
<tr>
<td>Miscellaneous Receipts</td>
<td>50,000</td>
<td>1,400</td>
<td></td>
<td></td>
<td>57,300</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$448,700</td>
<td>$134,100</td>
<td>$2,200</td>
<td></td>
<td>521,100</td>
</tr>
<tr>
<td>B. TAX COLLECTION &amp; AUDIT:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Account</td>
<td>$2,355,790</td>
<td>$1,030,800</td>
<td>$11,800</td>
<td></td>
<td>$3,398,500</td>
</tr>
<tr>
<td>Highway Account</td>
<td>2,292,000</td>
<td>43,300</td>
<td>100</td>
<td></td>
<td>3,334,600</td>
</tr>
<tr>
<td>Miscellaneous Receipts</td>
<td>124,000</td>
<td>2,000</td>
<td></td>
<td></td>
<td>126,400</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$4,771,790</td>
<td>$1,076,100</td>
<td>$13,800</td>
<td></td>
<td>3,504,000</td>
</tr>
<tr>
<td>PROGRAM</td>
<td>FOR PERSONNEL COSTS</td>
<td>FOR OPERATING EXPENDITURES</td>
<td>FOR CAPITAL OUTLAY</td>
<td>FOR TRUSTEE AND BENEFIT PAYMENTS</td>
<td>TOTAL</td>
</tr>
<tr>
<td>---------------------------------------</td>
<td>---------------------</td>
<td>-----------------------------</td>
<td>--------------------</td>
<td>----------------------------------</td>
<td>-----------</td>
</tr>
<tr>
<td>C. AD VALOREM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Account</td>
<td>$ 458,600</td>
<td>$ 83,900</td>
<td>$ 900</td>
<td></td>
<td>$ 543,400</td>
</tr>
<tr>
<td>Miscellaneous Receipts Account</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>TOTAL</td>
<td></td>
<td></td>
<td></td>
<td>$ 543,900</td>
</tr>
<tr>
<td>D. MULTI-STATE TAX COMPACT:</td>
<td></td>
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<tr>
<td>FROM:</td>
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<tr>
<td>General Account</td>
<td>$ 30,000</td>
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<td>$ 30,000</td>
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<tr>
<td>E. TAX APPEALS:</td>
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<tr>
<td>FROM:</td>
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<tr>
<td>General Account</td>
<td>$277,300</td>
<td>$10,700</td>
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<td>$377,300</td>
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<td>35,700</td>
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<tr>
<td>F. CIRCUIT BREAKER TAX RELIEF:</td>
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<tr>
<td>FROM:</td>
<td></td>
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<td></td>
</tr>
<tr>
<td>General Account</td>
<td></td>
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<td></td>
</tr>
<tr>
<td>GRAND TOTAL</td>
<td>$3,359,600</td>
<td>$2,334,600</td>
<td>$15,000</td>
<td>$1,700,000</td>
<td>$6,410,800</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 24, 1978.
AN ACT
APPROPRIATING $150,000 FROM THE GENERAL ACCOUNT TO THE PERMANENT BUILDING FUND ADVISORY COUNCIL AND THE DIVISION OF PUBLIC WORKS FOR PLANNING STUDIES; AND DECLARING AN EMERGENCY.

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

SECTION 1. There is hereby appropriated from the General Account 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 purposes specified in this section.

FOR:
Planning studies for various state building projects $150,000

FROM:
Fiscal Year 1978 General Account moneys $150,000

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 24, 1978.
AN ACT

APPROPRIATING $87,000 FROM THE GENERAL ACCOUNT TO THE GOVERNOR'S EMERGENCY ACCOUNT; AND DECLARING AN EMERGENCY.

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

SECTION 1. There is hereby appropriated to the Governor's Emergency Account, the amount of $87,000 from the General Account.

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 24, 1978.
CHAPTER 34
(S.B. No. 1483)

AN ACT
AMENDING SECTION 6, CHAPTER 128, LAWS OF 1977, RELATING TO
THE APPROPRIATION TO THE STATE BOARD OF EDUCATION AND
THE BOARD OF REGENTS OF THE UNIVERSITY OF IDAHO FOR THE
NORTHWEST COLLEGE OF VETERINARY MEDICINE PROGRAM, BY
INCREASING THE APPROPRIATION FROM THE GENERAL ACCOUNT BY
$34,200 AND DECREASING THE APPROPRIATION FROM THE MISCEL­
LLEANEOUS RECEIPTS ACCOUNT BY $83,700; AMENDING SECTION
7, CHAPTER 128, LAWS OF 1977, RELATING TO THE APPROPRIA­
TION TO THE STATE BOARD OF EDUCATION AND THE BOARD OF
REGENTS OF THE UNIVERSITY OF IDAHO FOR THE WAMI MEDICAL
EDUCATION PROGRAM, BY INCREASING THE APPROPRIATION FROM
THE GENERAL ACCOUNT BY $94,700 AND DECREASING THE APPRO­
PRIATION FROM THE MISCELLANEOUS RECEIPTS ACCOUNT BY
$38,500; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 6, Chapter 128, Laws of 1977,
be, and the same is hereby amended to read as follows:

SECTION 6. There is hereby appropriated to the State
Board of Education and the Board of Regents of the Univer­
sity 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 827,300 32,800
TOTAL $794,700 745,200
FROM:
General Account $676,750 710,700
Miscellaneous Receipts Account 110,7200 34,500
TOTAL $794,700 745,200

SECTION 2. That Section 7, Chapter 128, Laws of 1977,
be, and the same is hereby amended to read as follows:

SECTION 7. There is hereby appropriated to the State
Board of Education and the Board of Regents of the Univer­
sity 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 $437,400 38,000
Capital Outlay 347,500
Trustee & Benefit Payments 685,000 781,100
TOTAL $959,700 1,015,300

FROM:

General Account $900,700 995,400
Miscellaneous Receipts Account 507,400 19,900
TOTAL $959,700 1,015,300

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 24, 1978.
Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 1, Chapter 310, Laws of 1977, 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 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>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel Costs</td>
<td>$5,103,000</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>$7,483,500</strong></td>
</tr>
</tbody>
</table>

FROM:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Account</td>
<td>$1,587,100</td>
</tr>
<tr>
<td>Cooperative Welfare Account</td>
<td>$5,896,400</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$7,483,500</strong></td>
</tr>
</tbody>
</table>

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

Approved February 24, 1978.
CHAPTER 36
(S.B. No. 1485)

AN ACT

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, 1978, through June 30, 1979:

<table>
<thead>
<tr>
<th>AGRICULTURAL LABOR BOARD:</th>
<th>FOR PERSONNEL COSTS</th>
<th>FOR OPERATING EXPENDITURES</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>FROM:</td>
<td>$ 250</td>
<td>$ 250</td>
<td>$500</td>
</tr>
</tbody>
</table>

General Account

Approved February 24, 1978.
CHAPTER 37
(S.B. No. 1321)

AN ACT
RELATING TO ASSISTANCE GIVEN TO VOTERS; AMENDING SECTION 34-1108, IDAHO CODE, TO PROVIDE THAT PERSONS UNABLE TO ENTER THE POLLING PLACE DUE TO PHYSICAL DISABILITY OR OTHER HANDICAP, MAY VOTE OUTSIDE THE POLLING PLACE, AND DESCRIBING PROCEDURE THEREFOR.

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

SECTION 1. That Section 34-1108, Idaho Code, be, and the same is hereby amended to read as follows:

34-1108. ASSISTANCE TO VOTER. (1) If any registered elector is unable, due to physical disability or other handicap, to enter the polling place, he may be handed a ballot outside the polling place but within forty (40) feet thereof by one (1) of the election clerks, and in his presence but in a secret manner, mark and return the same to such election officer who shall proceed as provided by law to record the ballot.

(2) If any registered elector, who is unable by reason of physical disability or other handicap to record his vote by personally marking his ballot and who desires to vote, then and in that case such elector shall be given assistance by the person of his choice or by one (1) of the election clerks. Such clerk or selected person shall mark the ballot in the manner directed by the elector and fold it properly and present it to the elector before leaving the voting compartment or area provided for such purpose. The elector shall then present it to the judge of election in the manner provided above.

AN ACT
RELATING TO DESIGNATION OF POLLING PLACES; AMENDING SECTION 34-302, IDAHO CODE, TO REQUIRE THAT TO THE MAXIMUM EXTENT DEEMED POSSIBLE BY THE BOARD, DESIGNATION OF POLLING PLACES SHALL BE DONE IN A MANNER TO PROVIDE ACCESSIBILITY TO THE PHYSICALLY HANDICAPPED.

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

SECTION 1. That Section 34-302, Idaho Code, be, and the same is hereby amended to read as follows:

34-302. DESIGNATION OF PRECINCT POLLING PLACES. The board shall, not less than thirty (30) days before any election, designate a suitable polling place for each election precinct. Insofar as possible, the board shall designate the same polling place for the general election which it designated for the primary election. The physical arrangements of the polling place shall be sufficient to guarantee all voters the right to cast a secret ballot. To the maximum extent deemed possible by the board, the polling places designated as provided herein, shall conform to the standards prescribed in section 39-3203, Idaho Code, to provide accessibility to the physically handicapped. The expense of providing such polling places shall be a public charge and paid out of the county treasury.

AN ACT
RELATING TO HOURS OF SALE OF BEER; AMENDING SECTION 23-1012, IDAHO CODE, BY PROVIDING THAT A PATRON SHALL HAVE A REASONABLE TIME TO CONSUME ANY BEVERAGE ALREADY SERVED, NOT EXCEEDING THIRTY MINUTES AND MAKING IT A MISDEMEANOR TO CONSUME OR ALLOW CONSUMPTION AFTER 1:30 A.M.; AND DECLARING A EMERGENCY.

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

SECTION 1. That Section 23-1012, Idaho Code, be, and the same is hereby amended to read as follows:

23-1012. HOURS OF SALE. (1) It shall be unlawful and a misdemeanor for any person in any place licensed to sell beer or where beer is sold or dispensed to be consumed on the premises, whether conducted for pleasure or profit, to sell or permit to be consumed on the premises--beer--as--the same--is--defined-by--law, dispense or give away beer between the hours of one (1) o'clock A.M. and seven (7) o'clock A.M.

(2) Any patron present on the licensed premises after the sale of beer has stopped as provided in subsection (1) above shall have a reasonable time, not to exceed thirty (30) minutes, to consume any beverage already served.

(3) Any person who consumes or intentionally permits the consumption of any alcoholic beverage upon the licensed premises after the time provided for in subsection (2) shall be guilty of a misdemeanor.

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 THE ELECTION CAMPAIGN FUND; AMENDING SECTION 34-2501, IDAHO CODE, TO STRIKE LANGUAGE SPECIFYING THE NUMBER OF SIGNATURES REQUIRED FROM THE DEFINITION OF A NEW POLITICAL PARTY.

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

SECTION 1. That Section 34-2501, Idaho Code, be, and the same is hereby amended to read as follows:

34-2501. DEFINITIONS. As used in this act, the following terms have the following meanings:

(a) "Board" means the state board of examiners provided in section 67-2001, Idaho Code.
(b) "Committee" means the state central committee as provided in section 34-504, Idaho Code.
(c) "Election campaign fund" or "fund" means the fund created by section 34-2502.
(d) "Political party" means an affiliation of electors representing a political group under a given name as authorized by section 34-501, Idaho Code:
(1) "major political party" means a political party which at the last general election polled for any one of its candidates for state or national elective office more than ten per cent (10%) of the vote cast for the office.
(2) "minor political party" means a political party which at the last general election polled for any one of its candidates for state or national elective office more than three per cent (3%) but less than ten per cent (10%) of the vote cast for the office.
(3) "new political party" means an affiliation of not less than fifteen hundred (1500) electors, who shall, on or before the date prescribed by section 34-504, Idaho Code, for filing of declaration of candidacy, file with the secretary of state a petition that they desire recognition as a political party, which said petition shall meet the requirements as otherwise prescribed by law in section 34-501, Idaho Code.
(e) "General election" means the national, state and county election held on the first Tuesday succeeding the first Monday of November of each even numbered year.
(f) "Qualified election expense" means an expense:
(1) incurred by the state central committee in furthering the election of a candidate for office or attempting to influence any election;
(2) incurred within the expenditure report period as defined in this act, or incurred before the beginning of such period to the extent such expense is for property, service, or facilities used during such period;
(3) neither the incurring nor payment of which constitutes a violation of any of the laws of the United States or of the state of Idaho.

(g) "Expenditure report period" means from the day following the primary election (the Tuesday succeeding the first Monday of August in each even numbered year) to the thirtieth day following the general election.

AN ACT
RELATING TO THE ADMINISTRATION OF THE UNIFORM CONSUMER CREDIT CODE; AMENDING SECTION 28-33-506, IDAHO CODE, TO PROVIDE THAT THE ADMINISTRATOR SHALL EXAMINE THE LOANS AND BUSINESS RECORDS OF EVERY REGULATED AND SUPERVISED LENDER AT LEAST EVERY TWO YEARS; AMENDING SECTION 28-36-104, IDAHO CODE, TO PERMIT THE ADMINISTRATOR TO ASSIST CONSUMERS WITH RESPECT TO CREDIT PRACTICES AND PROBLEMS.

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

SECTION 1. That Section 28-33-506, Idaho Code, be, and the same is hereby amended to read as follows:

28-33-506. EXAMINATIONS AND INVESTIGATIONS. (1) The administrator shall examine periodically at intervals he deems appropriate, but at least annually, the loans, business, and records of every licensee, and at least every 2 years he shall examine the loans and business records of every regulated and supervised lender. In addition, for the purpose of discovering violations of this act or securing information lawfully required, the administrator may at any time investigate the loans, business, and records of any regulated lender. For these purposes he shall have free and reasonable access to the offices, places of business, and records of the lender. The administrator, for purposes of examination of licensees herein, shall be paid by the licensee, within 30 days of demand for payment, the cost of examination. The administrator shall, on July 1 of each year, fix such per diem examination cost.

(2) If the lender's records are located outside this state, the lender at his option shall make them available to the administrator at a convenient location within this state, or pay the reasonable and necessary expenses for the administrator or his representative to examine them at the place where they are maintained. The administrator may designate representatives, including comparable officials of the state in which the records are located, to inspect them on his behalf.

(3) For the purposes of this section, the administrator
may administer oaths or affirmations, and upon his own motion or upon request of any party may subpoena witnesses, compel their attendance, adduce evidence, and require the production of any matter which is relevant to the investigation, including the existence, description, nature, custody, condition, and location of any books, documents, or other tangible things and the identity and location of persons having knowledge of relevant facts, or any other matter reasonably calculated to lead to the discovery of admissible evidence.

(4) Upon failure without lawful excuse to obey a subpoena or to give testimony and upon reasonable notice to all persons affected thereby, the administrator may apply to the district court for an order compelling compliance.

(5) For purposes of investigation herein, each supervised lender applicant shall submit with his application the sum of $100.

SECTION 2. That Section 28-36-104, Idaho Code, be, and the same is hereby amended to read as follows:

28-36-104. POWERS OF ADMINISTRATOR -- HARMONY WITH FEDERAL REGULATIONS -- RELIANCE ON RULES -- DUTY TO REPORT. (1) In addition to other powers granted by this act, the administrator within the limitations provided by law may

(a) receive and act on complaints, take action designed to obtain voluntary compliance with this act, or commence proceedings on his own initiative;
(b) counsel persons and groups on their rights and duties under this act;
(c) establish programs for the education of assist consumers with respect to credit practices and problems;
(d) make studies appropriate to effectuate the purposes and policies of this act and make the results available to the public; and
(e) adopt, amend, and repeal substantive rules when specifically authorized by this act, and adopt, amend, and repeal procedural rules to carry out the provisions of this act.

(2) The administrator shall adopt rules not inconsistent with the Federal Consumer Credit Protection Act to assure a meaningful disclosure of credit terms so that a prospective debtor will be able to compare more readily the various credit terms available to him and to avoid the uninformed use of credit. These rules supersede any provisions of this act which are inconsistent with the Federal Consumer Credit Protection Act, may contain classifi-
cations, differentiations, or other provisions, and may provide for adjustments and exceptions for any class of transactions subject to this act which in the judgment of the administrator are necessary or proper to effectuate the purposes or to prevent circumvention or evasion of, or to facilitate compliance with, the provisions of this act relating to disclosure of credit terms.

(3) To keep the administrator's rules in harmony with the Federal Consumer Credit Protection Act and the regulations prescribed from time to time pursuant to that act by the board of governors of the federal reserve system and with the rules of administrators in other jurisdictions which enact the Uniform Consumer Credit Code, the administrator, so far as is consistent with the purposes, policies and provisions of this act, shall

(a) before adopting, amending, and repealing rules, advise and consult with administrators in other jurisdictions which enact the Uniform Consumer Credit Code; and

(b) in adopting, amending, and repealing rules, take into consideration:

(i) the regulations so prescribed by the board of governors of the federal reserve system; and

(ii) the rules of administrators in other jurisdictions which enact the Uniform Consumer Credit Code.

(4) Except for refund of an excess charge, no liability is imposed under this act for an act done or omitted in conformity with a rule of the administrator notwithstanding that after the act or omission the rule may be amended or repealed or be determined by judicial or other authority to be invalid for any reason.

(5) The administrator shall report annually on or before January 1 to the governor and legislature on the operation of his office, on the use of consumer credit in the state, and on the problems of persons of small means obtaining credit from persons regularly engaged in extending sales or loan credit. For the purpose of making the report, the administrator is authorized to conduct research and make appropriate studies. The report shall include a description of the examination and investigation procedures and policies of his office, a statement of policies followed in deciding whether to investigate or examine the offices of credit suppliers subject to this act, a statement of the number and percentages of offices which are periodically investigated or examined, a statement of the types of consumer credit problems of both creditors and debtors which have come to
his attention through his examinations and investigations and the disposition of them under existing law, a statement of the extent to which the rules of the administrator pursuant to this act are not in harmony with the regulations prescribed by the board of governors of the federal reserve system pursuant to the Federal Consumer Credit Protection Act or the rules of administrators in other jurisdictions which enact the Uniform Consumer Credit Code and the reasons for such variations, and a general statement of the activities of his office and of others to promote the purposes of this act. The report shall not identify the creditors against whom action is taken by the administrator.

AN ACT

RELATING TO LEASES WITH THE IDAHO HEALTH FACILITIES AUTHORITY; AMENDING SECTION 31-1001, IDAHO CODE, TO PROVIDE THAT THE TERMS OF THIS SECTION SHALL NOT LIMIT THE AUTHORITY OF THE COUNTY TO ENTER INTO A LEASE WITH THE IDAHO HEALTH FACILITIES AUTHORITY; AMENDING SECTION 31-3515, IDAHO CODE, TO PROVIDE THAT A COUNTY MAY ENTER INTO A LEASE WITH THE IDAHO HEALTH FACILITIES AUTHORITY WITHOUT AN ELECTION FOR THE LEASE OF A HOSPITAL; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 31-1001, Idaho Code, be, and the same is hereby amended to read as follows:

31-1001. ERECTION OF BUILDINGS -- FURNISHING OF OFFICES -- CONTRACTS -- LEASE OF PREMISES FOR COURTHOUSE OR JAIL -- BOOKS AND STATIONERY. The board must cause to be erected or furnished, a courthouse, jail and such other public buildings as may be necessary, and must, when necessary, provide offices with necessary furniture for the sheriff, clerk of the district court and ex officio auditor and recorder, county treasurer, prosecuting attorney, probate judge, county assessor and county surveyor, and must draw warrants in payment of the same: provided, that the contract for the erection of any such buildings must be let, after thirty (30) days' notice for proposals, to the lowest bidder who will give security for the completion of any contract he may make respecting the same; and, provided further, no contracts for the purchase of furniture must be let under the provisions of this section when the expenses thereunder will exceed one thousand dollars ($1000). And, provided further, that no part of the provisions of this section shall be construed to prevent the board of county commissioners, from entering into a lease for courthouse premises, rooms and jail for any period in their discretion, not to exceed twenty (20) years, and provided that the county commissioners may contract with responsible parties for the leasing of a courthouse, jail and hospital, or a combination of courthouse, jail and hospital, or fairground buildings and
facilities, to be constructed upon premises owned by the county or otherwise, provided that said contract shall be let subject to the provisions of chapter 40 of this title; the contract also may provide that at the expiration of the term of the lease, upon full performance of such lease by the county, the said courthouse premises, rooms and jail, fairground buildings and facilities, or so much thereof as is leased, may become the property of the county. The board must also provide all necessary books of record for the county auditor and recorder, county treasurer, county assessor, and tax collector, clerk of the district court, probate court, county surveyor, county superintendent of public instruction, and the books and stationery for the use of the board, and so much as is necessary for the use of said county officers in the transaction of official business. Nothing herein shall be construed as limiting or otherwise affecting a lease or other transaction between the Idaho health facilities authority and the board of county commissioners as provided in section 31-836, Idaho Code.

SECTION 2. That Section 31-3515, Idaho Code, be, and the same is hereby amended to read as follows:

31-3515. LEASE OR SALE. Such counties acting through their boards of county commissioners shall have the right to lease such hospitals upon such terms and for such a length of time as they may decide, or to sell the same; provided, however, that no such lease or sale, except those leases entered into between such counties and the Idaho health facilities authority as provided in section 31-836, Idaho Code, shall be final or valid unless and until it has been approved by a majority of the qualified electors of said county voting on such question at a general or special election.

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.

AN ACT
RELATING TO VENUE IN PROSECUTIONS OF THE CAMPAIGN CONTRIBUTIONS AND LOBBYIST REGISTRATION LAW; AMENDING SECTION 67-6625, IDAHO CODE, TO PROVIDE THAT VENUE FOR PROSECUTION SHALL BE IN THE COUNTY OF RESIDENCE OF THE DEFENDANT.

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 -- VENUE. (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. 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.

(e) Venue for prosecution under the provisions of this chapter shall be in the county of residence of the defendant.

AN ACT
RELATING TO THE DEFINITION OF THE TERM BARTENDER; AMENDING SECTION 23-902, IDAHO CODE, TO PROVIDE THAT A BARTENDER IS A PERSON OTHER THAN A LICENSEE WHO MIXES OR Prepares ANY LIQUOR BY THE DRINK ON LICENSED PREMISES.

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

SECTION 1. That Section 23-902, Idaho Code, be, and the same is hereby amended to read as follows:

23-902. DEFINITIONS. The following words and phrases used in this act shall be given the following interpretation:

a. "Director" means the director of the department of law enforcement of the state of Idaho.

b. "State liquor store" means a liquor store or distributor established under and pursuant to the laws of the state of Idaho for the package sale of liquor at retail.

c. "License" means a license issued by the director of the department of law enforcement of the state of Idaho to a qualified person, under which it shall be lawful for the licensee to sell and dispense liquor by the drink at retail, as provided in this act.

1. "Municipal license" means a license issued by a municipality of the state of Idaho under the provisions of this act.

d. "Licensee" means the person to whom a license is issued under the provisions of this act.

e. "Person" means every individual, partnership, corporation, organization, or association holding a retail liquor license, whether conducting the business singularly or collectively.

f. "Liquor" means all kinds of liquor sold by and in a state liquor store of the state of Idaho.

g. "Interdicted person" means a person to whom the sale of liquor is prohibited under the law of the state of Idaho.

h. "Rules and regulations" means rules and regulations made and promulgated by the director of the department of law enforcement of the state of Idaho, in accordance with the provisions of this act.

i. "Gaming" means any and all gambling or games of chance defined in chapter 38 and 49 of title 18, Idaho Code,
or any section or sections thereof, whether said games are licensed or unlicensed.

j. "Premises" means the building in which the sale of liquor by the drink at retail is authorized under the provisions of this act.

k. "Bartender" means any person, whether agent, servant, or employee, other than a licensee, or in any other capacity, who pours, mixes, or prepares any liquor by the drink upon any licensed premises.

All other words and phrases used in this act, the definition of which is not herein given, shall be given the ordinary and commonly understood and accepted meaning.

CHAPTER 45
(S.B. No. 1434)

AN ACT
RELATING TO RULES AND REGULATIONS PROMULGATED BY THE BOARD OF HEALTH AND WELFARE; AMENDING SECTION 39-103, IDAHO CODE, TO DEFINE "SUBSTANTIVE"; AMENDING SECTION 39-107, IDAHO CODE, TO SPECIFY THAT PUBLIC HEARINGS ARE LIMITED TO SUBSTANTIVE RULES.

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

SECTION 1. That Section 39-103, Idaho Code, be, and the same is hereby amended to read as follows:

39-103. DEFINITIONS. Whenever used or referred to in this act, unless a different meaning clearly appears from the context, the following terms shall have the following meanings:

1. "Board" means the board of health and welfare.
2. "Department" means the department of health and welfare.
3. "Director" means the director of the department of health and welfare.
4. "State" means the state of Idaho.
5. "Air contaminant" or "air contamination" means the presence in the outdoor atmosphere of any dust, fume, mist, smoke, vapor, gas or other gaseous fluid or particulate substance differing in composition from or exceeding in concentration the natural components of the atmosphere.
6. "Air pollution" means the presence in the outdoor atmosphere of any contaminant or combination thereof in such quantity of such nature and duration and under such conditions as would be injurious to human health or welfare, to animal or plant life, or to property, or to interfere unreasonably with the enjoyment of life or property.
7. "Emission" means a release or discharge into the outdoor atmosphere of any air contaminant or combination thereof.
8. "Water pollution" is such alteration of the physical, thermal, chemical, biological or radioactive properties of any waters of the state, or such discharge of any contaminant into the waters of the state as will or is likely to create a nuisance or render such waters harmful or detri-
mental or injurious to public health, safety or welfare or to domestic, commercial, industrial, recreational, esthetic or other legitimate uses or to livestock, wild animals, birds, fish or other aquatic life.

9. "Waters" means all the accumulations of water, surface and underground, natural and artificial, public and private, or parts thereof which are wholly or partially within, flow through or border upon this state.

10. "Solid waste" means garbage, refuse, and other discarded solid materials, including solid waste materials resulting from industrial, commercial, and agricultural operations, and from community activities, but does not include solid or dissolved materials in domestic sewage or other significant pollutants in water resources, such as silt, dissolved or suspended solids in industrial waste water effluents, dissolved materials in irrigation return flows or other common water pollutants.

11. "Solid waste disposal" means the collection, storage, treatment, utilization, processing or final disposal of solid waste.

12. "Laboratory" means not only facilities for biological, serological, biophysical, cytological and pathological tests, but also facilities for the chemical or other examination of materials from water, air or other substances.

13. "Person" means any human being, any municipality, or other governmental or political subdivision or other public agency, any public or private corporation, any partnership, firm, association, or other organization, any receiver, trustee, assignee, agent or other legal representative of any of the foregoing, or any other legal entity.

14. "Public swimming pool" means an artificial structure, and its appurtenances, which contains water more than two (2) feet deep which is used or intended to be used for swimming or recreational bathing, and which is for the use of any segment of the public pursuant to a general invitation but not an invitation to a specific occasion or occasions.

15. "Public water supply" means all mains, pipes and structures through which water is obtained and distributed to the public, including wells and well structures, intakes and cribs, pumping stations, treatment plants, reservoirs, storage tanks and appurtenances, collectively or severally, actually used or intended for use for the purpose of furnishing water for drinking or general domestic use in incorporated municipalities; or unincorporated communities where ten (10) or more separate premises or households are
being served or intended to be served; or any other supply which serves water to the public and which the department of health and welfare declares to have potential health significance.

16. "Substantive" means that which creates, defines or regulates the rights of any person or implements, interprets or prescribes law or policy, but does not include statements concerning only the internal management of the department and not affecting private rights or procedures available to the public.

SECTION 2. That Section 39-107, Idaho Code, be, and the same is hereby amended to read as follows:

39-107. BOARD -- COMPOSITION -- OFFICERS -- COMPENSATION -- POWERS -- SUBPOENA -- DEPOSITIONS -- REVIEW -- RULES AND REGULATIONS. 1. The board of health and welfare shall consist of seven (7) members who shall be appointed by the governor, with the advice and consent of the senate. The members may be removed by the governor for cause. Each member of the board shall be a citizen of the United States, a resident of the state of Idaho, and a qualified elector. Not more than four (4) members of the board shall be from any one (1) political party. All members of the board shall be chosen with due regard to their knowledge and interest in environmental protection and health.

2. The members of the board of environmental and community services, serving on the effective date of this act shall continue in office as members of the board of health and welfare, subject to the provisions of this act. Four (4) members of the board of environmental and community services shall be designated by the governor to serve terms on the board of health and welfare expiring on the first Tuesday following the first Monday of January, 1975. The remaining three (3) members of the board of environmental and community services shall serve terms on the board of health and welfare expiring on the first Tuesday following the first Monday of January, 1977. Thereafter, all members of the board of health and welfare shall serve four (4) year terms.

3. The board annually shall elect a chairman, a vice-chairman, and a secretary, and shall hold such meetings as may be necessary for the orderly conduct of its business, and such meetings shall be held from time to time on seventy-two (72) hours notice of the chairman or a majority of the members. Five (5) members shall be necessary to constitute a quorum at any regular or special meeting and the action of the majority of members present shall be the
action of the board. The members of the board shall receive their actual and necessary travel expenses and fifty dollars ($50) per day while in session or traveling to and from the sessions, which sums shall be payable by the state treasurer on the proper warrants duly certified by the director and shall be exempt from the standard travel pay and allowance act.

4. The board, in furtherance of its duties under this act and under its rules and regulations, shall have the power to administer oaths, certify to official acts, and to issue subpoenas for the attendance of witnesses and the production of papers, books, accounts, documents and testimony. The board may, if a witness refuses to attend or testify, or to produce any papers required by such subpoenas, report to the district court in and for the county in which the proceeding is pending, by petition, setting forth that due notice has been given of the time and place of attendance of said witnesses, or the production of said papers, that the witness has been properly summoned, and that the witness has failed and refused to attend or produce the papers required by this subpoena before the board, or has refused to answer questions propounded to him in the course of said proceedings, and ask an order of said court compelling the witness to attend and testify and produce said papers before the board. The court, upon the petition of the board, shall enter an order directing the witness to appear before the court at a time and place to be fixed by the court in such order, the time to be not more than ten (10) days from the date of the order, and then and there shall show cause why he has not attended and testified or produced said papers before the board. A copy of said order shall be served upon said witness. If it shall appear to the court that said subpoena was regularly issued by the board and regularly served, the court shall thereupon order that said witness appear before the board at the time and place fixed in said order, and testify or produce the required papers. Upon failure to obey said order, said witness shall be dealt with for contempt of court.

5. The director, his designee, or any party to the action may, in an investigation or hearing before the board, cause the deposition or interrogatory of witnesses or parties residing within or without the state, to be taken in the manner prescribed by law for like depositions and interrogatories in civil actions in the district court of this state, and to that end may compel the attendance of said witnesses and production of books, documents, papers and accounts.
6. Any person aggrieved by an action or inaction of the department of health and welfare shall be afforded an opportunity for a fair hearing upon request therefor in writing pursuant to chapter 52, title 67, Idaho Code, and the rules and regulations promulgated thereunder. The hearings herein provided may be conducted by the board at a regular or special meeting, or the board may designate hearing officers, who shall have the power and authority to conduct hearings in the name of the board at any time and place. In any hearing, a member of the board or hearing officer designated by it, shall have power to administer oaths, examine witnesses, and issue in the name of the board subpoenas requiring the testimony of witnesses and the production of evidence relevant to any matter in the hearing.

7. Any person adversely affected by a final determination of the board, may secure judicial review by filing a petition for a review as prescribed by chapter 52, title 67, Idaho Code, in the district court of the county in which he lives, within thirty (30) days after receipt of the notice of the board's final determination. The petition for review shall be served upon the chairman of the board, the director of the department, and upon the attorney general of the state of Idaho. Such service shall be jurisdictional and the provisions of this section shall be the exclusive procedure for appeal.

8. The board, by the affirmative vote of four (4) of its members, may adopt, amend or repeal the regulations, rules, codes, and standards of the department, that are necessary and feasible in order to carry out the purposes and provisions of this act and to enforce the laws of this state.

The regulations, rules and orders so adopted and established shall be a part of this code and shall have the force and effect of law and may deal with any matters deemed necessary and feasible for protecting the environment or the health of the state. Every regulation adopted by the board shall state the date on which it becomes effective and a copy thereof duly attested by the secretary of the board. The board shall provide public hearings prior to adopting any substantive code, rule, regulation or standard. The hearings may be conducted by a designated hearing officer, provided, however, that prior to adopting, amending or repealing any substantive regulation, rule, code or standard the board shall give due consideration to the testimony and evidence received at the hearing.

9. All rule making proceedings and hearings of the board shall, in addition to the provisions of this act, be
governed by the provisions of chapter 52, title 67, Idaho Code.

10. All codes, rules, regulations and standards heretofore adopted by the department of public health, the board of health, and the air pollution control commission and board of environmental and community services, shall remain in full force and effect until superseded by rules, regulations and standards duly adopted by the board.

11. All of the powers and duties, rule making and hearing functions transferred to the board of environmental and community services by chapter 87, Laws of 1973, are hereby transferred to the board of health and welfare.

CHAPTER 46
(S.B. No. 1400)

AN ACT
RELATING TO LICENSING OF DRIVERS; AMENDING SECTION 49-309, IDAHO CODE, PROVIDING FOR THE REVOCATION OR CANCELLATION OF LICENSE AFTER ISSUANCE; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 49-309, Idaho Code, be, and the same is hereby amended to read as follows:

49-309. WHAT PERSONS SHALL NOT BE LICENSED. The department shall not issue any license hereunder; and if issued, may revoke or cancel the license of such person:
1. To any person, as an operator, who is under the age of sixteen (16) years, except that the department may issue a restricted license as hereinafter provided to any person who is at least fourteen (14) years of age upon meeting the requirements of section 49-311, Idaho Code;
2. To any person, as a chauffeur, who is under the age of eighteen (18) years;
3. To any person, as an operator, or chauffeur, whose license has been suspended during such suspension nor to any person whose license has been revoked, until the expiration of one (1) year after such license was revoked;
4. To any person, as an operator or chauffeur, who is an habitual drunkard, or is addicted to the use of narcotic drugs;
5. To any person, as an operator or chauffeur, who has previously been adjudged to be afflicted with or suffering from any mental disability or disease and who has not at the time of application been restored to competency by the methods provided by law;
6. To any person, as an operator or chauffeur, who is required by this act to take an examination, unless such person shall have successfully passed such examination;
7. To any person who may be required under any law of this state, now existing or hereafter adopted, to deposit proof of financial responsibility and who has not deposited such proof;
8. To any person when the director has good cause to believe that the operation of a motor vehicle on the high-
ways by such person would be inimical to public safety or welfare.

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

Approved March 6, 1978.
CHAPTER 47
(H.B. No. 408)

AN ACT
RELATING TO THE FEE FOR FILING LIENS AND ENCUMBRANCES ON VEHICLES; AMENDING SECTION 49-412, IDAHO CODE, BY PROVIDING THAT THE FEE FOR FILING THE ORIGINAL OR A DUPLICATE ORIGINAL OF AN AGREEMENT WITH THE DEPARTMENT CREATING A LIEN OR ENCUMBRANCE ON A CERTIFICATE OF TITLE SHALL BE ONE DOLLAR INSTEAD OF FIFTY CENTS.

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

SECTION 1. That Section 49-412, Idaho Code, be, and the same is hereby amended to read as follows:

49-412. LIENS AND ENCUMBRANCES -- FILING -- FEE -- NOTATION ON CERTIFICATE -- CONSTRUCTIVE NOTICE. No lien or encumbrance on any vehicle registered under the laws of this state created subsequent to the effective date of this act, irrespective of whether such registration was effected prior or subsequent to the creation of such lien or encumbrance, shall be perfected as against creditors or subsequent purchasers or encumbrancers without notice until the holder of such lien or encumbrance, or his successor or assignee, has filed with the department at its office in Boise, Idaho, the original or duplicate original of the agreement creating such lien or encumbrance, or a copy of said agreement, with an attached certificate of a notary public stating that the same is a true and correct copy of the original, accompanied by a properly indorsed certificate of title to the vehicle described in said agreement, and if a certificate of title has not previously been issued for such motor vehicle in this state, said agreement shall be accompanied by a properly executed application for a certificate of title, as provided by this chapter.

When the holder of a lien or encumbrance, his successor or assignee, has filed with the department the original or a duplicate original of said agreement, or a copy of the chattel mortgage, or conveyance intended to operate as a mortgage as herein provided, together with a fee of fifty cents--$0.50--one dollar ($1.00) to pay for the filing thereof, it shall be the duty of the department to forthwith file the same, indorsing thereon the date and hour received.
at its office in Boise, Idaho.

When the department is satisfied as to the genuineness and regularity of the documents submitted as in this chapter provided, it shall issue a new certificate of title as in this chapter provided, which shall contain the name of the owner of the vehicle, the name and address of each holder of a lien or encumbrance, and a statement of all liens or encumbrances which have been filed with the department, together with the date of each lien or encumbrance and the date and hour received by the department, and such filing of a lien or encumbrance and the notation thereof upon the certificate of title shall be a condition of perfection and shall constitute constructive notice of such lien or encumbrance and its contents to creditors and subsequent purchasers and encumbrancers, and all liens or encumbrances so filed with the department and so noted upon the certificate of title shall be perfected and take priority according to the order of time in which the same are noted upon the certificate of title by the department of law enforcement.

Approved March 6, 1978.
CHAPTER 48  
(H.B. No. 407)

AN ACT
RELATING TO SIGNS ON HIGHWAY RIGHT-OF-WAY; AMENDING SECTION 40-2828, IDAHO CODE, TO PROVIDE THAT DISPLAYS MAY BE ERECTED BY THE TRANSPORTATION DEPARTMENT ON THE RIGHT-OF-WAY WHEN THEY GIVE INFORMATION IN THE INTEREST OF THE TRAVELING PUBLIC.

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

SECTION 1. 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 by the department on the right-of-way 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 subparagraph (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.

Approved March 6, 1978.
CHAPTER 49
(H.B. No. 412)

AN ACT
RELATING TO BILLBOARDS ALONG HIGHWAYS; AMENDING SECTION 40-2812, IDAHO CODE, TO PROVIDE FOR THE ERECTION OF BILLBOARDS BY CITIES AT INTERCHANGES PRIMARILY SERVING THE CITIES.

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

SECTION 1. That Section 40-2812, Idaho Code, be, and the same is hereby amended to read as follows:

40-2812. DEFINITIONS. As used in this act:
(1) "Advertising structure(s)" or "structure(s)" or "sign(s)" mean any outdoor structure, display, light device, figure, painting, drawing, message, plaque, poster, billboard, or other thing which is designed, intended or used to advertise or inform.
The foregoing do not include:
(a) Official notices issued by any court or public body or officer.
(b) Notices posted by any public officer in performance of a public duty or by any person in giving legal notice.
(c) Directional, warning or information structures required by or authorized by law, informational or directional signs regarding telephone service, emergency telephone signs, buried or underground cable markers and above cable closures.
(d) An official or public structure erected near a city or county, and within its territorial or zoning jurisdiction, which contains the name of such city or county, provided the same is maintained wholly at public expense. Provided that, where a city has been bypassed, but remains within five (5) miles of an interstate highway or primary freeway, the board, in its discretion, may grant the city the right to erect and maintain a billboard displaying the name of the city at a location not to exceed one (1) mile from an interchange primarily serving that city. Billboards erected under this section must be at locations consistent with department regulations and safety standards.
"Sign" does not include:
(a) Official notices issued by any court or public body or officer.
(b) Notices posted by any public officer in performance of a public duty or by any person in giving any legal notice.
(c) Directional, warning or information signs or structures required by or authorized by law.
(2) "Lawfully maintained" means a sign maintained on private land in accordance with state law and with the consent or acquiescence of the owner, or his agent, of the property upon which the sign is located. With respect to certain easements held by the state restricting the erection of structures on certain lands, the state of Idaho and the department shall be deemed to have waived such restrictions with regard only to each sign erected prior to October 22, 1965.
(3) "Advertising display" refers to advertising structures and to signs.
(4) "Outdoor advertising business" means the business or occupation of placing, erecting, constructing or maintaining advertising structures or signs.
"Outdoor advertising business" does not include the placing, erecting, constructing or maintaining of advertising displays exclusively pertaining to the business of the person placing the advertising display.
(5) "Erect" means to construct, build, raise, assemble, place, affix, create, paint, draw or in any other way bring into being or establish, but does not include any of the foregoing activities when performed incident to the change of an advertising message or customary maintenance of a sign.
(6) "Department" means the Idaho transportation department.
(7) "Information center" means any area or site established and maintained at a safety rest area on an interstate or primary highway by or under the supervision or control of the department, wherein panels for the display of advertising and informational signs may be erected and maintained.
(8) "Safety rest area" means an area or site established and maintained within or adjacent to the right-of-way by or under public supervision or control, for convenience of the traveling public.
(9) "Interstate system" or "interstate highway" means any portion of the national system of interstate and defense highways located within this state, as officially designated, or as may be hereafter be so designated, by the Idaho
(10) "Primary system" or "primary highway" means any portion of the highways of this state, as officially designated, or as may hereafter be so designated, by the Idaho transportation board, and approved by the secretary of transportation, pursuant to the provisions of title 23, U.S. Code, "Highways."

(11) A. "Maintain" or "place" means to allow to exist, subject to the provisions of this act.  
B. "Maintenance" means to repair, refurbish, repaint or otherwise keep an existing sign structure in a state suitable for use.

(12) "State law" means a provision of the constitution or statutes of this state, or an ordinance, rule or regulation enacted or adopted by an agency or political subdivision of this state pursuant to the constitution or statutes.

(13) "Main traveled way" means the portion of a roadway for the movement of vehicles, exclusive of shoulders.

(14) "Visible" means capable of being seen without visual aid by a person of normal visual acuity.

(15) "Highway" or "highways" includes all roads as established or maintained as the state highway system under section 40-109(a), of the Idaho Code, as officially designated, or as may hereinafter be so designated, by the Idaho transportation board under authority of section 40-120, of the Idaho Code.

(16) "Person" includes natural person, firm, copartnership, association and corporation.

(17) "Interchange area" is defined as commencing or ending at the beginning of pavement widening at the exit or entrance to the main traveled way of the interstate or primary freeway.

(18) "Urban areas" mean any geographical area within the city limits of any incorporated city having a population of five thousand (5,000) or more inhabitants. Population numbers referred to in this paragraph shall be determined by the latest United States census.

Approved March 6, 1978.
AN ACT
RELATING TO COSTS OF NURSING CARE; AMENDING SECTION 56-233a, IDAHO CODE, TO PROVIDE THAT MEDICAID RECIPIENTS RESIDING IN FACILITIES LICENSED TO PROVIDE SKILLED AND INTERMEDIATE NURSING CARE, PARTICIPATE FINANCIALLY IN THE COST OF SUCH NURSING HOME CARE TO THE EXTENT MANDATED BY FEDERAL TITLE XIX REQUIREMENTS.

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

SECTION 1. That Section 56-233a, Idaho Code, be, and the same is hereby amended to read as follows:

56-233a. COSTS OF NONFEDERAL SHARE OF SKILLED AND INTERMEDIATE NURSING CARE FOR MEDICALLY ELIGIBLE PERSONS -- SOURCE OF PAYMENT. The department of health and welfare is hereby directed to expend from its annual appropriations the amounts necessary to pay the cost of the entire nonfederal share of skilled and intermediate nursing care for dependent, medically eligible persons after such persons have participated financially in the cost of such nursing home care to the extent mandated by the federal title XIX requirements. Said cost of care is to be computed on a basis of the determination of the actual allowable cost by the department of health and welfare.

Approved March 6, 1978.
AN ACT
RELATING TO BONDS; ADDING A NEW SECTION 34-1202A, IDAHO CODE, PROVIDING THAT AT ANY BOND ELECTION CONDUCTED BY THE STATE OF IDAHO, ITS AGENCIES, INSTITUTIONS, POLITICAL SUBDIVISIONS AND MUNICIPAL AND QUASI-MUNICIPAL CORPORATIONS, ANY BALLOT OR PART OF A BALLOT FROM WHICH IT IS IMPOSSIBLE TO DETERMINE AN ELECTOR'S CHOICE SHALL BE VOID AND SHALL NOT BE COUNTED, AND DECLARING THAT ANY QUALIFIED ELECTOR CASTING SUCH BALLOT OR PART OF A BALLOT SHALL BE DEEMED NOT TO HAVE VOTTED AT OR PARTICIPATED IN SUCH BOND ELECTION AND SUCH BALLOT OR PART OF A BALLOT SHALL NOT BE COUNTED IN DETERMINING THE NUMBER OF QUALIFIED ELECTORS VOTING AT OR PARTICIPATING IN SUCH BOND ELECTION; VALIDATING BOND ELECTIONS CONDUCTED PRIOR TO THE EFFECTIVE DATE OF THIS ACT, PROCEEDINGS HAD IN CONNECTION THEREWITH, AND BONDS AUTHORIZED THEREBY; PROVIDING SEVERABILITY; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Chapter 12, 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 34-1202A, Idaho Code, and to read as follows:

34-1202A. VOID BALLOT NOT COUNTED. At any bond election conducted by the state of Idaho, its agencies, institutions, political subdivisions and municipal and quasi-municipal corporations, any ballot or part of a ballot from which it is impossible to determine the elector's choice shall be void and shall not be counted. It is hereby declared that any qualified elector casting such ballot or part of a ballot shall be deemed not to have voted at or participated in such bond election and such ballot or part of a ballot shall not be counted in determining the number of qualified electors voting at or participating in such bond election.

SECTION 2. All bond elections conducted by the state of Idaho, its agencies, political subdivisions and municipal and quasi-municipal corporations prior to the effective date of this act, and all proceedings had in the authorization and issuance of the bonds authorized thereat, are hereby validated, ratified and confirmed and all such bonds are
declared to constitute legally binding obligations in accordance with their terms. Nothing in this section shall be construed to affect or validate any bond election, or bonds issued pursuant thereto, the legality of which is being contested at the time this act takes effect, or any election the legality of which is contested within the period provided by section 34-2001A, Idaho Code.

SECTION 3. The provisions of this act are hereby declared to be severable and if any provision of this act or the application of such provision to any person or circumstance is declared invalid for any reason, such declaration shall not affect the validity of remaining portions of this act.

SECTION 4. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Approved March 6, 1978.
AN ACT

RELATING TO ENFORCEMENT OF ANNUAL RECREATIONAL VEHICLE LICENSING; AMENDING SECTION 49-2806, IDAHO CODE, BY STRIKING THE PROVISION FOR A WRITTEN NOTICE IF A RECREATIONAL VEHICLE IS NOT LICENSED, AND PROVIDING THAT IT IS A MISDEMEANOR FOR ANY OWNER OF A RECREATIONAL VEHICLE NOT TO HAVE PAID THE ANNUAL LICENSE FEE AS PROVIDED BY CHAPTER 28, TITLE 49, IDAHO CODE.

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

SECTION 1. That Section 49-2806, Idaho Code, be, and the same is hereby amended to read as follows:

49-2806. ENFORCEMENT BY POLICE OFFICERS. (1) Any law enforcement officer, sheriff or deputy sheriff, or city policeman may, upon reasonable cause, require the driver of a recreational vehicle to stop to determine if the recreational vehicle has been licensed.

(2) If--the--event--such--recreational--vehicle--is--not--licensed,--the--officer--shall--give--a--written--notice--to--the--driver--and--shall--send--a--copy--to--the--county--assessor--of--the--owner's--county--of--residence.--The--notice--shall--direct--the--owner--to--procure--a--recreational--vehicle--license--within--five--(5)--days.--Every--owner--or--driver--upon--receiving--any--such--notice--shall--comply--therewith,--and--shall--within--five--(5)--days--secure--an--endorsement--upon--such--notice--by--the--county--assessor--that--the--vehicle--has--been--licensed;

(3) Failure--to--respond--to--the--written--notice--shall--be--a--misdemeanor.

Failure to license any recreational vehicle as provided in chapter 28, title 49, Idaho Code, shall be a misdemeanor.

Approved March 6, 1978.
CHAPTER 53
(H.B. No. 446)

AN ACT
RELATING TO RECKLESS DRIVING AND INATTENTIVE DRIVING; AMENDING SECTION 49-1103, IDAHO CODE, TO STRIKE AN OBSOLETE CODE CITATION; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 49-1103, Idaho Code, be, and the same is hereby amended to read as follows:

49-1103. RECKLESS DRIVING. (a) Reckless driving. -- Any person who drives any vehicle upon a highway carelessly and heedlessly, or without due caution and circumspection and at a speed or in a manner so as to endanger or be likely to endanger any person or property, or who passes when there is a line in his lane indicating a sight distance restriction, shall be guilty of reckless driving and upon conviction shall be punished as provided in subsection (b) of this section.

(b) Reckless driving--Penalty. -- Every person convicted of reckless driving under this section shall be punished by imprisonment in the county or municipal jail for a period of not less than five (5) days nor more than ninety (90) days or by a fine of not less than twenty-five dollars ($25.00) nor more than three hundred dollars ($300) or by both such fine and imprisonment, and on a second or subsequent conviction shall be punished by imprisonment for not less than ten (10) days nor more than six (6) months or by a fine of not less than fifty dollars ($50.00) nor more than three hundred dollars ($300), or by both such fine and imprisonment, and provided further that the department of law enforcement shall suspend the license of any such person as provided by section 49-330, Idaho Code.

(c) Inattentive driving--Penalty. -- Any person who drives a vehicle upon a highway, as defined in section 49-514(a), in a careless or inattentive manner or in disregard of the safety of persons or property is guilty of a misdemeanor as provided in section 49-1104, Idaho Code.

Inattentive driving shall be considered a lesser offense than reckless driving and shall be applicable in those circumstances where the conduct of the operator has been inattentive, careless or imprudent, in light of the circum-
stances then existing, rather than heedless or wanton, or in those cases where the danger to persons or property by the motor vehicle operator's conduct is slight.

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

Approved March 6, 1978.
CHAPTER 54
(H.B. No. 469)

AN ACT
RELATING TO MILITARY AFFAIRS; AMENDING SECTION 46-113, IDAHO CODE, TO PROVIDE THAT AN ASSISTANT ADJUTANT GENERAL MAY BE CHIEF OF STAFF TO THE ADJUTANT GENERAL AND THAT CERTAIN RESPONSIBILITIES PLACED UPON THE ASSISTANT BE STRUCK; AMENDING SECTION 46-206, IDAHO CODE, TO PROVIDE THAT NATIONAL GUARD OFFICERS WHO LOSE THEIR FEDERAL RECOGNITION BECAUSE OF MANDATORY RETIREMENT MAY BE ADVANCED ONE GRADE AND PLACED ON THE RETIRED LIST; AMENDING SECTION 46-208, IDAHO CODE, TO PROVIDE THAT NATIONAL GUARDSMEN MAY BE ARRESTED AS PROVIDED BY THE IDAHO CODE OF MILITARY JUSTICE; AMENDING SECTION 46-314, IDAHO CODE, TO PROVIDE THAT THE PURPOSE OF THE NATIONAL GUARD EDUCATIONAL ENCOURAGEMENT FUND IS TO RECRUIT AND RETAIN NONTECHNICIAN NATIONAL GUARDSMEN; AMENDING SECTION 46-406, IDAHO CODE, TO STRIKE THE PROVISIONS EXEMPTING NATIONAL GUARDSMEN FROM POLL AND ROAD TAXES; AMENDING SECTION 46-603, IDAHO CODE, TO PROVIDE THAT THE NATIONAL GUARD BE SUBJECT TO THE IDAHO CODE OF MILITARY JUSTICE; REPEALING SECTION 46-308, IDAHO CODE, RELATING TO OFFICERS RESPONSIBLE FOR MONEY OR PROPERTY, REPEALING SECTION 46-608, IDAHO CODE, RELATING TO PENSIONS TO DEPENDENTS FOR DEATH IN ACTIVE SERVICE OF A MILITARY PERSON, AND REPEALING SECTION 46-804, IDAHO CODE, RELATING TO THE COST AND PAYMENT OF BONDS.

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

SECTION 1. That Section 46-113, Idaho Code, be, and the same is hereby amended to read as follows:

46-113. ASSISTANT ADJUTANTS GENERAL. There shall be two (2) assistant adjutants general who shall be appointed by and serve at the pleasure of the adjutant general.

(a) One (1) of the assistant adjutants general shall be appointed from the Idaho army national guard and shall be chief of staff to the adjutant general for all the Idaho army national guard forces. He shall perform such duties as are assigned to him by the adjutant general and shall be responsible for all administrative and operational functions of the Idaho army national guard. No person shall be eligible for appointment as assistant adjutant general under this subsection unless he is a member of the Idaho army
national guard with at least six (6) years service as commissioned officer therein and have has attained the rank of major or above. He shall be a federally recognized officer and may hold the rank of brigadier general or such other rank as may hereafter be authorized by the table of organization for the army national guard.

(b) The other assistant adjutant general shall be appointed from the Idaho air national guard and shall may be chief of staff to the adjutant general for all the Idaho air national guard forces. He shall perform such duties as are assigned to him by the adjutant general and shall be responsible for all administrative and operational functions of the Idaho air national guard. No person shall be eligible for appointment as assistant adjutant general under this subsection unless he is a member of the Idaho air national guard with at least six (6) years service as a commissioned officer therein and has attained the rank of major or above. He shall be a federally recognized officer and a rated pilot and may hold the rank of brigadier general or such other rank as may hereafter be authorized by the tables of organization for the air national guard.

(c) In the event of the absence or inability of the adjutant general to perform his duties, he shall designate one (1) of the assistant adjutants general to perform the duties of his office as acting adjutant general. If neither assistant adjutant general is available, he may designate any national guard officer to be the acting adjutant general.

SECTION 2. That Section 46-206, Idaho Code, be, and the same is hereby amended to read as follows:

46-206. RETIREMENT OF OFFICERS -- TIME OF SERVICE. Any officer of the national guard who has reached the age of sixty-four (64) years shall loses his federal recognition because of mandatory retirement may be advanced one (1) grade and shall may be placed upon the retired list by order of the governor as commander-in-chief. Any commissioned officer who has served as an officer in the national guard of Idaho for a period of twenty (20) years, upon his request, may be advanced one (1) grade, and placed upon the retired list. Any commissioned officer who has a total service in the armed forces of the United States and in the national guard of Idaho of fifteen (15) years, may upon his request be advanced one (1) grade and retired.

SECTION 3. That Section 46-208, Idaho Code, be, and the same is hereby amended to read as follows:
46-208. ARREST OF OFFICERS AND ENLISTED PERSONNEL. Officers and enlisted personnel of the national guard not in the service of the United States may be placed in arrest by superiors as provided for in the uniform Idaho code of military justice.

SECTION 4. That Section 46-314, Idaho Code, be, and the same is hereby amended to read as follows:

46-314. EDUCATIONAL ENCOURAGEMENT. The adjutant general of the Idaho national guard is authorized to encourage enlistment-and-reenlistment-of-persons-in-the-national-guard recruitment and retention of nontechnician national guardsmen by providing incentive payments as set forth hereinafter. The adjutant general may authorize the payment of not more than fifty percent (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. To be eligible to receive benefits, 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.

SECTION 5. That Section 46-406, Idaho Code, be, and the same is hereby amended to read as follows:

46-406. EXEMPTION FROM JURY DUTY AND--POLICE--AND--ROAD TAXES. Any member of the national guard shall be exempt from sitting or serving as juror in any of the courts of this state, provided he shall furnish the certificate of his immediate commanding officer that he has performed the duties required by his enlistment or commission. No member of the national guard of this state shall be required to serve on any posse comitatus.

"Every-reserve-officer-or-member-of--the--national--guard shall--be--exempt--from-police-and-road-tax,-provided-he-shall furnish-the-certificate-of-his-immediate-commanding-officer that--he--has--performed--the-duties-required-of-him-for-the year-immediately-preceding--"

SECTION 6. That Section 46-603, Idaho Code, be, and the same is hereby amended to read as follows:

46-603. ACTIVE DUTY -- UNIFORM IDAHO CODE OF MILITARY JUSTICE IN FORCE -- COURT-MARTIAL--ADDITIONAL JURISDICTION. Whenever any portion of the national guard of this state, or of the organized militia, or both, shall be on
active duty or ordered to assemble for duty in time of war or state of extreme emergency, or for any other cause, all such military personnel shall be governed by and subject to the provisions of the uniform Idaho code of military justice. Over all offenses committed by members of the national guard while under the provisions of the uniform Idaho code of military justice as provided in this section, a court-martial shall possess in addition to the jurisdiction and power of sentence and punishment now vested in them, all additional jurisdiction and power of sentence and punishment exercisable by like courts under the uniform Idaho code of military justice, but no punishment imposed under the uniform Idaho code of military justice which shall extend to the taking of a life shall, in any case, be inflicted except in time of actual war, invasion or insurrection, declared by proclamation of the governor to exist, and then only after the governor has approved such sentence. Imprisonment other than in the guardhouse shall be executed in jails or prisons designated by the governor for that purpose.

SECTION 7. That Sections 46-308, 46-608, and 46-804, Idaho Code, be, and the same are hereby repealed.

Approved March 6, 1978.
AN ACT
RELATING TO SCHOOL BUSES; REPEALING SECTION 49-676, IDAHO
CODE; ADDING A NEW SECTION 49-676, IDAHO CODE, PROVIDING
FOR CONDUCT WHEN MEETING OR OVERTAKING A SCHOOL BUS, AND
REQUIRING CERTAIN EQUIPMENT; AND ADDING A NEW SECTION
49-809A, IDAHO CODE, PROVIDING FOR EQUIPMENT ON SCHOOL
BUSES.

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

SECTION 1. That Section 49-676, Idaho Code, be, and the
same is hereby repealed.

SECTION 2. That Chapter 6, Title 49, Idaho Code, be,
and the same is hereby amended by the addition thereto of a
NEW SECTION, to be known and designated as Section 49-676,
Idaho Code, and to read as follows:

49-676. OVERTAKING AND PASSING SCHOOL BUS. (1) The
driver of a vehicle meeting or overtaking from either direc­
tion any school bus stopped on the highway shall stop before
reaching such school bus when there is in operation on said
school bus the visual signals specified in section 49-809A,
Idaho Code, and said driver shall not proceed until such
school bus resumes motion or the visual signals are no
longer actuated. Oncoming traffic on a highway of more than
three (3) lanes is not required to stop upon meeting a
school bus when visual signals are actuated.

(2) Every school bus shall be equipped with visual
signals meeting the requirements of section 49-809A, Idaho
Code, 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 driver shall not actuate said spe­
cial visual signals:

(a) In business districts designated by the department
of transportation or local authorities;
(b) At intersections or other places where traffic is
controlled by traffic-control signals or police offi­
cers; 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.

SECTION 3. That Chapter 8, 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 49-809A, Idaho Code, and to read as follows:

49-809A. SCHOOL BUSES -- VISUAL SIGNAL -- DEFINED. (1) Every school bus shall, in addition to any other equipment and distinctive markings required by this act, be equipped with signal lamps mounted as high and as widely spaced laterally as practicable, which shall display to the front two (2) alternately flashing red lights located at the same level and to the rear two (2) alternately flashing red lights located at the same level, and these lights shall be visible at five hundred (500) feet in normal sunlight.

(2) Any school bus may, in addition to the lights required by subsection (1), be equipped with yellow signal lamps mounted near each of the four (4) red lamps and at the same level but closer to the vertical centerline of the bus, which shall display two (2) alternately flashing yellow lights to the front and two (2) alternately flashing yellow lights to the rear, and these lights shall be visible at five hundred (500) feet in normal sunlight. These lights shall be displayed by the school bus driver at least two hundred (200) feet before every stop at which the alternately flashing red lights required by subsection (1) will be actuated.

(3) Every school bus shall be equipped with a semaphore stop arm meeting the following specifications: flat eighteen (18) inch octagon exclusive of brackets for mounting, reflectorized material on both sides, red with a silver white border, with a legend reading "stop" six (6) inches high with three-quarter (3/4) inch wide silver white letters, mounted outside the bus on the left side opposite driver's seat, driver-controlled mechanism.

(4) The director is authorized to adopt standards and specifications applicable to lighting equipment on and special warning devices to be carried by school buses consistent with the provisions of this section, but supplemental thereto. Such standards and specifications shall correlate with and so far as possible conform to the specifications then current as approved by the society of automotive engineers.

Approved March 6, 1978.
CHAPTER 56
(S.B. No. 1399)

AN ACT
RELATING TO ABANDONED VEHICLES; AMENDING SECTION 49-592, IDAHO CODE, BY STRIKING THE PROVISION THAT THE DEPARTMENT SHALL SELL ABANDONED VEHICLES UNDER CERTAIN CONDITIONS, PROVIDING THE PERSON, FIRM OR CORPORATION WHO SHALL REMOVE, STORE OR KEEP ANY SUCH VEHICLE AT THE REQUEST OF ANY SUCH OFFICER MAY PROCEED TO SELL SUCH VEHICLE AT PUBLIC AUCTION, AND PROVIDING THE PROCEDURE FOR APPLYING FOR A CERTIFICATE OF TITLE TO SUCH VEHICLE; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 49-592, Idaho Code, be, and the same is hereby amended to read as follows:

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. A copy of such notice shall be sent or given to the person, firm or corporation that removed the vehicle at the request of such
officer.

(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 registered 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 person, firm, or corporation who removed, stored, or kept said vehicle may proceed to 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, a ten (10) day publication, by law, means publications in two (2) weekly issues, 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 person, firm, or corporation 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.

(7) Application for an Idaho certificate of title (break of title), as required by chapter 4, title 49, Idaho Code, to such vehicle predicated on removal, storage, or keeping of such vehicle shall not be accepted by the department unless evidence of strict compliance with the lien foreclosure laws of the state of Idaho are presented with the application for title. Evidence of strict compliance shall be determined by the department.

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 8, 1978.
AN ACT

RELATING TO THE DETENTION OF JUVENILES; AMENDING SECTION 16-1812, IDAHO CODE, TO REQUIRE THAT JUVENILE DETENTION FACILITIES COMPLY WITH CERTAIN STANDARDS AND THAT JAIL FACILITIES MAY BE UTILIZED TO DETAIN CHILDREN IF THE JAIL COMPLIES WITH THE STANDARDS; ADDING A NEW SECTION 16-1812A, IDAHO CODE, TO ESTABLISH STANDARDS FOR DETENTION FACILITIES; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 16-1812, Idaho Code, be, and the same is hereby amended to read as follows:

16-1812. DETENTION ACCOMMODATIONS. 1. The county commissioners shall provide a detention home or homes for the temporary detention of children to be conducted by the court, or, subject to the approval of the court, by other appropriate public agency, provided that such detention shall comply with the provisions of section 16-1812A, Idaho Code; or within the limits of funds provided by the county commissioners the court may arrange for the use of private homes for such detention, subject to the supervision of the court or other agency, or may arrange with any institution or agency to receive for temporary care and custody children within the jurisdiction of the court, provided said private individual or agency facilities, except relatives of the child, shall meet the licensing requirements of the state department of health and welfare for care of children. Nothing herein shall prevent a jail facility from being utilized as a detention home if the detention facility complies with the provisions of section 16-1812A, Idaho Code.

2. For the purpose of carrying out the provisions of this section, the county commissioners may enter into contracts or agreements with public or private agencies, individuals, other counties, or the state department of health and welfare which may include the expenditures of moneys outside the county boundaries. If the county in which the court is located has made an agreement with another governmental unit or agency located outside the county or the judicial district for the detention of children under this act, then any court in the county may order a child detained outside of the county or outside of the judicial district in
the detention facility described in such agreement.

3. The county wherein any court has entered an order for the detention of a child outside of the county or outside of the judicial district as provided by subsection 2 of this section shall pay all direct and indirect costs of the detention of the child to the governmental unit or agency owning or operating the detention facility in which the child was detained. The amount of such cost may be determined on a per day per child basis by agreement between the county wherein the court entered the order of detention and the county or governmental unit or agency owning or operating such detention facility.

4. All funds appropriated by the state for the planning and design of regional detention facilities shall be administered and distributed by the director of the department of administration for the planning and design of regional detention facilities in accordance with the requirements or directives of such appropriation. In administering such fund, the director of the department of administration shall consult with the designated county officials of every county involved or affected by a proposed regional detention facility and shall abide by the decision of the designated representatives of each of the counties so involved or affected.

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 16-1812A, Idaho Code, and to read as follows:

16-1812A. STANDARDS FOR DETENTION. The following shall be minimum standards for the temporary detention of children provided for in section 16-1812, Idaho Code:

(1) Juvenile detention facilities must be so constructed and/or maintained as to keep children segregated from adult offenders or those being treated as adult offenders, with there to be no contact as to sight and/or sound between the two (2) classes.

(2) Juvenile detention facilities must provide supervision and observation of juvenile detainees sufficient to protect the physical and mental health of the detainees.

(3) Juveniles held in detention must be provided with at least three (3) adequate and nutritional meals per day.

(4) Juveniles held in detention must have access to reading materials on a regular and systematic basis. Detained juveniles may receive books, newspapers and periodicals from any source including delivery to the detention facilities by family members, subject to the right of detention authorities to inspect and remove dangerous or harmful materials. Detention authorities may forbid the introduction
into holding quarters of obscene books or periodicals.

(5) A visiting program shall be established in juvenile detention facilities which will allow for family visits to each juvenile for at least two (2) hours each week.

SECTION 3. This act shall be in full force and effect on and after July 1, 1979.

Approved March 8, 1978.
CHAPTER 58
(S.B. No. 1367, As Amended)

AN ACT
RELATING TO CAMPAIGN FINANCE DISCLOSURE; AMENDING SECTION 67-6602, IDAHO CODE, TO CLARIFY THE DEFINITION OF A POLITICAL COMMITTEE; AND DECLARING AN EMERGENCY.

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, benefiting 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, members of the legislature or legislative committees, to influence the approval, modification or rejection of any legislation 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 lobbyist.

(j) "Measure" means any proposal, to be voted statewide, submitted to the people for their approval or rejection 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, partnership, committee, club or other organization except any such group, corporation, association, firm, partnership, committee, club or other organization which:

(1) Has as its principal purpose the conduct of business 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.

(1) "Person" means an individual, corporation, association, firm, partnership, committee, political party, club or other organization or group of persons.

(m) "Political committee" means:
(1) Any person specifically designated to support 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 who receives contributions or makes expenditures 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. An emergency existing therefor, 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 8, 1978.
AN ACT
RELATING TO FINANCIAL AID FURNISHED BEER RETAILERS; AMENDING
SECTION 23-1033, IDAHO CODE, BY ALLOWING WHOLESALERS TO
FURNISH CO\textsuperscript{2} REGULATORS AND PICNIC AND/OR PARTY PUMPS TO
RETAILERS.

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

SECTION 1. That Section 23-1033, Idaho Code, be, and
the same is hereby amended to read as follows:

23-1033. FINANCIAL INTEREST IN OR AID TO RETAILERS PROHIBITED -- CERTAIN AID PERMITTED. (1) It shall be unlawful for any brewer, dealer, wholesaler, or the holder of any certificate of approval, directly or indirectly, or through an affiliate, subsidiary, officer, director, agent or employee, to have any financial interest in any licensed retailer's business, or to own or control any real property upon which a licensed retailer conducts his business, except such property as shall have been so owned or controlled continuously for more than one (1) year prior to the effective date {July 1, 1975} of this act; or, directly or indirectly, to aid or assist any licensed retailer by giving such retailer, or any employee thereof, any discounts, premiums or rebates in connection with any sale of beer, or by furnishing, giving, renting, lending or selling any equipment, signs, supplies, services, or other thing of value, except as expressly permitted by this act; or, to enter into any lease or other agreement with any retail licensee to control the product or products sold by such retailer, or to provide for any rental or other charge to be paid to or by the retailer for product display or advertising display space; provided, however, that at the request of or with the consent of a licensed retailer, a brewer, dealer, or wholesaler as an incident to merchandising in the ordinary course of business, and if available to all licensed retailers without discrimination, may:

(a) Furnish to a retailer, under the conditions and within the limitations prescribed herein, certain equipment, signs, supplies and services, such as furnishing to retailers with or without charge the following items
in-the-case-of-either-an-initial-installation-for-a--new account-or-a-changeover-of-equipment:

(1) tapping device
(2) valve
(3) beer hose
(4) washers
(5) couplings
(6) clamps
(7) air hose
(8) vents
(9) faucets
(10) \( \text{CO}_2 \) gas regulators
(11) picnic or party pumps

Such equipment shall remain the property of the supplier.

(b) In addition, signs, posters, placards, designs, devices, decorations or graphic displays bearing advertising matter and for use in windows or elsewhere in the interior of a retail establishment may be given, granted, loaned or sold to a retailer by an industry member engaged in business or as a brewer importer or wholesaler of malt beverages. The industry member shall not directly or indirectly pay or credit the retailer for displaying such materials or for any expense incidental to their operation;

(c) Furnish to a licensed retailer \( \text{CO}_2 \) gas, when the same is furnished at the going retail price and as a bona fide sale in the regular course of business;

(d) However, consumer advertising specialties such as ash trays, bottle or can openers, corkscrews, paper bags, matches, printed recipes, wine lists, leaflets, blotters, postcards, pencils, napkins, coasters, clothing, glassware and other containers which bear advertising matter may not be furnished or sold to a retailer;

(e) Newspaper cuts, mats or engraved blocks for use in retailer's advertisements may be furnished, given, rented, loaned or sold by an industry member to a retailer selling his product;

(f) Perform services incident to the stocking, rotation and restocking of beer sold and delivered to such licensed retailer on or in such licensed retailer's storeroom, salesroom shelves or refrigerating units to the marking of containers of such beer to indicate the selling price as established by the retailer and to the arranging, rearranging, or relocating of advertising displays referred to in this section;

(g) Perform services in connection with:

1. The inspection of a licensed retailer's draught
equipment to insure sanitation and quality control;
2. The instruction of licensed retailers in the
proper use, maintenance and care of draught equip-
ment, glasses and products used in the sale and
dispensing of beer and the preparation and distri-
bution of written information or instructions to
licensed retailers with respect thereto;
3. The tapping of kegs.

(2) When any advertising materials, equipment, sup-
plies, tap markers, illuminated signs or other property
shall be furnished by a brewer, dealer or wholesaler to a
retailer as permitted herein, a charge therefor or for ser-
vices incident to installation may, upon request of a
brewer, dealer or wholesaler, be paid by such retailer, at a
price not less than the cost thereof to the industry member
providing such property or services.

(3) The word "ale" or "malt liquor" may be substituted
for "beer" on any sign used in connection with any advertis-
ing herein permitted, provided reference shall be to ale or
malt liquor which has an alcoholic content not greater than
the limitation prescribed in section 23-1002, Idaho Code.

(4) Every violation of the provisions of this section
by a dealer, brewer or wholesaler, in which a licensed
retailer shall have actively participated shall constitute a
violation on the part of such licensed retailer.

Approved March 8, 1978.
CHAPTER 60
(S.B. No. 1326, As Amended)

AN ACT
RELATING TO VOLUNTARY DISSOLUTION OF CORPORATIONS; REPEALING CHAPTER 3, TITLE 30, IDAHO CODE; AMENDING TITLE 30, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 3, TITLE 30, IDAHO CODE, TO PROVIDE FOR DISSOLUTION OF A CORPORATION BY THE INCORPORATORS OR INITIAL DIRECTORS, TO PROVIDE FOR DISSOLUTION OF A CORPORATION BY THE SHAREHOLDERS OR BY ACT OF THE CORPORATION, TO PROVIDE FOR REVOCATION OF CONSENT OR RESOLUTION TO DISSOLVE, TO PROVIDE FOR ARTICLES OF DISSOLUTION, TO PROVIDE FOR FILING OF ARTICLES OF DISSOLUTION, AND TO PROVIDE FOR DISSOLUTIONS FILED UNDER PRIOR LAW.

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

SECTION 1. That Chapter 3, Title 30, Idaho Code, be, and the same is hereby repealed.

SECTION 2. That Title 30, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 3, Title 30, Idaho Code, and to read as follows:

CHAPTER 3
VOLUNTARY DISSOLUTION OF CORPORATIONS

30-301. BY INCORPORATORS OR INITIAL DIRECTORS. A corporation which has not commenced business and which has not issued any shares, may be voluntarily dissolved by its incorporators or its initial board of directors at any time within two (2) years after the date of the issuance of its certificate of incorporation, in the following manner:

(a) Articles of dissolution shall be executed in triplicate by a majority of the incorporators or initial directors and verified by them, and shall set forth:

(1) The name of the corporation.
(2) The date of issuance of its certificate of incorporation.
(3) That none of its shares have been issued.
(4) That the corporation has not commenced business.
(5) That the amount, if any, actually paid in on subscriptions for its shares, less any part thereof disbursed for necessary expenses, has been returned to
those entitled thereto.

(6) That no debts of the corporation remain unpaid.

(7) That a majority of the incorporators or initial directors elects that the corporation be dissolved.

(b) Triplicate originals of the articles of dissolution shall be delivered to the secretary of state. If the secretary of state finds that the articles of dissolution conform to law, he shall, when all corporation fees and corporation license taxes have been paid:

(1) Endorse each of such triplicate originals with his approval.

(2) File and record one of such triplicate originals in his office.

(3) Issue a certificate of dissolution and the remaining two (2) endorsed copies to the corporation's representative.

The certificate of dissolution, together with one (1) of the triplicate originals of the articles of dissolution affixed thereto by the secretary of state, shall be retained by the incorporators or initial directors or their representative. The other endorsed triplicate shall be filed for record in the office of the recorder in the county in which the registered office of the corporation is situated. Upon the issuance of such certificate of dissolution by the secretary of state, the existence of the corporation shall cease.

30-302. BY SHAREHOLDERS OR ACT OF CORPORATION. (a) A corporation may be dissolved by the written consent of all its shareholders. The consent shall indicate on its face that signature of the shareholders constitutes authority to dissolve. It shall be executed in triplicate original by each shareholder. The corporation secretary or assistant secretary shall certify under oath on the consent that the signatures of all the shareholders of record appear thereon.

(b) A corporation may be dissolved by the act of the corporation, when authorized in the following manner:

(1) The board of directors shall adopt a resolution recommending that the corporation be dissolved, and directing that the question of such dissolution be submitted to a vote at a meeting of shareholders, which may be either an annual or a special meeting.

(2) Written or printed notice shall be given to each shareholder of record entitled to vote at such meeting within the time and in the manner provided for the giving of notice of meetings of shareholders, and, whether the meeting be an annual or special meeting, shall state that the purpose, or one of the purposes, of such meeting is to consider the advisability of dissolv-
ing the corporation.

(3) At such meeting a vote of shareholders entitled to vote thereat shall be taken on a resolution to dissolve the corporation. Each outstanding share of the corporation shall be entitled to vote thereon, whether or not entitled to vote thereon by the provisions of the articles of incorporation. Such resolution shall be adopted upon receiving the affirmative vote of the holders of at least two-thirds (2/3) of the outstanding shares of the corporation, unless any class of shares is entitled to vote as a class thereon, in which event the resolution shall require for its adoption the affirmative vote of the holders of at least two-thirds (2/3) of the outstanding shares of each class of shares entitled to vote as a class thereon, and of the total outstanding shares.

(4) The corporation secretary or assistant secretary shall certify under oath on the resolution that the required notice was given and the required vote was obtained to adopt the resolution.

(c) Following the execution of the written consent of the shareholders or the adoption of the resolution to dissolve, the corporation shall cause notice of its prospective dissolution to be mailed to each of its known actual or known potential creditors not less than thirty (30) days prior to filing articles of dissolution. The corporation shall further give not less than thirty (30) days notice by publication in a newspaper published in the county of the corporation's principal place of business, or if there be no such newspaper, then in a newspaper of general circulation in such county.

(d) The corporation shall proceed to collect its assets, convey and dispose of such of its properties as are not to be distributed in kind to its shareholders, pay, satisfy and discharge its liabilities and obligations and do all other acts required to liquidate its business and affairs, and, after paying or adequately providing for the payment of all its obligations, distribute the remainder of its assets, either in cash or in kind, among its shareholders according to their respective rights and interests.

(e) The corporation or any creditor or other interested person, at any time during the liquidation of the corporation's business and affairs, may make application to the district court of the county in which the registered office or principal place of business of the corporation is situated, to have the liquidation continued under the supervision of the court.

30-303. REVOCATION OF CONSENT OR RESOLUTION TO DISSOLVE. At any time prior to filing articles of dissolution,
the corporation may elect to discontinue dissolution pro-
ceedings either by the written consent of all the share-
holders or by act of the corporation in the manner pre-
scribed by section 30-302(b), Idaho Code.

30-304. ARTICLES OF DISSOLUTION. After the procedures
prescribed by section 30-302, Idaho Code, have been com-
pleted, articles of dissolution shall be executed in tripli-
cate original by the corporation by its president or vice-

president and by its secretary or assistant secretary, and
verified by both of such officers. The articles shall
include:

(a) The name of the corporation and its location and
post office address.

(b) The names and addresses of the last officers and
directors of the corporation and their respective offices.

(c) A statement that the notices required by section
30-302(c), Idaho Code, were given.

(d) A statement that all debts, obligations, and
liabilities of the corporation have been paid and discharged
or that adequate provision has been made therefor.

(e) A statement that all the remaining property and
assets of the corporation have been distributed in accord-
ance with the distribution provision in the articles of
incorporation, or if there be no such provision, among the
shareholders in proportion to their respective holdings.

(f) A statement that there are no suits pending against
the corporation in any court, or that adequate provision has
been made for the satisfaction of any judgment, order, or
decree which may be entered against it in any pending suit.

The officers who sign and verify the articles of dis-
solution shall be jointly and severally liable for any dam-
ages caused to any creditor or shareholder of the corpora-
tion by any knowingly false statement contained in the arti-
cles of dissolution.

A triplicate original of the consent of the shareholders
or the resolution to dissolve shall be annexed to each trip-
licate original of the articles of dissolution.

30-305. FILING OF ARTICLES OF DISSOLUTION. Triplicate
originals of the articles of dissolution shall be delivered
to the secretary of state. If the secretary of state finds
that the articles of dissolution conform to law, he shall
when all corporation fees and corporation license taxes have
been paid:

(1) Endorse each of such triplicate originals with his
approval.

(2) File and record one of such triplicate originals in
his office.
(3) Issue a certificate of dissolution and the remaining two (2) endorsed triplicate originals to the corporation's representative.

The certificate of dissolution, together with one (1) of the triplicate originals of the articles of dissolution affixed thereto by the secretary of state, shall be retained by the representative of the dissolved corporation. The other endorsed triplicate original of the articles of dissolution shall be filed for record in the office of the recorder in the county in which the registered office of the corporation is situated. Upon the issuance of the certificate of dissolution the existence of the corporation shall cease.

Any claims or actions which might have been successfully brought against the corporation, and which are brought after dissolution, shall be recoverable against the persons to whom distribution was made in proportion to and limited by the amounts of their respective distributive shares.

30-306. DISSOLUTIONS FILED UNDER PRIOR LAW. Any dissolution application filed prior to the effective date of this act may proceed to the final decree under the prior law.

Approved March 8, 1978.
AN ACT
RELATING TO FISCAL AFFAIRS OF SCHOOL DISTRICTS; AMENDING SECTION 33-701, IDAHO CODE, TO PROVIDE THAT A SCHOOL DISTRICT MAY INVEST FUNDS ACCUMULATED FOR THE PAYMENT OF OBLIGATIONS, TO PROVIDE THAT A SCHOOL DISTRICT MAY PLACE INSURANCE RECOVERY PROCEEDS IN THE SCHOOL PLANT FACILITIES RESERVE FUND, AND TO PROVIDE THAT A SCHOOL DISTRICT MAY PLACE INSURANCE RECOVERY PROCEEDS IN A SEPARATE ACCOUNT IN THE BOND INTEREST AND REDEMPTION FUND WHICH SHALL BE EXEMPT FROM THE PROVISIONS OF SECTION 33-802A, IDAHO CODE; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 33-701, Idaho Code, be, and the same is hereby amended to read as follows:

33-701. FISCAL YEAR -- PAYMENT AND ACCOUNTING OF FUNDS. The fiscal year of each school district shall be a period of twelve (12) months commencing on the first day of July in each year.

The board of trustees of each school district shall have the following powers and duties:

1. To determine and order paid all lawful expenses for salaries, wages and purchases, whether or not there be money in the treasury for payment of warrants drawn against any fund of the district.

Whenever any school district other than an elementary school district has sufficient funds on deposit so to do, it may pay any allowed claim for salaries, wages or purchases by regular bank check signed by the treasurer of the district and countersigned by the chairman, or vice-chairman, of the board of trustees.

The total amount of warrants or orders for warrants drawn on any fund, together with disbursements from such fund in any other manner made, shall not exceed ninety-five percent (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 or other obligations 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 other obligations, 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:

(a) 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; or
(b) may be placed in and made a part of the school plant facilities reserve fund of the district, if the district has such a fund; or
(c) may be placed in a separate account in the bond interest and redemption fund of the district to repay any kind of obligation incurred by the district in replacing or restoring the property for which the insurance proceeds were received, and shall not be included in the computations of bond and bond interest levies as provided in section 33-802A, Idaho Code.

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 generally accepted auditing standards and procedures.

The auditor shall be employed on written contract.

One (1) copy of the report of the audit shall be filed with the 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 percent (60%) of the members of the board of trustees. Such amended budgets shall be submitted to the state board of education.

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 8, 1978.
CHAPTER 62
(H.B. No. 468)

AN ACT
RELATING TO TAX RECEIPTS AND NOTICES; AMENDING SECTION 63-1106, IDAHO CODE, TO PROVIDE THAT ORIGINAL TAX RECEIPTS BE RETAINED FOR TEN YEARS.

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

SECTION 1. That Section 63-1106, Idaho Code, be, and the same is hereby amended to read as follows:

63-1106. TAX RECEIPTS AND NOTICES. The tax receipts and notices prescribed in sections 63-1103 and 63-1105, Idaho Code, shall be prepared upon forms prescribed by the state tax commission, which shall be prepared on paper of different colors and the year in which the tax is levied shall be printed on the face of each notice. The date of the notice and the name of the tax collector may be printed in the notice, but the original and duplicate receipts must not be signed by the tax collector except upon the payment of the taxes. The original tax notices shall be numbered consecutively and the original and duplicate tax notices affecting the same assessment shall bear the same numbers, which numbers must be entered upon the real property assessment roll.

The original receipts and tax shall be retained for a period of ten (10) years. Tax entries shall be preserved as permanent records by the county tax collector either in bound books or ledger sheets or on microfilm to be made available when necessary for reviewing.

The amounts of state taxes and county taxes shall be separately stated on all such tax receipts and notices and the forms hereinabove provided for shall be prepared and printed accordingly.

Approved March 8, 1978.
AN ACT
RELATING TO MEDICAL CERTIFICATES REQUIRED IN CONNECTION WITH THE ISSUANCE OF MARRIAGE LICENSES; AMENDING CHAPTER 4, TITLE 32, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 32-412A, IDAHO CODE, TO PROVIDE THAT EACH FEMALE MARRIAGE LICENSE APPLICANT SHALL PROVIDE A MEDICAL CERTIFICATE INDICATING IMMUNITY STATUS AGAINST RUBELLA (GERMAN MEASLES).

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

SECTION 1. That Chapter 4, 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 32-412A, Idaho Code, and to read as follows:

32-412A. MEDICAL CERTIFICATE INDICATING IMMUNITY STATUS AGAINST RUBELLA (GERMAN MEASLES). In addition, each female applicant shall file a certificate from a licensed physician certifying that the female applicant has submitted to a test of immunological response to rubella, utilizing a test approved by the department of health and welfare. In the event of nonimmunity to rubella, the certificate shall indicate the physician has informed the person of the results of the test and the medical significance. The rubella test shall not be required if the licensed physician finds that the person is incapable of bearing a child because of prior surgery or other physical condition and the certificate shall so state. When the results of a prior test of immunological response to rubella, utilizing a test approved by the department of health and welfare, are available to the physician completing the certificate, an additional test shall not be required.

Approved March 8, 1978.
CHAPTER 64
(H.B. No. 385)

AN ACT
RELATING TO A DECREASE IN WEIGHTED AVERAGE DAILY ATTENDANCE; AMENDING SECTION 33-1009A, IDAHO CODE, REDUCING THE REQUIREMENT BASED ON THE PREVIOUS YEAR'S WEIGHTED AVERAGE DAILY ATTENDANCE FOR PARTICIPATING IN THE FOUNDATION EDUCATION PROGRAM AND STRIKING THE RESTRICTION ON USING THE PROVISION IN ANY TWO CONSECUTIVE YEARS.

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

SECTION 1. That Section 33-1009A, Idaho Code, be, and the same is hereby amended to read as follows:

33-1009A. DECREASE IN WEIGHTED AVERAGE DAILY ATTENDANCE. For any school district which has a decrease in total weighted average daily attendance of three per cent (3%) of its weighted average daily attendance, but not less than twenty-five-ten (25) ten (10) or more students in the then current school year from the total weighted average daily attendance used for determining the allowance in the foundation educational program for the school year immediately preceding the allowance of funds from the foundation educational program shall be based on the weighted average daily attendance of the school year immediately preceding less three per cent (3%) or less twenty-five-ten (25) ten (10) weighted average daily attendance, whichever is greater, provided however, no school district shall utilize the provisions of this section in two consecutive years.

Approved March 8, 1978.
Chapter 65
(H.B. No. 387)

AN ACT
RELATING TO NOTICE OF SCHOOL ELECTIONS; AMENDING SECTION 33-401, IDAHO CODE, TO REQUIRE POSTING AND PUBLISHING OF THE DEADLINE FOR SUBMISSION OF NOMINATIONS FOR TRUSTEE ELECTIONS.

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

SECTION 1. That Section 33-401, Idaho Code, be, and the same is hereby amended to read as follows:

33-401. NOTICE OF SCHOOL ELECTIONS. a. Notice of all school elections must be given by posting and publishing notice of said elections and such notice shall state:
1. The date of holding the election;
2. The hours between which the polls will be open;
3. The definite place or places of holding the election;
4. In the case of election of trustees, the offices to be filled, the trustee zones, and a statement that nominations must be filed not less than eighteen (18) days prior to the day of the election;
5. In the case of bond election, the amount of the issue, the purpose and period of the issue;
6. In the case of the assumption of a debt, the amount of any such debt to be assumed by each district, or part of a district; and
7. In all other elections, a brief statement of the question being submitted to the electors.

b. In school elections involving (i) the incurring or increasing of a debt, (ii) approving a levy for a plant facilities reserve fund and term thereof, (iii) excising and annexing territory, (iv) consolidating districts, or (v) dividing a district, notice of the election shall be posted not less than twenty-one (21) days prior to the day of the election in at least three (3) places in each district participating in or affected by such election, one (1) of which places shall be at or near the main door of the administrative offices of each such district, and by publishing at least once each week for three (3) consecutive weeks prior to the day of the election in a newspaper printed, or of general circulation in the county or in any county in which such district may lie and having general circulation...
within such district.

c. Notice of all other school elections shall be given in the same manner, except that the posting shall be for not less than ten (10) days, and publishing shall be at least once each week for two (2) consecutive weeks prior to the day of the election.

d. Notice of the deadline for filing nominating petitions for election of trustees shall be posted for not less than ten (10) days and published at least once each week for two (2) consecutive weeks prior to the last day for filing nominating petitions as required by section 33-502, Idaho Code.

e. In elections for excising and annexing the territory of school districts, or to create new school districts by consolidation or division, the clerk of the board of county commissioners of the county in which the district lies, or of the home county if the district be a joint district, shall prepare, post, sign and arrange for the publishing of, the notice of election. In all other elections it shall be the duty of the clerk of the board of trustees so to do.

f. Proof of posting notice shall be upon the affidavit of the person posting the same; and proof of publication shall be upon the affidavit of the publisher of the newspaper or newspapers respectively. Such affidavits shall be filed with his board by the clerk responsible for the posting and the publishing of said notice, before the day of the election named in the notice.

Approved March 8, 1978.
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CHAPTER 66
(H.B. No. 396)

AN ACT
RELATING TO STATE BOARD OF EDUCATION APPROVAL OF SMALL ATTENDANCE UNITS IN SCHOOL DISTRICTS; AMENDING SECTION 33-1003, IDAHO CODE, BY STRIKING THE PROVISION PROHIBITING APPROVAL OF SMALL ATTENDANCE UNITS WITH AN AVERAGE DAILY ATTENDANCE OF LESS THAN FIVE PUPILS DURING THE PRECEDING YEAR.

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

SECTION 1. That Section 33-1003, Idaho Code, be, and the same is hereby amended to read as follows:

33-1003. APPLICATION OF FOUNDATION PROGRAM TO SEPARATE SCHOOLS IN DISTRICT. a. Remote Elementary School. -- Any remote elementary school as defined in this act, shall be allowed to participate in the state and county foundation programs as though such school were the only elementary school operated by the district.

b. Hardship Remote Elementary School. -- Upon application of the board of trustees of a school district, the state board of education is empowered to determine that a given elementary school or elementary schools within such school district, not otherwise qualifying, are entitled to be counted as a remote elementary school as defined in section 33-1001, Idaho Code, when, in the discretion of the state board of education, special conditions exist warranting the retention of such school as a separate attendance unit and such retention results in a substantial increase in cost per pupil in average daily attendance above the average cost per pupil in average daily attendance of the remainder of such district's elementary grade school pupils.

c. Remote Secondary School. -- Any secondary school which is located more than fifteen (15) miles by all-weather road from any other secondary school operated by the district, shall be allowed to participate in the state and county foundation programs as though such school were the only secondary school operated by the district. Provided, however, that secondary schools which are within fifteen (15) miles of each other by all-weather road, but which are each more than fifteen (15) miles by all-weather road, from other secondary schools in the district, shall be considered as one attendance unit, and their average daily attendance...
combined and the appropriate secondary grades sparsity factor applied, as in this section provided.

d. Minimum Pupils Required. -- Any elementary school having less than ten (10) pupils in average daily attendance shall not be allowed to participate in the state or county foundation programs unless such school has been approved for operation by the state board of education.

Approved March 8, 1978.
AN ACT
RELATING TO DENIAL OF SCHOOL ATTENDANCE; AMENDING SECTION 33-205, IDAHO CODE, TO EXTEND TO TWELVE DAYS THE LENGTH OF TIME THAT A STUDENT MAY BE TEMPORARILY SUSPENDED.

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

SECTION 1. That Section 33-205, Idaho Code, be, and the same is hereby amended to read as follows:

33-205. DENIAL OF SCHOOL ATTENDANCE. The board of trustees may deny attendance at any of its schools by expulsion to any pupil who is an habitual truant, or who is incorrigible, or whose conduct, in the judgment of the board, is such as to be continuously disruptive of school discipline, or of the instructional effectiveness of the school, or whose presence in a public school is detrimental to the health and safety of other pupils. Any pupil having been expelled may be readmitted to the school by the board of trustees upon such reasonable conditions as may be prescribed by the board; but such readmission shall not prevent the board from again expelling such pupil for cause.

No pupil shall be expelled without the board of trustees having first given written notice to the parent or guardian of the pupil, which notice shall state the grounds for the proposed expulsion and the time and place where such parent or guardian may appear to contest the action of the board to deny school attendance, and which notice shall also state the rights of the pupil to be represented by counsel, to produce witnesses and submit evidence on its own behalf, and to cross-examine any adult witnesses who may appear against him. Within a reasonable period of time following such notification, the board of trustees shall grant the pupil and his parents or guardian a full and fair hearing on the proposed expulsion. However, the board shall allow a reasonable period of time between such notification and the holding of such hearing to allow the pupil and his parents or guardian to prepare their response to the charge. Any pupil who is within the age of compulsory attendance, who is expelled as herein provided, shall come under the purview of the youth rehabilitation law, and an authorized representative of the board shall file a petition with the magistrate division of the district court of the county of the pupil's residence,
in such form as the court may require under the provisions of section 16-1807, Idaho Code.

The superintendent of any district or the principal of any school may temporarily suspend any pupil for disciplinary reasons or for other conduct disruptive of good order or of the instructional effectiveness of the school. A temporary suspension shall not exceed five (5) school days in length; provided, that on a finding by the board of trustees that immediate return to school attendance by the temporarily suspended student would be detrimental to other pupil's health, welfare or safety, the board of trustees may extend the temporary suspension for an additional seven (7) calendar days. Prior to suspending any student, the superintendent or principal shall grant an informal hearing on the reasons for the suspension and the opportunity to challenge those reasons. Any pupil who has been suspended may be readmitted to the school by the superintendent or principal who suspended him upon such reasonable conditions as said superintendent or principal may prescribe. The board of trustees shall be notified of any temporary suspensions, the reasons therefor, and the response, if any, thereto.

The board of trustees of each school district shall establish the procedure to be followed by the superintendent and principals under its jurisdiction for the purpose of affecting a temporary suspension, which procedure must conform to the minimal requirements of due process.

Approved March 8, 1978.
C. 68 '78 IDAHO SESSION LAWS

CHAPTER 68
(S.B. No. 1455)

AN ACT
RELATING TO DUTIES OF THE STATE AUDITOR; AMENDING SECTION 67-1001, IDAHO CODE, TO PROVIDE THAT THE STATE AUDITOR SHALL CAUSE AUDITS TO BE PERFORMED ON THE FISCAL AFFAIRS OF THE LEGISLATURE AND ITS AGENCIES.

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 auditor:
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 preceding fiscal year.
3. To accompany his annual report with tabular statements, 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 treasurer, 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 payment of the revenue, and against persons who by any means have become possessed of public money or property and fail to pay over or deliver the same, and against all debtors of the state, of which suits the courts of Ada County have jurisdiction, without regard to the residence of the defendants.

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 evidences 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 prescribed by law for such officer.

19. To engage the services of a certified public accountant to audit the fiscal affairs of the legislature and its agencies at least once during every two (2) fiscal years.

Approved March 10, 1978.
AN ACT
RELATING TO THE DUTIES OF THE LEGISLATIVE AUDITOR; AMENDING CHAPTER 4, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-448, IDAHO CODE, TO PROVIDE THAT THE LEGISLATIVE AUDITOR SHALL SERVE AS FISCAL OFFICER FOR THE LEGISLATURE AND ITS AGENCIES.

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

SECTION 1. That Chapter 4, Title 67, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 67-448, Idaho Code, and to read as follows:

67-448. LEGISLATIVE AUDITOR TO SERVE AS FISCAL OFFICER. In addition to any other duties, the legislative auditor shall serve as fiscal officer for both houses of the legislature, and each of its separate agencies.

Approved March 10, 1978.
AN ACT
RELATING TO THE DEATH PENALTY; AMENDING SECTION 19-2716, IDAHO CODE, TO PROVIDE FOR EXECUTION OF THE DEATH PENALTY BY MEANS OF THE ADMINISTRATION OF SUBSTANCES; AND REPEALING SECTION 19-2717, IDAHO CODE.

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

SECTION 1. That Section 19-2716, Idaho Code, be, and the same is hereby amended to read as follows:

19-2716. INFLICTION OF DEATH PENALTY. The punishment of death must be inflicted by an intravenous injection of a substance or substances in a lethal quantity sufficient to cause death until the defendant is dead. The director of the department of corrections shall determine the substance or substances to be used and the procedures to be used in any execution.

SECTION 2. That Section 19-2717, Idaho Code, be, and the same is hereby repealed.

Approved March 10, 1978.
CHAPTER 71
(S.B. No. 1401)

AN ACT
RELATING TO REQUIREMENTS FOR EQUIPMENT OF MOTOR VEHICLES CONCERNING THE VEHICLE OPERATOR'S VIEW; AMENDING CHAPTER 8, TITLE 49, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 49-837A, IDAHO CODE, PROHIBITING THE OPERATION OF A MOTOR VEHICLE ON THE HIGHWAYS OF THIS STATE WITH HEADLAMPS OR CERTAIN WINDOWS COMPOSED OF, COVERED BY, OR TREATED WITH ANY MATERIAL, SUBSTANCE, SYSTEM OR COMPONENT WHICH MAKE WINDOWS OR HEADLAMPS PRESENT A METALLIC OR MIRRORED APPEARANCE WHEN VIEWED FROM OUTSIDE THE VEHICLE OR OBSTRUCTS THE VIEW OF THE OPERATOR, PROVIDING THAT CERTAIN MOTOR VEHICLES BE EQUIPPED WITH EXTERIOR SIDE-VIEW MIRRORS, PROHIBITING SALE OF CERTAIN VEHICLES, AND PROVIDING A PENALTY.

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

SECTION 1. That Chapter 8, 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 49-837A, Idaho Code, and to read as follows:

49-837A. PROHIBITING USE OF CERTAIN APPLICATIONS ON WINDSHIELDS, CERTAIN WINDOWS OR HEADLAMPS OF MOTOR VEHICLES -- EXTERIOR MIRRORS -- SALES PROHIBITED -- PENALTY. (1) Any pickup truck, van, panel, truck, noncommercial or recreational vehicle which is operated on the highways of this state and has no rear or rear side window or windows or has a rear window or rear side windows composed of, covered by, or treated with any material, substance, system, or component which, when viewed from the position of the driver, obstructs the view of the driver or makes such window or windows opaque and nontransparent, shall be equipped with an exterior mirror on each side, so located with respect to the driver's position as to comply with the visibility requirements of section 49-836, Idaho Code.

(2) No person shall operate any motor vehicle on the highways of this state on which the windshield or any side window adjacent to or to the front of the position of the driver is composed of, covered by, or treated with any material substance, system, or component which:
(a) Presents a metallic or mirrored appearance when viewed from outside the vehicle; or
(b) Makes such window opaque and nontransparent or which obstructs the view of the driver when viewed from the position of the driver; except that certificates or other papers which do not obstruct the view of the driver or which are required by law to be displayed may be attached to such window.

(3) No person shall operate any passenger car on the highways of this state which:
   (a) Any window is composed of, covered by, or treated with any material, substance, system, or component which presents a metallic or mirrored appearance when viewed from outside the vehicle; or
   (b) Any rear side or rear window is composed, of, covered by, or treated with any material, substance, system, or component which makes such window opaque and nontransparent, or which obstructs the view of the driver from the position of the driver; except that certificates or other papers which do not obstruct the view of the driver or which are required by law to be displayed may be attached to such windows.

(4) No person shall operate any motor vehicle on the highways of this state with headlamps which are composed of, covered by, or treated with any material, substance, system, or component which, when such headlamps are not in operation, is highly reflective or otherwise opaque and nontransparent.

(5) No person or persons shall have for sale, sell, or offer for sale any motor vehicles with windshields, windows, or headlamps that are in violation of this section.

(6) Nothing in section 49-837A, Idaho Code, shall be construed to make illegal the operation or sale of any motor vehicle the windshield, windows, or headlamps of which are composed of, covered by, or treated with any material, substance, system, or component with which such motor vehicle was sold when new or could have been equipped for sale when new as standard or optional equipment under any United States government statute or regulation governing such sale at the time of manufacture.

(7) Any person convicted of violating any of the provisions of this section shall be guilty of a misdemeanor.

Approved March 10, 1978.
C. 72 ’78

IDAHO SESSION LAWS

CHAPTER 72
(S.B. No. 1427)

AN ACT
RELATING TO COURT FEES; AMENDING SECTION 31-3201A, IDAHO CODE, TO STRIKE THE REQUIREMENT THAT THE TRANSCRIPT CERTIFIED ON APPEAL BE A PRINTED TRANSCRIPT; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 31-3201A, Idaho Code, be, and the same is hereby amended to read as follows:

31-3201A. COURT FEES. The clerk of the district court in addition to the fees and charges imposed by chapter 20, title 1, Idaho Code, and in addition to the fee levied by chapter 2, title 73, Idaho Code, shall charge, demand and receive the following fees for services rendered by him in discharging the duties imposed upon him by law;

(a) A fee of $24.00 for filing a civil case of any type in the district court or in the magistrate's division of the district court including cases involving the administration of decedents' estates, whether testate or intestate, and conservatorships of the person or of the estate or both with the following exceptions:

The filing fee shall be $4.00 in each case where the amount of money or damages or the value of personal property claimed does not exceed $300. The filing fee shall be $6.00 in the following types of cases:

(1) Where the amount of money or damages or the value of personal property claimed exceeds $300 but does not exceed $1,000;
(2) Where a case is brought for forcible or unlawful entry or detainer whether brought for rent or possession or both and regardless of the amount;
(3) Where a case is brought under chapter 20, title 16, Idaho Code, for the termination of parent-child relationship;
(4) Where a case is brought under chapter 2, title 32, Idaho Code, for permission to marry;
(5) Where a case involving the administration of a decedent's estate is brought under the Summary Administration of Small Estates Act;
(6) In cases where a court order is issued only for a certain specific reason other than the administering of
an estate, including but not limited to proceedings brought under sections 14-114, 15-514, 15-1401, 15-1518 and/or 15-1709, Idaho Code, or for some specific reason;
(7) In cases brought to determine heirship without administration;
(8) In cases brought to determine inheritance or transfer tax;
(9) In proceedings brought for adoption;
(10) In proceedings brought for letters of guardianship of the person or of the estate or both.

No filing fee shall be charged in the following types of cases:
(1) In cases brought under chapter 3, title 66, Idaho Code, for commitment of mentally ill persons;
(2) In cases brought under the Youth Rehabilitation Act;
(3) In cases brought under the Child Protective Act.

In all cases in which a filing fee of $24.00 is paid, $14.00 of such filing fee shall be paid to the county treasurer for deposit in the district court fund of the county; and $10.00 of such filing fee shall be paid to the county treasurer who shall, within five (5) days after the end of the month pay such fees to the state treasurer for deposit in the state general fund. In all cases in which a filing fee of $6.00 is paid, $3.00 of such filing fee shall be paid to the county treasurer for deposit in the district court fund of the county; and $3.00 of such filing fee shall be paid to the county treasurer who shall within five (5) days after the end of the month pay such fees to the state treasurer for deposit in the state general fund. In all cases in which a filing fee of $4.00 is paid, $2.00 of such filing fee shall be paid to the county treasurer for deposit in the district court fund of the county; and $2.00 of such filing fee shall be paid to the county treasurer who shall within five (5) days after the end of the month pay such fees to the state treasurer for deposit in the state general fund.

(b) A fee of $7.50 shall be paid, but not in advance, by each person found guilty of any felony or misdemeanor or any minor traffic, conservation or ordinance violation except when counsel has been appointed by the court; provided, however, that the judge or magistrate may in his discretion consolidate separate nonmoving traffic offenses into one offense for purposes of assessing such fee. If the magistrate court facilities are provided by the county, $3.75 of such fee shall be paid to the county treasurer for deposit in the district court fund of the county; and $3.75 of such fee shall be paid to the county treasurer who shall, within (5) days after the end of the month, pay such fees to the state treasurer for deposit in the state general fund.
If the magistrate court facilities are provided by a city, $3.75 of such fee shall be paid to the city treasurer for deposit in the city general fund, and $3.75 of such fee shall be paid to the county treasurer who shall, within five (5) days after the end of the month, pay such fees to the state treasurer for deposit in the state general fund.

(c) A fee of $5.00 shall be paid by any party, except the plaintiff, making an appearance in any civil action in the district court or in the magistrate's division of the district court. Of such fee, $2.00 shall be paid to the county treasurer for deposit in the district court fund of the county; and $3.00 of such fee shall be paid to the county treasurer who shall within five (5) days after the end of the month pay such fees to the state treasurer for deposit in the state general fund.

(d) A fee of $5.00 shall be paid by the person or persons required to make an account pursuant to either chapter 11 or chapter 18, title 15, Idaho Code, at the time such account is filed. All of such fee shall be paid to the county treasurer for deposit in the district court fund of the county.

(e) A fee of $10.00 shall be paid upon the filing of a petition of the executor or administrator or of any person interested in an estate for the distribution of such estate, $5.00 of such fee shall be paid to the county treasurer for deposit in the district court fund of the county; and $5.00 of such fee shall be paid to the county treasurer who shall, within five (5) days after the end of the month, pay such fees to the state treasurer for deposit in the state general fund.

(f) A fee of $3.00 shall be paid by an intervenor upon making an appearance in any civil action in the district court or in the magistrate's division of the district court. All of such fee shall be paid to the county treasurer for deposit in the district court fund of the county.

(g) A fee of $4.00 shall be paid by a party filing a third party claim as defined in the Idaho Rules of Civil Procedure. All of such fee shall be paid to the county treasurer for deposit in the district court fund of the county.

(h) A fee of $4.00 shall be paid by any party filing a cross-claim. All of such fee shall be paid to the county treasurer for deposit in the district court fund of the county.

(i) A fee of $5.00 shall be paid by a party initiating a change of venue. Such fee shall be paid to the clerk of the court of the county to which venue is changed. All of such fee shall be paid to the county treasurer for deposit in the district court fund of the county.
(j) A fee of $5.00 shall be paid by any party appearing after judgment or applying to reopen a case. All of such fee shall be paid to the county treasurer for deposit in the district court fund of the county.

(k) A fee of $5.00 shall be paid by a party taking an appeal from the magistrate's division of the district court to the district court. No additional fee shall be required if a new trial is granted. All of such fee shall be paid to the county treasurer for deposit in the district court fund of the county.

(l) A fee of $5.00 shall be paid by the party taking an appeal from the district court to the Supreme Court for comparing and certifying the printed transcript on appeal, if such certificate is required. All of such fee shall be paid to the county treasurer for deposit in the district court fund of the county.

(m) Fees not covered by this section shall be set by rule or administrative order of the Supreme Court.

(n) All fees required to be paid by this section or by rule or administrative order of the Supreme Court shall be collected by the clerk of the district court or by a person appointed by the clerk of the district court for this purpose. If it appears that there is a necessity for such fees to be collected by persons other than the clerk of the district court or a person designated by the clerk for such purpose, the Supreme Court by rule or administrative order may provide for the designation of persons authorized to receive such fees. Persons so designated shall account for such fees in the same manner required of the clerk of the district court and shall pay such fees to the clerk of the district court of the county in which such fees are collected.

(o) That portion of the filing fees required to be remitted to the state treasurer for deposit in the state general fund shall be remitted within five (5) days after the end of the month in which such fees were remitted to the county treasurer. That portion of the filing fees required to be remitted to a city treasurer for deposit in the city's general fund shall be remitted within five (5) days after the end of the month in which such fees were remitted to the county treasurer.

(p) In consideration of the aforesaid fees the clerk of the district court shall be required to perform all lawful service that may be required of him by any party thereto; provided, that he shall not prepare and furnish any certified copy of any file or record in an action except printed transcript on appeal, without additional compensation as provided by law.

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

Approved March 10, 1978.
CHAPTER 73
(S.B. No. 1514)

AN ACT
RELATING TO THE DISCLOSURE OF VITAL RECORDS; AMENDING SECTION 39-264, IDAHO CODE, BY PROVIDING FOR THE UTILIZATION OF VITAL RECORDS FOR PUBLIC HEALTH PURPOSES.

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

SECTION 1. That Section 39-264, Idaho Code, be, and the same is hereby amended to read as follows:

39-264. DISCLOSURE OF INFORMATION. (a) Certificates and records in the custody of the state registrars shall be open to inspection subject to the provisions of this act and the regulations of the board, the provisions of section 9-302, Idaho Code, to the contrary notwithstanding; and it shall be unlawful for any state or local official or employee under this act to disclose any data contained in the records, except as authorized by this act and the regulations of the board.

(b) A complete copy, or any part of a certificate, may be issued to any applicant who can show direct and tangible interest in the record he applies for; and subject to such provisions as the board may prescribe, data contained on records may be used by federal, state or municipal agencies for the purpose of verification of data.

(c) Under such regulations as the board may prescribe, data contained on records may be used for research, public health and statistical purposes. No lists of registration shall be compiled for public use.

(d) The manner of keeping local records and the use thereof shall be prescribed by the board.

Approved March 10, 1978.
AN ACT

RELATING TO ASSIGNMENT OR TRANSFER OF PROPERTY; AMENDING SECTION 56-214, IDAHO CODE, TO PROVIDE CONDITIONS FOR REINSTATEMENT OF ELIGIBILITY FOR PUBLIC ASSISTANCE FOR PERSONS WHO HAVE BECOME INELIGIBLE FOR PUBLIC ASSISTANCE BY ASSIGNING OR TRANSFERRING PROPERTY WITHOUT ADEQUATE CONSIDERATION.

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

SECTION 1. That Section 56-214, Idaho Code, be, and the same is hereby amended to read as follows:

56-214. AWARD OF PUBLIC ASSISTANCE -- INELIGIBILITY UPON TRANSFER OF PROPERTY. Upon the completion of the investigation, the state department shall determine whether the applicant is eligible for public assistance under the provisions of this act, the type and amount of public assistance he shall receive, and the date upon which such public assistance shall begin. Public assistance shall be paid in the manner prescribed by the state department. Public assistance shall not be granted under this act to any person who has made an assignment or transfer of property for the purpose of rendering himself eligible for assistance under this act, or who divests himself of any interest in property without adequate consideration which interest or proceeds therefrom could reasonably be expected to contribute to the support and maintenance of such person, except that any person who is ineligible for public assistance due solely to such assignment or transfer shall become eligible provided:

(a) there is a showing that such person has caused such property to be assigned or transferred back to him; or

(b) there is a showing that the person to whom such property is assigned or transferred has, subsequent to such assignment or transfer, met subsistence and medical care costs of such person, according to the department's assistance standard, equal to, or in excess of, the market value of the property so assigned or transferred; or

(c) there is a showing that the subsistence and medical
care costs of such person, according to the department's assistance standard, subsequent to such assignment or transfer, equal or exceed the market value of the property so assigned or transferred.

Provided further that, for aged, blind, or disabled needy persons, the restrictions upon assignment or transfer of property shall be no stricter than those restrictions upon such assignment or transfer imposed by the federal supplemental security income program.

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, 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 Education the following
amounts, to be expended for designated programs in the pre­
scribed expenditure classifications for the period July 1,
1978, through June 30, 1979:

FOR MAJOR PROGRAMS:
Administration and Supervision $ 974,400
General Programs 3,615,600
Post Secondary Programs 9,600,600
Advisory Council 66,600
TOTAL $14,257,200

BY LINE ITEM TO BE EXPENDED FOR ALL PROGRAMS:
Personnel Costs $ 834,300
Operating Expenditures 196,600
Capital Outlay 10,100
Trustee & Benefit Payments 13,216,200
TOTAL $14,257,200

FROM:
General Account $11,570,300
Vocational Education Act of 1963 Account 2,620,300
Vocational Education Advisory Council Account 66,600
TOTAL $14,257,200

Approved March 10, 1978.
CHAPTER 76
(H.B. No. 584)

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, 1978, through June 30, 1979:

<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>A. EDUCATION AND SUPPORT SERVICES:</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>General Account</td>
<td>$1,621,100</td>
<td>$247,600</td>
<td>$22,400</td>
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<td>$1,891,100</td>
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<td>State School for the Deaf &amp; Blind Income Account</td>
<td>23,800</td>
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<td></td>
<td>23,800</td>
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<td></td>
</tr>
<tr>
<td>Miscellaneous Receipts Account</td>
<td>65,000</td>
<td>46,000</td>
<td></td>
<td>$111,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>$1,686,100</td>
<td>$317,400</td>
<td>$22,400</td>
<td>$2,025,900</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

B. SPECIAL SERVICES:

FROM: |
| Miscellaneous Receipts Account | $101,800 | $39,000 | $28,900 | $169,700 |

GRAND TOTAL | $1,787,900 | $356,400 | $51,300 | $2,195,600 |

Approved March 10, 1978.
AN ACT
RELATING TO ELECTION OF HIGHWAY DISTRICT COMMISSIONERS;
AMENDING SECTION 40-1606, IDAHO CODE, TO STRIKE OBSOLETE
CODE REFERENCES, AND TO ESTABLISH HOURS FOR THE CONDUCT
OF AN ELECTION.

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

SECTION 1. That Section 40-1606, Idaho Code, be, and
the same is hereby amended to read as follows:

40-1606. ELECTION OF HIGHWAY COMMISSIONERS -- TERM OF
OFFICE. On the first Monday of December, 1925, and of every
alternate year thereafter, three (3) highway district com-
missioners shall be elected by the electors of each highway
district, as defined in section 39-1507, Idaho Code Annotated.
The board of highway commissioners shall have power
to make such regulations for the conduct of such election as
are not inconsistent with any statutory provisions. At their
meeting next preceding such election, the board of highway
commissioners shall divide the district into three (3) sub-
divisions as nearly equal in population, area and mileage as
practicable, to be known as highway commissioners subdis-
tricts one (1), two (2) and three (3). Thereafter such sub-
divisions may be revised or modified as changes in condi-
tions demand. Of the commissioners comprising the board at
any one (1) time, not more than one (1) shall be an elector
of the same highway commissioners subdistrict. At the elec-
tion on the first Monday of December, 1925, commissioners
from subdistricts one (1) and two (2) shall be elected for
terms of four (4) years, and the commissioner from subdis-
trict three (3) shall be elected for a term of two (2)
years; thereafter, the term of office of all commissioners
shall be four (4) years. At elections for highway commis-
sioners, the polls shall be open from one eleventh afterno-
non to eight o'clock in the evening. Except as otherwise provided by
statute, such elections, and all other elections held under
this chapter, shall be held as nearly as practicable in
conformity with the general laws of the state, but the
provisions of section 39-1507, Idaho Code Annotated, shall
be applicable there to, except that the duties imposed in
that section upon the board of county commissioners shall be
performed by the highway board.

Approved March 10, 1978.
AN ACT
RELATING TO COUNTY WIDE HIGHWAY DISTRICTS AND THE DEDICATION AND RECORDING OF PLATS; AMENDING SECTION 50-1312, IDAHO CODE, PROVIDING THAT IN A COUNTY WHERE A COUNTY WIDE HIGHWAY DISTRICT EXISTS AND IS OPERATING NO PLAT SHALL BE ACCEPTED FOR RECORDING UNTIL ACCEPTANCE OF ANY DEDICATION OF STREETS, ALLEYS AND HIGHWAYS BY THE COUNTY WIDE HIGHWAY DISTRICT IS ENDORSED THEREON IN WRITING; AMENDING SECTION 50-1313, IDAHO CODE, PROVIDING THAT ANY DEDICATION OF A STREET, ALLEY OR HIGHWAY BY THE OWNER TO THE PUBLIC SHALL NOT CREATE A PUBLIC STREET, ALLEY OR HIGHWAY UNLESS AND UNTIL SUCH DEDICATION HAS BEEN ACCEPTED BY THE COMMISSIONERS OF THE COUNTY WIDE HIGHWAY DISTRICT; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 50-1312, Idaho Code, be, and the same is hereby amended to read as follows:

50-1312. EFFECT OF ACKNOWLEDGING AND RECORDING PLAT. The acknowledgment and recording of such plat is equivalent to a deed in fee simple of such portion of the premises platted as is on such plat set apart for streets or other public use, or as is thereon dedicated to charitable, religious or educational purposes; provided, however, that in a county where a county wide highway district exists and is in operation no such plat shall be accepted for recording by the county recorder unless the acceptance of said plat by the commissioners of the county wide highway district is endorsed thereon in writing.

SECTION 2. That Section 50-1313, Idaho Code, be, and the same is hereby amended to read as follows:

50-1313. DEDICATION MUST BE ACCEPTED. No street or alley or highway hereafter dedicated by the owner to the public shall be deemed a public street, highway or alley, or be under the use or control of said city or county wide highway district unless the dedication shall be accepted and confirmed by the city council or by the commissioners of the county wide highway district.

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

Approved March 10, 1978.
CHAPTER 79
(H.B. No. 354)
AN ACT
RELATING TO SUMMONS TO SERVE AS A JUROR; AMENDING SECTION 2-210, IDAHO CODE, TO PROVIDE FOR SERVICE OF SUMMONS BY FIRST CLASS MAIL.

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

SECTION 1. That Section 2-210, Idaho Code, be, and the same is hereby amended to read as follows:

2-210. NAMES PLACED IN QUALIFIED JURY WHEEL -- DRAWING PANELS -- NOTICE TO PERSONS DRAWN -- SUMMONING ADDITIONAL PETIT JURORS -- NAMES DRAWN TO BE PUBLIC -- EXCEPTION. (1) The jury commission shall maintain a qualified jury wheel and shall place therein the names or identifying numbers of all prospective jurors drawn from the master jury wheel who are not disqualified under section 2-209, Idaho Code.
(2) The court or any other state or county official having authority to conduct a trial or hearing with a jury within the county may direct the jury commission to draw and assign to that court or official the number of qualified jurors he deems necessary for one (1) or more jury panels or as required by law for a grand jury. Upon receipt of the direction and in a manner prescribed by the court, the jury commission shall publicly draw at random from the qualified jury wheel the number of qualified jurors specified. The qualified jurors drawn for jury service shall be assigned at random by the clerk to each jury panel in a manner prescribed by the court.
(3) If a grand, petit, or other jury is ordered to be drawn, the clerk thereafter shall cause each person drawn for jury service to be served with a summons either personally or by registered first class mail or certified mail, return receipt requested, addressed to him at his usual residence, business, or post office address, requiring him to report for jury service at a specified time and place.
(4) If there is an unanticipated shortage of available petit jurors drawn from a qualified jury wheel, the court may require the sheriff to summon a sufficient number of petit jurors selected at random by the clerk from the qualified jury wheel in a manner prescribed by the court.
(5) The names of qualified jurors drawn from the qualified jury wheel and the contents of jury qualification forms completed by those jurors shall be made available to the public unless the court determines in any instance that this information in the interest of justice should be kept confidential or its use limited in whole or in part.

Approved March 10, 1978.
CHAPTER 80
(H.B. No. 355)
AN ACT
RELATING TO HOW A TRIAL JURY IS CONSTITUTED; AMENDING SECTION 2-105, IDAHO CODE, TO PROVIDE THAT A TRIAL JURY MAY BE COMPRISED OF MEN OR WOMEN OR BOTH.

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

SECTION 1. That Section 2-105, Idaho Code, be, and the same is hereby amended to read as follows:

2-105. CONSTITUTION OF TRIAL JURY. A trial jury consists of twelve (12) men or women or both: provided, that in civil actions the jury may consist of any number less than twelve (12) upon which the parties may agree in open court: and provided, further, that in cases of misdemeanor and in civil actions involving not more than five hundred dollars ($500), exclusive of costs, the jury shall consist of not more than six (6).

Approved March 10, 1978.

CHAPTER 81
(H.B. No. 356)
AN ACT
RELATING TO RETENTION OF RECORDS OF JURY SERVICE; AMENDING SECTION 2-214, IDAHO CODE, TO PROVIDE FOR RETENTION OF RECORDS AND PAPERS CONCERNING SELECTION AND SERVICE OF JUROR FOR TWO YEARS, RATHER THAN FOUR YEARS.

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

SECTION 1. That Section 2-214, Idaho Code, be, and the same is hereby amended to read as follows:

2-214. RETENTION PERIOD FOR PAPERS AND RECORDS. All records and papers compiled and maintained by the jury commissioner or the clerk in connection with selection and service of jurors shall be preserved by the clerk for two (2) years after the master jury wheel used in their selection is emptied and refilled (section 2-207, Idaho Code) and for any longer period ordered by the court.

Approved March 10, 1978.
AN ACT
RELATING TO DEFINITIONS UNDER JURY SELECTION AND SERVICE;
AMENDING SECTION 2-204, IDAHO CODE, TO PROVIDE THAT VOTER REGISTRATION LISTS SHALL BE THE MOST CURRENT RECORDS OF PERSONS REGISTERED TO VOTE.

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

SECTION 1. That Section 2-204, Idaho Code, be, and the same is hereby amended to read as follows:

2-204. DEFINITIONS. As used in this act:
(1) "Court" means district and magistrate courts of this state, and includes, when the context requires, any judge of the court;
(2) "Clerk" and "clerk of the court" mean the duly elected and acting county auditors and ex-officio clerks of the district court and their duly appointed deputies;
(3) "Master list" means the voter registration lists for the county which shall be supplemented with names from other sources prescribed pursuant to this act (section 2-206) in order to foster the policy and protect the rights secured by this act (sections 2-202, 2-203);
(4) "Voter registration lists" means the most current official records, maintained by the county clerk, of persons registered to vote in any national, state, county, or municipal election;
(5) "Jury wheel" means any physical device or electronic system for the storage of the names or identifying numbers of prospective jurors;
(6) "Master jury wheel" means the jury wheel in which are placed names or identifying numbers of prospective jurors taken from the master list (section 2-207);
(7) "Qualified jury wheel" means the jury wheel in which are placed the names or identifying numbers of prospective jurors whose names are drawn at random from the master jury wheel (section 2-208) and who are not disqualified (section 2-209).

Approved March 10, 1978.
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 OF MORE THAN TEN DAYS EXCEPT TO COMPLETE SERVICE IN A PARTICULAR ACTION, OR BE AVAILABLE FOR JURY SERVICE FOR A PERIOD OF MORE THAN SIX MONTHS.

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 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 be available for jury service for a period to exceed six (6) months; provided however, that the administrative district judge for the judicial district in which a county is located may by order specify a shorter term of required availability for jury service;
(3) To serve on more than one (1) grand jury; or
(4) 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 10, 1978.
AN ACT
REPEALING SECTION 5 OF CHAPTER 277, LAWS OF 1955, THEREBY EXCUSING LEWIS-CLARK STATE COLLEGE AND THE STATE BOARD OF EDUCATION FROM REPAYING TO THE GENERAL FUND IN THE STATE TREASURY ANY MONEYS APPROPRIATED AND EXPENDED TO REDEEM BOND PRINCIPAL AND INTEREST AS PROVIDED FOR IN CHAPTER 277, LAWS OF 1955.

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

SECTION 1. That Section 5 of Chapter 277, Laws of 1955, be, and the same is hereby repealed.

SECTION 2. After all bonds have been redeemed and all interest accruing thereon has been paid, the State Board of Education and Lewis-Clark State College shall be excused from repaying any amount appropriated from the General Fund and expended by the State Treasurer pursuant to Section 4 of said Chapter. The State Treasurer shall make no demand on either the State Board of Education or Lewis-Clark State College for repayment of any amount expended from the appropriation after said bonds have been redeemed and all principal and interest which has accrued thereon has been paid.

Approved March 10, 1978.
CHAPTER 85
(H.B. No. 510)

AN ACT
RELATING TO CERTAIN TRAILERS; AMENDING SECTION 49-575, IDAHO CODE, TO PROVIDE A DEFINITION OF FIFTH-WHEEL TRAILER; AND AMENDING SECTION 49-706, IDAHO CODE, TO NOT PROHIBIT RIDING IN FIFTH-WHEEL TRAILERS.

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

SECTION 1. That Section 49-575, Idaho Code, be, and the same is hereby amended to read as follows:

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.

(5) Fifth-wheel trailer. -- Every vehicle without motive power, designed for carrying persons or property and
for being drawn by a motor vehicle, and so constructed that a portion of its weight rests upon the towing vehicle.

SECTION 2. That Section 49-706, Idaho Code, be, and the same is hereby amended to read as follows:

49-706. RIDING IN HOUSE TRAILERS. -- No person or persons shall occupy a house trailer as defined by section 49-575(2)(a), Idaho Code, while it is being moved upon a public highway. This prohibition shall not extend to fifth-wheel trailers, as defined by section 49-575(5), Idaho Code.

Approved March 10, 1978.
AN ACT
AMENDING SECTION 1, CHAPTER 291, LAWS OF 1977, RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE COMMUNITY MENTAL HEALTH PROGRAM, BY INCREASING THE APPROPRIATION FROM THE MISCELLANEOUS RECEIPTS ACCOUNT BY $30,200; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 1, Chapter 291, Laws of 1977, 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 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 MENTAL HEALTH:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Account</td>
<td>$1,579,100</td>
<td>$235,900</td>
<td>$197,500</td>
<td>$2,012,500</td>
<td></td>
</tr>
<tr>
<td>Miscellaneous Receipts Account</td>
<td>367,000</td>
<td>79,400</td>
<td>10,000</td>
<td>508,400</td>
<td></td>
</tr>
<tr>
<td>Cooperative Welfare Account</td>
<td>204,600</td>
<td>379,400</td>
<td>10,000</td>
<td>19,100</td>
<td>613,100</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$3,440,700</td>
<td>$703,700</td>
<td>$208,900</td>
<td>$4,351,900</td>
<td>$4,382,000</td>
</tr>
</tbody>
</table>

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

CHAPTER 87
(S.B. No. 1459)

AN ACT
RELATING TO DISTRIBUTION OF LIQUOR FUNDS; AMENDING SECTION 23-408, IDAHO CODE, BY PROVIDING ADDITIONAL USES FOR SUCH FUNDS.

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

SECTION 1. That Section 23-408, Idaho Code, be, and the same is hereby amended to read as follows:

23-408. SHARE OF LIQUOR FUND ACCOUNT ALLOTTED TO BOARD OF PERFORMING ARTS COMMISSIONERS -- QUALIFICATION. Where any county which does not contain a junior college district or any portion thereof, or which contains a junior college district or any portion thereof existing for the sole purpose of retiring outstanding general obligation bonds of that junior college district and said district has sufficient moneys on deposit for the payment of such general bonds, and within that county has a city which has established a board of performing arts commissioners, and which city has a population of not less than thirty-five thousand (35,000) persons at the last decennial census, there shall be allocated to that city and paid to the treasurer thereof fifty per cent (50%) of the moneys apportioned to the county out of the liquor fund account of the state of Idaho as provided by section 23-404, Idaho Code. Such funds thus received by any city shall be used as directed by the mayor and city council solely for the purpose of retiring bonded indebtedness or repaying other long term indebtedness which has been incurred to provide, or for the purposes of establishing, constructing, maintaining, operating, or otherwise financing or refinancing, a performing arts center for such city.

In order to be certified, the city shall notify the Idaho liquor dispensary in writing that the city qualifies under the provisions of this section, and upon such certification, shall receive the fifty per cent (50%) of the moneys allocated to such county under section 23-404, Idaho Code.

AN 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 programs according to expense classes designated therein from the listed accounts for the period July 1, 1978, through June 30, 1979:

<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. RESEARCH ASSISTANCE:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Account</td>
<td>$168,700</td>
<td>$22,100</td>
<td>$700</td>
<td>$191,500</td>
</tr>
<tr>
<td>B. LEGISLATIVE COUNCIL</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Account</td>
<td>$11,100</td>
<td>$31,700</td>
<td></td>
<td>$42,800</td>
</tr>
<tr>
<td>General Interaccount</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Account</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>State Highway Account</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>$108,600</td>
</tr>
<tr>
<td>C. DATA CENTER</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Account</td>
<td>$86,400</td>
<td>$149,200</td>
<td></td>
<td>$235,600</td>
</tr>
<tr>
<td>GRAND TOTAL</td>
<td>$266,200</td>
<td>$268,800</td>
<td>$700</td>
<td>$535,700</td>
</tr>
</tbody>
</table>

SECTION 2. There is hereby appropriated to the Joint Senate Finance-House 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, 1978, through June 30, 1979:
## PROGRAMS PERSONNEL OPERATING CAPITAL OUTLAY TOTAL

### A. POST AUDIT:

<table>
<thead>
<tr>
<th>FROM:</th>
<th>FOR PERSONNEL COSTS</th>
<th>FOR OPERATING EXPENDITURES</th>
<th>FOR CAPITAL OUTLAY</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Account</td>
<td>$239,100</td>
<td>$21,400</td>
<td>$1,600</td>
<td>$262,100</td>
</tr>
<tr>
<td>General Interaccount Account</td>
<td>206,800</td>
<td></td>
<td></td>
<td>206,800</td>
</tr>
<tr>
<td>Misc. Receipts Account</td>
<td>53,200</td>
<td>16,800</td>
<td></td>
<td>70,000</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$499,100</td>
<td>$38,200</td>
<td>$1,600</td>
<td>$538,900</td>
</tr>
</tbody>
</table>

### B. BUDGET ANALYSIS:

<table>
<thead>
<tr>
<th>FROM:</th>
<th>FOR PERSONNEL COSTS</th>
<th>FOR OPERATING EXPENDITURES</th>
<th>FOR CAPITAL OUTLAY</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Account</td>
<td>$215,200</td>
<td>$21,700</td>
<td>$1,400</td>
<td>$238,300</td>
</tr>
</tbody>
</table>

### C. JOINT SENATE FINANCE-HOUSE APPROPRIATIONS COMMITTEE:

<table>
<thead>
<tr>
<th>FROM:</th>
<th>FOR PERSONNEL COSTS</th>
<th>FOR OPERATING EXPENDITURES</th>
<th>FOR CAPITAL OUTLAY</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Account</td>
<td>18,200</td>
<td>14,200</td>
<td></td>
<td>32,400</td>
</tr>
</tbody>
</table>

GRAND TOTAL

<table>
<thead>
<tr>
<th>FOR PERSONNEL COSTS</th>
<th>FOR OPERATING EXPENDITURES</th>
<th>FOR CAPITAL OUTLAY</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>$732,500</td>
<td>$74,100</td>
<td>$3,000</td>
<td>809,600</td>
</tr>
</tbody>
</table>

Approved March 14, 1978.
CHAPTER 89
(H.B. No. 351)

AN ACT
RELATING TO INVESTMENTS OF INSURERS; AMENDING SECTION 41-706, IDAHO CODE, TO PROVIDE AN ADDITIONAL DEFINITION ON LIMITATIONS OF INVESTMENTS OF INSURERS.

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

SECTION 1. That Section 41-706, Idaho Code, be, and the same is hereby amended to read as follows:

41-706. DIVERSIFICATION OF INVESTMENTS. An insurer shall invest in or hold as assets categories of investments within applicable limits as follows only:

(1) One (1) person. An insurer shall not, except with the consent of the director, have at any one (1) time any combination of investments in or loans upon the security of the obligations, property, or securities of any one (1) person, institution, corporation, or municipal corporation, aggregating an amount exceeding seven per cent (7%) of the insurer's assets. This restriction shall not apply as to investments or deposits fully insured by the Federal Deposit Insurance Corporation or to general obligations of the United States of America or of any state or include policy or annuity contract loans made under section 41-718, Idaho Code, or to assets subject to sections 41-715 or 41-733, Idaho Code.

(2) Voting stock. An insurer shall not invest in or hold at any one (1) time more than ten per cent (10%) of the outstanding voting stock of any corporation, except with the consent of the director given with respect to voting rights of preference stock during default of dividends. This provision does not apply as to stock of subsidiaries of the insurer or a companion company or companies under substantially the same management at the time of purchase, as referred to in sections 41-715 or 41-733, Idaho Code.

(3) Minimum capital. An insurer (other than title insurer) shall invest and maintain invested funds not less in amount than the minimum paid-in capital stock required under this code of a domestic stock insurer transacting like kinds of insurance, only in cash and the securities provided for under the following sections of this chapter: section
41-707, Idaho Code, (public obligations), and section 41-721, Idaho Code, (real estate mortgages and contracts).

(4) Life insurance reserves. A life insurer shall also invest and keep invested its funds in amount not less than the reserves under its life insurance policies and annuity contracts in force, as prescribed by section 41-612, Idaho Code, in cash and/or the securities or investments allowed under this chapter, other than in common stocks, insurance stocks and stocks of subsidiaries of the insurer.

(5) Other specific limits. Limits as to investments in the category of real estate shall be as provided in section 41-728, Idaho Code; and other specific limits shall apply as stated in the sections dealing with other respective kinds of investments.

Approved March 14, 1978.
AN ACT
RELATING TO COUNTERSIGNATURE OF INSURANCE POLICIES; AMENDING
SECTION 41-337, IDAHO CODE, BY PROVIDING THAT AN INSURANCE AGENT
NEED NOT PLACE THE AGENT'S INSURANCE LICENSE NUMBER ON
COUNTERSIGNED INSURANCE POLICIES.

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

SECTION 1. 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 agent's 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 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.

Approved March 14, 1978.
AN ACT
RELATING TO THE EFFECTIVE TIME OF PROPERTY INSURANCE CONTRACTS; AMENDING SECTION 41-2401, IDAHO CODE, BY REQUIRING THAT ALL PROPERTY INSURANCE CONTRACTS BECOME EFFECTIVE AT 12:01 A.M. OF THE STANDARD TIME OF THE PLACE WHERE THE PROPERTY COVERED BY THE INSURANCE IS LOCATED ON THE EFFECTIVE DATE SPECIFIED IN THE POLICY; AND STRIKING SUBSECTION (2) OF THE SECTION DEFINING THE TERM NOON.

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

SECTION 1. That Section 41-2401, Idaho Code, be, and the same is hereby amended to read as follows:

41-2401. STANDARD FIRE POLICY. (1) No fire insurer shall issue any fire insurance policy covering on property or interest therein in this state, other than on the form known as the New York standard as revised in 1943, except as follows:

(a) An insurer may print on or in its policy its name, location, date of incorporation, plan of operation, whether stock, mutual, reciprocal or organized under special charter provisions, and if mutual or reciprocal whether on cash premium or assessment plan; and if it be a stock company, the amount of its paid up capital stock, the names of its officers and agents, the number and date of the policy, and, if it is issued by an agent, the words, "this policy shall not be valid until countersigned by the duly authorized agent of the company at ...."; and, if a mutual or reciprocal insurer, the policy must state the contingent liability, if any, of its policyholders, members, or subscribers for payment of losses and expenses not provided for by its cash funds.

(b) An insurer may print or use in its policies printed forms of description and specifications of the property insured.

(c) An insurer insuring against damage by lightning may print in the clause enumerating the perils insured against the additional words, "also any damage by lightning whether fire ensues or not," and in the clause providing for an apportionment of loss in case of other
insurance the words, "whether by fire, lightning or both."

(d) A domestic insurer may print in its policies any provisions which it is authorized or required by the law to insert therein, and any foreign insurer may, with the approval of the director, so print any provision required by its charter or deed of settlement, or by the laws of its own state or country, not contrary to the laws of this state; but the director shall require any provision which, in his opinion modifies the contract of insurance in such a way as to affect the question of loss, to be appended to the policy by an endorsement or rider as hereinafter provided.

(e) The blanks in the standard form may be completed in print or in writing.

(f) An insurer may print upon policies issued in compliance with the preceding provisions of this section the words, "Idaho standard policy."

(g) An insurer may write upon the margin or across the face of the policy, or write or print in type not smaller than nonpareil upon a slip, slips, rider or riders to be attached thereto, provisions adding to or relating to those contained in the standard form; and all such slips, riders, endorsements and provisions must be signed by the officers or agents of the insurer so using them.

(h) If the policy be made by a mutual, reciprocal or other insurer having special regulations lawfully applicable to its organization, membership, policies or contracts of insurance such regulations shall apply to and form a part of the policy as the same may be written or printed upon, attached or appended thereto.

(i) Every policy shall have legibly inscribed upon its face and filing back suitable words to designate whether the insurer making such insurance be a stock, mutual or reciprocal insurer, provided, that any insurer organized under special charter provisions may so indicate upon its policy and may add a statement of the plan under which it operates in this state.

(j) Every fire policy shall contain language that provides for a twenty (20) day written notice to the insured prior to cancellation of the policy.

(k) Every fire policy shall provide that it becomes effective at 12:01 a.m. of the standard time of the place where the property covered by the insurance is located, on the effective date of the policy.

[2] The word "noon" occurring in the policy shall be construed to be the noon of standard time of the place where the property covered by the policy is situated.
(3) An insurer issuing the standard fire policy is authorized to affix thereto or include therein a written statement that the policy does not cover loss or damage caused by nuclear reaction, nuclear radiation or radioactive contamination, all whether directly or indirectly resulting from an insured peril under the policy; but nothing herein contained shall be construed to prohibit the attachment to any such policy of an endorsement or endorsements specifically assuming coverage for loss or damage caused by nuclear reaction, nuclear radiation or radioactive contamination.

(4)(3) The standard fire policy is not mandatory for vehicle insurance, or for marine insurance, or inland marine insurance as the same is defined pursuant to section 41-1401(2), Idaho Code, or for insurance on growing crops.

(5)(4) Any policy or contract otherwise subject to the provisions of subsection (1) hereof, which includes either on an unspecified basis as to the coverage or for a single premium coverage against the peril of fire and substantial coverage against other perils need not comply with the provisions of subsection (1) hereof, provided:

(a) Such policy or contract shall afford coverage, with respect to the peril of fire, not less than the coverage afforded by such standard fire policy,
(b) The provisions in relation to mortgagee interests and obligations in such standard fire policy shall be incorporated therein without change,
(c) Such policy or contract is complete as to all of its terms without reference to the standard form of fire insurance policy or any other policy, and
(d) The director is satisfied that such policy or contract complies with the provisions hereof.

Approved March 14, 1978
CHAPTER 92
(H.B. No. 453)

AN ACT
RELATING TO THE FISH AND GAME COMMISSION; AMENDING SECTION 36-202, IDAHO CODE, BY PROVIDING THAT THE WORD TRAPPING BE STRICKEN FROM THE DEFINITION OF HUNTING, THAT RESIDENT MILITARY ALSO INCLUDES SPOUSE AND DEPENDENT CHILDREN AND REDESIGNATING THE NUMBERING OF THE SUBSECTION ON RESIDENCY; AMENDING SECTION 36-501, IDAHO CODE, TO CORRECT THE CROSS REFERENCE IN SUBSECTION (d); AMENDING SECTION 36-906, IDAHO CODE, TO CORRECT A SPELLING ERROR IN SUBSECTION (b); AMENDING SECTION 36-1402, IDAHO CODE, BY STRIKING THE REFERENCE TO FORFEITURE OF BAIL EQUIVALENT TO CONVICTION; AMENDING SECTION 36-2106, IDAHO CODE, TO CORRECT AN ERROR IN THE CROSS REFERENCE; AND DECLARING AN EMERGENCY.

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, com­
pany, 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 cap­
turing 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 construc­
tive 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 immedi­
ately 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 wild-
life 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:

1. 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.

2. Idaho residents who are in the military service of the United States and maintain Idaho as their official home of record, together with their spouse and children under eighteen (18) years of age living in the household, shall be eligible for the purchase of resident licenses.

3. 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\(\tau\) 4\(\tau\). 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\(\tau\) 5\(\tau\). 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.

SECTION 2. That Section 36-501, Idaho Code, be, and the same is hereby amended to read as follows:

36-501. SALE AND PURCHASE OF WILDLIFE -- RESTRICTIONS -- EXCEPTIONS. It is a misdemeanor for any person to sell or buy any species of wildlife or parts thereof except as hereinafter provided.

(a) Sale of Mounted Specimens. The sale or purchase of mounted species of wildlife legally taken shall be lawful provided, however, that no mounted specimens of migratory birds shall be sold.
(b) Sale of Game Animal Heads. The sale of legally taken horns or heads of game animals, when detached from the carcass, shall be lawful only when accompanied by a statement showing that the animals were lawfully killed.

(c) Sale of Hides. The sale of hides or pelts of legally taken wildlife shall be lawful.

(d) Sale of Seized Wildlife. The sale and purchase of court confiscated, abandoned, or unclaimed wildlife shall be lawful when made in accordance with the provisions of section 36-1305, Idaho Code.

(e) Sale of Commercially Raised Wildlife. The sale of wildlife raised commercially by properly licensed commercial park or pond facilities shall be lawful.

SECTION 3. That Section 36-906, Idaho Code, be, and the same is hereby amended to read as follows:

36-906. FISHWAYS IN DAMS -- SCREENS IN DIVERSIONS -- REMOVAL OF UNUSED DAMS -- PENALTY. (a) Fishways Required. It is a misdemeanor for any person to construct or maintain a dam or other obstruction which restricts the free and uninterrupted passage of fish in any stream in this state without a proper fishway therein. Such fishway shall be installed and maintained at the owner's expense and shall be of a sufficient kind and capacity as to accommodate seasonal movements of fish up and down the stream. Said fishway shall be constructed according to plans and specifications approved by the director and such plans shall be incorporated into the overall design of said dam prior to the start of construction. The director, upon request, shall furnish design criteria for such fishway construction.

(b) Screening of Diverted Waters. It is a misdemeanor for any person to operate any mill, factory, power plant or other manufacturing concern run by water power and having either a head or tail race, or for any person to maintain and operate any ditch, flume, canal or other water conduit receiving or taking water from any stream or lake in this state without first installing and maintaining a suitable screen or other device to prevent fish from entering therein; said screens shall be installed and maintained in a manner and to such specifications and at such locations as may be required by the director and at the expense of the owner or operator of such diversion.

(c) Notification of Need -- Screens or Fishways. When a need is found for screens or fishways in planned or existing diversions, dams or obstructions, the director shall order in writing the construction and installation of such screens
or fishways. Said order shall specify the type, design and location of said screen or fishway and the time within which said screen or fishway must be installed. Said time shall not be less than thirty (30) days nor more than six (6) months from the date of service of said order.

(d) Removal of Existing Structures - Removal of Abandoned Structures. When it is found that dams or other obstructions which have been placed in the rivers or streams of this state have been abandoned or are not serving any useful purpose and it appears the same are detrimental to the fishery resource, the director may cause the removal of same in such manner as he may see fit.

SECTION 4. That Section 36-1402, Idaho Code, be, and the same is hereby amended to read as follows:

36-1402. PENALTY -- MISDEMEANOR -- FELONY -- REVOCATION OF LICENSE -- DISPOSITION OF MONIES. (a) Misdemeanor Penalty. Any person convicted of a misdemeanor under the provisions of this title or regulations promulgated pursuant thereto shall, except in cases where a higher penalty is prescribed, be fined in a sum of not less than twenty-five dollars ($25.00) nor more than three hundred dollars ($300) and/or by commitment to jail for not more than six (6) months.

(b) Felony Penalty. Any person convicted of a felony under the provisions of this title shall be punished in accordance with section 18-112, Idaho Code.

(c) License Revocation. Any person convicted of violating any of the provisions of this title may, in addition to any other penalty assessed by the court, have his hunting and/or fishing privileges revoked for such period of time as may be determined by the court not to exceed three (3) years, said period beginning on the date of conviction. The revocation shall consist of cancellation of an existing license for the required length of time and/or denial of the privilege of purchasing an applicable license for the length of time required to meet the revocation period decreed. For the purpose of this section, the term "conviction" shall mean a final conviction. A forfeiture-of-bail-or-collateral-shall-be-equivalent-to-a-conviction.

(d) Disposition of Fines and Forfeitures. Distribution of fines and forfeitures remitted shall be in accordance with section 19-4705, Idaho Code.

SECTION 5. 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. 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 member 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 member representing the fish and game commission who shall receive the compensation and expenses provided for in chapter 36, 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) (e), Idaho Code, shall not apply.

SECTION 6. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval. Approved March 14, 1978.
Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 34-1812, Idaho Code, be, and the same is hereby amended to read as follows:

34-1812. PAMPHLET AND ARGUMENTS MAY BE PRINTED -- DISTRIBUTION TO VOTERS. Not later than the ninetieth day before any regular general election at which any proposed law, part of any act or amendment to the constitution is to be submitted to the people, the secretary of state shall cause to be printed in pamphlet form a true copy of the title and text of each measure to be submitted with the number and form in which the ballot title thereof will be printed on the official ballot. The person, committee or duly authorized officers of any organization filing any petition for the initiative, but no other person or organization, shall have the right to file with the secretary of state for printing and distribution any argument advocating such measure; said argument shall be filed not later than the one hundred and fiftieth day before the regular election at which the measure is to be voted upon. Any person, committee or organization may file with the secretary of state, for printing and distribution, any arguments they may desire, opposing any measure, not later than the one hundred and fifth day immediately preceding such election. Arguments advocating or opposing any measure referred to the people by referendum petition at a regular general election shall be governed by the same rules as to time and may be filed with the secretary of state by any person, committee or organization. In every case the person or persons offering such arguments for printing and distribution shall pay to the secretary of state sufficient money to pay all the expenses for paper and printing to supply one copy with every copy of the measure to be printed by the state; and he shall forthwith notify the persons offering the same the amount of money necessary. The secretary of state shall cause one copy of each of said arguments to be bound in the pamphlet copy
of the measures to be submitted as herein provided, and all such measures and arguments to be submitted at one election shall be bound together in a single pamphlet. All the printing shall be done by the state as by law provided, and the pages of said pamphlet shall be numbered consecutively from one to the end. The pages of said pamphlet shall be six (6) by nine (9) inches in size and the printed matter therein shall be set in six-point Roman-faced solid type on not to exceed seven-point body, in two (2) columns of thirteen (13) ems in width each to the page with six-point dividing rule and with appropriate headings, and printed on a good quality of book paper twenty-five (25) by thirty-eight (38) inches weighing not more than fifty (50) pounds to the ream. The title page of every measure bound in said pamphlet shall show the measure or measures it favors or opposes and by what persons or organizations it is issued. When such arguments are printed the secretary of state out of said deposits shall pay for the printing of such pamphlets and return the surplus, if any, to the parties who paid it to him. The cost of printing, binding and distributing the measures proposed, and of binding and distributing the arguments shall be paid by the state, it being intended that only the cost of paper and printing the arguments shall be paid by the parties presenting the same, and they shall not be charged any higher rate for such work than is paid by the state for similar work and paper. Net The secretary of state shall estimate the number of households in each county, and not later than the seventy-fifth day before the regular general election at which such measures are to be voted upon the secretary of state shall transmit to the auditors of the several counties each county of the state sufficient a number of copies of such pamphlet for every legal voter upon the registration rolls of the respective counties, and such auditors equal to the number of households in that county. Each auditor shall immediately thereafter transmit by mail, with postage fully prepaid, to every voter household in his county whose address he may have, one copy of such pamphlet, provided, that if the secretary of state shall, at or about the same time be transmitting to said auditors any other pamphlet for the voters, he may if practicable, bind the matter herein provided for in the first part of said pamphlet, numbering the pages of the entire pamphlet consecutively from one to the end, or he may enclose the pamphlets under one cover.

Approved March 14, 1978.
CHAPTER 94
(H.B. No. 496)

AN ACT
RELATING TO DESIGNATION OF FUNDS TO THE ELECTION CAMPAIGN FUND; AMENDING SECTION 63-3088, IDAHO CODE, TO PROVIDE THAT THE TAX COMMISSION SHALL LIST POLITICAL PARTIES ON THE TAX FORM FOR PURPOSES OF DESIGNATION BY INDIVIDUALS FOR A PARTY TO RECEIVE A CONTRIBUTION.

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

SECTION 1. That Section 63-3088, Idaho Code, be, and the same is hereby amended to read as follows:

63-3088. DESIGNATION BY INDIVIDUALS. (a) Every individual whose income tax liability for any taxable year is one dollar ($1.00) or more under the provisions of chapter 30, title 63, Idaho Code, may designate that one dollar ($1.00) shall be paid into the election campaign fund established by this act.

(b) For the purposes of subsection (a), the income tax liability of an individual for any taxable year is the amount of the tax imposed by the Idaho Income Tax Act, reduced by the sum of the credits authorized by that act.

(c) A designation under subsection (a) may be made with respect to any taxable year, in such manner as the state tax commission may prescribe by regulations, at the time of filing the return of the tax imposed by the Idaho Income Tax Act.

(d) The form and manner prescribed by the state tax commission shall include a provision to authorize list of all political parties, as defined in section 34-501, Idaho Code, qualifying as of July 1 of the current tax year, to allow the individual to designate the party any of such parties to receive the contribution, or to designate that the contribution shall and allowance for an undesignated contribution to be credited to the general election campaign fund to be distributed as provided by section 34-2503, Idaho Code.

(e) The form and manner prescribed by the state tax commission shall be a conspicuous portion of the principal form provided for purposes of individual taxation.

Approved March 14, 1978.
CHAPTER 95
(H.B. No. 415)

AN ACT
RELATING TO APPROVAL OF SCHOOL DISTRICT BOND ISSUES; REPEALING sections 33-1105 and 33-1106, IDAHO CODE, RELATING TO APPROVAL BY BOARDS OF COUNTY COMMISSIONERS OF ISSUE OF SCHOOL DISTRICT BONDS AND APPEAL TO STATE BOARD OF EDUCATION FROM ORDER OF COUNTY COMMISSIONERS OF APPROVAL OR REDUCTION OF SCHOOL DISTRICT BOND ISSUE.

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

SECTION 1. That Section 33-1105 and 33-1106, Idaho Code, be, and the same are hereby repealed.

Approved March 14, 1978.

CHAPTER 96
(H.B. No. 367)

AN ACT
RELATING TO POOL AND BILLIARD GAMES; REPEALING SECTION 18-1201, IDAHO CODE.

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

SECTION 1. That Section 18-1201, Idaho Code, be, and the same is hereby repealed.

Approved March 14, 1978.
AN ACT
RELATING TO OPERATOR'S OR CHAUFFEUR'S LICENSE TO BE CARRIED AND EXHIBITED ON DEMAND; AMENDING SECTION 49-319, IDAHO CODE, TO DEFINE "DISPLAY"; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 49-319, Idaho Code, be, and the same is hereby amended to read as follows:

49-319. LICENSE TO BE CARRIED AND EXHIBITED ON DEMAND. Every licensee shall have his operator's or chauffeur's license in his immediate possession at all times when operating a motor vehicle and shall display the same, upon demand of a justice of the peace, a peace officer, or a field deputy or inspector of the department. However, no person charged with violating this section shall be convicted if he produces in court an operator's or chauffeur's license theretofore issued to him and valid at the time of his arrest.

For the purposes of this section, "display" means the manual surrender of his license certificate into the hands of the demanding officer for his inspection thereof.

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

Approved March 14, 1978.
AN ACT
RELATING TO THE SOIL CONDITIONER LAW; REPEALING CHAPTER 40, TITLE 22, IDAHO CODE.

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

SECTION 1. That Chapter 40, Title 22, Idaho Code, be, and the same is hereby repealed.

Approved March 14, 1978.
AN ACT
RELATING TO MEAT INSPECTION; AMENDING SECTION 37-1901, IDAHO CODE, BY PROVIDING FOR A DEFINITION OF MOBILE UNIT; AMENDING SECTION 37-1908, IDAHO CODE, BY PROVIDING THAT CUSTOM ESTABLISHMENTS AND MOBILE UNITS SHALL REGISTER WITH THE DEPARTMENT OF AGRICULTURE AND RECEIVE CUSTOM EXEMPT CERTIFICATES PRIOR TO COMMENCING OPERATIONS; AMENDING SECTION 37-1915, IDAHO CODE, BY PROVIDING THAT CUSTOM SLAUGHTERERS SHALL OBTAIN PROOF OF OWNERSHIP PRIOR TO SLAUGHTERING ANIMALS AND FOR INSPECTION OF ANIMALS CUSTOM SLAUGHTERED ON A DRESSED WEIGHT BASIS AND MEAT PREPARED THEREFROM, AS WELL AS ANIMALS AND THEIR MEAT PURCHASED ON BEHALF OF THE CONSUMER THEREOF BY CUSTOM SLAUGHTERERS OR CUSTOM MEAT PREPARERS OR THEIR AGENTS; BY PROVIDING FOR INSPECTION OF CUSTOM ESTABLISHMENTS, THE PREMISES ON WHICH THEY ARE LOCATED, EQUIPMENT USED THEREIN, MOBILE UNITS OR ANY OTHER CUSTOM OPERATION WHERE NONINSPECTED ANIMALS ARE SLAUGHTERED OR NONINSPECTED MEAT OR MEAT FOOD PRODUCTS ARE PREPARED, FOR SEPARATION AND MARKING OF CUSTOM PREPARED MEAT IN RETAIL STORES, AND FOR SEIZURE OR DETENTION OF MEAT CUSTOM PREPARED IN VIOLATION OF REGULATIONS; AMENDING SECTION 37-1918, IDAHO CODE, BY PROVIDING FOR RECORD-KEEPING BY CUSTOM SLAUGHTERERS AND CUSTOM MEAT PREPARERS; AND AMENDING SECTION 37-1927, IDAHO CODE, BY PROVIDING FOR A CIVIL PENALTY FOR VIOLATING THE IDAHO MEAT INSPECTION ACT AND REGULATIONS PROMULGATED PURSUANT THERETO.

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

SECTION 1. That Section 37-1901, Idaho Code, be, and the same is hereby amended to read as follows:

37-1901. DEFINITIONS. As used in this act, except as otherwise specified, the following terms shall have the meanings stated below:
(a) The term "director" means the director of the department of agriculture or his delegate.
(b) The term "firm" means any partnership, association, or other unincorporated business organization.
(c) The term "meat broker" means any person, firm, or corporation engaged in the business of buying or selling
carcasses, parts of carcasses, meat, or meat food products of cattle, sheep, swine, goats, horses, mules, or other equines on commission, or otherwise negotiating purchases or sales of such articles other than for his own account or as an employee of another person, firm, or corporation.

(d) The term "renderer" means any person, firm, or corporation engaged in the business of rendering carcasses, or parts or products of the carcasses, of cattle, sheep, swine, goats, horses, mules, or other equines, except rendering conducted under inspection under the provisions of this act.

(e) The term "animal food manufacturer" means any person, firm, or corporation engaged in the business of manufacturing or processing animal food derived wholly or in part from carcasses, or parts or products of the carcasses, of cattle, sheep, swine, goats, horses, mules, or other equines.

(f) The term "intrastate commerce" means commerce within this state.

(g) The term "meat food product" means any product capable of use as human food which is made wholly or in part from any meat or other portion of the carcass of any cattle, sheep, swine, or goats, excepting products which contain meat or other portions of such carcasses only in a relatively small proportion or historically have not been considered by consumers as products of the meat food industry, and which are exempted from definition as a meat food product by the director under such conditions as he may prescribe to assure that the meat or other portions of such carcasses contained in such product are not adulterated and that such products are not represented as meat food products. This term as applied to food products of equines shall have a meaning comparable to that provided in this paragraph with respect to cattle, sheep, swine, and goats.

(h) The term "capable of use as human food" shall apply to any carcass, or part or product of a carcass, of any animal, unless it is denatured or otherwise identified as required by regulations prescribed by the director to deter its use as human food, or it is naturally inedible by humans.

(i) The term "prepared" means slaughtered, canned, salted, rendered, boned, cut up, or otherwise manufactured or processed.

(j) The term "adulterated" shall apply to any carcass, part thereof, meat or meat food product under one or more of the following circumstances:

(1) If it bears or contains any poisonous or deleterious substance which may render it injurious to health; but in case the substance is not an added substance, such article shall not be considered adulterated under
this clause if the quantity of such substance in or on such article does not ordinarily render it injurious to health;

(2) (A) If it bears or contains (by reason of administration of any substance to the live animal or otherwise) any added poisonous or added deleterious substance (other than one which is (i) a pesticide chemical in or on a raw agricultural commodity; (ii) a food additive; or (iii) a color additive) which may, in the judgment of the director make such article unfit for human food;

(B) If it is, in whole or in part, a raw agricultural commodity and such commodity bears or contains a pesticide chemical which is unsafe within the meaning of section 408 of the Federal Food, Drug, and Cosmetic Act;

(C) If it bears or contains any food additive which is unsafe within the meaning of section 409 of the Federal Food, Drug, and Cosmetic Act;

(D) If it bears or contains any color additive which is unsafe within the meaning of section 706 of the Federal Food, Drug, and Cosmetic Act; provided, that an article which is not adulterated under clause (B), (C), or (D) shall nevertheless be deemed adulterated if use of the pesticide chemical, food additive, or color additive in or on such article is prohibited by regulations of the director in establishments at which inspection is maintained under this act;

(3) If it consists in whole or in part of any filthy, putrid, or decomposed substance or is for any other reason unsound, unhealthful, unwholesome, or otherwise unfit for human food;

(4) If it has been prepared, packed, or held under insanitary conditions whereby it may have become contaminated with filth, or whereby it may have been rendered injurious to health;

(5) If it is, in whole or in part, the product of an animal which has died otherwise than by slaughter;

(6) If its container is composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health;

(7) If it has been intentionally subjected to radiation, unless the use of the radiation was in conformity with a regulation or exemption in effect pursuant to section 409 of the Federal Food, Drug, and Cosmetic Act;

(8) If any valuable constituent has been in whole or in part omitted or abstracted therefrom; or if any substance has been substituted, wholly or in part therefor;
or if damage or inferiority has been concealed in any manner; or if any substance has been added thereto or mixed or packed therewith so as to increase its bulk or weight, or reduce its quality or strength, or make it appear better or of greater value than it is; or
(9) If it is margarine containing animal fat and any of the raw material used therein consisted in whole or in part of any filthy, putrid, or decomposed substance.

(k) The term "misbranded" shall apply to any carcass, part thereof, meat or meat food product under one or more of the following circumstances:
(1) If its labeling is false or misleading in any particular;
(2) If it is offered for sale under the name of another food;
(3) If it is an imitation of another food, unless its label bears, in type of uniform size and prominence, the word "imitation" and immediately thereafter, the name of the food imitated;
(4) If its container is so made, formed, or filled as to be misleading;
(5) If in a package or other container unless it bears a label showing (A) the name and place of business of the manufacturer, packer, or distributor; and (B) an accurate statement of the quantity of the contents in terms of weight, measure, or numerical count; provided, that under clause (B) of this subparagraph (5), reasonable variations may be permitted, and exemptions as to small packages may be established, by regulations prescribed by the director.
(6) If any word, statement, or other information required by or under authority of this act to appear on the label or other labeling is not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices, in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use;
(7) If it purports to be or is represented as a food for which a definition and standard of identity or composition has been prescribed by regulations of the director under section 37-1907, Idaho Code, unless (A) it conforms to such definition and standard, and (B) its label bears the name of the food specified in the definition and standard and, insofar as may be required by such regulations, the common names of optional ingredients (other than spices, flavoring, and coloring) present in such food;
(8) If it purports to be or is represented as a food
for which a standard or standards of fill of container have been prescribed by regulations of the director under section 37-1907, Idaho Code, and it falls below the standard of fill of container applicable thereto, unless its label bears, in such manner and form as such regulations specify, a statement that it falls below such standards;

(9) If it is not subject to the provisions of subparagraph (7), unless its label bears (A) the common or usual name of the food, if any there be, and (B) in case it is fabricated from two (2) or more ingredients, the common or usual name of each such ingredient; except that spices, flavorings, and colorings may, when authorized by the director, be designated as spices, flavorings, and colorings without naming each; provided, that, to the extent that compliance with the requirements of clause (B) of this subparagraph (9) is impracticable, or results in deception or unfair competition, exemptions shall be established by regulations promulgated by the director;

(10) If it purports to be or is represented for special dietary uses, unless its label bears such information concerning its vitamin, mineral, and other dietary properties as the director, after consultation with the secretary of agriculture of the United States, determines to be, and by regulations prescribes as necessary, in order to fully inform purchasers as to its value for such uses;

(11) If it bears or contains any artificial flavoring, artificial coloring, or chemical preservative, unless it bears labeling stating that fact; provided, that, to the extent that compliance with the requirements of this subparagraph (11) is impracticable, exemptions shall be established by regulations promulgated by the director; or

(12) If it fails to bear, directly thereon or on its container, as the director may by regulations prescribe, the inspection legend, and, unrestricted by any of the foregoing, such other information as the director may require in such regulations to assure that it will not have false or misleading labeling and that the public will be informed of the manner of handling required to maintain the article in a wholesome condition.

(1) The term "label" means a display of written, printed, or graphic matter upon the immediate container (not including package liners) of any article.

(m) The term "labeling" means all labels and other written, printed, or graphic matter (1) upon any article or any of its containers or wrappers, or (2) accompanying such
article.
(o) The term "Federal Food, Drug, and Cosmetic Act" means the act so entitled, approved June 25, 1938 (52 Stat. 1040), and acts amendatory thereof or supplementary thereto.
(p) The term "pesticide chemical," "food additive," "color additive," and "raw agricultural commodity" shall have the same meanings for purposes of this act as under the Federal Food, Drug, and Cosmetic Act.
(q) The term "official mark" means the official inspection legend or any other symbol prescribed by regulations of the director to identify the status of any article or animal under this act.
(r) The term "official inspection legend" means any symbol prescribed by regulations of the director showing that an article was inspected and passed in accordance with this act.
(s) The term "official certificate" means any certificate prescribed by regulations of the director for issuance by an inspector or other person performing official functions under this act.
(t) The term "official device" means any device prescribed or authorized by the director for use in applying any official mark.
(u) The term "mobile unit" means a vehicle, and all related equipment therein, used for the custom slaughter of cattle, sheep, swine or goats at the request of the owner thereof for such slaughter, which shall not at any time slaughter at a fixed location and which shall not at any time be used for such slaughter of animals delivered to it at a specified location for the purpose of such slaughter.

SECTION 2. That Section 37-1908, Idaho Code, be, and the same is hereby amended to read as follows:

37-1908. INSPECTION OF SANITARY CONDITIONS. The director shall cause to be made, by experts in sanitation, or by other competent inspectors, such inspection of all slaughtering, meat-canning, salting, packing, rendering, or similar establishments in which cattle, sheep, swine, goats, horses, mules, and other equines are slaughtered and the meat and meat food products thereof are prepared solely for intrastate commerce as may be necessary to inform himself concerning the sanitary conditions of the same, and to prescribe the rules and regulations of sanitation under which such establishments shall be maintained; and where the sanitary conditions of any such establishment are such that the
meat or meat food products are rendered adulterated, he shall refuse to allow meat or meat food products to be labeled, marked, stamped, or tagged as "Idaho inspected and passed." All such establishments, including custom slaughter and custom meat preparation establishments or mobile units, shall register with the Idaho department of agriculture on a form provided by the department and no such establishment shall commence operations until such registration is on file with the department and the contents thereof have been verified for compliance with this act and such rules and regulations as have been prescribed by the director pursuant thereto. Nor shall custom slaughter establishments, custom meat or meat food products preparation establishments or mobile units commence operations until they have been issued a custom exempt certificate by the director or his authorized agents.

SECTION 3. That Section 37-1915, Idaho Code, be, and the same is hereby amended to read as follows:

37-1915. EXCEPTIONS TO INSPECTION REQUIREMENT. (a) The provisions of this act requiring inspection of the slaughter of animals and the preparation of the carcasses, parts thereof, meat and meat food products at establishments conducting such operations shall not apply

(1) To the slaughtering by any person of animals of his own raising, or of any game animals, and the preparation by him and transportation in intrastate commerce of the carcasses, parts thereof, meat and meat food products of such animals exclusively for use by him and members of his household and/or his nonpaying guests and employees; nor

(2) To the custom slaughter by any person, firm, or corporation of cattle, sheep, swine or goats at the request of the owner thereof for such slaughter, and the preparation by such slaughterer and transportation in intrastate commerce of the carcasses, parts thereof, meat and meat food products of such animals, exclusively for use, in the household of such owner by him, and members of his household and/or his nonpaying guests and employees; whether such slaughterers operate an establishment or operate from a mobile unit engaged in custom slaughter or both; nor

(3) To the custom preparation by any person, firm or corporation of carcasses, parts thereof, meat or meat food products, derived from the slaughter by any person of cattle, sheep, swine, goats, or from game animals, at the request of the owner thereof for such custom preparation, and transportation in commerce of such custom
prepared articles, exclusively for use in the household of such owner, by him and members of his household and/or his nonpaying guests and employees.

Provided, that in cases where such person, firm, or corporation engages in such custom operations at an establishment at which inspection under this title is maintained, the director may exempt from such inspection at an establishment any animals slaughtered or any meat or meat food products otherwise prepared on a custom basis; provided further, that custom operations at any establishment or retail store shall be exempt from inspection requirements as provided by this section only if the establishment or retail store at all times keeps meat and meat products from inspected and noninspected animals properly separated and clearly marked "NOT FOR SALE" immediately after being slaughtered, processed or packaged and kept so identified and separated until delivered to the owner, his agent or employee. Properly separated for the purpose of this section, shall mean that all inspected and noninspected animals shall be slaughtered and processed at separate and distinct intervals and that after noninspected animals are slaughtered or processed all premises and equipment thus used shall be properly sanitized in accordance with the rules of sanitation promulgated by the director; provided further that at no time shall inspected and noninspected meat and meat products be commingled or come into contact with each other and the holding coolers must have areas clearly marked for inspected or noninspected carcasses or parts of carcasses whichever the case might be.

(b) The provisions of this act requiring inspection of the slaughter of animals and the preparation of carcasses, parts thereof, meat and meat food products shall not apply to operations of types traditionally and usually conducted at retail stores and restaurants, when conducted at any retail store or restaurant or similar retail-type establishment for sale in normal retail quantities or service of such articles to consumers at such establishments.

(c) The slaughter of animals and preparation of articles referred to in paragraphs (a)(2), (a)(3), and (b) of this section shall be conducted in accordance with such sanitary conditions as the director may by regulations prescribe. Violation of any such regulation is prohibited and the director or his authorized agents are empowered to inspect at reasonable times custom establishments, the premises on which such establishments are located, equipment, mobile units or any other custom operation where noninspected animals are slaughtered or noninspected meat or meat food products are prepared for the owner thereof and the director or his authorized agents are empowered to
seize, retain or detain any custom prepared meat or meat food product or reject any building, equipment, vehicle or facility found upon inspection to be in violation of any regulation promulgated pursuant hereto.

(d) The adulteration and misbranding provisions of this act and the regulations made hereunder, other than the requirement of the inspection legend, shall apply to articles which are not required to be inspected under this section.

(e) This section shall be enforced and construed so that its requirements shall be equal to the Federal Wholesome Meat Act or any regulations promulgated thereunder and shall not be enforced or construed as allowing lower requirements or standards than those provided for by the Federal Wholesome Meat Act or any regulations promulgated thereunder which will endanger the state's ability to continue to carry on a meat inspection program and the director may adopt and enforce all regulations necessary to fulfill this purpose and carry out the provisions of this section.

(f) For purposes of this act, ownership of animals to be custom slaughtered shall not be established upon a dressed weight basis, but payment for the animal may be established prior to slaughter by written contract on a dressed weight basis, nor shall the exception provided in subsection (a) herein apply to any animal purchased on behalf of the person for whom it is custom slaughtered or custom prepared by a custom slaughterer or custom preparer or any agent of a custom slaughterer or custom preparer. Further, custom slaughterers shall obtain written proof that any animal custom slaughtered by them is owned by the person or persons (not to exceed two (2)) for whom such animal is slaughtered prior to the slaughter of such animal and keep the same as a record required pursuant to section 37-1918, Idaho Code.

SECTION 4. That Section 37-1918, Idaho Code, be, and the same is hereby amended to read as follows:

37-1918. RECORDS REQUIRED. (a) The following classes of persons, firms, and corporations shall keep such records as will fully and correctly disclose all transactions involved in their businesses; and all persons, firms, and corporations subject to such requirements shall, at all reasonable times, upon notice by a duly authorized representative of the director afford such representative and any duly authorized representative of the secretary of agriculture of the United States accompanied by such representative of the director access to their places of business and opportunity to examine the facilities, inventory, and records thereof, to copy all such records, and to take reasonable samples of
their inventory upon payment of the fair market value therefor:

(1) Any person, firm, or corporation that engages, for intrastate commerce, in the business of slaughtering any cattle, sheep, swine, goats, horses, mules, or other equines, or preparing, freezing, packaging, or labeling any carcasses, or parts or products of carcasses, of any such animals, for use as human food or animal food;

(2) Any person, firm, or corporation that engages in the business of buying or selling (as meat brokers, wholesalers or otherwise), or transporting, in intrastate commerce, or storing in or for such commerce, any carcasses, or parts or products of carcasses, of any such animals;

(3) Any person, firm, or corporation that engages in business, in or for intrastate commerce, as renderers, or engages in the business of buying, selling, or transporting, in such commerce, any dead, dying, disabled, or diseased cattle, sheep, swine, goats, horses, mules, or other equines, or parts of the carcasses of any such animals that died otherwise than by slaughter;

(4) Any person, firm or corporation that custom slaughters or custom prepares meat or meat food products from any cattle, sheep, swine or goats for the owner thereof.

(b) Any record required to be maintained by this section shall be maintained for such period of time as the director may by regulations prescribe.

SECTION 5. That Section 37-1927, Idaho Code, be, and the same is hereby amended to read as follows:

37-1927. VIOLATIONS OF LAW -- PENALTIES. (a) Any person, firm, or corporation who violates any provision of this act for which no other criminal penalty is provided by this act shall upon conviction be subject to imprisonment in a county jail for not more than one (1) year, or a fine of not more than one thousand dollars ($1,000), or both such imprisonment and fine; but if such violation involves intent to defraud, or any distribution or attempted distribution of an article that is adulterated except as defined in section 37-1901(j)(8), Idaho Code, such person, firm, or corporation shall be subject to imprisonment for not more than three (3) years or a fine of not more than ten thousand dollars ($10,000) or both; provided, that no person, firm, or corporation shall be subject to penalties under this section for receiving for transportation any article or animal in violation of this act if such receipt was made in good faith, unless such person, firm, or corporation refuses to furnish
on request of a representative of the director the name and address of the person from whom he received such article or animal, and copies of all documents, if any there be, pertaining to the delivery of the article or animal to him.

(b) Nothing in this act shall be construed as requiring the director to report for prosecution or injunction proceedings, minor violations of this act whenever he believes that the public interest will be adequately served by a suitable written notice of warning.

(c) In addition to the foregoing criminal penalties, any person, firm or corporation who violates the provisions of this act or regulations promulgated pursuant hereto for which no other criminal penalty is provided by this act shall be liable for a civil penalty of five thousand dollars ($5,000) for each such violation.

Approved March 14, 1978.
CHAPTER 100
(H.B. No. 485)

AN ACT
RELATING TO OPERATING FEES FOR MOTOR VEHICLES; PROVIDING A STATEMENT OF LEGISLATIVE INTENT; AMENDING SECTION 49-127, IDAHO CODE, TO PROVIDE FOR AN ADDITIONAL DEFINITION OF COMMERCIAL VEHICLE TO INCLUDE A FIXED LOAD SPECIALLY CONSTRUCTED VEHICLE; DECLARING AN EMERGENCY AND PROVIDING FOR RETROACTIVE APPLICATION.

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

SECTION 1. Declaration of Intention. It is the intent of the legislature by this amendatory act to extend the registration requirements of section 49-127, Idaho Code, and related sections of title 49, Idaho Code, to fixed load vehicles which are specially constructed vehicles such as, but not limited to, drilling rigs, construction, drilling and wrecker cranes, log jammers, loaders and similar vehicles which are normally operated in an overweight, overwidth and/or overlength condition and to insure exemption of these vehicles from ad valorem taxation.

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, and shall include fixed load specially constructed vehicles exceeding the limits imposed by chapter 9, title 49, Idaho Code, 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 or exempted by section 49-108, Idaho Code.

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 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</th>
<th>Annual Registration Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>0-6,000 inc.</td>
<td>$17.50</td>
</tr>
</tbody>
</table>
5. There shall be paid on all commercial vehicles having a maximum gross weight in excess of sixteen thousand (16,000) pounds, an annual registration fee in accordance with the following schedule, provided, that when the vehicle against which said registration fee is assessed is a combination of vehicles, the term maximum gross weight as used in the following schedule shall mean the combined maximum gross weights of all vehicles in the combination to be registered; provided further that upon payment of said registration fee, the director shall issue an identification plate approved by him to be attached to individual self-propelled motor vehicles and to the self-propelled vehicle in any combination of vehicles.

<table>
<thead>
<tr>
<th>Maximum Gross Weight (Pounds)</th>
<th>Annual Registration Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>16,001-26,000 inc.</td>
<td>$55.00</td>
</tr>
<tr>
<td>26,001-38,000 inc.</td>
<td>75.00</td>
</tr>
<tr>
<td>Over 38,000</td>
<td>100.00</td>
</tr>
</tbody>
</table>

In addition, an annual license fee shall be required for each trailer or 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 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; pro­
vided, 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>Mills per Mile</th>
<th>Fuel Only</th>
<th>Combined Mills per Mile</th>
</tr>
</thead>
<tbody>
<tr>
<td>6,000-8,000</td>
<td>5.05</td>
<td>5.05</td>
<td></td>
</tr>
<tr>
<td>8,001-10,000</td>
<td>5.60</td>
<td>5.60</td>
<td></td>
</tr>
<tr>
<td>10,001-12,000</td>
<td>6.15</td>
<td>6.15</td>
<td></td>
</tr>
<tr>
<td>12,001-14,000</td>
<td>6.65</td>
<td>6.65</td>
<td></td>
</tr>
<tr>
<td>14,001-16,000</td>
<td>7.20</td>
<td>7.20</td>
<td></td>
</tr>
<tr>
<td>16,001-18,000</td>
<td>5.25</td>
<td>7.70</td>
<td>12.95</td>
</tr>
<tr>
<td>18,001-20,000</td>
<td>5.95</td>
<td>8.20</td>
<td>14.15</td>
</tr>
<tr>
<td>20,001-22,000</td>
<td>6.65</td>
<td>8.75</td>
<td>15.40</td>
</tr>
<tr>
<td>22,001-24,000</td>
<td>7.35</td>
<td>9.30</td>
<td>16.65</td>
</tr>
<tr>
<td>24,001-26,000</td>
<td>8.05</td>
<td>9.85</td>
<td>17.90</td>
</tr>
</tbody>
</table>
The owners or operators of motor vehicles or combinations of vehicles, in computing use fees, shall use the above tables as follows:

(1) Motor vehicles or a combination of vehicles having a maximum gross weight in excess of sixteen thousand (16,000) pounds and using gasoline for fuel shall use Table "A," except as otherwise provided.

(2) Motor vehicles or a combination of vehicles having a maximum gross weight in excess of sixteen thousand (16,000) pounds and using other fuels than gasoline shall pay a combined use and fuel fee as shown in Table "C."

(3) Interstate motor vehicles or a combination of vehicles having a maximum gross weight in excess of six thousand (6,000) pounds not purchasing sufficient fuel for miles traveled in Idaho shall be charged in accordance with schedule "B."

(4) The director shall require a bond in an amount equal to the estimated quarterly tax payments of the fuel user as computed by schedule "B" above, but such bond shall in no event be less than the sum of five hundred dollars ($500). Such bond duly executed by such fuel user as principal with a corporate surety qualified under the provisions
of title 41, chapter 26, 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>Light or Annual Registration Fee</th>
<th>Utility Trailers $</th>
<th>Rental Utility Trailers $</th>
</tr>
</thead>
<tbody>
<tr>
<td>0-1,000</td>
<td>$2.50</td>
<td>$5.00</td>
<td></td>
</tr>
<tr>
<td>1,001-2,000</td>
<td>$5.00</td>
<td>10.00</td>
<td></td>
</tr>
<tr>
<td>2,001-3,000</td>
<td>8.00</td>
<td>15.00</td>
<td></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. An emergency existing 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, 1978.

Approved March 14, 1978.
CHAPTER 101
(H.B. No. 538)

AN ACT
RELATING TO SALARIES OF CERTAIN STATE OFFICIALS; AMENDING SECTION 59-501, IDAHO CODE, TO PROVIDE SALARIES FOR ELECTED STATE OFFICERS; AMENDING SECTION 59-502, IDAHO CODE, TO PROVIDE SALARIES FOR JUDGES; AMENDING SECTION 59-510, IDAHO CODE, TO PROVIDE SALARIES FOR INDUSTRIAL COMMISSION MEMBERS, STATE TAX COMMISSION MEMBERS AND PUBLIC UTILITIES COMMISSION MEMBERS; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 59-501, Idaho Code, be, and the same is hereby amended to read as follows:

59-501. SALARIES OF STATE ELECTIVE OFFICERS -- 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, 1979, receive for their services compensation as follows:

- Governor, $33,700 40,000 per annum;
- Lieutenant governor, $8,700 12,000 per annum;
- Secretary of state, $21,500 28,000 per annum;
- State auditor, $21,500 28,000 per annum; said salary to be audited by the state treasurer;
- Attorney general, $25,000 35,000 per annum;
- State treasurer, $21,500 28,000 per annum; and
- State superintendent of public instruction, $23,700 28,000 per annum.

Such compensation shall be paid 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 2. 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 thirty-eight thousand five hundred dollars ($317,500) per annum, and the salary of the judges of the district courts shall be twenty-eight thirty-five thousand five hundred dollars ($287,500) per annum. Salaries of magistrates shall be as prescribed by section 1-2205(c), Idaho Code. Salaries shall be paid 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 3. That Section 59-510, Idaho Code, be, and the same is hereby amended to read as follows:

59-510. SALARIES OF THE INDUSTRIAL COMMISSION, THE STATE TAX COMMISSION, AND THE PUBLIC UTILITIES COMMISSION. Each member of the industrial commission, the state tax commission, and the public utilities commission shall devote full time to the performance of his duties and shall each receive an annual salary to wit: industrial commissioners and state tax commissioners, twenty-six thousand five hundred dollars ($26,500), and public utility commissioners, twenty-one twenty-eight thousand five hundred dollars ($217,500).
SECTION 4. Section 1 of this act shall be in full force and effect on and after the first Monday in January, 1979; sections 2 and 3 of this act shall be in full force and effect on and after July 1, 1978.

Approved March 14, 1978.
C. 102 '78  IDAHO SESSION LAWS  205

CHAPTER 102
(H.B. No. 395)

AN ACT
RELATING TO THE FOUNDATION PROGRAM; AMENDING SECTION
33-1002, IDAHO CODE, TO ADD TO THE KINDERGARTEN SPARSITY
FACTOR AND TO PROVIDE FOR A SEPARATELY ORGANIZED KINDER-
GARTEN CLASSROOM UNIT HAVING LESS THAN AN AVERAGE DAILY
ATTENDANCE OF SEVENTEEN.

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

SECTION 1. That Section 33-1002, Idaho Code, be, and
the same is hereby amended to read as follows:

33-1002. FOUNDATION PROGRAM. The foundation educational
program is arrived at as follows:

(1) State Equalization Levy. -- The state equalization
levy shall be equal to twenty-two (22) mills times the total
state adjusted assessed valuation and twenty-two (22) mills
times the equivalent valuation as defined in section
33-1014, Idaho Code.

(2) Total Distribution Funds. Add to the state
equalization levy the eight (8) mill county levy and state
appropriation including the moneys available in the public
school income fund, together with all miscellaneous revenues
and any balance or deficit in the county school fund, to
secure total distribution funds.

(3) Foundation Transportation Program. -- Determine the
foundation transportation program for the state as provided
in section 33-1006, Idaho Code, and deduct said foundation
transportation program for the state from total distribution
funds before determining state average cost factor per
student under paragraph (5) of this section.

(4) a. Weighted State Average Daily Attendance and
Sparsity Factors. -- The total weighted state average
daily attendance shall be determined by using the tables
set out hereafter called the Elementary Grades Sparsity
Factor, the Secondary Grades Sparsity Factor, the Excep-
tional Child Sparsity Factor, the Kindergarten Sparsity
Factor, and the Secondary School Cost Factor provided
for in paragraph (4)b of this section. The sum of all of
the total weighted average daily attendance of all the
school districts of the state as computed under the
provisions of paragraph (6)b of this section shall be
the total weighted state average daily attendance.
ELEMENTARY GRADES SPARSITY FACTOR

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

SECONDARY GRADES SPARSITY FACTOR

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

EXCEPTIONAL CHILD SPARSITY FACTOR

<table>
<thead>
<tr>
<th>Average Daily Attendance</th>
<th>Factor</th>
</tr>
</thead>
<tbody>
<tr>
<td>10 or more</td>
<td>1.60</td>
</tr>
<tr>
<td>4 to 9</td>
<td>1.70</td>
</tr>
<tr>
<td>Less than 4</td>
<td>1.80</td>
</tr>
</tbody>
</table>

KINDERGARTEN SPARSITY FACTOR

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

Count as 17 only when a school district has a separately organized kindergarten program and has less than seventeen (17) average daily attendance. A kindergarten program that has less than seventeen (17) average daily attendance and is a part of the program for other elementary grades shall not count as seventeen (17) but shall have the following weighting:

<table>
<thead>
<tr>
<th>Average Daily Attendance</th>
<th>Factor</th>
</tr>
</thead>
<tbody>
<tr>
<td>8 to 16</td>
<td>.80</td>
</tr>
<tr>
<td>Less than 8</td>
<td>.85</td>
</tr>
</tbody>
</table>

In applying these tables to any given separate attendance unit as defined in this act, no school district shall receive less total money than it would receive if it had a lesser average daily attendance in such separate attendance unit. In applying the kindergarten sparsity factor to any summer kindergarten program or to a kindergarten program of less than a school year, the weighting shall be in ratio to the number of days of a full school year.

b. Secondary School Cost Factor. -- In addition to the Secondary Grades Sparsity Factor provided in paragraph (4)a in this section, the actual unweighted average daily attendance of every separate attendance unit of secondary grade pupils shall be multiplied by a factor.
of .30 to be called the Secondary School Cost Factor.

(5) State Average Cost Factor per Student. — Divide total distribution funds, after subtracting the foundation transportation program as provided in paragraph (3) of this section and ancillary personnel allowances as provided in chapter 20, title 33, Idaho Code, by total weighted state average daily attendance to secure state average cost factor per student. On or before the fifteenth day of February of each school year, the state board of education shall certify to the individual school districts the state average cost factor per student as herein determined, adjusting said average cost factor per student as necessary to reflect the provisions of paragraph (7)a, b, c of this section.

(6) District Share of State and County Funds. — Ascertain a district's share of state and county funds other than the foundation transportation program as follows:

a. District Equalization Levy. — Multiply district's adjusted assessed valuation plus the equivalent valuation as defined in section 33-1014, Idaho Code, by twenty-two (22) mills.

b. District Weighted Average Daily Attendance. — The weighted average daily attendance of each school district in the state shall be determined as follows:

(1) Multiply the actual unweighted average daily attendance of each elementary grade separate attendance unit of the district as defined in this act, excluding the average daily attendance of exceptional elementary grade pupils, by the appropriate elementary grades sparsity factor in paragraph (4)a of this section; then add the products of the weighted average daily attendance of each such elementary grades separate attendance unit to obtain the district's total elementary grades weighted average daily attendance.

(2) Multiply the actual unweighted average daily attendance of each secondary grade separate attendance unit of the district as defined in this act, excluding the average daily attendance of exceptional secondary grade pupils, by the appropriate secondary grades sparsity factor in paragraph (4)a of this section; then multiply the actual unweighted average daily attendance of each secondary grade's attendance unit by the secondary school cost factor as provided in paragraph (4)b; then add the products obtained by applying the secondary grades sparsity factor and the secondary school cost factor; this sum is the district's total secondary weighted average daily attendance.

(3) Multiply the combined total of the actual
unweighted averaged daily attendance of all the elementary and secondary grades exceptional pupils of the district by the exceptional child sparsity factor provided in paragraph (4)a of this section, to obtain the total exceptional weighted average daily attendance of the district.

(4) Multiply the actual unweighted average daily attendance of the kindergarten students by the appropriate kindergarten sparsity factor in paragraph (4)a of this section to obtain the total kindergarten weighted average daily attendance of the district.

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

(6) The total weighted average daily attendance of the district shall be the sum of products of the district's total elementary weighted average daily attendance, subparagraph (1) herein, and the total secondary weighted average daily attendance, subparagraph (2) herein, the total exceptional child weighted average daily attendance, subparagraph (3) herein, the total kindergarten weighted average daily attendance, subparagraph (4), herein, and total border students weighted average daily attendance, subparagraph (5) herein.

c. Total District Cost. Multiply total district weighted average daily attendance by the state average cost factor per student to secure total district education cost.

d. District Share. -- To secure district's share of state and county apportionment, subtract the amount of the local district equalization levy (6)a, from the amount of the total district cost (6)c. The contract salary of every noncertificated teacher shall be subtracted from the district's share unless otherwise approved by the state board of education.

(7) a. Every school district which has levied taxes for the maintenance and operation of public schools for the 1972-73 school year and any subsequent school year of at least twenty-two (22) mills on the actual assessed valuation of the home county or a mill levy which pro-
duces revenue at least equal to that which would have accrued from a levy of twenty-two (22) mills on the adjusted assessed valuation in the home county of the district, shall receive at least as much state and county aid, under the foundation educational program, for each pupil in average daily attendance as it did for the 1968-69 school year.

b. Those districts which do not levy at least twenty-two (22) mills, on the actual assessed valuation of the home county for maintenance and operation of public schools in any school year, or a mill levy which produces revenue at least equal to that which would have accrued from a levy of twenty-two (22) mills on the adjusted assessed valuation of the district, shall not participate in the state or county foundation program provided for by this chapter for any such school year.

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

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

Approved March 14, 1978.
CHAPTER 103
(H.B. No. 435)

AN ACT
RELATING TO ELEMENTARY SCHOOL DISTRICTS; AMENDING SECTION 33-506, IDAHO CODE, TO PROVIDE THAT ELEMENTARY DISTRICTS WITH MORE THAN FIVE TEACHERS MAY APPOINT A TREASURER; AMENDING SECTION 33-509, IDAHO CODE, TO PROVIDE THAT THE COUNTY TREASURER ACTS AS THE TREASURER OF AN ELEMENTARY DISTRICT WITH LESS THAN SIX TEACHERS EMPLOYED WITHIN THE DISTRICT; AMENDING SECTION 33-701, IDAHO CODE, TO PROVIDE THAT ELEMENTARY DISTRICTS WITH MORE THAN FIVE TEACHERS SHALL BE ELIGIBLE TO USE REGULAR BANK CHECKS FOR PURPOSES SPECIFIED; AND AMENDING SECTION 33-702, IDAHO CODE, TO REQUIRE THAT ELEMENTARY DISTRICTS WITH LESS THAN SIX TEACHERS EMPLOYED SHALL TRANSACT BUSINESS THROUGH THE USE OF WARRANTS.

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

SECTION 1. That Section 33-506, Idaho Code, be, and the same is hereby amended to read as follows:

33-506. ORGANIZATION AND GOVERNMENT OF BOARD OF TRUSTEES. Each board of school district trustees shall organize at its annual meeting and elect a chairman, a vice-chairman, a clerk, and in other than elementary school districts with less than six (6) teachers within the district, a treasurer. The clerk and the treasurer may be members of the board of trustees; or, in the discretion of the board, either or both may be selected from among competent and responsible persons outside the membership of the board. The board in its discretion may allow compensation for the clerk, and for the treasurer if other than the county treasurer.

Each member of the board not otherwise compensated by public moneys shall be compensated for actual expenses incurred for travel to, from, and attending meetings of the board. Such compensation shall be paid from the district school funds.

It shall be the duty of each member of the board of trustees to attend all meetings, both regular and special; and the board shall have the following powers and duties:

1. To make by-laws, rules and regulations for its government and that of the district, consistent with the laws of the state of Idaho and the rules and regulations of
the state board of education;
2. To call special meetings or elections for such purpose as may be necessary for the proper conduct and management of the school or schools of the district;
3. To employ an attorney or attorneys when deemed for the best interests of the district, or for the purpose of defending the district against any suit or for bringing action deemed necessary to be commenced by the board.

SECTION 2. That Section 33-509, Idaho Code, be, and the same is hereby amended to read as follows:

33-509. DUTIES OF THE TREASURER. The treasurer elected by the board of trustees of a school district shall have such duties as the board may prescribe. He shall be placed under fidelity bond issued by a surety company authorized to do business in the state of Idaho, in such amount as the board of trustees may from time to time determine, or under personal bond equal to twice such determined amount with at least two (2) sureties who each shall qualify as in the case of sureties on the bonds of county officers.

The county treasurer of the home county of any elementary school district with less than six (6) teachers within the district shall serve as treasurer of such district.

The treasurer shall deposit the moneys of the district in accordance with the provisions of the Public Depository Law as now appearing or as it may be amended.

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 with less than six (6) teachers within the 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 percent (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 pub-
lished 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 generally accepted auditing standards and procedures.

The auditor shall be employed on written contract.

One (1) copy of the report of the audit shall be filed with the 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 para-
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 percent (60%) of the members of the board of trustees. Such amended budgets shall be submitted to the state board of education.

SECTION 4. That Section 33-702, Idaho Code, be, and the same is hereby amended to read as follows:

33-702. SCHOOL WARRANTS -- HOW DRAWN. Whenever the board of trustees has approved and ordered payment of salaries, wages, or other claim against the school district, and the same is not paid by regular bank check, the clerk of the board of trustees shall issue a school district warrant, or order for warrant drawn against the appropriate fund, and shall sign the same.

The clerk of the board of trustees of any elementary school district with less than six (6) teachers within the district shall execute an order for warrant or warrants in duplicate, and present the same to the county auditor of the county, or of the home county, in which the district lies. The county auditor shall thereupon issue his warrant drawn against the school district fund as shown by the order for warrant.

All warrants so issued shall be presented to the treasurer of the school district for payment by the persons holding the same. If there not be sufficient money to the credit of the fund on which the warrant is drawn, the treasurer shall endorse on the back of said warrant, "Not paid for want of funds" and hand the same to the person presenting the warrant for payment. Warrants so endorsed by the treasurer shall bear interest at the rate of six per cent (6%) per annum from date of the endorsement until ten (10) days after said warrant is called for payment.

Warrants issued by, or in behalf of, any school district shall be paid in the order of their issuance from funds accruing for the year in which they are issued. After all outstanding indebtedness for general school purposes for any one (1) year has been paid, any balance in the general school fund for that year shall be transferred to a warrant redemption fund for payment of any registered warrants. Where there is no outstanding indebtedness for general school purposes, nor any registered warrants, any such balance may be used for the payment of current expenses for the next fiscal year.

Approved March 14, 1978.
MAKING CERTAIN SUMS AVAILABLE FROM APPROPRIATIONS MADE FOR FISCAL YEAR 1979 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 1979 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.

AGENCY

A. STATE BOARD OF EDUCATION:
1. University of Idaho 59,750
2. Idaho State University 9,525
3. State Library 14,000
TOTAL $83,275

B. DEPARTMENT OF HEALTH & WELFARE:
1. State Hospital South $79,000
2. Idaho State School and Hospital 52,300
3. State Youth Training Center 59,000
TOTAL $190,300

C. OFFICE OF THE GOVERNOR:
1. Division of the Military $20,800

GRAND TOTAL $294,375

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 14, 1978.
AN ACT
AMENDING SECTION 1, CHAPTER 7, LAWS OF 1978, RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF LANDS, BY INCREASING THE APPROPRIATION FOR THE FOREST AND RANGE FIRE PROTECTION PROGRAM BY $195,800 FROM THE GENERAL ACCOUNT AND $16,700 FROM THE TIMBER FIRE PROTECTION ACCOUNT; SPECIFYING CONDITIONS FOR EXPENDITURE; AND DECLARING AN EMERGENCY.

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

SECTION 1. In addition to the appropriation made by Section 1 of House Bill No. 425, Second Regular Session, Forty-fourth Idaho Legislature, Chapter 7, Laws of 1978, there is hereby appropriated the following amounts from the listed accounts for the expense classes designated:

<table>
<thead>
<tr>
<th>FROM:</th>
<th>TO: TRUSTEE AND</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Account</td>
<td>BENEFIT PAYMENTS</td>
</tr>
<tr>
<td>$195,800</td>
<td></td>
</tr>
<tr>
<td>Timber Fire Protection Account</td>
<td>16,700</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$212,500</td>
</tr>
</tbody>
</table>

SECTION 2. For purposes of payment of the bill from the United States Department of Agriculture for fire fighting activities, the funds herein appropriated are to be expended first from the Timber Fire Protection Account and then from the General Account until the bill is paid. Any unexpended balance from the General Account will then revert. The appropriation from the General Account is not to be transferred to any other account.

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

Approved March 14, 1978.
CHAPTER 106
(H.B. No. 489)

AN ACT
RELATING TO THE FILING OF PLATS; AMENDING SECTION 50-1304, IDAHO CODE, TO SPECIFY REQUIREMENTS FOR FILING PLATS; AND AMENDING SECTION 50-1310, IDAHO CODE, TO SPECIFY REQUIREMENTS FOR FILING PLATS OF SUBDIVISIONS.

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

SECTION 1. That Section 50-1304, Idaho Code, be, and the same is hereby amended to read as follows:

50-1304. ESSENTIALS OF PLATS. All plats offered for record in any county shall be made in black india ink upon a good-quality-of-white-cold-pressed, double-mounted-drawing paper-eighteen-(18)-inches-by-twenty-four-(24)-inches-in size, with a three-(3)-inch-flexible-binding-strip-at-one end-prepared in black opaque image upon stable base drafting film with a minimum base thickness of 0.003 inches, by either a photographic process using a silver image emulsion or by use of a black opaque drafting film ink, by mechanical or handwritten means. The drafting shall be of such a scale, and the writings and letterings drafting film and image thereon shall be of such size or type as will permit the whole thereof to be placed upon one-(1)-single sheet of paper but no part thereof shall come nearer any edge of said sheet than one-(1)-inch. All of such diagram or drawing shall be on one-(1)-side or page of the sheet, but the dedications or other written matter may be on the other side, waterproof, tear resistant, flexible, and capable of withstanding repeated handling, as well as providing archival permanence. If ink is used on drafting film, the ink surface shall be coated with a suitable substance to assure permanent legibility. The drafting film must be of a type which can be reproduced by either a photographic or diazo process. Plats shall be eighteen (18) inches by twenty-seven (27) inches in size, with a three (3) inch margin at the left end for binding and a one-half (1/2) inch margin on all other edges. No part of the drawing or certificates shall encroach upon the margins. Signatures may be in reproducible black ink. The sheet or sheets which contain the drawing or diagram representing the survey of the subdivision shall be drawn at a scale suitable to insure the clarity of all lines, bearings and dimensions. In the event
that any subdivision is of such magnitude that the drawing or diagram cannot be placed on a single sheet, serially numbered sheets shall be prepared and match lines shall be indicated on the drawing or diagram with appropriate references to other sheets. The required dedications, acknowledgements and certifications shall appear on one of the serially numbered sheets.

The plat shall show (a) the streets and alleys, with widths and courses clearly shown; (b) each street named; (c) all lots numbered consecutively in each block, and each block lettered or numbered, provided, however, in a platted cemetery, that each block, section, district or division and each burial lot shall be designated by number or letter or name; (d) each and all lengths of the boundaries of each lot shall be shown, provided, however, in a platted cemetery, that lengths of the boundaries of each burial lot may be shown by appropriate legend; (e) the exterior boundaries shown by distance and bearing; (f) descriptions of survey monuments; (g) initial point and tie to at least two (2) government corners, or in lieu of government corners, to two (2) monuments recognized by the city engineer or county engineer or surveyor; and also, if required by the city or county governing bodies, give coordinates based on the State Plane-Coordinate-System, Idaho coordinate system geom.; (h) the easements; and (i) basis of bearings.

SECTION 2. That Section 50-1310, Idaho Code, be, and the same is hereby amended to read as follows:

50-1310. FILING AND RECORDING -- RECORD OF PLATS -- FILING OF COPY. All approved plats of subdivisions shall, upon the payment of the required fees, be filed by the county clerk or county recorder, and such filing with the date thereof shall be indorsed thereon. The plat or opaque copy thereof shall then be bound or filed with other plats of like character in a proper book or file designated as "Records of Plats."

At the time of filing such plat, the owner or his representative shall also file with the county clerk or county recorder a transparency thereof made upon good quality tracing-cloth or film certified to be an exact copy by the surveyor or engineer, and shall then be filed in the archives of such county and be preserved by binding in board covers without folding, one (1) copy thereof. The copy may be either upon white opaque film with a minimum base thickness of 0.007 inches or stable base drafting film with a minimum base thickness of 0.003 inches or other material as required by the county in which the plat is recorded. The copy and image thereon shall be waterproof, tear-resistant,
flexible, and capable of withstanding repeated handling. The original plat shall be stored for safe keeping in a reproducible condition by the county. It shall be proper for the recorder to maintain for public reference a set of counter maps that are prints of the original maps. The original maps shall be produced for comparison upon demand. Full scale copies thereof shall be made available to the public, at direct cost for reproduction, by the county recorder.

Approved March 14, 1978.
CHAPTER 107
(H.B. No. 545)

AN ACT
RELATING TO RECORDING OF SURVEYS; AMENDING TITLE 55, IDAHO CODE, BY THE ADDITION THEREOF OF A NEW CHAPTER 19, TITLE 55, IDAHO CODE, TO PROVIDE A STATEMENT OF PURPOSE, TO PROVIDE DEFINITIONS, TO REQUIRE COMPLIANCE WITH THE PROVISIONS OF THIS CHAPTER, TO SPECIFY TIME WHEN FILING OF RECORDS OF SURVEYS SHALL BE REQUIRED, TO SPECIFY PROCESSING OF RECORDS FILED UNDER THIS CHAPTER, TO SPECIFY CONTENTS OF THE RECORD OF THE SURVEY, TO REQUIRE THAT THE POINT OF ORIGIN SHALL BE SHOWN, TO SPECIFY TIMES WHEN RECORD OF A SURVEY IS NOT REQUIRED, TO SPECIFY A FILING FEE, AND TO PROVIDE DUTIES OF THE COUNTY RECORDER; AMENDING SECTION 55-1608, IDAHO CODE, TO SPECIFY MONUMENT REQUIREMENTS; AND AMENDING CHAPTER 16, TITLE 55, IDAHO CODE, BY THE ADDITION THEREOF OF A NEW SECTION 55-1613, IDAHO CODE, TO SPECIFY PROCEDURE WHEN MONUMENTS ARE DISTURBED BY CONSTRUCTION ACTIVITIES.

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

SECTION 1. That Title 55, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 19, Title 55, Idaho Code, and to read as follows:

CHAPTER 19
RECORDING OF SURVEYS

55-1901. PURPOSE. The purpose of this chapter is to provide a method for preserving evidence of land surveys by providing for a public record of surveys. The provisions shall be deemed supplementary to existing laws relating to surveys, subdivisions, platting and boundaries.

55-1902. DEFINITIONS. As used in this chapter:
1. "Surveyor" shall mean every person authorized by the state of Idaho to practice the profession of land surveying.
2. "Idaho coordinate system" shall mean that system of plane coordinates as established and designated by chapter 17, title 55, Idaho Code.
3. "Survey" shall mean the locating and monumenting of points of lines which define the exterior boundary or bound-
aries common to two (2) or more ownerships, except those boundaries defining ownership in established and ongoing mineral extraction operations; or which reestablish or restore public land survey corners in accordance with established principles of land surveying by or under the supervision of a surveyor.

55-1903. COMPLIANCE WITH CHAPTER REQUIRED. Any surveyor legally engaged in the practice of land surveying shall comply with the provisions of this chapter.

55-1904. RECORDS OF SURVEY -- WHEN FILING REQUIRED. After making a survey in conformity with established principles of land surveying, a surveyor shall file a record of survey with the county recorder in the county or counties wherein the lands surveyed are situated. A record of survey shall be filed within ninety (90) days after completing any survey which:

(1) Discloses a material discrepancy with previous surveys of record;
(2) Establishes boundary lines and/or corners not previously existing or of record;
(3) Produces evidence or information which varies from, or is not contained in, surveys of record relating to the public land survey, lost public land corners or obliterated land survey corners.

55-1905. RECORDS OF SURVEY -- FILING. The records of survey to be filed under authority of this chapter shall be processed as follows:

(1) The record of survey shall be a map, prepared in black opaque image upon stable base drafting film with a minimum base thickness of .003 inches by either a photographic process using a silver image emulsion or by use of black opaque drafting film ink, by mechanical or handwritten means. The drafting film and image thereon shall be waterproof, tear resistant, flexible and capable of withstanding repeated handling, as well as providing archival permanence. If ink is used on drafting film, the ink surface shall be coated with a suitable substance to assure permanent legibility. The drafting film must be of a type which can be reproduced by either a photographic or diazo process. Plats shall be eighteen (18) inches by twenty-seven (27) inches in size, with a three (3) inch margin at the left end for binding, and a one-half (1/2) inch margin on all other edges. No part of the drawing or certificates shall encroach upon the margins. Signatures may be in reproducible black ink. The sheet or sheets which contain the drawing or diagram representing the survey shall be drawn at a scale suitable to
insure the clarity of all lines, bearings and dimensions. In the event that any survey is of such magnitude that the drawing or diagram cannot be placed on a single sheet, serially numbered sheets shall be prepared and match lines shall be indicated on the drawing or diagram with appropriate references to other sheets.

(2) The original transparency and one (1) legible print of each record of survey shall be furnished to the county recorder in the county or counties in which the survey is to be recorded.

55-1906. RECORDS OF SURVEY -- CONTENTS. The record of survey shall show:

(1) All monuments found, set, reset, replaced, or removed, describing their kind, size, and location and giving other data relating thereto;

(2) Evidence of compliance with chapter 16, title 55, Idaho Code; basis of bearings, bearing and length of lines, scale of map, and north arrow;

(3) Section, or part of section, township and range in which the survey is located and reference to adjoining surveys of record;

(4) Certificate of survey.

55-1907. COORDINATES -- ORIGIN. When coordinates in the Idaho coordinate system are shown on a record of survey map, the map must show the point of origin.

55-1908. WHEN RECORD OF SURVEY NOT REQUIRED. A record of survey is not required of any survey when:

(1) It is of a preliminary nature.

(2) A map is in preparation for recording or has been recorded under any other section of the Idaho Code, or pursuant to the laws of the United States.

(3) A survey is performed for a mineral claim location, amendment or relocation.

55-1909. FILING FEE. A fee of one dollar ($1.00) per page shall be charged for filing any record of survey.

55-1910. DUTIES OF COUNTY RECORDER. The record of survey filed with the county recorder of any county shall be assigned an instrument number and shall be bound or filed with other plats of like character in a book or file designated as "Records of Surveys."

Proper indexes shall be kept of such record of survey by section, township and range.

The survey map transparency shall be stored for safekeeping in a reproducible condition. It shall be proper for
the recorder to maintain for public reference a set of counter maps that are prints of the transparencies. The transparencies shall be produced for comparison upon demand, and full scale copies shall be made available to the public, at direct cost, by the county recorder.

SECTION 2. That Section 55-1608, Idaho Code, be, and the same is hereby amended to read as follows:

55-1608. SURVEYOR TO RECONSTRUCT MONUMENTS. In every case where a corner record of a public-land survey corner is required to be filed or recorded under the provisions of this act, the surveyor must reconstruct or rehabilitate the monument of such corner, and accessories to such corner, so that it will be as permanent a monument as is reasonably possible to provide and so that it may be located with facility at any time in the future.

Any monument set shall be permanently marked or tagged with the certificate number of the responsible surveyor in charge. If the monument is set by a public officer, it shall be marked by an appropriate official designation.

SECTION 3. That Chapter 16, Title 55, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 55-1613, Idaho Code, and to read as follows:

55-1613. MONUMENTS DISTURBED BY CONSTRUCTION ACTIVITIES -- PROCEDURE -- REQUIREMENTS. When adequate evidence exists as to the location of a public land survey corner, subdivision, tract, or other land corners, such monuments shall be referenced by or under the direction of a surveyor prior to the time when construction or other activities may disturb them. Such corners shall be reestablished and remonumented under the supervision of a surveyor.

Approved March 14, 1978.
CHAPTER 108
(H.B. No. 360)

AN ACT
RELATING TO THE CONFIDENTIALITY OF INCOME TAX RETURNS;
AMENDING SECTION 63-3076, IDAHO CODE, TO COMPLY WITH
REQUIREMENTS OF THE INTERNAL REVENUE CODE, AS AMENDED.

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

SECTION 1. That Section 63-3076, Idaho Code, be, and
the same is hereby amended to read as follows:

63-3076. PENALTY FOR DIVULGING INFORMATION. (a) No com-
misioner, deputy, or any clerk, agent or employee, or any
centralized state computer facility employee shall divulge
or make known to any person in any manner any information
whatsoever obtained directly or indirectly by him in the
discharge of his duties, or permit any income return or copy
thereof, or any paper or book so obtained, to be seen or
examined by any person except as provided by law; provided,
that in any action or proceeding brought for the collection,
remission, cancellation or refund of the whole or any part
of a tax imposed under the provisions of this act, or for
enforcing the penalties prescribed for making false or
fraudulent returns, any and all information contained in
such returns may be furnished or made accessible to the
officers or representatives of the state or county charged
with the duty of prosecuting or defending the same, under
such rules and regulations as the state tax commission shall
 prescribe; and all such returns and the statements and cor-
respondence relating thereto may be produced in evidence in
any action or proceeding, civil or criminal, directly per-
taining to such returns or the tax imposed on the basis of
such return.

(b) A copy of all or any portion of a federal return,
or information reflected on such federal return, which may
be attached to an Idaho return, or otherwise come into the
possession of any commissioner, deputy, clerk, agent or
employee, or any employee of a centralized state computer
facility, shall not be disclosed in any manner whatsoever
other than as authorized by the preceding subsection.

(c) Any officer, agent, clerk or employee violating
any of the provisions of this section shall be guilty of a
felony and, upon conviction thereof, be punished by a fine of not less than $100 nor more than $5,000, or by imprisonment for not more than five (5) years. Such officer, agent, clerk or employee upon such conviction shall also forfeit his office or employment and shall be incapable of holding any public office in this state for a period of two (2) years thereafter.

Approved March 14, 1978.
CHAPTER 109
(H.B. No. 350)

AN ACT
RELATING TO LIMITS OF RISK OR COUNTY MUTUAL INSURERS; AMENDING SECTION 41-3106, IDAHO CODE, TO INCREASE THE DOLLAR AMOUNT OF RISK LIMITS APPLICABLE TO COUNTY MUTUAL INSURERS.

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

SECTION 1. That Section 41-3106, Idaho Code, be, and the same is hereby amended to read as follows:

41-3106. LIMIT OF RISK. (1) The maximum amount of insurance which an insurer shall retain as to any one subject of insurance, after deduction of applicable reinsurance, shall not exceed ten per cent (10%) of the insurer's admitted assets or twelve twenty-five thousand dollars ($125,000), whichever is the larger amount.

(2) As to insurance against fire and perils other than windstorm, tornado, hailstorm, and other catastrophic perils, a "subject of insurance" for the purposes of this provision includes all properties insured by the same insurer which are customarily considered by insurance underwriters to be subject to loss or damage from the same fire or the same occurrence of any other peril insured against.

Approved March 14, 1978.
AN ACT
RELATING TO SANITARY INSPECTION OF DAIRY PRODUCTS; AMENDING SECTION 37-402, IDAHO CODE, BY PROVIDING THAT THE STANDARD SEDIMENT TEST FOR TESTING THE SANITATION OF MILK AND CREAM SHALL BE EMPLOYED ONLY ONCE EACH MONTH, RATHER THAN TWICE EACH MONTH, AND THAT THE METHYLENE BLUE METHOD FOR TESTING MILK AND CREAM SHALL BE ELIMINATED.

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

SECTION 1. That Section 37-402, Idaho Code, be, and the same is hereby amended to read as follows:

37-402. STANDARDS, RULES AND REGULATIONS. The following standards, rules and regulations concerning the sanitation of milk and cream are hereby established:

1. The term "processor" as used herein shall mean any individual, partnership, association, or corporation doing business in the state of Idaho that produces, purchases, obtains or uses in the state of Idaho any milk or cream for use in the manufacture of butter, cheese, evaporated milk, frozen desserts, frozen novelties, edible dry milk, or other dairy products. The term "processor" shall not include any individual, partnership, association or corporation which produces, purchases, obtains, or uses milk or cream for his or its own consumption. The term "producer" as used in this act shall mean any person, firm or corporation who owns or controls one or more cows a part or all of the milk from which is sold or offered for sale to a processor.

2. No processor shall purchase or obtain in any manner, or use in any manner, for the sale or manufacture of any of the above named dairy products any unacceptable milk or cream as herein defined.

3. The processor shall, for the purpose of determining the acceptability or unacceptability of milk or cream, cause all milk or cream to be tested and graded according to the standards herein defined before purchase, acquisition, or use in any manner, provided, however, that where the processor customarily purchases the milk or cream of any person regularly engaged in the production thereof, the processor is required to test milk and cream of such producer not less
than twice once each month by the standard sediment test and once each month by the methylene-blue-method or the resazurin method, or such other test as may be prescribed by the director of the department of agriculture and when milk or cream from any such producer is found unacceptable as a result of either test, the processor shall thereafter test the milk or cream of such producer daily by the same test until it is found to be acceptable—provided—however—if after-testing-by-methylene-blue-method—the-milk-of-any-producer—has—a—reduction-time-of-less-than-two—(2)—hours—the milk-of-such-producer—shall—thereafter—be—tested—twice—a week—until—it—has—a—reduction-time-of-more-than-two—(2) hours. Each such processor shall retain for at least one (1) year at the place where such milk or cream is received a record of such tests in the form and of the content which shall be prescribed by the department of agriculture and shall exhibit such record at the place where the same is kept whenever requested to do so by the producer or the department and shall permit copies thereof to be taken.

4. Milk or cream is unacceptable which does not meet the standards and comply with the regulations promulgated by the director under this act.

5. Any milk or cream which is unclean, unwholesome or unfit for human consumption, as determined by the department, shall be rejected as unacceptable.

6. When any milk or cream is rejected as unacceptable it shall be the duty of the director or his agent to notify, in writing, all processors in the immediate area, giving the producer's name, address and can number.

7. Following receipt of such notification no processor shall purchase, obtain or use milk or cream from such producer until notified by the director or his agent that milk or cream from such producer is acceptable or until the milk or cream of such producer has subsequently been found to be acceptable for ten (10) consecutive days after testing the same in the manner hereinabove described.

Approved March 14, 1978.
AN ACT

EXPRESSING LEGISLATIVE INTENT WITH RESPECT TO EXPENDITURES FOR DESIGNATED PROGRAMS FOR PUBLIC SCHOOLS; APPROPRIATING MONEYS FROM THE ACCOUNT 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 DESIGNATED PROGRAMS FOR THE PERIOD JULY 1, 1978, THROUGH JUNE 30, 1979; 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, 1978, through June 30, 1979:

<table>
<thead>
<tr>
<th>FOR:</th>
<th>PUBLIC SCHOOL SUPPORT</th>
<th>PUBLIC SCHOOL EMPLOYEES' RETIREMENT</th>
<th>PUBLIC SCHOOL EMPLOYEES' UNEMPLOYMENT INSURANCE</th>
<th>PUBLIC SCHOOL EMPLOYEES' SOCIAL SECURITY</th>
<th>TOTAL</th>
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<tbody>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Account</td>
<td>$105,115,500</td>
<td>$13,453,500</td>
<td>$500,000</td>
<td>$119,069,000</td>
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<td>Sales Tax:</td>
<td>9,950,000</td>
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<td>School Districts</td>
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<td>Counties</td>
<td>(8,010,000)</td>
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<td>Endowment Income</td>
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<tr>
<td>Mineral royalties, car company tax and misc. receipts</td>
<td>2,080,000</td>
<td>2,080,000</td>
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<td>Liquor Funds</td>
<td>180,000</td>
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<td>Vocational Education</td>
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<tr>
<td>TOTAL</td>
<td>$128,935,500</td>
<td>$13,453,500</td>
<td>$500,000</td>
<td>$119,069,000</td>
<td>$153,949,000</td>
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</table>

SECTION 2. There is hereby appropriated out of the account enumerated the following moneys, to be deposited with the public school income fund for the designated programs for the period July 1, 1978, through June 30, 1979:

FOR: Public School Foundation Program $105,115,500
     Public School Employees' Retirement Program 13,453,500
     Public School Employees' Unemployment Insurance Program 500,000
     TOTAL $119,069,000
FROM:
General Account $119,069,000

SECTION 3. There is hereby appropriated out of the public school income fund the following moneys, to be disbursed by the State Board of Education for the designated programs for the period July 1, 1978, through June 30, 1979:

FOR:
Public School Foundation Program $105,115,500
Public School Employees' Retirement Program 13,453,500
Public School Employees' Unemployment Insurance Program 500,000
TOTAL $119,069,000

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, 1978, through June 30, 1979.

Approved March 14, 1978.
chapter 112
(s.b. no. 1437, as amended)

an act
relating to the employment security law, by providing for certain technical amendments to conform Idaho law to the provisions of the federal unemployment tax act; amending section 72-1316a, Idaho code, to provide that the exclusions contained in that section apply to full-time students and do not apply to service performed in a program established on behalf of an employer or group of employers, and to exempt part-time employees of nonprofit associations supplying cultural services to a community from unemployment compensation, and reducing the exemption granted to a parent of an employed child to eighteen years of age; amending section 72-1316, Idaho code, by striking "virgin islands"; amending section 72-1322b, Idaho code, to provide that preschools and kindergartens are included within the definition of "primary schools"; repealing section 72-1322c, Idaho code; amending chapter 13, title 72, Idaho code, by the addition of a new section 72-1322c, Idaho code, to define "governmental entity" and to provide that state coverage includes services for jointly owned governmental institutionalities; amending section 72-1349a, Idaho code, to provide that nonprofit reimbursement employers must reimburse the fund for one-half of extended benefits which are paid based on service in their employ; amending section 72-1349b, Idaho code, to provide that beginning January 1, 1979, the federal government will no longer participate in the cost of extended benefits payable based on service with governmental entities; amending section 72-1349c, Idaho code, to provide that school districts shall have the option to elect cost reimbursement or to pay contributions; amending section 72-1366, Idaho code, by striking the words "service performed" and inserting in lieu thereof "weeks of unemployment beginning" and by striking "regular but" and inserting in lieu thereof "whether or," providing for exclusion of coverage for persons performing certain services for educational institutions other than higher education, to deny unemployment insurance benefits to certain aliens and further providing that aliens lawfully present for purposes of performing services are not denied benefits, and denying benefits to employees who are not required to work during estab-
Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 72-1316A, Idaho Code, be, and the same is hereby amended 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 person under the age of twenty-one (21) years in the employ of his father or mother;
   (3) Service performed by a student-enrolled in an accredited program at an accredited nonprofit or public education institution for which credit at such institution is earned in a program which combines academic instruction with work experience, except that this subparagraph shall not apply to service performed in a program established at the...
request of an employer or group of employers.

(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.

(p) Part-time service performed for nonprofit associations supplying cultural services to a community. Part-time service as used in this subsection means four hundred eighty (480) or fewer hours of service in a calendar year.

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.

(b) Notwithstanding any of the other provisions of this 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 busi-
ness;

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

(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) 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 72-1322B, Idaho Code, be, and the same is hereby amended to read as follows:

72-1322B. EDUCATIONAL INSTITUTION DEFINED. For purposes of this act, "educational institution" means
(a) An institution of higher education which:
(1) Admits as regular students only individuals having
a certificate of graduation from a high school, or the recognized equivalent of such a certificate; and
(2) Is legally authorized in this state to provide a program of education beyond high school; and
(3) 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 education from preschool and kindergarten through grade twelve (12).

SECTION 4. That Section 72-1322C, Idaho Code, be, and the same is hereby repealed.

SECTION 5. That Chapter 13, Title 72, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 72-1322C, Idaho Code, and to read as follows:

72-1322C. GOVERNMENTAL ENTITY DEFINED. When used in this act the term "governmental entity" means this state or any of its instrumentalities or any political subdivision thereof or its instrumentalities or any instrumentality of more than one of the foregoing or any instrumentality which is jointly owned by this state or a political subdivision thereof and one or more other states or political subdivisions of this or other states provided that service for such an entity is excluded from "employment" as defined in the federal unemployment tax act by section 3306(c)(7) of that act and is not excluded from "employment" under section 72-1316A(e), Idaho Code.

SECTION 6. That Section 72-1349A, Idaho Code, be, and the same is hereby amended 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 full amount of regular benefits and one-half (1/2) the amount of 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 (2) or more employers, the portion of benefits to be repaid by a nonprofit organization shall be their proportionate share. This shall be computed on the basis of the relationship between wages utilized which were earned for services performed for such nonprofit organization and the total wages utilized in paying such benefits.

(A) Any nonprofit organization may elect to become liable for payments in lieu of contributions, provided it files with the director a written notice of its election within the thirty (30) day period following: January 1, 1972, if such organization is, or becomes subject to this act on January 1, 1972, or the date of the determination that such organization is subject if it becomes subject after January 1, 1972, such election shall be effective for not less than twelve (12) months and will continue to be in effect until terminated. The nonprofit organization must file with the director a written notice of termination of such election not later than thirty (30) days prior to the beginning of the taxable year for which such termination shall first be effective. The director may terminate the election as provided in this paragraph. The director may for good cause extend the period within which a notice of election, or a notice of termination must be filed.

(B) Any nonprofit organization which has been paying contributions under this act for a period subsequent to January 1, 1972, may change to a
reimbursable basis by filing with the director not later than thirty (30) days prior to the beginning of any taxable year a written notice of election to become liable for payments in lieu of contributions. Such election shall not be terminable by the organization for that and the next year.

(C) The director shall notify each nonprofit organization of any determination which he may make of its status as an employer and of the effective date of any election which it makes and of any termination of such election. Such determination shall be subject to reconsideration, appeal, and review in accordance with provisions of subsections (f), (g), (h) and (i) of section 72-1368, Idaho Code.

(2) Reimbursement payments. Payments in lieu of contributions shall be made in accordance with the provisions of this paragraph including either subparagraph (A) or subparagraph (B).

(A) 1. At the end of each calendar quarter, or at the end of any other period as determined by the director, the director shall bill each nonprofit organization (or group of nonprofit organizations) which has elected to make payments in lieu of contributions for an amount equal to the full amount of regular benefits and one-half (1/2 the amount of extended 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 payment in lieu of contributions as required in (A) 1 and (B) of this subsection shall be subject to the penalty provisions provided in section 72-1354, Idaho Code, and subject to the collection provisions of section 72-1355, Idaho Code.

(D) Appeals procedure. The nonprofit organization making payments in lieu of contributions may appeal the director's determination of benefit 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 7. That Section 72-1349B, Idaho Code, be, and the same is hereby amended 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. Governmental entities which have elected cost reimbursement may form a group to fulfill the requirements of this section.

(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 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 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¢).

(d) Commencing January 1, 1979, the federal government will no longer reimburse governmental entities for one-half (1/2) the amount of extended benefits paid which are attributable to service in their employ, therefore, commencing January 1, 1979, all governmental entities must reimburse the fund the full amount of regular benefits and the full amount of extended benefits paid which are attributable to service in their employ.

SECTION 8. That Section 72-1349C, Idaho Code, be, and the same is hereby amended to read as follows:

72-1349C. FINANCING OF BENEFIT PAYMENTS BY SCHOOL DISTRICTS WHICH HAVE ELECTED COST REIMBURSEMENT. (a) School districts which have elected the cost reimbursement method of financing benefits shall finance said 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 which have elected the cost reimbursement method of financing benefits, 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 said 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 9. 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 per-
sonal circumstance, is required to be absent from his normal market area, provided that such absence does not exceed a major portion of the week.

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

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

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

(1) If the vacancy of the position offered is due directly to a strike, lock out, or other labor dispute;
(2) If the wages, hours, or other conditions of the work offered are substantially less favorable to the 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 72-1349A, 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.

(1) If the services performed during one-half (1/2) or more of any contract period by an individual for an educational institution 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 educational institution 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) (1) With respect to service performed weeks of unemployment beginning 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 whether or 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.

(2) With respect to weeks of unemployment beginning after December 31, 1977, in any other capacity for an educational institution (other than an institution of higher education) benefits shall not be paid on the basis of such services to any individual for any week which commences during a period between two (2) successive school years or terms, or during a period of paid sabbatical leave if such individual performs such services in the first of such school years or terms, and there is a contract or reasonable assurance that such individual will perform such services in the second of such school years or terms.

(3) With respect to weeks of unemployment beginning after December 31, 1977, benefits shall not be paid nor "waiting week" credit given to an individual for such services for any week which commences during an established and customary vacation period or holiday recess if such individual performs such services in the period immediately before such vacation period or holiday recess, and there is a reasonable assurance that such individual will perform such services in the period immediately following such vacation period or holiday recess.

(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).

(g)(1) 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 at the time such services were performed, was lawfully present for purposes of performing such services, or was 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).

(2) Any data or information required of individuals applying for benefits to determine whether benefits are not payable to them because of their alien status shall be uniformly required from all applicants for benefits.

SECTION 10. That Section 72-1366A, Idaho Code, be, and the same is hereby repealed.

SECTION 11. 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) 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) For weeks beginning after December 31, 1976, there is a national "off" 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 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 percent (120%) of the average of such rates for the corresponding thirteen (13) week period ending in each of the preceding two (2) calendar years; and

(B) Equaled or exceeded four percent (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 determined 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 immediately preceding twelve (12) weeks, the rate of insured unemployment, not seasonally adjusted, under this act:

(A) Was less than one hundred twenty percent (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 percent (4%).

(6) During any period when the federal law which establishes the extended unemployment compensation program does not require the application of the percentages enumerated in paragraphs (a)(2) and (3) of this section for determining whether there have been federal "on" or "off" indicators for the beginning or ending of any extended benefit periods the director shall have discretion to waive those percentages and to adopt the percentages enumerated in the federal law for said period and during any period when said federal law does not require the application of the one hundred twenty percent (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 percent (120%) provisions of this section.

(7) "Rate of insured unemployment," for purposes of paragraphs (4) and (5) of this subsection, means the percentage derived by dividing:

(A) The average weekly number of individuals filing claims in this state for weeks of unemployment with respect to the most recent thirteen (13) consecutive week period, as determined by the director on the basis of his reports to the United States secretary of labor; by

(B) The average monthly employment covered under this act for the first four (4) of the most recent six (6) completed calendar quarters ending before the end of such thirteen (13) week period.

(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. Provided, however, that this provision shall not be applicable to individuals seeking benefits under the unemployment compensation laws of the Virgin Islands on the day after
the day on which the secretary of labor approves an unemployment compensation law submitted to him by the Virgin Islands for approval under the provisions of section 3304(a) of the Internal Revenue Code of 1954.

(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 percent (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 12. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Approved March 14, 1978.
AN ACT

RELATING TO THE UNIFORM CONSUMER CREDIT CODE; AMENDING SECTION 28-33-202, IDAHO CODE, BY ADDING A NEW SUBSECTION (1)(e) AND STRIKING SUBSECTION (3), FOR THE PURPOSE OF DEFINING REAL ESTATE CLOSING COSTS AS ADDITIONAL CHARGES.

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

SECTION 1. That Section 28-33-202, Idaho Code, be, and the same is hereby amended to read as follows:

28-33-202. ADDITIONAL CHARGES. (1) In addition to the loan finance charge permitted by this Part, a lender may contract for and receive the following additional charges in connection with a consumer loan:

(a) official fees and taxes;

(b) charges for insurance as described in subsection (2);

(c) annual charges, payable in advance, for the privilege of using a lender credit card or similar arrangement which entitles the user to purchase goods or services from at least one hundred (100) persons not related to the issuer of the lender credit card or similar arrangement, under an arrangement pursuant to which the debts resulting from the purchaser are payable to the issuer; and

(d) charges for other benefits, including insurance, conferred on the debtor, if the benefits are of value to him and if the charges are reasonable in relation to the benefits, are of a type which is not for credit, and are excluded as permissible additional charges from the loan finance charge by rule adopted by the administrator; and

(e) with respect to any real property transaction, closing costs as defined in section 28-31-301(5), if they are bona fide, reasonable in amount, and not for the purpose of circumvention or evasion of this act.

(2) An additional charge may be made for insurance written in connection with the loan, other than insurance protecting the lender against the debtor's default or other credit loss, provided the lender is properly licensed by the Idaho insurance department,

(a) with respect to insurance against loss of or damage
to property, or against liability, if the lender furnishes a clear and specific statement in writing to the debtor, setting forth the cost of the insurance if obtained from or through the lender, and stating that the debtor may choose the person through whom the insurance is to be obtained; and,

(b) with respect to consumer credit insurance providing life, accident, or health coverage, if the insurance coverage is not a factor in the approval by the lender of the extension of credit, and this fact is clearly disclosed in writing to the debtor, and if, in order to obtain the insurance in connection with the extension of credit, the debtor gives specific affirmative written indication of his desire to do so after written disclosure to him of the cost thereof.

Approved March 14, 1978.
CHAPTER 114
(S.B. No. 1432)

AN ACT
RELATING TO REBATES UPON PREPAYMENT IN CONSUMER CREDIT SALES AND CONSUMER LOANS; AMENDING SECTION 28-32-210, IDAHO CODE, TO PROVIDE THAT IN PRECOMPUTED TRANSACTIONS PAYABLE IN MORE THAN SIXTY-ONE INSTALMENTS REBATES MUST BE MADE BY THE ACTUARIAL METHOD; AMENDING SECTION 28-33-210, IDAHO CODE, TO PROVIDE THAT IN PRECOMPUTED LOANS PAYABLE IN MORE THAN SIXTY-ONE INSTALMENTS REBATES MUST BE MADE BY THE ACTUARIAL METHOD.

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

SECTION 1. That Section 28-32-210, Idaho Code, be, and the same is hereby amended to read as follows:

28-32-210. REBATE UPON PREPAYMENT. (1) Except as provided in subsection (2), upon prepayment in full of the unpaid balance of a precomputed consumer credit sale, refinancing, or consolidation, an amount not less than the unearned portion of the credit service charge calculated according to this section shall be rebated to the buyer. If the rebate otherwise required is less than one dollar ($1.00), no rebate need be made.

(2) Upon prepayment in full of a consumer credit sale, refinancing, or consolidation, other than one pursuant to a revolving charge account, if the credit service charge then earned is less than any permitted minimum credit service charge (subsection (6) of section 28-32-201) contracted for, whether or not the sale, refinancing, or consolidation is precomputed, the seller may collect or retain the minimum charge, as if earned, not exceeding the credit service charge contracted for.

(3) The amount which is a proportion of the precomputed interest at least as great as the sum of the remaining monthly balances of principal and interest combined scheduled to follow the instalment date nearest the date of prepayment bears to the sum of all the monthly balances of principal and interest combined originally scheduled by the contract. If such prepayment occurs before the first instalment date, an additional refund of one-thirtieth (1/30th) of the portion of precomputed interest which could be retained in the first
instalment period shall be made for each day from the date of prepayment in full to the first scheduled instalment date. Any prepayment made on or before the fifteenth day following an instalment date shall be deemed to have been made on the preceding instalment date.

(b) With respect to a precomputed transaction entered into on or after July 1, 1978, and payable according to its original terms in more than sixty-one (61) instalments, the unearned portion of the credit service charge is, at the option of the creditor, either:

(i) that portion which is applicable to all fully unexpired computational periods as originally scheduled, or if deferred, as deferred, which follow the date of prepayment. For this purpose the applicable charge is the total of that which would have been made for each such period, had the consumer credit sale not been precomputed, by applying to unpaid balances of principal, according to the actuarial method, the annual percentage rate of charge previously stated to the debtor pursuant to the provisions on disclosure (part 3 of this article) based upon the assumption that all payments were made as originally scheduled, or if deferred, as deferred. The creditor, at his option, may round the annual percentage rate to the nearest one-quarter (1/4) of one percent (1%) if such procedure is not consistently used to obtain a greater yield than would otherwise be permitted; or

(ii) the total credit service charge minus the earned credit service charge. The earned credit service charge shall be determined by applying the annual percentage rate previously stated to the debtor pursuant to the provisions on disclosure (part 3 of this article) according to the actuarial method to the actual unpaid balances for the actual time the balances were unpaid up to the date of prepayment. If a delinquency or deferral charge was collected, it shall be treated as a payment.

(4) In this section

(a) "periodic balance" means the amount scheduled to be outstanding on the last day of a computational period before deducting the payment, if any, scheduled to be made on that day;

(b) "computational period" means one (1) month if one half (1/2) or more of the intervals between scheduled payments under the agreement is one (1) month or more, and otherwise means one (1) week;

(c) the "interval" to the due date of the first scheduled instalment or the final scheduled payment date is measured from the date of a sale, refinancing, or consolidation, or any later date prescribed for calculating maximum
credit service charges (subsection (4) of section 28-32-201), and includes either the first or last day of the interval;

(d) if the interval to the due date of the first scheduled instalment does not exceed one (1) month by more than fifteen (15) days when the computational period is one (1) month, or eleven (11) days when the computational period is one (1) week, the interval shall be considered as one (1) computational period.

(5) This subsection applies only if the schedule of payments is not regular.

(a) If the computational period is one (1) month and

(i) if the number of days in the interval to the due date of the first scheduled instalment is less than one (1) month by more than five (5) days, or more than one (1) month by more than five (5) but not more than fifteen (15) days, the unearned credit service charge shall be increased by an adjustment for each day by which the interval is less than one (1) month and, at the option of the seller, may be reduced by an adjustment for each day by which the interval is more than one (1) month; the adjustment for each day shall be one-thirtieth (1/30th) of that part of the credit service charge earned in the computational period prior to the due date of the first scheduled instalment assuming that period to be one (1) month; and

(ii) if the interval to the final scheduled payment date is a number of computational periods plus an additional number of days less than a full month, the additional number of days shall be considered a computational period only if sixteen (16) days or more. This subparagraph applies whether or not subparagraph (i) applies.

(b) Notwithstanding paragraph (a), if the computational period is one (1) month, the number of days in the interval to the due date of the first instalment exceeds one (1) month by not more than fifteen (15) days, and the schedule of payments is otherwise regular, the seller at his option may exclude the extra days and the charge for the extra days in computing the unearned credit service charge; but if he does so and a rebate is required before the due date of the first scheduled instalment, he shall compute the earned charge for each elapsed day as one-thirtieth (1/30th) of the amount the earned charge would have been if the first interval had been one (1) month.

(c) If the computational period is one (1) week and

(i) if the number of days in the interval to the due date of the first scheduled instalment is less than five (5) days, or more than nine (9) days but not more than eleven (11) days, the unearned credit service charge shall be increased by an adjustment for each day by which the inter-
val is less than seven (7) days and, at the option of the
seller, may be reduced by an adjustment for each day by
which the interval is more than seven (7) days; the adjust­
ment for each day shall be one-seventh (1/7th) of that part
of the credit service charge earned in the computational
period prior to the due date of the first scheduled instal­
ment assuming that period to be one (1) week; and
(ii) if the interval to the final scheduled payment
date is a number of computational periods plus an additional
number of days less than a full week, the additional number
of days shall be considered a computational period only if
four (4) days or more. This subparagraph applies whether or
not subparagraph (i) applies.
(6) If a deferral (section 28-32-204) has been agreed
to, the unearned portion of the credit service charge shall
be computed with regard to the deferral. If the deferral
charge earned is less than the deferral charge paid, the
difference shall be added to the unearned portion of the
credit service charge. If any part of a deferral charge has
been earned but has not been paid, that part shall be sub­
tracted from the unearned portion of the credit service
charge or shall be added to the unpaid balance.
(7) This section does not preclude the collection or
retention by the seller of delinquency charges (section
28-32-203).
(8) If the maturity is accelerated for any reason and
judgment is obtained, the buyer is entitled to the same
rebate as if payment had been made on the date judgment is
entered.
(9) Upon prepayment in full of a consumer credit sale
by the proceeds of consumer credit insurance (section
28-34-103), the buyer or his estate is entitled to the same
rebate as though the buyer had prepaid the agreement on the
date the proceeds of the insurance are paid to the seller,
but not later than ten (10) business days after satisfactory
proof of loss is furnished to the seller.

SECTION 2. That Section 28-33-210, Idaho Code, be, and
the same is hereby amended to read as follows:

28-33-210. REBATE UPON PREPAYMENT. (1) Except as pro­
vided in subsection (2), upon prepayment in full of the
unpaid balance of a precomputed consumer loan, refinancing,
or consolidation, an amount not less than the unearned por­
tion of the loan finance charge calculated according to this
section shall be rebated to the debtor. If the rebate other­
wise required is less than one dollar ($1.00), no rebate
need be made.
(2) Upon prepayment in full of a consumer loan, other
than one pursuant to a revolving loan account, a refinancing, or consolidation, whether or not precomputed, the lender may collect or retain a minimum charge within the limits stated in this subsection if the loan finance charge earned at the time of prepayment is less than any minimum charge contracted for. The minimum charge may not exceed the amount of loan finance charge contracted for, or five dollars ($5.00) in a transaction which had a principal of seventy-five dollars ($75.00) or less, or seven dollars and fifty cents ($7.50) in a transaction which had a principal of more than seventy-five dollars ($75.00).

(3) The unearned loan finance charge shall be an amount which is a proportion of the precomputed interest at least as great as the sum of the remaining monthly balances of principal and interest combined scheduled to follow the instalment date nearest the date of prepayment bears to the sum of all the monthly balances of principal and interest combined originally scheduled by the contract. If such prepayment occurs before the first instalment date, an additional refund of one-thirtieth (1/30th) of the portion of precomputed interest which should be retained in the first instalment period shall be made for each day from the date of prepayment in full to the first scheduled instalment date. Any prepayment made on or before the fifteenth day following an instalment date shall be deemed to have been made on the preceding instalment date.

(b) With respect to a precomputed transaction entered into on or after July 1, 1978, and payable according to its original terms in more than sixty-one (61) instalments, the unearned portion of the loan finance charge is, at the option of the creditor, either:

(i) that portion which is applicable to all fully unexpired computational periods as originally scheduled, or if deferred, as deferred, which follow the date of prepayment. For this purpose the applicable charge is the total of that which would have been made for each such period, had the consumer loan not been precomputed, by applying to unpaid balances of principal, according to the actuarial method, the annual percentage rate of charge previously stated to the debtor pursuant to the provisions on disclosure (part 3 of this article) based upon the assumption that all payments were made as originally scheduled, or if deferred, as deferred. The creditor, at his option, may round the annual percentage rate to the nearest one-quarter (1/4) of one percent (1%) if such procedure is not consistently used to obtain a greater yield than would otherwise be permitted; or
(ii) the total loan finance charge minus the earned loan finance charge. The earned loan finance charge shall be determined by applying the annual percentage rate previously stated to the debtor pursuant to the provisions on disclosure (part 3 of this article) according to the actuarial method to the actual unpaid balances for the actual time the balances were unpaid up to the date of prepayment. If a delinquency or deferral charge was collected, it shall be treated as a payment.

(4) In this section
(a) "periodic balance" means the amount scheduled to be outstanding on the last day of a computational period before deducting the payment, if any, scheduled to be made on that day;
(b) "computational period" means one (1) month if one half (1/2) or more of the intervals between scheduled payments under the agreement is one (1) month or more, and otherwise means one (1) week;
(c) the "interval" to the due date of the first scheduled instalment or the final scheduled payment date is measured from the date of a loan, refinancing, or consolidation, and includes either the first or last day of the interval;
(d) if the interval to the due date of the first scheduled instalment does not exceed one (1) month by more than fifteen (15) days when the computational period is one (1) month, or eleven (11) days when the computational period is one (1) week, the interval shall be considered as one (1) computational period.

(5) This subsection applies only if the schedule of payments is not regular.
(a) If the computational period is one (1) month and
(i) if the number of days in the interval to the due date of the first scheduled instalment is less than one (1) month by more than five (5) days, or more than one (1) month by more than five (5) but not more than fifteen (15) days, the unearned loan finance charge shall be increased by an adjustment for each day by which the interval is less than one (1) month and, at the option of the lender, may be reduced by an adjustment for each day by which the interval is more than one (1) month; the adjustment for each day shall be one-thirtieth (1/30th) of that part of the loan finance charge earned in the computational period prior to the due date of the first scheduled instalment assuming that period to be one (1) month; and
(ii) if the interval to the final scheduled payment date is a number of computational periods plus an additional number of days less than a full month, the addi-
tional number of days shall be considered a computational period only if sixteen (16) days or more. This subparagraph applies whether or not subparagraph (i) applies.

(b) Notwithstanding paragraph (a), if the computational period is one (1) month, the number of days in the interval to the due date of the first instalment exceeds one (1) month by not more than fifteen (15) days, and the schedule of payments is otherwise regular, the lender at his option may exclude the extra days and the charge for the extra days in computing the unearned loan finance charge; but if he does so and a rebate is required before the due date of the first scheduled instalment, he shall compute the earned charge for each elapsed day as one-thirtieth (1/30th) of the amount the earned charge would have been if the first interval had been one (1) month.

(c) If the computational period is one (1) week and

(i) if the number of days in the interval to the due date of the first scheduled instalment is less than five (5) days, or more than nine (9) days but not more than eleven (11) days, the unearned loan finance charge shall be increased by an adjustment for each day by which the interval is less than seven (7) days and, at the option of the lender, may be reduced by an adjustment for each day by which the interval is more than seven (7) days; the adjustment for each day shall be one-seventh (1/7th) of that part of the loan finance charge earned in the computational period prior to the due date of the first scheduled instalment assuming that period to be one (1) week; and

(ii) if the interval to the final scheduled payment date is a number of computational periods plus an additional number of days less than a full week, the additional number of days shall be considered a computational period only if four (4) days or more. This subparagraph applies whether or not subparagraph (i) applies.

(6) If a deferral (section 28-33-204) has been agreed to, the unearned portion of the loan finance charge shall be computed with regard to the deferral. If the deferral charge earned is less than the deferral charge paid, the difference shall be added to the unearned portion of the loan finance charge. If any part of a deferral charge has been earned but has not been paid, that part shall be subtracted from the unearned portion of the loan finance charge or shall be added to the unpaid balance.

(7) This section does not preclude the collection or retention by the lender of delinquency charges (section 28-33-203).
(8) If the maturity is accelerated for any reason and judgment is obtained, the debtor is entitled to the same rebate as if the payment had been made on the date judgment is entered.

(9) Upon prepayment in full of a consumer loan by the proceeds of consumer credit insurance (section 28-34-103), the debtor or his estate is entitled to the same rebate as though the debtor had prepaid the agreement on the date the proceeds of the insurance are paid to the lender, but no later than ten (10) business days after satisfactory proof of loss is furnished to the lender.

Approved March 14, 1978.
AN ACT
RELATING TO RENEWAL OF JUDGMENTS; ADDING A NEW SECTION 10-1111, IDAHO CODE, TO PROVIDE A PROCEDURE FOR RENEWAL OF A JUDGMENT AND LIEN THEREUNDER; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Chapter 11, Title 10, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 10-1111, Idaho Code, and to read as follows:

10-1111. RENEWAL OF JUDGMENT -- LIEN. Unless the judgment has been satisfied, at any time prior to the expiration of the lien created by section 10-1110, Idaho Code, or any renewal thereof, the court which entered the judgment may, upon motion, renew such judgment. The renewed judgment may be recorded in the same manner as the original judgment, and the lien established thereby shall continue for five (5) years from the date of judgment.

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

Approved March 14, 1978.
CHAPTER 116
(S.B. No. 1392)

AN ACT
RELATING TO DISCHARGE OF LIENS ON MOTOR VEHICLES; AMENDING
SECTION 49-413, IDAHO CODE, PROVIDING FOR A DUPLICATE
TITLE TO BE ISSUED BY THE DEPARTMENT OF LAW ENFORCEMENT
UPON PRESENTATION OF A TITLE BY A REGISTERED OWNER WITH
RELEASE OF LIEN FOR A MOTOR VEHICLE BY THE LIENHOLDER
FOR THE FEE AS PROVIDED BY LAW; AND DECLARING AN EMER­
GENCY.

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

SECTION 1. That Section 49-413, Idaho Code, be, and the
same is hereby amended to read as follows:

49-413. CANCELATION OR DISCHARGE OF LIEN OR ENCUM­
BRANCE. When such lien or encumbrance is canceled or dis­
charged, the holder thereof shall note a cancelation or dis­
charge of the same on the certificate of title in the space
provided therefor, over his signature, or by some other
legal document discharging said encumbrance, and shall
deliver it to the owner. Such owner shall present said certificate of title within thirty (30) days to the department of law enforcement or its agent,

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 14, 1978.
Chapter 117

(S.B. No. 1497)

AN ACT RELATING TO CRIMINAL CONSPIRACY; REPEALING SECTION 18-1701, IDAHO CODE; AND ADDING A NEW SECTION 18-1701, IDAHO CODE, TO DEFINE CRIMINAL CONSPIRACY AND TO ESTABLISH THE PUNISHMENT THEREFORE.

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

SECTION 1. That Section 18-1701, Idaho Code, be, and the same is hereby repealed.

SECTION 2. That Chapter 17, 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 18-1701, Idaho Code, and to read as follows:

18-1701. CRIMINAL CONSPIRACY DEFINED. If two (2) or more persons combine or conspire to commit any crime or offense prescribed by the laws of the state of Idaho, and one (1) or more of such persons does any act to effect the object of the combination or conspiracy, each shall be punishable upon conviction in the same manner and to the same extent as is provided under the laws of the state of Idaho for the punishment of the crime or offenses that each combined to commit.

Approved March 16, 1978.
AN ACT
RELATING TO INSPECTION OF MOBILE HOME CONSTRUCTION; AMENDING
CHAPTER 40, TITLE 39, IDAHO CODE, BY THE ADDITION
THERETO OF A NEW SECTION 39-4003A, IDAHO CODE, PROVIDING
FOR THE RIGHT OF ENTRY TO CONDUCT INSPECTIONS; AMENDING
CHAPTER 40, TITLE 39, IDAHO CODE, BY THE ADDITION
THERETO OF A NEW SECTION 39-4011, IDAHO CODE, PRESCRIB­
ING PENALTIES FOR VIOLATIONS OF CERTAIN FEDERAL REQUIRE­
MENTS FOR MOBILE HOMES.

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

SECTION 1. That Chapter 40, 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 39-4003A,
Idaho Code, and to read as follows:

39-4003A. RIGHT OF ENTRY. In order to carry out the
purposes of this act, the director or his authorized repre­
sentative shall, during regular working hours and at other
reasonable times, have the right of entry to conduct the
inspections required by this chapter.

SECTION 2. That Chapter 40, 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 39-4011,
Idaho Code, and to read as follows:

39-4011. VIOLATIONS. (1) Any person who violates any
provision of 42 USC 5409, as it relates to mobile homes,
shall be liable for a civil penalty of not to exceed one
thousand dollars ($1,000) for each such violation. Each such
violation shall constitute a separate violation with respect
to each mobile home, except that the maximum penalty shall
not exceed one million dollars ($1,000,000) for any related
series of violations occurring within one (1) year from the
date of the first violation.

(2) Any person who wilfully or knowingly violates the
provisions of 42 USC 5410, section 610, in any manner which
threatens the health or safety of any purchaser shall be
fined not more than one thousand dollars ($1,000) or impris­
oned for not more than one (1) year, or by both such fine
and imprisonment. Each such violation shall constitute a
separate violation with respect to each mobile home.

(3) Violations of this chapter shall be tried in any court of competent jurisdiction within the state of Idaho.

Approved March 16, 1978.
C. 119 '78
IDAHO SESSION LAWS

CHAPTER 119
(S.B. No. 1385)

AN ACT
RELATING TO EXEMPTIONS FROM AD VALOREM TAXATION; AMENDING SECTION 63-105BB, IDAHO CODE, TO PROVIDE THAT HARDSHIP EXEMPTIONS MAY BE GRANTED FOR ORDINARY OR EXTRAORDINARY SITUATIONS, LIMITING THE APPLICATION OF EXTRAORDINARY SITUATIONS, AND PROVIDING A PROCESS FOR APPLYING FOR AND GRANTING HARDSHIP EXEMPTIONS; AMENDING SECTION 63-107, IDAHO CODE, TO PROVIDE FOR A PROCESS FOR CLAIMING HARDSHIP EXEMPTIONS; DECLARING AN EMERGENCY AND PROVIDING FOR RETROACTIVE APPLICATION.

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 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 of two types: (1) an ordinary exemption; and (2) an extraordinary exemption.

An ordinary exemption 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.

An extraordinary exemption may be granted for taxes which have become delinquent on property on which the county has not yet taken a tax deed, or for second half taxes which will become delinquent on June 20.

In applying for an extraordinary exemption, a claimant may submit a claim for exemption at any time within the limits allowed by this section, and the board of equalization may sit and grant such claim for exemption at any time.
within the limits allowed by this section, and if granted, either in whole or in part, shall order all necessary adjustments made in the tax records of the various county officers and taxing districts. The granting of an exemption for taxes which have become delinquent shall annul and cancel only those taxes exempted by order of the board of equalization, and all interest and penalty charges on such taxes.

SECTION 2. That Section 63-107, Idaho Code, be, and the same is hereby amended to read as follows:

63-107. EXEMPT PROPERTY NOT TO BE ASSESSED -- CLAIMS PROCEDURE FOR HARDSHIP EXEMPTIONS. Property exempted from taxation under sections 63-105 63-105A -- 63-105BB, Idaho Code, shall not be assessed, except property exempted from taxation under section 63-105BB, Idaho Code, which shall be listed and assessed as other property, and each party claiming exemptions under section -- 63-105BB, Idaho Code, shall appear before the county board of equalization, except as otherwise provided in this act, between the fourth Monday of June in each year and the second Monday of July of each year, and each person claiming such exemptions shall under oath give a sworn statement containing full and complete information of his financial status to such board and shall make true answers to all questions propounded in writing, or otherwise, touching such person's right to the exemption claimed. The chairman of the board shall have authority to administer oaths to each person appearing as a claimant for exemptions under section 63-105BB, Idaho Code, and in addition to such examination each claimant shall subscribe to and swear that his answers to questions propounded on written forms to be prescribed by the state tax commission are true, and which sworn statement shall be kept and filed by the clerk of the county board of equalization. The county board of equalization shall decide and determine from each examination and from each written claim for exemptions whether or not such person is entitled to the exemption claimed or to any part thereof, and shall make a record thereof accordingly. The board may, in its discretion and for good cause shown, allow an agent or some person acting for and on behalf of the claimant to make the claim for exemption for any claimant in the manner herein provided, or where a person entitled to exemption shall be mentally incompetent or physically unable to make such sworn statement, his wife, widow, guardian or personal representative, or other person having knowledge of the facts, may make such
sworn statement in his stead.

Each person claiming an exemption under the provisions of section 63-105BB, Idaho Code, whether for an ordinary exemption or for an extraordinary exemption, shall file such claim with the board of equalization at any time between January 1 and June 20. The board of equalization must consider and act on all claims prior to the second Monday of July.

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 retroactive to January 1, 1978.

Approved March 16, 1978.
AN ACT
RELATING TO THE PROCEDURE FOR FILING CLAIMS FOR TAX RELIEF; AMENDING SECTION 63-119, IDAHO CODE, TO PROVIDE THAT A CLAIMANT WHO FILES A CLAIM FOR TAX REDUCTION DOES NOT RELINQUISH ANY RIGHT TO A TAX EXEMPTION; DECLARING AN EMERGENCY AND PROVIDING FOR RETROACTIVE APPLICATION.

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

SECTION 1. That Section 63-119, Idaho Code, be, and the same is hereby amended to read as follows:

63-119. PROCEDURE FOR FILING CLAIMS. (1) Any claim filed shall be signed by the claimant. By signing such claim, the claimant shall attest to the truth of such claim, and shall be subject to the penalties provided by section 18-5401, Idaho Code, for stating as true any material fact known to be false. All claims shall be made on forms prescribed by the tax commission and shall be in triplicate. One (1) copy of the form shall be provided to the claimant, one (1) copy shall be kept for all county purposes, and one (1) copy shall be forwarded to the tax commission with the property tax reduction roll.

(2) By filing a claim under the provisions of sections 63-117 through and including 63-125, Idaho Code, a claimant shall not relinquish any right he or any member of his household may have to tax exemption under section 63-105BB, Idaho Code. No county board of equalization shall may grant any such claimant, or any member of his household, an exemption under such section, if a claim has been filed under the provisions of sections 63-117 through and including 63-125, Idaho Code.

(3) If two (2) or more individuals of a household are able to meet the qualifications of a claimant, they may decide between themselves who may obtain a reduction in taxes under the provisions of sections 63-117 through and including 63-125, Idaho Code, but if they do not decide between themselves, then the reduction shall be divided equally among or between the claimants in the household.

SECTION 2. An emergency existing therefor, which emer-
gancy 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, 1978.

Approved March 16, 1978.

CHAPTER 121
(S.B. No. 1561)

AN ACT

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, 1978, through June 30, 1979:

<table>
<thead>
<tr>
<th>FOR:</th>
<th>FROM:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Educational Programs</td>
<td>General Account</td>
</tr>
<tr>
<td>$68,953,500</td>
<td>$61,751,100</td>
</tr>
<tr>
<td>Junior College Retirement Program</td>
<td>Federal Endowment Funds</td>
</tr>
<tr>
<td>TOTAL $69,239,100</td>
<td>TOTAL $69,239,100</td>
</tr>
</tbody>
</table>

State Endowment Accounts:
- Lewis-Clark Normal School Income Account $454,000
- Idaho State University Income Account $226,400
- Idaho State University Teacher Training Account $486,000
- University of Idaho Income Account $580,000
- Agricultural College Income Account $354,000
- School of Science Income Account $982,000
- Miscellaneous Receipts Account $4,193,800

TOTAL $69,239,100
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, 1978, through June 30, 1979:

<table>
<thead>
<tr>
<th>FOR:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Retirement Program</td>
<td>$ 285,600</td>
</tr>
<tr>
<td>General Education Programs</td>
<td>3,179,200</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$3,464,800</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>FROM:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>General Account</td>
<td>$3,464,800</td>
</tr>
</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, 1978, through June 30, 1979:

<table>
<thead>
<tr>
<th>FOR:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>General Education Programs</td>
<td>$65,774,300</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>FROM:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>General Account</td>
<td>$58,286,300</td>
</tr>
<tr>
<td>Federal Endowment Funds</td>
<td>211,800</td>
</tr>
<tr>
<td>State Endowment Accounts:</td>
<td></td>
</tr>
<tr>
<td>Lewis-Clark Normal School Income Account</td>
<td>454,000</td>
</tr>
<tr>
<td>Idaho State University Income Account</td>
<td>226,400</td>
</tr>
<tr>
<td>Idaho State University Teacher Training Account</td>
<td>486,000</td>
</tr>
<tr>
<td>University of Idaho Income Account</td>
<td>580,000</td>
</tr>
<tr>
<td>Agricultural College Income Account</td>
<td>354,000</td>
</tr>
<tr>
<td>School of Science Income Account</td>
<td>982,000</td>
</tr>
<tr>
<td>Miscellaneous Receipts Account</td>
<td>4,193,800</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$65,774,300</strong></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 1979 only, the provisions of Section 67-3516(1), (3) and (4), Idaho Code, notwithstanding.

Approved March 16, 1978.
CHAPTER 122
(S.B. No. 1491)

AN ACT
RELATING TO FEES FOR SERVICES BY THE DEPARTMENT OF LAW
ENFORCEMENT; AMENDING SECTION 49-104, IDAHO CODE, BY
INCREASING CERTAIN FEES CHARGED BY THE DEPARTMENT FOR
SERVICES, AND BY INCREASING THE AMOUNT OF CERTAIN FEES
COLLECTED BY AND PAID TO A COUNTY ASSESSOR.

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

SECTION 1. That Section 49-104, Idaho Code, be, and the
same is hereby amended to read as follows:

49-104. RECORDS OF DEPARTMENT -- FEES FOR SERVICES BY
DIRECTOR -- PORTION OF FEES TO COUNTY. a. All registration
and license records in the office of the department shall be
public records and open to inspection by the public during
business hours.

b. In addition to all other fees required by law to be
collected by the director, the director shall collect for
the following services the following fees:

1. For certifying a copy of any record pertaining to
any motor vehicles license, any certificate of title, or any
operator's or chauffeur's license ........................................$2.00 $3.00

2. For recording the transfer of any interest upon a
certificate of title ..........................................................$1.50 $3.00

3. For issuance of every certificate of title on a new
motor vehicle sold by a registered dealer to a purchaser ...
..................................................$1.50 $3.00

4. For furnishing a duplicate copy of any certificate
of title or operator's or chauffeur's license or receipt of
registration ..........................................................$3.00

5. For issuing an Idaho certificate of title, or an
interstate letter in lieu of the Idaho certificate of title
on any motor vehicle that has previously been licensed in
another state ..........................................................$2.00 $3.00

6. For answering inquiries as to owners of motor vehi-
cles or driver's license records, per vehicle or per
driver's license record respectively .........................$1.50

7. For services in furnishing copies of files of motor
vehicle registrations, motor vehicle titles, driver's
licenses, or chauffeur's licenses, per hour ..............$5.00
8. Placing "stop" cards in motor vehicle file, each ...

..................6-75 $1.50

c. Provided the fees required by this section shall not apply when the service is furnished to any federal, state, county, or city official when such service is required in the performance of official duties of their respective offices.

d. The director shall pay $1.00 one dollar ($1.00) of the fee collected by a county assessor or an agent of the department under subsections b 1, 2, 3, 4, and 5 and 6 and $1.00 of the fee collected under subsection b 4 of this section to the assessor of the county collecting such fee, which shall be deposited with the county treasurer and credited to the county general fund; the remainder of the fees collected under this section shall be paid by the director to the state treasurer and placed in the motor vehicle fund account.

Approved March 16, 1978.
CHAPTER 123
(S.B. No. 1493)

AN ACT
RELATING TO AGREEMENTS TO PROPORTION REGISTRATION; ADDING A NEW SECTION 49-127C, IDAHO CODE, TO PROVIDE THAT THE DEPARTMENT OF LAW ENFORCEMENT MAY ENTER INTO AGREEMENTS, COMPACTS OR ARRANGEMENTS WITH OTHER JURISDICTIONS FOR THE PURPOSE OF CONFORMING PROCEDURES FOR PROPORTIONAL REGISTRATION OF COMMERCIAL VEHICLES AND ADOPT NECESSARY RULES AND REGULATIONS TO EFFECTUATE AND ADMINISTER PROCEDURES AND REQUIREMENTS IN CONNECTION THEREWITH AND REQUIRING THE DEPARTMENT TO COMPLY WITH THE ADMINISTRATIVE PROCEDURES ACT, ALL NOTWITHSTANDING THE PROVISIONS OF SECTIONS 49-206 THROUGH 49-211, IDAHO CODE, AND SECTION 49-127B, IDAHO CODE.

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

SECTION 1. That Chapter 1, 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 49-127C, Idaho Code, and to read as follows:

49-127C. AUTHORITY TO ENTER AGREEMENTS. Notwithstanding the provisions of sections 49-206 through 49-211, Idaho Code, and the provisions of section 49-127B, Idaho Code, and supplementing the authority granted in section 49-127B(m), Idaho Code, the department may enter into agreements, compacts or arrangements with other jurisdictions on behalf of the state of Idaho for the purpose of conforming procedures for proportional registration of commercial vehicles with those agreed to by two (2) or more additional jurisdictions, including, but not limited to, acceptance of base jurisdiction responsibilities for proportional registration and licensing of fleet vehicles in other jurisdictions. The department may also adopt and promulgate such rules and regulations as it shall deem necessary to effectuate and administer procedures and requirements for achieving conformity of proportional registration in their state with other states and jurisdictions with which agreements have been concluded.

Copies of agreements, compacts, arrangements or rules and regulations authorized hereby shall be placed on file in the department and the department shall as to all such filings and adoption of rules and regulations conform with administrative procedures required and set forth in chapter 52, title 67, Idaho Code.

Approved March 16, 1978.
AN ACT
RELATING TO APPROVAL OF CARRIER AGREEMENTS; ADDING A NEW
SECTION 61-335, IDAHO CODE, TO PROVIDE FOR THE APPROVAL
BY THE IDAHO PUBLIC UTILITIES COMMISSION OF THE COMMON
CARRIER AGREEMENT RELATING TO RATES, FARES, CLASSIFI-
CATIONS, DIVISIONS, ALLOWANCES OR CHARGES, TO PROVIDE
FOR THE ADOPTION OF RULES AND REGULATIONS BY THE IDAHO
PUBLIC UTILITIES COMMISSION RELATING TO SUCH APPROVAL,
TO PROVIDE FOR MAINTENANCE OF RECORDS, FILES AND MEMO-
RANDA BY EACH CONFERENCE, BUREAU, COMMITTEE OR OTHER
ORGANIZATION ESTABLISHED PURSUANT TO ANY APPROVED AGREE-
MENT AND THE INSPECTION OF THE SAME, TO PROVIDE THAT
CONFERENCES, BUREAUS, COMMITTEES OR OTHER ORGANIZATIONS
MAY BE EITHER CARRIER OR NONCARRIER OWNED OR CONTROLLED,
TO PROVIDE THAT ANY MEMBER THEREOF MAY SERVE ON ANY
COMMITTEE THEREOF, TO PROVIDE RESTRICTIONS ON APPROVAL,
TO PROVIDE FOR COMPLAINTS, INVESTIGATIONS AND DETERMI-
NATIONS WITH RESPECT TO CONFORMITY OF AGREEMENTS AND
GRANTING THE COMMISSION AUTHORITY TO TERMINATE OR MODIFY
ITS APPROVAL AND DESCRIBING THE TERMS THEREOF, TO PRO-
VIDE FOR HEARINGS, TO EXEMPT PARTIES WITH APPROVED
AGREEMENTS FROM THE IDAHO ANTITRUST LAWS AND STATUTES
PROHIBITING MONOPOLIES, PRICE FIXING OR RESTRAINT OF
TRADE, AND TO PROVIDE LIMITATIONS UPON THE APPLICABILITY
OF SUCH AGREEMENTS.

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

SECTION 1. That Chapter 3, Title 61, Idaho Code, be,
and the same is hereby amended by the addition thereto of a
NEW SECTION, to be known and designated as Section 61-335,
Idaho Code, and to read as follows:

61-335. APPROVAL OF CARRIER AGREEMENTS. (1) Any common
carrier, as defined in section 61-113, Idaho Code, or
section 61-801, Idaho Code, which is a party to an agreement
between or among two (2) or more common carriers or is a
participant in tariffs or publications participated in by
two (2) or more common carriers, relating to rates, fares,
classifications, divisions, allowances or charges (including
charges between common carriers and compensation paid or
received from the use of facilities and equipment), or rules
and regulations pertaining thereto, or procedures for the
joint consideration, initiation or establishment thereof, may, under such rules and regulations as the commission may prescribe, apply to the commission for approval of any agreement, or publishing procedure, and the commission may by an appropriate order approve any such agreement, or publishing procedure, if the approval thereof is not prohibited by subsections (5), (6) or (7) of this section. The approval of the commission shall be granted only upon such terms and conditions as the commission may prescribe as necessary to enable it to grant its approval in accordance with this section.

(2) Each conference, bureau, committee, or other organization established or continued, pursuant to any agreement approved by the commission under the provisions of this section, shall maintain such records, files and memoranda as may be prescribed by the commission, and all such records, files and memoranda shall be subject to inspection by the commission or its duly authorized representatives.

(3) Conferences, bureaus, committees, or other organizations referred to in this act, may be either carrier or noncarrier owned or controlled.

(4) Any member of such conference, bureau, committee, or other organization may serve on any committee or such conference, bureau, or other organization.

(5) The commission shall not approve, under this section, any agreement between a motor common carrier and a rail common carrier unless it finds that such an agreement is of the character described in subsection (1) of this section and is limited to matters relating to transportation under joint rates or over through routes.

(6) The commission shall not approve, under this section, any agreement which it finds is an agreement with respect to pooling, division of traffic, service, or earnings.

(7) The commission shall not approve, under this section, any agreement which establishes a procedure for the determination of any matter through joint consideration unless it finds that under the agreement there is accorded to each party the free and unrestrained right to take independent action either before or after any determination is arrived at under such procedure.

(8) The commission may, upon complaint or upon its own initiative without complaint, investigate and determine whether any agreement previously approved by it under this section, or any terms and conditions upon which such approval is granted, is in conformity with this section or whether any such terms and conditions are not necessary for purposes of conformity with this section. After investigation, the commission may by order terminate or modify its
approval of such agreement if it finds such action necessary
to insure conformity with such standards, and shall modify
the terms and conditions upon which such approval was
granted to the extent it finds necessary to insure conform­
ity with this section or to the extent which it finds such
terms and conditions are not necessary to insure such
conformity. The effective date of any order terminating or
modifying approval, or modifying any terms and conditions,
shall be postponed for such a period as the commission
determines to be reasonably necessary to avoid undue hard­
ship.

(9) No order shall be entered, under this section,
except after interested parties have been afforded reason­
able opportunity for hearing.

(10) The parties to any agreement approved by the com­
mission under this section and other persons are, if the
approval of such agreement is not prohibited by subsections
(5), (6) or (7) of this section, hereby relieved and
exempted from the operation of the Idaho antitrust laws with
respect to such agreement and with respect to the carrying
out of such agreements in conformity with the provisions of
any terms and conditions prescribed by the commission. The
Idaho antitrust laws exempted therefrom specifically include
sections 48-101 through 48-119, Idaho Code, or any other
statutes prohibiting monopolies, price fixing, or restraint
of trade.

(11) Any action of the commission, under this section,
in approving an agreement or denying an application for such
approval, or in terminating or modifying its approval of an
agreement, or in prescribing the terms and conditions upon
which this approval is to be granted, or in modifying such
terms and conditions, shall be construed as having effect
solely with reference to the applicability of subsection (1)
of this section.

Approved March 16, 1978.
AN ACT
RELATING TO NAMES OF ARCHITECTURAL FIRMS; AMENDING SECTION
54-307, IDAHO CODE, TO REMOVE THE RESTRICTIONS UPON THE
FIRM NAME UNDER WHICH ARCHITECTS MAY PRACTICE ARCHITEC-
TURE.

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

SECTION 1. That Section 54-307, Idaho Code, be, and the
same is hereby amended to read as follows:

54-307. LICENSE IS INDIVIDUAL -- FIRM NAME. 1. Every
person practicing or offering to practice architecture as
herein defined shall have a separate license under his own
name. A license shall not be issued in the name of any firm
or corporation.

2. The holder of a license shall not maintain, in the
practice of architecture, any person who does not hold a li-
cense to practice architecture in this state, unless such
unlicensed person works under the immediate and personal
direction and supervision of his licensed employer who shall
regularly and customarily attend his business in the same
quarters.

3. When an architectural firm maintains or professes to
maintain a permanent office or facility within this state
for the purpose of practicing architecture, a principal of
the firm registered in the state of Idaho must establish and
maintain residence within this state.

4. The--name-under-which-an-individual-or-a-partnership
may-practice-architecture-shall-contain-only-the-name-of-the
licensed-individual-and-the-word-"architect"-or-if-a--partnership-the-name-of-one-(1)-or-more-of-the-licensed-members
of-the-partnership-and-the-word-"architects"-or-"architects", provided--however,-the-term-"associate"-or-"associates"-may
be-used-if-the-firm-consists-of-one--(1)--or-more-licensed
architects-whose-name-or-names-do-not-appear-in-the-firm
title. All architects practicing architecture as individ-
uals, all existing firms and all firms organized and formed
henceforth, or when any change in the personnel of the part-
nership firm occurs, whether by withdrawal, addition, resig-
nation or death, or upon a change in the firm name, shall
make and file with the bureau of occupational licenses, a
sworn statement giving the names and addresses of all its
present members and the name under which the firm is practicing architecture. Nothing in this section shall prevent the surviving members of a partnership, professional association or professional corporation, whose names appear in the firm name from continuing the existing firm name as long as the practice and business is continued under the existing firm name without change. Upon any change by deletion or addition to the firm name, the use of the name or names of the deceased or retiring members or partners shall be discontinued.

Approved March 16, 1978.
CHAPTER 126
(H.B. No. 495)

AN ACT
RELATING TO SALES OF LIQUOR BY THE DRINK; STATING THE PURPOSE OF THE ACT; AMENDING SECTION 23-903, IDAHO CODE, TO PROVIDE FOR THE ISSUANCE OF A LICENSE TO SELL LIQUOR BY THE DRINK AT QUALIFIED CONVENTION CENTERS WHICH DO NOT ALREADY POSSESS LIQUOR LICENSES, DEFINING QUALIFIED CONVENTION CENTERS, PRESCRIBING THE FEE THEREFOR, PROHIBITING THE TRANSFER OF SUCH LICENSES TO OTHER LOCATIONS OR FACILITIES, DECLARING THE HOLDERS OF SUCH LICENSES INELIGIBLE FOR THE ISSUANCE OF ANOTHER LICENSE IN THE SAME CITY, RESTRICTING ONE LICENSED PREMISES UPON ANY CONVENTION CENTER; AND DECLARING AN EMERGENCY.

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

SECTION 1. It is the purpose of the legislature to encourage the economic development of the state of Idaho and its tourist and tourist-related industries by supporting the construction and operation of convention centers in those Idaho cities of sufficient size and economic base to maintain bona fide convention centers, who do not presently have such convention centers. To encourage the construction and operation of such convention centers, the legislature hereby authorizes the issuance of a valid license to sell liquor by the drink to be used solely by such convention centers.

SECTION 2. That Section 23-903, Idaho Code, be, and the same is hereby amended to read as follows:

23-903. LICENSE TO RETAIL LIQUOR. The director of the department of law enforcement is hereby empowered, authorized, and directed to issue licenses to qualified applicants, as herein provided, whereby the licensee shall be authorized and permitted to sell liquor by the drink at retail and, upon the issuance of such license, the licensee therein named shall be authorized to sell liquor at retail by the drink, but only in accordance with the rules and regulations promulgated by the director and the provisions of this act. No license shall be issued for the sale of liquor on any premises outside the incorporated limits of any city except as provided in this act and the number of licenses so issued for any city shall not exceed one (1) license for each one thousand five hundred (1,500) of popu-
lation of said city or fraction thereof, as established in the last preceding census, or any subsequent special census conducted by the United States bureau of the census, except that upon proper application thereof not more than two (2) licenses may be issued for each incorporated city with a population of one thousand five hundred (1,500) or less, unless the retail licensing of liquor by the drink has been previously disapproved under the provisions of sections 23-917, 23-918, 23-919, 23-920 and 23-921, Idaho Code; provided, however, that any license heretofore issued may be renewed from year to year without regard to the population of the city for which such license is issued. Nothing herein contained shall prohibit the issuance of a license to the owner, operator, or lessee of an actual, bona fide golf course, or ski resort, or to the lessee of any premises situate thereon, no part of which said golf course or ski resort or the premises thereon is situate within the incorporated limits of any city. For the purpose of this section a golf course shall comprise real property of not less than forty (40) contiguous acres in area, laid out and improved as an actual, bona fide golf course, and which is regularly used for the playing of the game of golf, and having not less than nine (9) tees, fairways and greens laid out and used in the usual and regular manner of a golf course, including buildings and other improvements thereon. Where any such golf course is owned or leased by an association of members and is used or enjoyed by such members, or their guests, none of the disqualifications contained in section 23-910, Idaho Code, shall apply to such association as a licensee where such disqualifications, or any of them, would apply only to a member of such association where such member has no interest therein except as a member thereof. Also for the purpose of this section a ski resort shall comprise real property of not less than ten (10) acres in size, exclusive of the terrain used for skiing and upon which the owner, operator, or lessee of the ski resort has made available himself, or through others, including but not limited to the owners of condominiums, permanent bona fide overnight accommodations available to the general public for one hundred (100) persons or more, and which real property is contiguous to or located within the area in which skiing occurs, and which real property is regularly operated as a ski resort in the winter time, and where the owner, operator, or lessee of the ski resort is also the owner, operator, or lessee of the area served by bona fide chair ski lift facility or facilities. The fees for licenses granted to ski resorts shall be the same as those prescribed for golf courses as set forth in section 23-904, Idaho Code. No more than one (1) licensed premises shall be permitted o
any golf course or any ski resort or within the area comprising the same.

Nothing herein contained shall prohibit the issuance of a license to the owner, operator, or lessee of a restaurant operated on an airport owned or operated by a county or municipal corporation or on an airport owned or operated jointly by a county and municipal corporation, and which said airport is served by a trunk or local service air carrier holding a certificate of public convenience and necessity issued by the Civil Aeronautics Board of the United States of America. Not more than one (1) license shall be issued on any airport.

Nothing in this chapter to the contrary shall prohibit the issuance of a license to the owner, operator, or lessee of an actual, bona fide convention center which is within the incorporated limits of a city having a population of three thousand (3,000) or greater, and which city does not have located therein a convention center with a valid license to sell liquor by the drink. For the purpose of this section, a convention center means a facility having at least one hundred twenty (120) sleeping rooms and an adjoining meeting room which will accommodate not less than three hundred fifty (350) persons, whether or not such room may be partitioned into smaller rooms, and provided that such meeting room shall contain at least three thousand (3,000) square feet of floor space. Such license must be placed in actual use in said convention center within one (1) year from the date of its issuance. The fee for any license issued to a qualifying convention center shall be as prescribed in subsection (c) of section 23-904, Idaho Code. No license issued to a convention center hereunder shall be transferable to another location or facility, nor shall the holder of a convention center license be eligible for the issuance of a license in the same city pursuant to any other provision of this chapter. For purposes of this section, the term holder shall include an owner, operator or lessee and shall include a stockholder, director, or officer of a corporation, or a partner in a partnership, which corporation or partnership has been issued a convention center license pursuant to this chapter. Not more than one (1) licensed premise shall be permitted on any convention center or within the area comprising the same, including convention centers that also comprise golf courses or ski resorts as herein defined.

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 16, 1978.
AN ACT
AMENDING SECTION 1, CHAPTER 277, LAWS OF 1977, RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE INSTITUTIONAL MENTAL HEALTH PROGRAM, BY INCREASING THE APPROPRIATION FROM THE MISCELLANEOUS RECEIPTS ACCOUNT BY $100,000; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 1, Chapter 277, Laws of 1977, 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 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 PERSONNEL COSTS</th>
<th>FOR OPERATING EXPENDITURES</th>
<th>FOR CAPITAL OUTLAY</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. INSTITUTIONAL MENTAL HEALTH: FROM:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Acct. $3,726,100</td>
<td>$60,400</td>
<td>$34,200</td>
<td>$3,820,700</td>
</tr>
<tr>
<td>Miscellaneous Receipts Account 262,800</td>
<td>562,200</td>
<td></td>
<td>845,000</td>
</tr>
<tr>
<td>Cooperative Welfare Account 382,800</td>
<td></td>
<td></td>
<td>945,000</td>
</tr>
<tr>
<td>State Hospital North Income Account 46,300</td>
<td></td>
<td></td>
<td>46,300</td>
</tr>
<tr>
<td>State Hospital South Income Account</td>
<td>211,200</td>
<td></td>
<td>211,200</td>
</tr>
<tr>
<td>Alcoholism Treatment Account</td>
<td>102,600</td>
<td>37,400</td>
<td>140,000</td>
</tr>
<tr>
<td>TOTAL $4,257,800</td>
<td>$1,182,000</td>
<td>$34,200</td>
<td>$5,474,000</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 16, 1978.
CHAPTER 128  
(H.B. No. 595)

AN ACT

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, 1978, through June 30, 1979:

REGULATION OF INSURANCE INDUSTRY PROGRAM:
FOR:
Personnel Costs $381,800
Operating Expenditures 138,000
Capital Outlay 2,200
TOTAL $522,000

FROM:
General Account $522,000

Approved March 16, 1978.
AN ACT
RELATING TO FREEDOM OF CHOICE IN TREATMENT; AMENDING CHAPTER 73, TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 18-7301A, IDAHO CODE, TO PROVIDE FOR THE FREEDOM OF CHOICE IN TREATMENT.

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

SECTION 1. That Chapter 73, 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 18-7301A, Idaho Code, and to read as follows:

18-7301A. FREEDOM OF CHOICE IN TREATMENT. The right of any person to use amygdalin (laetrile) as an adjunct in the treatment of any physical condition of the human body shall not be denied, interfered with, or obstructed by any other person.

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 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, 1978, through June 30, 1979:

<table>
<thead>
<tr>
<th>PROGRAM</th>
<th>FOR PERSONNEL COSTS</th>
<th>FOR OPERATING EXPENDITURES</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>COMMISSION ON WOMEN'S PROGRAMS:</td>
<td>$ 3,000</td>
<td>$ 12,000</td>
<td>$ 15,000</td>
</tr>
<tr>
<td>General Account</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Approved March 16, 1978
AN ACT
RELATING TO THE IDAHO OUTFITTERS AND GUIDES BOARD; AMENDING
SECTION 36-2106, IDAHO CODE, TO INCREASE THE RATE OF
COMPENSATION FOR THE BOARD TO THIRTY-FIVE DOLLARS PER
DAY WHILE ATTENDING OFFICIAL MEETINGS; AMENDING SECTION
36-2107, IDAHO CODE, BY ALLOWING THE BOARD TO COOPERATE
WITH STATE ENTITIES; AMENDING SECTION 36-2108, IDAHO
CODE, BY INCREASING LICENSE FEES FOR OUTFITTERS TO ONE
HUNDRED DOLLARS AND FOR GUIDES TO FIFTY DOLLARS AND FOR
NONRESIDENT OUTFITTERS TO ONE HUNDRED SEVENTY-FIVE
DOLLARS, STRIKING THE REQUIREMENTS FOR WAIVING OR
INCREASING NONRESIDENT OUTFITTER OR GUIDE LICENSE FEES
AND STRIKING THE PROHIBITION ON A NONRESIDENT APPLICANT
OBTAINING A LICENSE; AMENDING SECTION 36-2109, IDAHO
CODE, BY STRIKING THE WORDS "NOT A CITIZEN OF THE UNITED
STATES" FROM SUBSECTION (c); AMENDING SECTION 36-2113,
IDAHO CODE, BY STRIKING THE WORDS "ON THE APPLICATION
FORM" FROM SUBSECTION (1), AND BY MAKING THAT PROVISION
APPLICABLE TO GUIDES, AND BY STRIKING THE WORD "KNOW-
ING"; AMENDING SECTION 36-2114, IDAHO CODE, TO PROVIDE
FOR PROCEDURES OF AGGRIEVED PARTIES IN LICENSE DENIALS;
AMENDING SECTION 36-2116, IDAHO CODE, BY ALLOWING RECOV-
ERY OF CIVIL DAMAGES OF NOT LESS THAN THREE HUNDRED
DOLLARS NOR MORE THAN ONE THOUSAND DOLLARS BY COURTS OF
COMPETENT JURISDICTION FOR CERTAIN VIOLATIONS OF THE
ACT; AND AMENDING SECTION 36-2117, IDAHO CODE, TO ESTAB-
LISH A DUTY OF THE APPROPRIATE PROSECUTING ATTORNEY TO
PROSECUTE PERSONS ACTING AS OUTFITTERS OR GUIDES WITHOUT
A LICENSE PROPERLY ISSUED PURSUANT TO THIS ACT.

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

SECTION 1. 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. One (1) member shall be selected from the public.
Three (3) members of the board shall be qualified and li-
censed 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, resig-
nation or removal of any but the member representing the
fish and game commission the governor shall appoint a member
to fill out the unexpired term. Immediately upon the cre-
ation 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 gover-
nor from the names submitted within thirty (30) days after
the receipt by the governor of the names submitted. Appoint-
ments 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 thirty-five dollars (\$25.00\$35.00) per day while
attending official meetings of the board or on official
business authorized by said board and they shall be compen-
sated 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 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 2. That Section 36-2107, Idaho Code, be, and
the same is hereby amended to read as follows:

36-2107. POWERS AND DUTIES OF BOARD. The board which
may by written agreement authorize the bureau of occupa-
tional licenses as agent to act in its interest, shall have
the following duties and powers:

(a) To conduct examinations to ascertain the qualifica-
tions of applicants for outfitter's or guide's licenses, and
to issue such licenses to qualified applicants, with such
restrictions and limitations thereon as the board may find
reasonable.

(b) To prescribe and establish rules of procedure and
regulations to carry into effect the provisions of this act,
including but not limited to regulations prescribing all
requisite qualifications of training, experience, knowledge
of rules and regulations of governmental bodies, condition
and type of gear and equipment, examinations to be given applicants, whether oral, written or demonstrative, or a combination thereof.

(c) To conduct hearings and proceedings to suspend or revoke licenses of outfitters and/or guides, and to suspend or revoke said licenses for due cause in the manner herein-after provided.

(d) The board is expressly vested with the power and the authority to make and enforce any and all reasonable rules and regulations which shall by it be deemed necessary and which are not in conflict with the provisions of this act, for the express purpose of safeguarding the health, safety, welfare and freedom from injury or danger of those persons utilizing the services of outfitters and guides, and for the conservation of wildlife and range resources.

(e) The board shall have the power to cooperate with the federal and state government through its appropriate agency or instrumentality in matters of mutual concern regarding the business of outfitting and guiding in Idaho.

(f) The board shall have the power throughout the state of Idaho to request the attendance of witnesses and the production of such books, records and papers as may be required at any hearing before it, and for that purpose the board may request a district court to issue a subpoena for any witness or a subpoena duces tecum to compel the production of any books, records or papers. Subpoenas shall be directed to the sheriff of any county in the state of Idaho where such witness resides or may be found. Subpoenas shall be served and returned in the same manner as subpoenas in a criminal case. The fees and mileage of the sheriff and witnesses shall be the same as that allowed in district court criminal cases, which fees and mileage shall be paid from any funds in the state treasury available therefor in the same manner as other expenses of the board are paid. Disobedience of any subpoena issued by the district court or the refusal by any witness in failing to testify concerning any matter regarding which he may lawfully be interrogated, or the failure to produce any books, records or papers shall constitute a contempt of the district court of any county where such disobedience or refusal occurs, and said court, or any judge thereof, by proceedings for contempt in said court, may, if such contempt be found, punish said witness as in any other case of disobedience of a subpoena issued from such court or refusal to testify therein.

SECTION 3. That Section 36-2108, Idaho Code, be, and the same is hereby amended to read as follows:

36-2108. APPLICATION FOR LICENSE -- CONTENTS -- FEE --
QUALIFICATIONS -- TERM -- BOND. (a) Each applicant for an outfitter's or guide's license shall make application for such license upon a form to be prescribed and furnished by the board.

1. All applications for an outfitter's license shall be signed by the applicant, under oath or affirmation that all information supplied by him in the application form is true and correct as he verily believes and shall be duly notarized. Such applications shall include, but are not limited to, a worded description of the big game hunting boundaries for which application is made for a license, if applying for an outfitter's license to hunt big game.

2. All applications for a guide's license shall be signed by the applicant. Such application shall contain the written endorsement of the outfitter by whom the applicant will be employed for the license year for which application is made.

(b) Applications shall be made to and filed with the board and accompanied by:

1. A statement by the appropriate Idaho department of fish and game district or regional conservation officer indicating whether or not the applicant has been convicted of, or forfeited bond upon, a violation of the fish and game laws of the state of Idaho in the five (5) year period next preceding the application date.

2. A license fee as hereinafter provided, which will not be refunded, except where a license is denied to an applicant who had held during the preceding license year a license of the same kind for which application is made, in order that such fee may be used in investigation of the applicant, for enforcement of this act, and for the administration costs of the board.

3. The license fee for outfitters shall be fifty dollars ($50.00) and for guides fifteen dollars ($15.00) and the license fee for nonresidents for whom the resident requirements have been waived as herein provided shall be no less than one hundred fifty dollars ($150) for outfitters and one hundred dollars ($100) for guides; provided however that if such nonresident resides in a state requiring citizens of the state of Idaho to pay in excess of said amounts for similar licenses, the fee for such nonresident outfitter or guide shall be the same amount as such higher fee charged in the state where such nonresident resides; provided further that no outfitter's or guide's license shall be issued to any applicant residing in a state which does not allow an Idaho resident to get a similar license in such state and provided further that residential requirements herein provided for procuring an outfitter's or guide's license are hereby waived for the citizens of any state or states to the...
same extent the home state of the applicant waives such requirements for the citizens of Idaho. resident outfitters shall be one hundred dollars ($100) and for resident guides fifty dollars ($50.00) and the license fee for nonresident outfitters shall be one hundred seventy-five dollars ($175) and for nonresident guides one hundred dollars ($100). A penalty fee in the amount of fifty dollars ($50.00) shall be charged in addition to the regular resident or nonresident outfitter's license fee for any such renewal applicant whose application is not complete by March 31 of the year in which application for such license is made; this does not apply to a new applicant for an outfitter's license. A ten dollar ($10.00) fee shall be charged for every amendment to a license.

4. A bond to the state of Idaho for the benefit of person or persons employing the licensee and in a form approved by the board in the sum of five thousand dollars ($5,000) for outfitters, executed by a qualified surety, duly authorized to do business in this state, conditioned that for the current license year said applicant, his agents and employees, if said license is issued to him, shall conduct his business as an outfitter without fraud or fraudulent representation, and will faithfully perform his contracts with and duties to his patrons; said bond shall be filed with the board before issuance of the license as provided herein.

(c) The board, in its discretion, may make such additional investigation and inquiry relative to the applicant and his qualifications as it shall deem advisable, provided that final decision by the board upon an application submitted by an applicant who has held during the preceding license year a license of the same kind for which application is made shall not be later than March 31 of the year in which the board receives all materials required to be submitted in order to complete a license application or thirty (30) days from the date the board receives all such materials, whichever is later; and upon an application submitted by an applicant not holding during the preceding license year a license of the same kind or embracing the same big game hunting area for which application is made, not later than March 31 of the year in which the board receives all materials required to be submitted in order to complete a license application or ninety (90) days from the date the board receives all such materials, whichever is later.

SECTION 4. 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 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 who 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 who 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 5. 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 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 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 five (5) year period next preceding the date of application for an outfitter's or guide's license.

6. For conviction of any violation of the fish and game laws of the state in the five (5) year period next preceding the date of application for an outfitter's or guide's license. For the purposes of this chapter, the term "conviction" shall mean a final conviction and/or a forfeiture of bail or collateral deposited to secure a defendant's appearance shall be equivalent to a conviction.
7. For a substantial breach of any contract with any person utilizing his services in the five (5) year period next preceding the date of application for an outfitter's or guide's license.

8. For willfully operating as an outfitter in any area for which he is not licensed in the two (2) year period next preceding the date of application for an outfitter's and/or guide's license.

9. For the knowing employment of an unlicensed guide by an outfitter in the three (3) year period next preceding the date of application for an outfitter's or guide's license.

10. For inhumane treatment of any animal used by the licensed outfitter or guide in the conduct of his business which endangers the health or safety of any guest or patron or which interferes with the conduct of his business in the three (3) year period next preceding the date of application for an outfitter's or guide's license.

11. For failure by any firm, partnership, corporation or other organization or any combination thereof licensed as an outfitter to have at least one (1) licensed outfitter as designated agent conducting its outfitting business who meets all of the qualifications and requirements of a licensed outfitter in the three (3) year period next preceding the date of application for an outfitter's or guide's license.

12. For the failure to provide any animal used by the licensed outfitter or guide in the conduct of his business with proper food, drink and shelter, or for the subjection of any such animal to needless abuse or cruel and inhumane treatment.

13. For failure to serve the public. A showing by any interested person to the board that an outfitter has limited his scope of service to any individual, group, corporation or club which limits its services to a membership, or who does not offer services to the general public, shall be grounds for revocation of a license.

14. For violation of or noncompliance with any applicable provision of this act, or for violation of any lawful rule, regulation, or order of the outfitter's and guide's board.

SECTION 6. That Section 36-2114, Idaho Code, be, and the same is hereby amended to read as follows:

36-2114. REVOCATION OR SUSPENSION OF LICENSE -- REVIEW OF DENIAL OF LICENSE -- PROCEDURE. (a) Proceedings for the revocation or suspension of a license issued hereunder may be taken upon information and recommendation of any person. All accusations must be made in writing and signed by a
person familiar therewith and submitted to the board. Thereupon, the board, acting as a board, or through its secretary, shall make a preliminary investigation of all facts in connection with such charge. The board in its discretion may either decide to take no further action and the results of such investigation shall remain confidential, or the board may decide to initiate proceedings to suspend or revoke the license of the outfitter or guide against whom a complaint has been filed, in which case the board shall set a time and place for hearing as provided in section 67-5209, Idaho Code. Notice of such hearing shall be given to the licensee against whom accusations have been filed not later than sixty (60) days after the filing of such accusations. If, after full, fair and impartial hearing, the majority of the board shall find the accused has committed the violations alleged, the board may suspend the license for a period not to exceed one (1) year, or the board may order the license revoked. The board shall forthwith suspend or revoke such license in accordance with and pursuant to its order hereunder the procedure established by sections 67-5211 and 67-5212 67-5209 through 67-5214, Idaho Code. provided that—any

(b) Any applicant aggrieved by a denial of his application in whole or in part for an outfitter's or guide's license by the board shall have twenty (20) days from the day of receiving such notice of denial in which to submit a written request for a hearing before the board to review such action. Upon receipt of such request, the board shall hold a hearing as hereinbefore provided in sections 67-5209 through 67-5214, Idaho Code.

SECTION 7. That Section 36-2116, Idaho Code, be, and the same is hereby amended to read as follows:

36-2116. COMPLAINT FOR VIOLATION -- PROSECUTION BY COUNTY ATTORNEY. The board, or its designated agent or any other person may prefer a complaint for violation of any section of this chapter before any court of competent jurisdiction in the county where the defendant resides, or in the county where the offense occurred. It shall be the duty of the prosecuting attorney of each county in the state to prosecute all violations of this chapter in their respective counties in which said violations occur. All such violations are hereby declared to be misdemeanors and may prefer a complaint before any court of competent jurisdiction in the county where the defendant resides, or in the county where the offense occurred, for any of the following offenses:

(1) For supplying false information or for failure to
provide information required to be furnished by the licensed
application form for a license currently valid or for other
fraud or deception in procuring a license under the provi-
sions of this chapter;
(2) For fraudulent, untruthful or misleading advertis-
ing in the five (5) year period next preceding the date of
the application for an outfitter's or guide's license;
(3) For immoral, unethical or dishonorable conduct in
the five (5) year period next preceding the date of the
application for an outfitter's or guide's license;
(4) 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;
(5) For willfully operating as an outfitter and/or
guide in any area for which he is not licensed in the two
year period next preceding the date of application for
an outfitter's or guide's license;
(6) For the 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;
(7) 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.
If the defendant is found by the court to have committed
the offense as charged, he shall be liable for civil damages
in an amount not less than three hundred dollars ($300) nor
more than one thousand dollars ($1,000). Fifty percent
(50%) of all fines and forfeitures collected shall be paid
to the outfitters and guides board and such monies so
received by the board shall be deposited with the state
treasurer and the state treasurer shall credit the same to
the Idaho outfitters and guides board account and fifty per-
cent (50%) of all fines and forfeitures collected shall be
distributed in accordance with section 19-4705, Idaho Code.

SECTION 8. That Section 36-2117, Idaho Code, be, and
the same is hereby amended to read as follows:

36-2117. PENALTY FOR ACTING AS AN OUTFITTER OR GUIDE
WITHOUT LICENSE. Any person acting as an outfitter or guide
within the meaning of this chapter without a license as
herein provided shall upon conviction thereof. It shall be
the duty of the prosecuting attorney of each county in the
state to prosecute in the county where the violation occurs
any person acting as an outfitter or guide within the mean-
ing of this chapter who does not possess a license as herein provided, and, upon conviction thereof, such person shall be punished by a fine of not less than three hundred dollars ($300) nor more than one thousand dollars ($1,000), or by imprisonment in the county jail for a term not to exceed ninety (90) days, if other than a corporation; or by both such fine and imprisonment in the discretion of the court. All fines and penalties collected for violation of this section, under sentence or judgment of any court, shall be paid over by such court in the same manner as provided for disposition of fish and game law violations, except that the outfitters and guides board fund shall receive the amount that would otherwise be paid over to the fish and game fund in section 36-2116, Idaho Code. Such court shall also send to the Idaho outfitters and guides board a statement setting forth the title of the court and of the cause for which such monies were collected, the name and residence of the defendant or defendants, the nature of the offense or offenses and the fine and the sentence or judgment imposed and such monies so received by the board shall be deposited with the state treasurer and the state treasurer shall credit the same to the Idaho outfitters and guides board fund.

Approved March 17, 1978.

HB671 declared an emergency for this legislation and was approved March 23, 1978.
AN ACT

EXPRESSING LEGISLATIVE INTENT WITH RESPECT TO EXPENDITURES FOR THE OFFICE OF THE STATE BOARD OF EDUCATION; 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, 1978, THROUGH JUNE 30, 1979; REAPPROPRIATING THE BALANCE OF THE GENERAL ACCOUNT MONEYS APPROPRIATED BY SECTION 3, CHAPTER 202, LAWS OF 1977, 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, 1978, through June 30, 1979:

FOR:

Personnel Costs $ 794,200
Operating Expenditures 424,000
Capital Outlay 5,800
Trustee & Benefit Payments 3,737,200
TOTAL $4,961,200

FROM:

General Account $3,529,000
Federal Funds:
- Postsecondary Education Planning Account 38,700
- Title I Higher Education Account 148,400
- Higher Education Facilities Account 5,800
- State Student Financial Aid Training Program Account 2,000
- HEW Equipment Grant Account 241,900
- State Student Incentive Grant Account 206,200
- Local School District Contributions Account 220,700
- Corporation for Public Broadcasting Account 560,400
- Miscellaneous Receipts Account 8,100
TOTAL $4,961,200

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, 1978, through June 30, 1979:
<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>
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<td></td>
<td></td>
</tr>
<tr>
<td>General Account</td>
<td>$ 16,000</td>
<td>$ 19,800</td>
<td></td>
<td>$ 35,800</td>
<td></td>
</tr>
<tr>
<td>II. GENERAL ADMINISTRATION:</td>
<td></td>
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<td></td>
<td></td>
<td></td>
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<tr>
<td>FROM:</td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>General Account</td>
<td>$ 254,500</td>
<td>$ 80,200</td>
<td>$ 1,200</td>
<td>$ 335,900</td>
<td></td>
</tr>
<tr>
<td>Postsecondary Education Planning Account</td>
<td>$ 13,400</td>
<td>$ 15,300</td>
<td>$ 10,000</td>
<td>$ 38,700</td>
<td></td>
</tr>
<tr>
<td>Title I Higher Education Account</td>
<td>$ 23,000</td>
<td></td>
<td>$ 125,400</td>
<td>$ 148,400</td>
<td></td>
</tr>
<tr>
<td>Higher Education Facilities Account</td>
<td>$ 5,800</td>
<td></td>
<td></td>
<td>$ 5,800</td>
<td></td>
</tr>
<tr>
<td>State Student Financial Aid Training Program Account</td>
<td>$ 2,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Miscellaneous Receipts Account</td>
<td>$ 100</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>$ 290,900</td>
<td>$ 103,400</td>
<td>$ 1,200</td>
<td>$ 135,400</td>
<td>$ 530,900</td>
</tr>
<tr>
<td>III. STATEWIDE EDUCATIONAL PLANNING &amp; REPORTING SYSTEM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Account</td>
<td>$ 245,000</td>
<td>$ 272,400</td>
<td>$ 2,600</td>
<td>$ 520,000</td>
<td></td>
</tr>
<tr>
<td>Local School District Contributions Account</td>
<td>$ 205,100</td>
<td>$ 13,600</td>
<td>2,000</td>
<td>220,700</td>
<td></td>
</tr>
<tr>
<td>Miscellaneous Receipts Account</td>
<td>$ 8,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>$ 450,100</td>
<td>$ 294,000</td>
<td>$ 4,600</td>
<td>$ 748,700</td>
<td></td>
</tr>
<tr>
<td>IV. EDUCATIONAL TELEVISION:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>FROM:</td>
<td></td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>General Account</td>
<td>$ 37,200</td>
<td>$ 6,800</td>
<td></td>
<td>$ 1,069,200</td>
<td>$ 1,113,200</td>
</tr>
<tr>
<td>HEW Equipment Grant Account</td>
<td></td>
<td></td>
<td></td>
<td>241,900</td>
<td>241,900</td>
</tr>
<tr>
<td>Corporation for Public Broadcasting Account</td>
<td></td>
<td></td>
<td></td>
<td>560,400</td>
<td>560,400</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$ 37,200</td>
<td>$ 6,800</td>
<td></td>
<td>$ 1,871,500</td>
<td>$ 1,915,500</td>
</tr>
<tr>
<td>V. MEDICAL EDUCATION:</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>
<td></td>
</tr>
<tr>
<td>General Account</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>VI. SCHOLARSHIPS &amp; GRANTS:</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>$ 1,241,100</td>
<td></td>
<td></td>
<td>$ 1,241,100</td>
<td></td>
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<tr>
<td>State Student Incentive Grant Account</td>
<td>$ 283,000</td>
<td></td>
<td></td>
<td>$ 283,000</td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td></td>
<td></td>
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<td></td>
<td></td>
</tr>
</tbody>
</table>

|                      |                     |                            |                   |                                  |           |
PROGRAM FOR TOTAL FOR GRAND TOTAL
PERSONNEL OPERATING CAPITAL TRUSTEE AND PERSONNEL
COSTS EXPENDITURES OUTLAY BENEFIT PAYMENTS TOTAL

TOTAL $ 794,200 $ 424,000 $ 5,800 $ 489,200 $ 4,961,200
GRAND TOTAL

SECTION 3. The balance of the general account moneys appropriated to be expended for emergency purposes by Section 3, Chapter 202, Laws of 1977, to the State Board of Education and the Board of Regents of the University of Idaho, is hereby reappropriated to the State Board of Education and the Board of Regents of the University of Idaho for the following purposes during fiscal year 1979: for matters solely of an emergency nature which might arise 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; and for emergency training programs in Vocational Education. In the event such moneys, or any portion thereof, are not needed for the purposes described in this section, such moneys shall not be used for any other purpose and shall revert to the general account as of June 30, 1979.

SECTION 4. This act shall be in full force and effect on and after July 1, 1978, except for Section 3 hereof. Section 3 of this act shall be in full force and effect on and after June 30, 1978.

Approved March 17, 1978.
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 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, 1978, through June 30, 1979:

| FOR PROGRAM PERSONNEL OPERATING CAPITAL |
|---|---|---|---|---|
| COSTS EXPENDITURES OUTLAY TOTAL |
| ENDOWMENT FUND INVESTMENT BOARD: |
| FROM: General Account | $ 85,400 | $ 101,900 | $ 187,300 |
| Interaccount Account | 6,000 | 300 | $ 1,200 | 7,500 |
| TOTAL | $ 91,400 | $ 102,200 | $ 1,200 | $ 194,800 |

Approved March 17, 1978.
AN ACT
AMENDING SECTION 1, CHAPTER 3, LAWS OF 1977, AS AMENDED BY SECTION 1, CHAPTER 1, LAWS OF 1978, RELATING TO THE APPROPRIATION TO THE IDAHO DAIRY PRODUCTS COMMISSION, BY INCREASING THE APPROPRIATION FROM THE DAIRY PRODUCTS COMMISSION ACCOUNT BY $100,000; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 1, Chapter 3, Laws of 1977, as amended by Section 1, Chapter 1, Laws of 1978, be, and the same is hereby amended to read as follows:

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>FOR PERSONNEL COSTS</th>
<th>FOR OPERATING EXPENDITURES</th>
<th>FOR CAPITAL OUTLAY</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. IDAHO APPLE COMMISSION:</td>
<td>$ 2,300</td>
<td>$ 32,600</td>
<td>$ 100</td>
<td>$ 35,000</td>
</tr>
<tr>
<td>FOR: Advertising and Promotion</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM: Apple Commission Acct.</td>
<td>$ 2,300</td>
<td>$ 32,600</td>
<td>$ 100</td>
<td>$ 35,000</td>
</tr>
<tr>
<td>B. IDAHO BEAN COMMISSION:</td>
<td>$ 25,700</td>
<td>$ 113,000</td>
<td>$ 2,000</td>
<td>$ 140,700</td>
</tr>
<tr>
<td>FOR: Marketing and Development</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM: Idaho Bean Marketing &amp; Production Promotion Acct.</td>
<td>$ 25,700</td>
<td>$ 113,000</td>
<td>$ 2,000</td>
<td>$ 140,700</td>
</tr>
<tr>
<td>C. IDAHO CHERRY COMMISSION:</td>
<td>$ 1,800</td>
<td>$ 22,100</td>
<td>$ 100</td>
<td>$ 24,000</td>
</tr>
<tr>
<td>FOR: Advertising and Promotion</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM: Cherry Commission Acct.</td>
<td>$ 1,800</td>
<td>$ 22,100</td>
<td>$ 100</td>
<td>$ 24,000</td>
</tr>
<tr>
<td>D. IDAHO DAIRY PRODUCTS COMMISSION:</td>
<td>$ 88,100</td>
<td>$ 626,000</td>
<td>$ 726,000</td>
<td>$ 714,000</td>
</tr>
<tr>
<td>FOR: Dairy Products Promotion</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM: Dairy Products Commission Acct.</td>
<td>$ 88,100</td>
<td>$ 626,000</td>
<td>$ 726,000</td>
<td>$ 714,000</td>
</tr>
<tr>
<td>E. IDAHO POTATO COMMISSION:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FOR: Advertising and Promotion</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
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<tr>
<td>-----------------------------</td>
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</tr>
<tr>
<td>P. IDAHO WHEAT COMMISSION</td>
<td>Potato Commission Acct.</td>
<td>$241,700</td>
<td>$2,268,700</td>
<td>$1,300</td>
</tr>
<tr>
<td>FOR: Marketing and Development</td>
<td>Idaho Wheat Commission Acct.</td>
<td>$58,200</td>
<td>$742,100</td>
<td>$1,000</td>
</tr>
<tr>
<td>FOR: Idaho Transportation Council</td>
<td>Idaho Wheat Commission Acct.</td>
<td>$13,300</td>
<td>$1,000</td>
<td>$14,300</td>
</tr>
<tr>
<td>FOR: Advertising Idaho Prunes</td>
<td>Idaho Prune Commission Acct.</td>
<td>$800</td>
<td>$10,300</td>
<td>$11,100</td>
</tr>
<tr>
<td>GRAND TOTAL</td>
<td></td>
<td>$431,900</td>
<td>$3,915,800</td>
<td>$4,500</td>
</tr>
</tbody>
</table>

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

Approved March 17, 1978.
AN ACT
RELATING TO THE TAX LEVY ON BEANS; AMENDING SECTION 22-2921, IDAHO CODE, TO INCREASE THE RATE OF THE TAX LEVIED ON BEANS, AND TO STRIKE REFERENCE TO OBSOLETE PROVISIONS.

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

SECTION 1. That Section 22-2921, Idaho Code, be, and the same is hereby amended to read as follows:

22-2921. TAX LEVY ---VEGETABLE-PROMOTION-STAMPS. There is hereby levied and imposed a tax of three six cents ($0.06) (6¢) per hundredweight on beans covered by this act, which tax shall be due on or before the time when such beans are first handled in the primary channels of trade and shall be paid at such time or times as the commission may by rule or regulation prescribe, but not later than the 15th day of the month next succeeding the three (3) month period in which such beans were handled in the primary channels of trade. The commission shall designate the quarters (three (3) month periods) for the purpose of collection of this tax. For the purpose of collection of said tax, the commission may require stamps to be known as "Vegetable-Promotion-Stamps" to be purchased from the commission and affixed or attached to the containers, invoices, shipping documents, inspection certificates, releases, or receiving receipts or tickets, or such other containers or records as may adequately provide notice that such tax had been paid. Any such stamps shall be canceled immediately upon being so attached or fixed and the date of cancellation shall at said time be placed on such stamps.

The person first introducing beans into primary channels of trade shall be responsible for purchasing and affixing said stamps payment of the tax. If such person is the dealer or shipper handling beans grown by another he may charge against or recover from the grower of such beans two four cents ($0.02) (2¢) of the cost thereof, but he shall remain liable for and pay one two cents ($0.01) (1¢) of the cost thereof. However, if such person is the dealer or handler and is only cleaning the beans for the grower, he shall charge against or recover from the grower the entire tax of three six cents ($0.03) (6¢) per hundredweight.

Approved March 17, 1978.
AN ACT

RELATING TO CONSUMER CREDIT TRANSACTIONS; AMENDING SECTION 28-35-204, IDAHO CODE, RELATING TO A DEBTOR'S RIGHT TO RESCIND CERTAIN TRANSACTIONS BY PROVIDING THAT TRANSACTIONS EXCLUDED FROM DISCLOSURE REQUIREMENTS OR TRANSACTIONS WHICH ARE EXCLUDED FROM THE RIGHT OR RESCISSION BY FEDERAL LAW, ARE EXCLUDED FROM SECTION 28-35-204, IDAHO CODE.

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

SECTION 1. That Section 28-35-204, Idaho Code, be, and the same is hereby amended to read as follows:

28-35-204. DEBTOR'S RIGHT TO RESCIND CERTAIN TRANSACTIONS. (1) Except as otherwise provided in this section, in the case of a consumer credit sale or consumer loan with respect to which a security interest is retained or acquired in an interest in land which is used or expected to be used as the residence of the person to whom credit is extended, the debtor shall have the right to rescind the transaction until midnight of the third business day following the consummation of the transaction or the delivery of the disclosures required under this section and all other material disclosures required by this act, whichever is later, by notifying the creditor, in accordance with rules of the administrator, of his intention to do so. The creditor shall clearly and conspicuously disclose, in accordance with rules of the administrator, to the debtor in a transaction subject to this section the rights of the debtor under this section. The creditor shall also provide, in accordance with rules of the administrator, an adequate opportunity to the obligor to exercise his right to rescind any transaction subject to this section.

(2) When a debtor exercises his right to rescind under subsection (1), he is not liable for any credit service charge, loan finance charge, or other charge, and any security interest given by the debtor becomes void upon the rescission. Within 10 days after receipt of a notice of rescission, the creditor shall return to the debtor the money or property given as earnest money, down payment, or otherwise, and shall take any action necessary or appropriate to reflect the termination of any security interest created under the transaction. If the creditor has delivered
property to the debtor, the debtor may retain possession of it. Upon the performance of the creditor's obligations under this section, the debtor shall tender the property to the creditor, except that if return of the property in kind would be impractical or inequitable, the debtor shall tend its reasonable value. Tender shall be made at the location of the property or at the residence of the debtor, at the option of the debtor. If the creditor does not take possession of the property within 10 days after tender by the debtor, ownership of the property vests in the debtor without obligation on his part to pay for it.

(3) Notwithstanding any rule of evidence, written acknowledgment of receipt of any disclosure required under this act by a person to whom a statement is required to be given pursuant to this section does no more than create a rebuttable presumption of delivery thereof.

(4) The administrator, if he finds that the action is necessary in order to permit homeowners to meet bona fide personal financial emergencies, may prescribe rules authorizing the modification or waiver of any rights created under this section to the extent and under the circumstances set forth in those rules.

(5) This section does not apply to the creation or retention of a first lien against a dwelling to finance the acquisition of that dwelling, to transactions excluded from disclosure requirements by section 28-33-301, Idaho Code, or to transactions in which a right of rescission is not provided by the federal consumer credit protection act.

Approved March 17, 1978.
CHAPTER 137
(H.B. No. 515)

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, AND TO CLARIFY THE SECTION.

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 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 vote 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 17, 1978.
CHAPTER 138
(H.B. No. 345)

AN ACT
RELATING TO THE INTERNAL REVENUE CODE; AMENDING SECTION 63-3004, IDAHO CODE, BY STRIKING THE FIGURE 1977 AND INSERTING THE FIGURE 1978; 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 last 1st day of January, 1978.

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, 1978.

Approved March 17, 1978.
AN ACT
RELATING TO INCOME TAXES AND ITEMIZED DEDUCTIONS; AMENDING SECTION 63-3022, IDAHO CODE, TO CORRECT REFERENCES TO 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 63-3022, 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 cor-
rected 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 141-142-143-144 63, 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, 212, 213, 216 and 218, 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, 1978.

Approved March 17, 1978.
AN ACT
RELATING TO INCOME TAX CREDITS FOR SENIOR CITIZENS; AMENDING
SECTION 63-3024A, IDAHO CODE, TO PROVIDE THAT RESIDENT
INDIVIDUALS OVER THE AGE OF SIXTY-FIVE WHO ARE REQUIRED
BY LAW TO FILE AN IDAHO INCOME TAX RETURN SHALL BE
ALLOWED A CREDIT AGAINST TAXES OF THIRTY DOLLARS AND TO
PROVIDE THAT RESIDENT INDIVIDUALS OVER THE AGE OF SIXTY-
FIVE WHO HAVE NOT RECEIVED A REFUND OR CREDIT UNDER THIS
CODE SECTION AND WHO ARE NOT REQUIRED BY LAW TO FILE AN
IDAHO INCOME TAX RETURN SHALL BE ENTITLED TO A REFUND OF
THIRTY DOLLARS.

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 indi-
vidual 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 thirty dollars ($29.99 $30.00)
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 thirty dollars ($20.00 $30.00). 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 percent (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 under this section shall receive a proportionate credit, 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.

Approved March 17, 1978.
CHAPTER 141
(S.B. No. 1416)

AN ACT
RELATING TO THE VENDING OF FISH AND GAME LICENSES, TAGS AND PERMITS; AMENDING SECTION 36-303, IDAHO CODE, BY PROVIDING THAT THE DEPARTMENT FURNISH A SCHEDULED BOND SUFFICIENT TO COVER ALL LICENSES, TAGS AND PERMITS TO BE CONSIDERED; AMENDING SECTION 36-306, IDAHO CODE, TO PROVIDE THAT VENDORS SHALL CHARGE A FEE OF FIFTY CENTS IN ADDITION TO THE FEE ESTABLISHED FOR EACH LICENSE, TAG OR PERMIT SOLD AS VENDOR COMMISSION FOR SUCH SALE; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 36-303, Idaho Code, be, and the same is hereby amended to read as follows:

36-303. DISTRIBUTION, ISSUANCE, AND SALE OF LICENSES, TAGS AND PERMITS -- BONDING OF VENDORS. The director shall distribute such licenses, tags and permits to any person he may select for the purpose of sale and distribution. Provided that all resident licenses shall be sold only within the state of Idaho. Any person to whom licenses, tags and permits are consigned shall be charged with the full value thereof, less the authorized sales commission therefor as provided in section 36-306, Idaho Code, and such persons shall be responsible for all sums received by them from the sale of such licenses, tags and permits and shall be liable upon their official bonds, and should any person fail to account for the same, any sum remaining due by reason of such failure may be recovered from such person or his bondsman in a civil action. Provided, that any and all persons to whom licenses, tags and permits are consigned for sale, other than employees of the department of fish and game of the state of Idaho, shall be required to furnish to the director, before entering upon the sale of said licenses, tags and permits, a good and sufficient surety bond to the state of Idaho in an amount sufficient to cover all licenses, tags and permits so consigned. Provided further that when a surety bond is furnished by a surety company authorized to do business in the state of Idaho, said bond shall be approved and accepted by the director and filed in
the state office of the department of fish and game. All bonds executed by any person required to furnish the same shall cover a period of two (2) years and said bond shall be in a form prescribed by said director.

The director may at his discretion furnish a scheduled bond sufficient to cover all licenses, tags and permits to be consigned for sale. All or any part of said bond may be paid for out of the fish and game fund and shall be in lieu of any other bond requirement for the sale of licenses, tags or permits.

Any bond given in accordance with this section of the statute is declared to be an official bond of the state of Idaho.

Provided further that no person except an employee of the department shall be authorized to issue and sell such licenses, tags and permits until the bond hereinbefore provided for shall have been properly signed, approved and filed with the director. All moneys collected by any person for the sale of such licenses, tags and permits in the state of Idaho, with the exception of any commission on said amount that may be due any person selling the same as vendor thereof, shall be and remain the property of the department. Any person appropriating any of said funds of the department of fish and game for his own use shall be guilty of a felony.

SECTION 2. That Section 36-306, Idaho Code, be, and the same is hereby amended to read as follows:

36-306. COMMISSION ON SALES -- WRITTEN APPLICATION OF PURCHASER. All persons authorized to sell licenses, except the director and employees of the department of fish and game, shall be entitled to receive charge a commission of five percent (5%) fifty cents (50¢) upon all licenses, tags and permits for which there is a fee, to be retained by them as compensation for the sale of such licenses, tags or permits; provided that the such commission on any individual fee shall be charged in addition to the regular cost of the license, tag or permit for which a fee is charged; shall not be less than fifteen cents (15¢) nor more than five dollars (5.00). Be it further provided that no resident or duplicate license shall be issued without taking the written application of the purchaser in the manner prescribed by section 36-405(a), Idaho Code.

SECTION 3. This act shall be in full force and effect on and after January 1, 1979.

Approved March 17, 1978.
AN ACT
RELATING TO INVESTMENTS OF INSURERS; AMENDING SECTION 41-711, IDAHO CODE, TO PROVIDE FOR INVESTMENTS IN OBLIGATIONS OF THE GOVERNMENT OF CANADA OR ITS PROVINCES.

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

SECTION 1. That Section 41-711, Idaho Code, be, and the same is hereby amended to read as follows:

41-711. CORPORATE OBLIGATIONS. An insurer may invest any of its funds in obligations other than those eligible for investment under section 41-721, Idaho Code, (mortgage loans and contracts), if they are issued, assumed, or guaranteed by any solvent institution created or existing under the laws of the United States or of any state, district or territory thereof, which are or of the government of Canada or any province thereof, and if said institution is not nor have has not been in default as to principal or interest on any of its obligations during the five (5) years next preceding the date of such investment.

Approved March 17, 1978.
AN ACT
RELATING TO FEES OF THE DEPARTMENT OF WATER RESOURCES;
AMENDING SECTION 42-221, IDAHO CODE, TO ESTABLISH A FEE
SCHEDULE FOR WATER RIGHT APPLICATIONS.

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

SECTION 1. That Section 42-221, Idaho Code, be, and the
same is hereby amended to read as follows:

42-221. FEES OF DEPARTMENT. The department of water
resources shall collect the following fees which shall con­
stitute a fund to pay for legal advertising, the publication
of public notices and for investigations required of the
department in connection with the issuance of permits and
licenses as provided in this chapter:

A. For filing an application for a permit to appropri­
ate the public waters of this state:

1. For a quantity of 0.2 c.f.s. or less or for a stor­
age volume of 20 acre feet or less .......... $10.00 20.00
2. For a quantity greater than 0.2 c.f.s. but not
exceeding 1.0 c.f.s. or for a storage volume greater
than 20 acre feet but not exceeding 100 acre feet ....

3. For a quantity greater than 1.0 c.f.s. but not
exceeding 20 c.f.s., or for a storage volume greater
than 100 acre feet but not exceeding 2,000 acre feet ...

4. For a quantity greater than 20.0 c.f.s. but not
exceeding 100 c.f.s. or for a storage volume greater
than 2,000 acre feet but not exceeding 10,000 acre feet

5. For a quantity greater than 100.0 c.f.s. but not
exceeding 500.0 c.f.s., or for a storage volume greater
than 10,000 acre feet but not exceeding 50,000 acre feet
plus $1.20 for each additional 0.5 c.f.s. or part thereof or 100 acre feet or part thereof over the first 100 c.f.s. or 10,000 acre feet.

6. For a quantity greater than 500 c.f.s., or for a storage volume greater than 50,000 acre feet ............

plus $0.20 for each additional 1.0 c.f.s. or part thereof or 100 acre feet or part thereof over the first 500.0 c.f.s. or 50,000 acre feet.

b. For filing application for change of point of diversion, place, period, or nature of use of water or place of use of water of established rights; for exchange of water; or for an extension of time within which to resume the use of water under a vested right:

1. For a quantity of 0.2 c.f.s. or less or for a storage volume of 20 acre feet or less ........ $20.00

2. For all other amounts .................. $35.00

C. For filing application for amendment of permit ........

D. For filing claim to use right under section 42-225a, Idaho Code .................. $20.00

E. For readvertising application for permit, change, exchange, or extension to resume use ........... $20.00

F. For certification, each document ................. $1.00

G. For making photo copies of office records, maps and documents for public use .... A reasonable charge as determined by the department.

All fees received by the department of water resources under the provisions of this chapter shall be transmitted to the state treasurer for deposit in the water administration fund.

Approved March 17, 1978.
CHAPTER 144
(S.B. No. 1332, As Amended)

AN ACT
RELATING TO NOTICE OF CHANGE OF STATUS UNDER WORKMEN'S COMPENSATION; ADDING A NEW SECTION 72-806, IDAHO CODE, TO REQUIRE THAT A WORKMAN BE NOTIFIED IN WRITING OF ANY CHANGE IN STATUS WHICH WOULD DIRECTLY OR INDIRECTLY AFFECT THE LEVEL OF BENEFITS TO WHICH THE WORKMAN MIGHT ULTIMATELY BE ENTITLED; AND AMENDING SECTION 72-604, IDAHO CODE, TO PROVIDE FOR SUSPENSION OF LIMITATIONS OF ACTION FOR FAILURE TO REPORT.

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

SECTION 1. That Chapter 8, 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 72-806, Idaho Code, and to read as follows:

72-806. NOTICE OF CHANGE OF STATUS. A workman shall receive written notice within fifteen (15) days of any change of status or condition including, but not limited to, the denial, reduction or cessation of medical and/or monetary compensation benefits, which directly or indirectly affects the level of compensation benefits to which he might presently or ultimately be entitled. If any change in compensation benefits is based upon a medical report or medical reports from any physician or any other practitioner of the healing arts, a copy of such report shall be attached to the written notice which the workman shall receive. The industrial commission shall by rule and regulation, determine by whom the notice shall be given and the form for such notice. In the absence of a rule governing a particular situation, the employer's insurer, or in the case of self-insurers, the employer, shall be responsible for giving the notice required herein.

SECTION 2. That Section 72-604, Idaho Code, be, and the same is hereby amended to read as follows:

72-604. FAILURE TO REPORT TOLLS EMPLOYEE LIMITATIONS. When the employer has knowledge of an occupational disease, injury, or death and wilfully fails or refuses to file the report as required by section 72-602(1), Idaho Code, the notice of change of status required by section 72-806, Idaho
Code, the limitations prescribed in section 72-701 and section 72-706, Idaho Code, shall not begin to run against the claim of any person seeking compensation until such report or notice shall have been filed.

Approved March 17, 1978.

CHAPTER 145
(S.B. No. 1368)

AN ACT
RELATING TO THE SUPPLEMENTAL RETIREMENT SYSTEM; ADDING A NEW SECTION 59-1504, IDAHO CODE, TO LIMIT SUPPLEMENTAL RETIREMENT BENEFITS TO THOSE WHO ARE RECEIVING THEM ON THE EFFECTIVE DATE OF THE ACT, OR IN THE ALTERNATIVE TO A REDUCED BENEFIT IF THE LIMITATION IS INVALID; APPROPRIATING $178,000 TO THE SUPPLEMENTAL RETIREMENT ACCOUNT FOR THE PURPOSE OF PAYING BENEFITS; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Chapter 15, 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 59-1504, Idaho Code, and to read as follows:

59-1504. SUPPLEMENTAL RETIREMENT SYSTEM LIMITED. (1) The supplemental retirement system created by chapter 15, title 59, Idaho Code, is hereby limited to those persons who are currently receiving retirement allowances thereunder. No person shall be entitled to receive a retirement allowance under the supplemental retirement system who is not receiving a retirement allowance from the supplemental retirement fund on the effective date of this act.

(2) Should the provisions of paragraph (1) of this section be judged invalid for any reason, with respect to the widow of any former governor, the retirement allowance under the supplemental retirement system shall be calculated as though the governor had elected to receive benefits under option 1 as prescribed by section 59-1317, Idaho Code. The amount that the named contingent annuitant would have received, or is receiving, shall be deducted from the amount of the retirement allowance under the supplemental retirement system as provided by paragraph (3) of section 59-1501, Idaho Code.
SECTION 2. There is hereby appropriated from the general account of the operating fund the sum of one hundred seventy-eight thousand dollars ($178,000) to the supplemental retirement account in the agency fund in the state treasury for the purposes enumerated in chapter 15, title 59, Idaho Code.

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

Approved March 17, 1978.

CHAPTER 146
(S.B. No. 1550)

AN ACT
RELATING TO REPORTING OF EXPENDITURES BY LOBBYISTS; AMENDING SECTION 67-6619, IDAHO CODE, TO PROVIDE THAT REIMBURSED PERSONAL LIVING AND TRAVEL EXPENSES OF A LOBBYISTS INCURRED DIRECTLY OR INDIRECTLY FOR ANY LOBBYING PURPOSE NEED NOT BE REPORTED TO THE SECRETARY OF STATE.

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

SECTION 1. That Section 67-6619, Idaho Code, be, and the same is hereby amended to read as follows:

67-6619. REPORTING BY LOBBYISTS. (a) Any lobbyist registered under section 67-6617, Idaho Code, shall file with the secretary of state periodic reports of his activities signed by both the lobbyist and the lobbyist's employers. The reports shall be made in the form and manner prescribed by the secretary of state. They shall be due quarterly and shall be filed within thirty (30) days after the end of the calendar quarter covered by the report. In addition to the quarterly reports, while the legislature is in session, any lobbyist who lobbies with respect to any legislation shall file interim monthly periodic reports for each month or portion thereof that the legislature is in session, which reports need be signed only by the lobbyist and which shall be filed within five (5) days of the first day of the month for the activities of the month just past. In addition, each lobbyist shall within five (5) days after delivery of any written or printed statement, argument or brief to the legislature or any committee thereof or the members thereof, file three (3) copies with the secretary of state.

(b) Each such quarterly and monthly periodic report shall contain:
(1) The totals of all expenditures made or incurred by such lobbyist or on behalf of such lobbyist by the lobbyist's employer (not including payments made directly to the lobbyist), during the period covered by the report, which totals shall be segregated according to financial category, including, for example, entertainment, food and refreshments; advertising; providing, however, that unreimbursed personal living and travel expenses of a lobbyist met incurred directly or indirectly for any lobbying purpose need not be reported. The totals of each expenditure of more than fifty dollars ($50.00) shall be identified by date, place, amount, and the names of all members of the state legislature or holder of public office in the group partaking in or of such financial category including any portion thereof attributable to the lobbyist's participation therein but without allocating any portion of such expenditure to individual participants.

(2) In the case of a lobbyist employed by more than one employer, the proportionate amount of such expenditures in each category incurred on behalf of each of his employers.

(3) An itemized listing of each such expenditure made by the lobbyist or by the lobbyist's employer in the nature of a contribution of money or of tangible or intangible personal property to any legislator, or for or on behalf of any legislator. All contributions made to, or for the benefit of, any legislator, exempting only those contributions that are required to be reported under other provisions of law, shall be identified by date, amount, and the name of the legislator receiving, or to be benefited by each such contribution.

(c) Each such quarterly and monthly periodic report shall contain the subject matter of proposed legislation and the number of each senate or house bill, resolution, or other legislative activity which the lobbyist has been engaged in supporting or opposing during the reporting period; provided, that in the case of appropriations bills the lobbyists shall enumerate the specific section or sections which he supported or opposed.

Approved March 17, 1978.
AN ACT
RELATING TO SALES OF PRODUCTS MANUFACTURED BY CORRECTIONAL
INDUSTRIES; AMENDING SECTION 20-413, IDAHO CODE, BY PROV-ING THAT CORRECTIONAL INDUSTRIES COMMISSION MAY CON-
TRACT TO SELL PRODUCTS MANUFACTURED BY CORRECTIONAL
INDUSTRIES TO WHOLESALE AS WELL AS RETAIL ESTABLISH-
MENTS.

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

SECTION 1. That Section 20-413, Idaho Code, be, and the
same is hereby amended to read as follows:

20-413. GOODS AND SERVICES FOR GOVERNMENT, NONPROFIT
ORGANIZATIONS, AND PUBLIC USE -- CONTRACTS WITH OTHER STATE
AND FEDERAL PENAL INSTITUTIONS. The commission is hereby
authorized and empowered to cause the inmates in the state
prison to be employed in the rendering of such services and
in the production and manufacture of such articles, mate-
rials, and supplies as are now or may hereafter be needed by
any public institution or agency of the state or any polit-
ical subdivision thereof, including but not limited to coun-
ties, districts, municipalities, schools, nonprofit orga-
nizations, and other public use. The commission may cause
the inmates to be employed in rendering such services or
producing and manufacturing such articles, materials, and
supplies as are now or may hereafter be needed for use by
the federal government for any department, agency or corpo-
r atom thereof. The commission may contract to sell products
manufactured by correctional industries to retail or whole-
sale establishments within the state for-resale-to-the--gen-
eral--public. The commission or its designated agent may
enter into contracts for the purposes of this article.

The commission may contract with other state and federal
penal institutions for the production, manufacture, ex-change, sale, or purchase of goods, wares and merchandise
manufactured or produced wholly or in part by inmates of the
Idaho state penitentiary or of any state or federal penal
institution.

Approved March 17, 1978.
AN ACT
AMENDING SECTION 1, CHAPTER 290, LAWS OF 1977, RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE LABORATORY SERVICES PROGRAM, BY INCREASING THE APPROPRIATION FROM THE MISCELLANEOUS RECEIPTS ACCOUNT BY $25,400; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 1, Chapter 290, Laws of 1977, 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 program, from the listed accounts, according to the designated standard expense classes for the period July 1, 1977, through June 30, 1978:

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<th>PROGRAM</th>
<th>FOR PERSONNEL TOTAL</th>
<th>FOR OPERATING TOTAL</th>
<th>FOR CAPITAL TOTAL</th>
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<td>FROM:</td>
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SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Approved March 17, 1978.
CHAPTER 149
(S.B. No. 1340, As Amended)

AN ACT
RELATING TO PATERNITY UNDER THE UNIFORM RECIPROCAL ENFORCEMENT OF SUPPORT ACT; AMENDING SECTION 7-1074, IDAHO CODE, TO ALLOW THE COURT TO ADJUDICATE THE PATERNITY ISSUE UNDER CERTAIN CIRCUMSTANCES.

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

SECTION 1. That Section 7-1074, Idaho Code, be, and the same is hereby amended to read as follows:

7-1074. PATERNITY ISSUE AS DEFENSE. If the obligor asserts as a defense that he is not the father of the child for whom support is sought and it appears to the court that the defense is not frivolous, and if both of the parties are present at the hearing or the proof required in the case indicates that the presence of either or both of the parties is not necessary, the court may adjudicate the paternity issue, pursuant to chapter 11, title 7, Idaho Code. In the alternative the court may adjourn the hearing until the paternity issue has been adjudicated.

Approved March 17, 1978.
AN ACT
AMENDING SECTION 1, CHAPTER 284, LAWS OF 1977, RELATING TO THE APPROPRIATION TO THE STATE BOARD OF EDUCATION FOR VOCATIONAL REHABILITATION, BY INCREASING THE APPROPRIATIONS FROM THE GENERAL ACCOUNT BY $285,500 AND THE MISCELLANEOUS RECEIPTS ACCOUNT BY $1,000 AND BY REVISIONING THE APPROPRIATION FROM THE VOCATIONAL REHABILITATION ACCOUNT; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 1, Chapter 284, Laws of 1977, 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 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>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Account</td>
<td></td>
<td></td>
<td>$200,000</td>
<td>$200,000</td>
<td></td>
</tr>
<tr>
<td>B. VOCATIONAL 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>Miscellaneous Receipts Account</td>
<td></td>
<td></td>
<td>$1,000</td>
<td>$1,000</td>
<td></td>
</tr>
<tr>
<td>General Account</td>
<td>$</td>
<td></td>
<td>$835,500</td>
<td>$835,500</td>
<td>$1,121,000</td>
</tr>
<tr>
<td>Vocational Rehabilitation Account</td>
<td>1,766,700</td>
<td>445,200</td>
<td>22,500</td>
<td>2,803,300</td>
<td>5,037,700</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$1,766,700</td>
<td>$445,200</td>
<td>$22,500</td>
<td>$3,925,300</td>
<td>$6,159,700</td>
</tr>
<tr>
<td>GRAND TOTAL</td>
<td>$1,766,700</td>
<td>$445,200</td>
<td>$22,500</td>
<td>$3,925,300</td>
<td>$6,159,700</td>
</tr>
</tbody>
</table>

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

Approved March 17, 1978.
CHAPTER 151  
(S.B. No. 1359)

AN ACT
RELATING TO PATERNITY PROCEEDINGS; AMENDING SECTION 7-1110, 
IDAHO CODE, TO PROVIDE FOR THE COMMENCEMENT OF PATERNITY 
PROCEEDINGS BY THE STATE OF IDAHO ON BEHALF OF A CHILD 
RECEIVING ASSISTANCE.

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

SECTION 1. That Section 7-1110, Idaho Code, be, and the 
same is hereby amended to read as follows:

7-1110. PROCEEDINGS -- BY WHOM BROUGHT. Proceedings to 
establish the paternity of the child and to compel support 
under this act may be commenced by the mother, whether a 
minor or not, or by the child's guardian or other person 
standing in a paternal relation or being the next of kin of 
the child, or by the state of Idaho on behalf of a child for whom aid has been given.

Approved March 17, 1978.
Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 1-505, Idaho Code, be, and the same is hereby amended to read as follows:

1-505. DISTRIBUTION OF REPORTS. The reporter shall have no pecuniary interest in the reports but he shall in his name but for and on behalf and for the sole benefit of the state of Idaho copyright each and every volume of said reports before final issue from the press. The decisions of the said Supreme Court shall be prepared for publication by the reporter, as rapidly as possible, and as soon as a sufficient number of decisions are prepared to fill a volume, such a volume shall be printed, and as many copies thereof as directed by the Supreme Court administrative director of the courts shall be delivered to the state law librarian, who shall distribute them as follows: To the Librarian of Congress, five three (3) copies; to the Idaho State Law Library, five (5) copies; to the University of Idaho, general library, two (2) copies; to the Idaho State College University library, one (1) copy; to Boise State College University library, one (1) copy; to the College of Law of the University of Idaho, six twelve (12) copies; to the Lewis-Clark Normal--School State College, one (1) copy; to the library at the state penitentiary, one (1) copy; to each county prosecuting attorney, one (1) copy; to each magistrate, one (1) copy; to each district judge, one (1) copy; to each justice of the Supreme Court, one (1) copy; to the clerk of the Supreme Court, two copies to be kept in the court room during the sessions of court for the use of the bar, one (1) copy; to the attorney general five (5) copies; one (1) copy to the land commissioner Department of Lands of Idaho; one (1) copy to the Public Utilities Commission of Idaho; one (1) copy to the Industrial Accident Board Commis-
section; one (1) copy to the Department Division of Public Works; one (1) copy to the Bureau Department of Insurance; one (1) copy to the Judiciary Committee of the Senate during sessions of the Legislature; one (1) copy to the Judiciary Committee of the House of Representatives during sessions of the Legislature; to each state and territory in the United States sending to this state copies of its printed court reports, two copies; one (1) copy for the use of the state library or law library thereof; to each foreign state or country, sending to this state copies of its printed court reports, two copies; one (1) copy; to the governor, secretary of state, state treasurer, state auditor, superintendent of public instruction, commissioner of reclamation, and state mine inspector each one (1) copy; and to other officers and institutions as directed by the administrative director of the courts; provided, that each public officer receiving a copy of any volume or volumes of said reports under the provisions of this section, shall take good care of the same, and shall upon retiring from office, turn the same over to his successor in office, provided further, that copies of any volume of such reports may be again issued to any of said officers, institutions, states or territories upon good and sufficient proof of loss of the copies sought to be replaced, presented to the justices of the Supreme Court administrative director of the courts, who may, by writing signed by a majority of the justices direct the librarian to furnish another copy of the volume so lost, in place thereof; but no direction to furnish another copy shall be made in any case without good and sufficient evidence showing that the officer, institution, state or territory sustaining such loss, sustained, the same without fault or negligence.

SECTION 2. This act shall be in full force and effect on and after July 1, 1978.

Approved March 17, 1978.
CHAPTER 153
(S.B. No. 1426, As Amended)

AN ACT
RELATING TO PUBLIC ASSISTANCE AND WELFARE; AMENDING CHAPTER 2, TITLE 56, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 56-227C, IDAHO CODE, PROVIDING FOR SUBPOENA POWER IN FRAUD AND ABUSE INVESTIGATIONS; AND DECLARING AN EMERGENCY.

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 56-227C, Idaho Code, and to read as follows:

56-227C. SUBPOENA POWER. The director, his authorized representative, the director of the department of law enforcement, his authorized representative, and any prosecuting attorney of any county, for the purposes contemplated by this act, have power to issue subpoenas, compel the attendance of witnesses, administer oaths, certify to official acts, take depositions within and without the state of Idaho, as now provided by law, compel the production of pertinent books, payrolls, accounts, papers, records, documents and testimony. If a person in attendance before such director or his authorized representative or prosecuting attorney refuses, without reasonable cause, to be examined or to answer a legal and pertinent question, or to produce a book or paper or other evidence when ordered so to do by the director or his authorized representative or prosecuting attorney, said director or his authorized representative or prosecuting attorney may apply to the judge of the district court of the county where such person is in attendance, upon affidavit for an order returnable not less than two (2) or more than five (5) days, directing such person to show cause before such judge, or any other judge of such district, why he should not be punished for contempt; upon the hearing of such order, if the judge shall determine that such person has refused, without reasonable cause or legal excuse, to be examined or to answer a legal or pertinent question, or to produce a book or paper which he was ordered to bring or produce, he may forthwith punish the offender as for contempt of court.

No person shall be excused from testifying or from pro-
ducing any books or papers or documents in any investigation or inquiry by or upon any hearing before any officer so authorized upon the ground that the testimony or evidence, books, papers or documents required of him may tend to incriminate him or subject him to penalty or forfeiture; but no person shall be prosecuted, punished or subjected to any penalty or forfeiture for or on account of any act, transaction, matter or thing concerning which he is compelled, after claiming his privileges against self-incrimination, to testify or produce evidence, documentary or otherwise, except that any person so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

Subpoenas shall be served and witness fees and mileage paid as allowed in civil cases in the district courts of this state.

Inspectors and investigators employed by the department of law enforcement for the enforcement of this act shall have all the authority given by statute to peace officers of the state of Idaho, including authority to serve and execute warrants of arrest and warrants of search and seizure.

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, 1978.
CHAPTER 154
(S.B. No. 1571)

AN ACT
AMENDING SECTION 1, CHAPTER 275, LAWS OF 1977, RELATING TO
THE APPROPRIATION TO THE DEPARTMENT OF HEALTH AND WEL­
FARE FOR THE ADULT AND A.F.D.C. ASSISTANCE PAYMENTS PRO­
GRAM, BY DECREASING THE APPROPRIATION FROM THE GENERAL
ACCOUNT BY $434,500 AND BY INCREASING THE APPROPRIATION
FROM THE COOPERATIVE WELFARE ACCOUNT BY $512,000; AND
DECLARING AN EMERGENCY.

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

SECTION 1. That Section 1, Chapter 275, Laws of 1977, 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 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>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>$ 8,790,400</td>
</tr>
<tr>
<td></td>
<td>8,363,900</td>
</tr>
<tr>
<td>Cooperative Welfare Account</td>
<td>$12,645,100</td>
</tr>
<tr>
<td></td>
<td>13,157,100</td>
</tr>
<tr>
<td>Miscellaneous Receipts Account</td>
<td>2,000,000</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$23,443,500</td>
</tr>
<tr>
<td></td>
<td>23,521,000</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 17, 1978.
CHAPTER 155
(S.B. No. 1516, As Amended)

AN ACT
RELATING TO PROVISION OF RESPITE CARE SERVICES; AMENDING TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 47, TITLE 39, IDAHO CODE, TO ESTABLISH RESPITE CARE SERVICES FOR INDIVIDUALS WITH PHYSICAL OR MENTAL DISABILITIES OR HANDICAPS, TO DEFINE TERMS, TO PROVIDE STANDARDS FOR PROVISION OF RESPITE CARE, TO SPECIFY WHO MAY PROVIDE RESPITE CARE, TO ESTABLISH ELIGIBILITY FOR SERVICES AND FOR A FEE SCHEDULE, TO ESTABLISH A METHOD FOR REIMBURSEMENT, TO PROVIDE FOR LIABILITY, AND TO PROVIDE FOR A SHORT TITLE.

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 47, Title 39, Idaho Code, and to read as follows:

CHAPTER 47
RESPITE CARE SERVICES

39-4701. LEGISLATIVE INTENT. The purpose and intent of this chapter is to authorize respite care services for eligible individuals with physical or mental disabilities or handicaps, as well as to provide relief to parents or guardians of such individuals. It is further the purpose of this chapter to assist parents or guardians of disabled or handicapped individuals to maintain those individuals in their own homes in order to avoid institutionalization.

39-4702. DEFINITIONS. As used in this chapter, the following terms have the following meaning:

(1) "Day care center" shall be defined the same as in section 39-1209(6), Idaho Code.

(2) "Department" means the state department of health and welfare.

(3) "Director" means the director of the department of health and welfare.

(4) "Foster home" shall be defined the same as in section 39-1209(4), Idaho Code.

(5) "In-house respite care" means the provision of respite care services within the physically or mentally dis-
abled or handicapped individual's own home during a period when parents or guardians are absent.

(6) "Intermediate care facility" is a health facility whose design and function shall provide area, space and equipment to meet the restorative, rehabilitative, recreational and daily living needs of the residents. The facilities must reflect the personal care, social/psychological needs of the residents. The primary traffic flow is generated by residents going to services and activities. At a minimum, the facility shall provide such services as personal care, rehabilitative, remotivational, activities and dietary and supporting services in health care as required by the category of residents admitted. In addition, an adult day care service may be provided at the election of the facility.

(7) "Physical or mental disabilities or handicaps" mean any substantial physical, mental or developmental disability which prevents normal participation in community and/or life activities as are available and participated in by persons with no such afflictions or conditions of the same age and sex.

(8) "Representative" means an employee of the state department of health and welfare.

(9) "Respite care" means appropriate services in a variety of settings, provided for the care of physically or mentally disabled or handicapped persons through temporary separation from his family, in or outside the home for short, specified periods of time, and involving other services as needed on an individual basis, for the purpose of relieving the family of his care in order to:

(a) meet planned or emergency needs of the family of the individual; or
(b) restore or maintain the physical and mental well-being of the individual's parents or guardians; or
(c) initiate training procedures for the individual's parents or guardians in or out of the home.

(10) "Respite care center" means any facility designated to provide twenty-four (24) hour respite care for more than three (3) physically or mentally disabled or handicapped individuals; but not on a continuous living arrangement.

(11) "Respite care home" means any home which will provide care, on a short-term basis, for less than three (3) physically or mentally disabled or handicapped individuals who are nonrelated.

(12) "Shelter home" shall be defined the same as in section 39-3301(1), Idaho Code.

(13) "Skilled nursing care facility" is a health facility whose design and function shall provide area space and
equipment to meet the health needs of the skilled care level patient and the care delivery activities of the staff. The functional layout shall meet, primarily, medical and nursing needs. The design shall recognize that the primary traffic flow is the medical/nursing staff to the patient. At a minimum, the facility shall provide such services as medical/skilled nursing care, dietary, restorative, pharmacetic, and the availability of dental services.

39-4703. STANDARDS FOR PROVISION OF RESPITE CARE. The department shall have the power and it shall be its duty to promulgate appropriate rules and regulations necessary to implement and enforce the following standards for provision of respite care services:

(1) It shall be the responsibility of the parents or guardians of the individual to arrange with the provider of respite care for such services.

(2) The department shall provide the parents or guardians with a list of available providers of respite care; however, this does not relieve the parents or guardians of the responsibility of making arrangements for services.

(3) In such cases where for reason of emotional stress or other emergency circumstances beyond the control of the parents or guardians, such parents or guardians cannot arrange for respite care services; a representative of the department may arrange for services on behalf of the parents or guardians.

(4) It shall be the responsibility of the parents or guardians, or in such cases where a representative must arrange for services, to ensure to their satisfaction that the provider of services are physically and emotionally suited to provide such care; and that the location where such care is to be provided is safe for the individual receiving care.

(5) The parents or guardians shall sign a release form to the department stating that:

(a) the parents or guardians have requested such services,
(b) the parents or guardians have personally inspected the location where care will be provided and that it is satisfactory to ensure the safety of the individual receiving care,
(c) The parents or guardians have assured themselves that the providers of service are physically and emotionally suited to provide such care to the individual to be cared for, and
(d) the parents or guardians release the department of any liability in selection or the provision of respite care services.
(6) The parents or guardians shall sign a release for emergency medical services in order to allow the provider to seek services for the individual in emergencies.

(7) The parents or guardians shall provide the following information to the provider of respite care services:
   (a) name of the individual receiving service,
   (b) any medications the individual may be taking and appropriate instructions,
   (c) any special feeding instructions,
   (d) instructions on daily routine of the individual,
   (e) any special therapy that is to be given,
   (f) emergency medical information,
   (g) name, address and phone number(s) of physician(s) to contact in emergencies,
   (h) location and phone number(s) of where parents or guardians can be located,
   (i) other individuals that can be contacted in emergencies, and
   (j) other vital information.

(8) Where it is necessary for the provider to seek emergency medical services, the parents or guardians shall be responsible for the cost of such services.

(9) The parents or guardians may select a provider of their own choosing, who may not be on the list provided by the department; however, the provider shall not be a relative of the family of the individual receiving care.

(10) Respite care services shall not be used in lieu of normal day care or babysitting services in order for the parents or guardians to be employed.

39-4704. WHO MAY PROVIDE RESPITE CARE. (1) The following may provide respite care services; however, providers of respite care services shall not be limited to the following:
   (a) foster home,
   (b) skilled nursing facility,
   (c) intermediate care facility,
   (d) shelter home,
   (e) day care center,
   (f) respite care home,
   (g) respite care center,
   (h) in-house respite care,
   (i) or other suitable provider selected by the parents or guardians.

(2) Except for those providers required to have licenses or certifications under the Idaho Code, providers are not required to have any special licenses or certifications.

39-4705. ELIGIBILITY FOR USE OF RESPITE CARE. (1) Any
individual who has a physical or mental disability or handicap as defined in section 39-4702(7), Idaho Code, shall be eligible to receive services under this chapter.

(2) The director of the department may establish a fee schedule for such service as provided for under this chapter in order to insure maximum utilization of funds appropriated for this purpose.

(3) Respite care services shall be limited to no more than eighteen (18) days and/or nights in any quarter or no more than thirty-six (36) days and/or nights in any six (6) month period.

39-4706. REIMBURSEMENT TO PROVIDERS FOR PROVISION OF SERVICES. The department shall reimburse the provider directly for services provided under this chapter on such forms and vouchers as required by the department. The parents or guardians shall reimburse the department for any portion of the cost of providing respite care as required by any fee schedule established under section 39-4705(2), Idaho Code.

39-4707. LIABILITY OF ACTIONS UNDER THIS CHAPTER. (1) The parents or guardians of the individual receiving services under this chapter shall be liable for any acts of such individual performed or committed while receiving services under this chapter.

(2) The department shall not be held liable for any actions under this chapter, except pursuant to section 39-4703(4), Idaho Code, when the representative of the department is acting in behalf of the parents or guardians pursuant to section 39-4703(3), Idaho Code; however, the provisions of section 39-4707(1), Idaho Code, shall remain in force.

(3) Nothing under this chapter shall exempt the provider of services under this chapter from any liability caused by such providers' negligence, abuse, or other improper action of the provider.

39-4708. SHORT TITLE. This chapter shall be known and cited as the "Respite Care Services Act."

CHAPTER 156
(S.B. No. 1361, As Amended)
AN ACT
RELATING TO SALE OF BANG'S REACTORS FOR SLAUGHTER; AMENDING
SECTION 25-606, IDAHO CODE, TO PROVIDE THAT DISEASED
REACTORS SHALL BE SOLD AT A PUBLIC AUCTION MARKET FOR
IMMEDIATE SLAUGHTER, AND BY ELIMINATING THE REQUIREMENT
OF AN APPRAISER, BY FIXING THE AMOUNT OF THE INDEMNITY
TO BE PAID, AND BY PROVIDING FOR PROOF OF SLAUGHTER.

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

SECTION 1. That Section 25-606, Idaho Code, be, and the
same is hereby amended to read as follows:

25-606. SALE OF REACTORS FOR SLAUGHTER -- PAYMENTS TO
OWNERS. The owner of cattle which have shown a positive
reaction to the Bang's disease test shall sell such reactors
under the direction of the department at a public auction
market for immediate slaughter at a public slaughtering
establishment where federal, state, or municipality post
mortem inspection is maintained; or the department may
authorize such slaughter upon the owner's property or other
place under the direction of said department. After such
sale and slaughter the department is authorized to pay such
owner out of funds appropriated by the legislature for that
purpose, net-to-exceed-one-third-{1/3}-of-an-amount-obtained
by--deducting--the--net--salvage--received-for-same-from-the
appraised-value,--in-no-case-shall-any-compensation--be--made
by-the-state-for-more-than an indemnity not to exceed twelve
dollars and fifty cents ($12.50) for any grade animal or
more than twenty-five dollars ($25.00) for any purebred ani-
mal,--net--shall--any--such--payment. No compensation shall be
made until said owner complies with the rules and regula-
tions of the department; nor shall any compensation be made
in excess of the amount of compensation paid said owner for
said reactors by the bureau. The-value-of-each-reactor-shall
be-appraised-by-a-representative-of-the--bureau--or--depart-
ment,--if-the-owner-refuses-to-accept-such-appraisal-value,
the-animals-shall-be-appraised-by--three--{3}--disinterested
parties-appointed-as-follows--one--{1}--shall-be-selected-by-a
representative--of--the-department-or-bureau,--one--{1}--by-the
owner,--and-the-third-shall-be-selected-by-the--two--{2}--se-
lected--as-foresaid.--Should-the-owner-refuse-to-accept-this
appraisal--no--indemnity--will--be--paid--and--said--reactor--shall
be-placed-under-strict-quarantine. Appraisals and reports of
salvage are not required. Proof of destruction is required.
Post-mortem reports will be accepted as proof of slaughter.

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, 1978, through June 30, 1979:

<table>
<thead>
<tr>
<th>PROGRAM ADMINISTERING LIQUOR DISPENSARY:</th>
<th>PERSONNEL OPERATING COSTS</th>
<th>CAPITAL EXPENDITURES</th>
<th>OUTLAY</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Liquor Acct.</td>
<td>$3,083,400</td>
<td>$1,094,300</td>
<td>$102,500</td>
<td>$4,280,200</td>
</tr>
</tbody>
</table>

CHAPTER 158
(S.B. No. 1388)

AN ACT
RELATING TO THE SCHOOL DISTRICT BUDGET; AMENDING SECTION 33-801, IDAHO CODE, TO REQUIRE THE ADOPTION OF THE FINAL BUDGET FOR SCHOOL DISTRICTS EITHER AT THE BUDGET HEARING OR WITHIN FOURTEEN DAYS FOLLOWING THE BUDGET HEARING; AND DECLARING AN EMERGENCY.

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

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

33-801. SCHOOL DISTRICT BUDGET. No later than twenty-eight (28) days prior to its annual meeting, the board of trustees of each school district shall have prepared a budget, in form prescribed by the state board of education, and shall have called and caused to be held a public hearing thereon, and at such public hearing, or at a special meeting held no later than fourteen (14) days after the public hearing, shall adopt a budget for the ensuing year. Notice of the hearing shall be posted, and published once, as prescribed in section 33-401, Idaho Code, and a record of the hearing shall be kept by the clerk of the board of trustees. At the time said notice is given and until the date of the hearing, a copy of the budget shall be available for public inspection at all reasonable times at the administrative offices of the school district, or at the office of the clerk of the district. The board of trustees of each school district shall also prepare and publish, as a part of such notice, a summary statement of the budget for the ensuing year. Such statement shall be prepared in a manner consistent with standard accounting practices and in such form as the state board shall prescribe, and, among other things, said statement shall show amounts budgeted for all major classifications of income and expenditures, with total amounts budgeted for salary and wage expenditures in each such classification shown separately. Such statement shall show amounts previously budgeted for the then current year for the same classification for purposes of comparison. The budgeted dollar amounts of revenue in those categories included within the provisions of section 33-802, Idaho Code, as approved at within the adopted budget hearing shall be the same as presented to the respective county commis-
sioners for mill levy purposes.

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.


CHAPTER 159
(S.B. No. 1512)

AN ACT
RELATING TO SCHOOL DISTRICT PERSONNEL; AMENDING CHAPTER 12,
TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION
33-1228, IDAHO CODE, PROVIDING FOR A SEVERANCE ALLOWANCE
AT THE TIME OF RETIREMENT FOR SCHOOL DISTRICT PERSONNEL.

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

SECTION 1. That Chapter 12, 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 33-1228,
Idaho Code, and to read as follows:

33-1228. SEVERANCE ALLOWANCE AT RETIREMENT. Upon sepa­
ration from public school employment by retirement in
accordance with chapter 13, title 59, Idaho Code, an
employee's unused sick leave shall be determined and a sum
equal to one-half (1/2) of the monetary value of such unused
sick leave, calculated at the rate of pay for such employee
at the time of retirement shall be transferred by the
employing school district to the public employee retirement
system and shall be credited to such employee's retirement
account. Such sums shall be used by the Idaho public
employees' retirement board to pay premiums for such group
health, accident and life insurance programs as may be
maintained by the school district, to the extent of the
funds credited to the employee's account pursuant to this
section. Upon an employee's death, any unexpended sums
remaining in the account shall revert to the school dis­
trict. The determination of unused sick leave shall be based
on accumulated sick leave earned subsequent to July 1, 1976.

AN ACT
RELATING TO THE BUILDING CODE ADVISORY ACT; AMENDING SECTION 39-4111, IDAHO CODE, TO PROVIDE FOR PURPOSES OF PERMIT REQUIREMENTS FOR CONSTRUCTION OF MOBILE HOMES, RECREATIONAL VEHICLES, COMMERCIAL COACHES AND MANUFACTURED BUILDINGS, A SINGLE PERMIT SHALL BE ISSUED BY THE DIRECTOR; AND AMENDING SECTION 39-4113, IDAHO CODE, TO PROVIDE THAT THE DIRECTOR SHALL CAUSE PLANS FOR MOBILE HOMES, RECREATIONAL VEHICLES, COMMERCIAL COACHES AND MANUFACTURED BUILDINGS TO BE CHECKED FOR ALL STRUCTURAL, ELECTRICAL AND PLUMBING REQUIREMENTS.

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

SECTION 1. That Section 39-4111, Idaho Code, be, and the same is hereby amended to read as follows:

39-4111. PERMITS REQUIRED. It shall be unlawful for any person, firm, copartnership, association or corporation to do, or cause or permit to be done, after the adoption of this act, whether acting as principal, agent or employee, any construction, improvement, extension or alteration of any building, residence or structure, coming under the purview of this act, in the state of Idaho without first procuring a permit from the appropriate agency authorizing such work to be done.

For the purposes of permit requirements for mobile homes, recreational vehicles, commercial coaches and manufactured buildings, a single permit covering all aspects of construction shall be issued by the director.

SECTION 2. That Section 39-4113, Idaho Code, be, and the same is hereby amended to read as follows:

39-4113. PLAN CHECKING -- MAXIMUM FEES. (1) Notwithstanding the provisions of section 301(b)4, Uniform Building Code, 1973, the board may require the submission of plans and specifications with the application for a building permit. Plan checking, if required, shall be accomplished prior to the issuance of a permit and the director shall establish a program for total plan checking and permit issue entirely within the safety plan inspection division of the department. The requirement for submission of such plans and
specifications shall be optional for local governments who enforce the provisions of this act.

(2) Notwithstanding the provisions of paragraph B, section 303, Uniform Building Code, 1973, the plan checking fee for buildings with "I" and "J" occupancy shall not exceed fifty per cent (50%) of the permit fee. The plan checking fee for all other buildings shall not exceed sixty-five per cent (65%) of the permit fee.

(3) Each manufacturer of mobile homes, recreational vehicles, commercial coaches and manufactured buildings shall submit the building plans for every model of such structure to the director for the purpose of inspection. The director shall cause such plans to be checked for all structural, electrical and plumbing requirements. The manufacturer must certify that each such building plan meets the appropriate construction and safety standards in force at that time before the model involved is produced.

CHAPTER 161
(S.B. No. 1506)

AN ACT
RELATING TO GROUP INSURANCE FOR PUBLIC EMPLOYEES; AMENDING
SECTION 59-1207, IDAHO CODE, TO DEFINE THE TERM "GOVERNMENTAL ENTITY" AND TO PERMIT THE PERSONNEL GROUP INSURANCE ADMINISTRATOR TO PROVIDE SERVICE TO IDAHO GOVERNMENTAL ENTITIES.

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

SECTION 1. That Section 59-1207, Idaho Code, be, and the same is hereby amended to read as follows:

59-1207. ADMINISTRATOR MAY PROVIDE SERVICE TO SCHOOL DISTRICTS AND OTHER POLITICAL SUBDIVISIONS. (1) Under terms and procedures mutually agreed upon by contract, the administrator may render the same services with respect to personnel of any school district or other political subdivision of the state of Idaho. The cost of any group insurance, group annuity or health care service coverage so provided and of administration thereof shall be borne by the school district or political subdivision.

(2) Governmental entity for the purpose of this section means any organization composed of units of government of Idaho or organizations funded only by government or governmental employee contributions or organizations who discharge governmental responsibilities that would otherwise be performed by government. All government entities are deemed to be political subdivisions for the purpose of this act.

CHAPTER 162
(S.B. No. 1453)
AN ACT
RELATING TO FILINGS UNDER THE UNIFORM COMMERCIAL CODE;
AMENDING SECTION 28-9-405, IDAHO CODE, TO PROVIDE THE
UNIFORM FEE FOR FILING, INDEXING AND FURNISHING FILING
DATA FOR A FINANCING STATEMENT INDICATING AN ASSIGNMENT
SHALL BE $3.00 UNLESS NOT IN THE STANDARD FORM, IN WHICH
CASE THE FEE IS $4.00.

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

SECTION 1. That Section 28-9-405, Idaho Code, be, and
the same is hereby amended to read as follows:

28-9-405. ASSIGNMENT OF SECURITY INTEREST -- DUTIES OF
FILING OFFICER -- FEES. (1) A financing statement may dis­
close an assignment of a security interest in the collateral
described in the statement by indication in the statement of
the name and address of the assignee or by an assignment
itself or a copy thereof on the face or back of the state­
ment. Either the original secured party or the assignee may
sign this statement as the secured party. On presentation to
the filing officer of such a financing statement the filing
officer shall mark the same as provided in section
28-9-403(4). The uniform fee for filing, indexing and fur­
nishing filing data for a financing statement so indicating
an assignment shall be two--dollars--($2.00) three dollars
($3.00) if it is in the standard form prescribed by the
secretary of state, and otherwise shall be four dollars
($4.00).

(2) A secured party may assign of record all or a part
of his rights under a financing statement by the filing of a
separate written statement of assignment signed by the
secured party of record and setting forth the name of the
secured party of record and the debtor, the file number and
the date of filing of the financing statement and the name
and address of the assignee and containing a description of
the collateral assigned. A copy of the assignment is suffi­
cient as a separate statement if it complies with the pre­
ceding sentence. On presentation to the filing officer of
such a separate statement, the filing officer shall mark
such separate statement with the date and hour of the
filing. He shall note the assignment on the index of the
financing statement. The uniform fee for filing, indexing
and furnishing filing data about such a separate statement
of assignment shall be one dollar ($1.00).

(3) After the disclosure or filing of an assignment
under this section, the assignee is the secured party of
record.

AN ACT

RELATING TO ENDOWED OR PERPETUAL CARE CEMETERIES; AMENDING SECTION 27-403, IDAHO CODE, TO DEFINE ADMINISTRATOR AS THE DIRECTOR OF THE DEPARTMENT OF FINANCE; AMENDING SECTION 27-408, IDAHO CODE, TO STRIKE COMMISSIONER OF FINANCE AND TO INSERT ADMINISTRATOR; AMENDING SECTION 27-411, IDAHO CODE, TO STRIKE REFERENCES TO DIRECTOR AND DIRECTOR OF THE DEPARTMENT OF FINANCE AND TO INSERT ADMINISTRATOR, TO PROVIDE FOR AN ANNUAL FILING FEE, AND TO PROVIDE THAT ALL REPORTS SHALL BE PREPARED BY A CERTIFIED PUBLIC ACCOUNTANT; AMENDING CHAPTER 4, TITLE 27, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 27-412, IDAHO CODE, TO PROVIDE THAT THREE SEPARATE LOT OWNERS OR THEIR NEXT OF KIN, HEIRS OR PERSONAL REPRESENTATIVES OR THE COUNTY PROSECUTING ATTORNEY MAY BRING SUIT FOR INJUNCTION OR FOR THE APPOINTMENT OF A RECEIVER AND TO PROVIDE THAT THE ADMINISTRATOR SHALL GIVE NOTICE OF VIOLATIONS TO THE TRUSTEE, THE CEMETERY AUTHORITY, AND THE ATTORNEY GENERAL AND THAT THE ATTORNEY GENERAL SHALL INSTITUTE A SUIT FOR INJUNCTION WITHIN 90 DAYS AFTER RECEIPT OF SUCH NOTICE UNLESS NOTIFIED BY THE ADMINISTRATOR THAT SUCH VIOLATIONS HAVE BEEN CORRECTED; AMENDING SECTION 27-416, IDAHO CODE, TO STRIKE CEMETERY DIRECTOR AND TO INSERT ADMINISTRATOR; AMENDING SECTION 27-420, IDAHO CODE, TO STRIKE DEPARTMENT OF FINANCE AND TO INSERT ADMINISTRATOR; AND REPEALING SECTIONS 27-413, 27-414, 27-415, 27-417, 27-418, 27-419 AND 27-425, IDAHO CODE.

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

SECTION 1. That Section 27-403, Idaho Code, be, and the same is hereby amended to read as follows:

27-403. DEFINITIONS. When used herein, unless the context or subject matter requires otherwise, the terms herein-after set forth shall have the following respective meanings:

(a) Cemetery. The term "cemetery" shall mean a place dedicated to, used and intended to be used for the permanent interment of the human dead, and shall include a burial plot for earth interments, a mausoleum for vault or crypt interments, a crematory, or a crematory and columbarium for
cinerary interments, or any combination of one or more of the above.

(b) Endowed or Perpetual Care. The terms "endowed care" or "perpetual care" mean the maintenance and care of all places where interments have been made, of the trees, shrubs, roads, streets and other improvements contained within and/or forming a part of the cemetery. The term shall not include the maintenance or repair of monuments, tombs, copings or other man-made ornaments as associated with individual burial spaces.

(c) Perpetual or Endowed Care Cemetery. The term "perpetual or endowed care cemetery" means a cemetery wherein lots or other burial spaces are sold or transferred under the representation that said cemetery will receive perpetual or endowed care as herein defined, free of further cost to the purchaser after payment of the original purchase price for said lot or burial space.

(d) Trustee. The term "trustee" means the financial institution, or the board of directors of a cemetery authority designated as trustee of the cemetery care fund.

(e) Cemetery Authority. The term "cemetery authority" means any person, firm, corporation, trustee, partnership, association or joint venture, including any family, religious, or fraternal cemetery owning, operating, controlling or managing the cemetery or holding lands for burial purposes.

(f) Burial Space. The term "burial space" means a space in the ground in a burial park for the interment of the remains of a deceased person, and/or a crypt or vault in a mausoleum for the uncremated remains of a deceased person, and/or a niche in a columbarium, other structure or in the ground for the interment of the cremated remains of a deceased person.

(g) Administrator. The term "administrator" means the director of the department of finance.

SECTION 2. That Section 27-408, Idaho Code, be, and the same is hereby amended to read as follows:

27-408. INSTRUMENT IN WRITING. The trust fund so created shall be evidenced by an instrument in writing, and shall contain in addition to the requirements of section 27-407, Idaho Code, the following provisions:

(a) That there shall be designated a trustee under this act, which shall be any federally insured financial institution located within the state of Idaho, duly authorized to transact a trust business, or the board of directors of the cemetery authority. When the trust fund is in the care of such board of directors as a board of trustees, the secre-
tary of the cemetery authority shall act as its secretary and keep a true record of all of its proceedings.

(b) Where the trust is vested in such board of directors as a board of trustees, each of said trustees shall file with the commissioner of finance administrator a surety bond in the amount of five thousand dollars ($5,000), conditioned upon his full and faithful performance of his trust obligations.

(c) As compensation, the trustee, whether it be a financial institution acting in such capacity or the board of directors of a cemetery authority acting as the trustee, shall be entitled to compensation in an amount not exceeding twenty-five dollars ($25.00) quarterly, or a sum equal to one-half of one percent (1/2%) per annum of the principal of the trust fund, whichever is the greater.

(d) In connection with its investment of the trust fund, the trustee shall be governed by the terms of the Prudent Man Investment Act, title 68, chapter 5, Idaho Code, as presently enacted or as may be from time to time amended.

(e) The principal of the trust fund shall remain permanently intact and only the income therefrom shall be expended. The income shall be used exclusively for the care of those portions of the cemetery in which lots have been sold with the provision for perpetual or endowed care. It is the intent of this section that the income of said fund shall be used solely for the care of lots or other burial spaces sold to third persons with the provision for perpetual or endowed care, and the care and embellishment of such other portions of the cemetery as may be desirable to preserve the beauty and dignity of the lots sold.

(f) The initial endowment care fund established for any cemetery shall remain in an irrevocable trust fund until such time as this fund has reached the sum of one hundred thousand dollars ($100,000), when it may be withdrawn at the rate of two thousand dollars ($2,000) from the original fifty thousand dollars ($50,000) for each additional six thousand dollars ($6,000) added to the fund, this to continue until the entire original fifty thousand dollars ($50,000) has been withdrawn by the cemetery authority.

SECTION 3. That Section 27-411, Idaho Code, be, and the same is hereby amended to read as follows:

27-411. ANNUAL REGISTRATION STATEMENT WITH DIRECTOR ADMINISTRATOR. Every cemetery authority owning, operating, controlling or managing an endowed care cemetery shall register with the director of the department of finance administrator, by filing an annual registration statement on forms furnished by said director administrator, which shall
show, as of the end of the preceding calendar year or fiscal year, whichever is more convenient to the cemetery authority, the following:

(a) The amount of the principal of the care funds held by the trustee of said funds of such cemetery authority, at the beginning of such year, and in addition thereto all moneys or property received during such year, from the following sources:

1. Under and by virtue of the sale of a lot, grave, crypt or niche.
2. Under and by virtue of any gift, grant, devise, bequest, payment or other contribution made subsequent to the effective date of the Endowed Care Cemetery Act of 1963.

(b) The income received from such care funds during the preceding calendar or fiscal year as the case may be. Where any of the care funds of a cemetery authority are held by a trustee, other than the board of directors of the cemetery authority, the annual registration statement filed by any cemetery authority shall also contain a certificate signed by the trustee of the care funds of such cemetery authority certifying to the truthfulness of the statements in the report as to:

1. The total amount of principal of the care funds held by the trustee.
2. The securities in which such care funds are invested and the cash on hand as of the day of the report; and
3. The income received from such care funds during the preceding calendar year or fiscal year as the case may be.

Such statement shall be filed by the cemetery authority on or before December 31 of each calendar year with the administrator. If the fiscal year of such cemetery authority is other than on a calendar year basis, then such statement shall be filed within thirty (30) days of the end of its fiscal year. A filing fee in an amount to be fixed by the administrator but not to exceed the sum of one hundred fifty dollars ($150) shall be payable at the time of the filing of the annual statement. All reports shall be prepared by an independent certified public accountant licensed in the state of Idaho.

SECTION 4. That Chapter 4, Title 27, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 27-412, Idaho Code, and to read as follows:

27-412. SUITS TO ENFORCE STATUTE. (1) Should the ceme-
tery authority fail to remit to the trustee or trustees in accordance with the law, the funds herein provided for endowment care, or fail to expend all such funds and reasonable care for and maintain any portion of a cemetery entitled to endowment care, or should the trustee or trustees fail to perform the trust obligations in accordance with the law, any three (3) separate lot owners whose lots or other burial spaces are entitled to endowment care, or the next of kin, heirs at law or personal representatives of such lot owners, shall have the right, or the prosecuting attorney of any county where such lots are situated, shall have the power, by suit for injunction or for appointment of a receiver, to sue for, to take charge of, and to expend such net income for the purposes set out in sections 27-407 and 27-408, Idaho Code. Such suit may be filed in the district court of the county in which said cemetery is located.

(2) Whenever it appears to the administrator that any cemetery authority or trustee has engaged or is about to engage in any act or practice constituting a violation of any provisions of this act or any rule or order hereunder or when an endowment care cemetery fails after thirty (30) days' notice of delinquency to make any report to the administrator required by section 27-411, Idaho Code, the administrator shall give notice of the foregoing to the trustee or trustees of the cemetery endowment care fund, the cemetery authority and the attorney general of Idaho. It shall be the duty of the attorney general within ninety (90) days after the receipt of such notice to institute suit in the district court of any county of this state in which such cemetery is located, for an injunction against further sales of graves, plots, crypts, niches, burial vaults, markers or other cemetery merchandise by such cemetery or for the appointment of a receiver to take charge of the cemetery or trust fund, unless he shall prior to that time be notified by the administrator that such failure to conform to the requirements of the law or to report has been corrected.

SECTION 5. That Section 27-416, Idaho Code, be, and the same is hereby amended to read as follows:

27-416. RULES AND REGULATIONS. The cemetery—director administrator may establish, adopt and promulgate necessary rules and regulations for the administration and enforcement of this chapter, and the laws subject to his jurisdiction, and prescribe the form of statements and reports provided for in this chapter.

SECTION 6. That Section 27-420, Idaho Code, be, and the same is hereby amended to read as follows:
27-420. CEMETERY FUND. There shall be in the office of the state treasurer a fund to be known and designated as the "cemetery fund." All regulatory fees or other moneys to be paid under this act, unless provision be made otherwise, shall be paid at least once a month to the state treasurer to be credited to the cemetery fund. All moneys credited to the cemetery fund shall be used, when appropriated by the legislature, by the department-of-finance administrator to carry out the provisions of this chapter.


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, 1978, THROUGH JUNE 30, 1979; AND
EXEMPTING CONSTRUCTION AUTHORIZED IN THIS ACT FROM THE PROVISIONS OF 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 Parks
and Recreation made in Sections 2 and 3 of this act not exceed the following amounts for the
period July 1, 1978, through June 30, 1979:

FOR:
Personnel Costs $2,206,200
Operating Expenditures 637,300
Capital Outlay 1,151,700
Trustee & Benefit Payments 4,115,600
TOTAL $8,110,800

FROM:
General Account $2,115,000
Park & Recreation Account 240,600
Park & Recreation Capital Improvement Account 355,000
Waterways Improvement Account 450,000
Lucky Peak Concession Account 12,000
Park Donation Account 5,000
Lava Hot Springs Foundation Account 341,400
Harriman State Park Account 174,000
Off-road Motor Vehicle Account 589,500
Motorbike Recreation Account 9,000
Federal Bureau of Outdoor Recreation Account 3,703,700
Coast Guard Boating Safety Account 115,600
TOTAL $8,110,800

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, 1978, through June 30,
1979:
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<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>
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</table>

SECTION 3. 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.

AN ACT

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

SECTION 1. That Section 33-601, Idaho Code, be, and the same is hereby amended to read as follows:

33-601. REAL AND PERSONAL PROPERTY -- ACQUISITION, USE OR DISPOSAL OF SAME. The board of trustees of each school district shall have the following powers and duties:

1. To rent to or from others, school buildings or other property used, or to be used, for school purposes.
2. To contract for the acquisition, purchase, construction or repair of any school building, other property, or equipment, necessary for the operation of the school district.

No such contract shall be executed which entails the expenditure of five thousand dollars ($5,000) or more without notice first being given by posting, and publishing twice in the manner required by section 33-401, Idaho Code, unless in cooperation with the division of purchasing or cooperative agency established pursuant to chapter 23, title 67, and/or sections 33-315--33-318 inclusive, Idaho Code. The board of trustees may let the contract to the lowest responsible bidder, or reject any bid, or reject all bids and post and publish notice for bids, as before. If, thereafter, no satisfactory bid is received, the board may proceed under its own direction, subject to the approval of the state board of education.

3. To designate and purchase any site necessary for school purposes or in the operation of the district, or remove any building, or dispose of any site. The board of trustees shall determine the size of the site necessary for
school purposes. The site shall be located within the incorporated limits of any city within the district; provided, however, that if the board finds that it is not in the best interests of the electors and the students of the district to locate the site within the incorporated limits of a city, the board, by duly adopted resolution setting forth the reasons for its finding, may designate a site located elsewhere within the district. In elementary school districts, except upon removal for highway purposes, a site may be designated or changed only after approval of two-thirds (2/3) or more of the electors voting at the annual meeting.

4. (a) To convey, except as provided by subsection (b) of this section, by deed, bill of sale, or other appropriate instrument, all of the estate and interest of the district in any property, real or personal. In elementary school districts, except such conveyance as is authorized by subsection 6 of this section, any of the transactions authorized in this subsection shall be subject to the approval of two-thirds (2/3) or more of the electors voting at the annual meeting.

Prior to such sale or conveyance, the board shall have the property appraised by three (3) disinterested residents of the district, which appraisal shall be entered in the records of the board of trustees. The property may be sold at public auction or by sealed bids, as the board of trustees shall determine, to the highest cash bidder. Notice of the time and the conditions of such sale shall be posted, and published twice, and proof thereof made, in accordance with section 33-401, Idaho Code, except that when the appraised value of the property is less than five hundred dollars ($500), one (1) single notice by publication shall be sufficient and the property shall be sold by sealed bids.

The board of trustees may accept the highest bid, may reject any bid, or reject all bids and have new appraisals made and again post and publish notice for bids, as before. If, thereafter, no satisfactory bid is made and received, the board may proceed under its own direction to sell and convey the property, subject to the approval of the state board of education. In no case shall any real property of the school district be sold for less than its appraisal.

The board of trustees may sell personal property, with an estimated value of less than five hundred dollars ($500), without appraisal, by sealed bid or at public auction, provided that there has been not less than one (1) published advertisement prior to the sale of said property.

(b) Real and personal property may be exchanged hereunder for other property if the consideration received by said school district shall be deemed adequate by the board of trustees, provided, however, that aside from the provi-
sions of subsection (b) hereof, any school district may by a vote of one-half \((1/2)\) plus one \((1)\) of the members of the full board of trustees, by resolution duly adopted, authorize the transfer or conveyance of any real or personal property owned by such school district to the government of the United States, any city, county, the state of Idaho, any hospital district organized under chapter 13, title 39, Idaho Code, any other school district, any library district, any junior college district, or any recreation district, with or without any consideration accruing to the school district, when in the judgment of the board of trustees it is for the best interest of such school district that said transfer or conveyance be made.

5. To enter into contracts with any city located within the boundaries of the school district for the joint purchase, construction, development, maintenance and equipping of playgrounds, ball parks, swimming pools, and other recreational facilities upon property owned either by the school district or the city.

6. To convey rights-of-way and easements for highway, public utility, and other purposes over, upon or across any school property and, when necessary to the use of such property for any such purpose, to authorize the removal of school buildings to such new location, or locations, as shall be determined by the board of trustees, and such removal shall be made at no cost or expense to the school district.

7. To authorize the use of any school building of the district as a community center, or for any public purpose, and to establish a policy of charges, if any, to be made for such use.

8. To exercise the right of eminent domain under the provisions of chapter 7, title 7, Idaho Code, for any of the uses and purposes provided in section 7-701, Idaho Code.

CHAPTER 166
(S.B. No. 1467)

AN ACT
RELATING TO THE LICENSING OF MORTICIANS; AMENDING SECTION 54-1109, IDAHO CODE, TO PROVIDE A MORTICIAN MUST HAVE SUCCESSFULLY COMPLETED A COURSE IN AN EMBALMING SCHOOL TO BE LICENSED.

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

SECTION 1. That Section 54-1109, Idaho Code, be, and the same is hereby amended to read as follows:

54-1109. REQUIREMENTS FOR MORTICIAN'S LICENSE. The board shall issue to any person a mortician's license to practice as a mortician and perform mortician services within the state of Idaho who has complied with and fulfilled all of the following requirements:
A. Has attained the age of twenty-one (21) years.
B. Is of good moral character.
C. Has completed and received credit for at least sixty (60) semester hours' or ninety (90) quarter-hours' instruction in a duly accredited college or university and has obtained at least a C grade average for all courses of instruction; provided, however, at least three-fourths (3/4ths) of all of such credits must be for courses in the fields of liberal arts, business or science as defined and specified by the board of morticians.
D. Has successfully completed a course of not less than twelve (12) months in an embalming school accredited by the American Board of Funeral Service Education, Inc., or such other embalming school as approved by the board of morticians.
E. Has practiced as a licensed resident trainee in the state of Idaho under the personal supervision of a licensed resident mortician for not less than twelve (12) continuous consecutive months, and has assisted in embalming at least twenty-five (25) dead human bodies; provided, however, such practice as a licensed resident trainee of the state of Idaho may be filled and performed either before or after the required post-high school education; and provided further, this requirement shall be deemed fulfilled by any person who has been a licensed mortician, or its equivalent, in another state which has requirements at least equivalent to those in this act. The board shall have the sole discretion for
determining whether the required service in training of the applicant has continued for twelve (12) consecutive months and in doing so, it may disregard involuntary interruptions of such service in training caused by military service, illness or other causes beyond the applicant's control.

F. Has filed an application with the board as required by this act and paid the required filing fee therefor.

G. Has passed the required examination prepared and conducted by the board of morticians. Provided further, that the board shall determine compliance with all of the above qualifications, except subparagraph G relating to examinations, at the time the applicant files his application as hereinafter provided and before the examination is conducted by the board of morticians.


CHAPTER 167
(S.B. No. 1519)

AN ACT
RELATING TO ALTERNATIVES TO PUBLICATION OF NOTICE; AMENDING CHAPTER 1, TITLE 60, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 60-109A, IDAHO CODE, TO ALLOW THE MAILING OF NOTICE AS AN ALTERNATIVE TO PUBLICATION OF NOTICE WHEN IT IS LESS EXPENSIVE TO DO SO.

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

SECTION 1. That Chapter 1, Title 60, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 60-109A, Idaho Code, and to read as follows:

60-109A. PUBLICATION BY FIRST CLASS MAIL. Any notice required by law to be published by any regional board, commission, department or authority created by or pursuant to statute; any county, city, school district, special district, any joint district, or other political subdivision of the state of Idaho may be published by mailing such notice by first class mail, postage prepaid, to the residents of such jurisdiction; provided, however, that publication by mail as provided for herein, shall constitute legal notice only if the cost of mailing, including preparation, materials and postage, is less than the cost of other publication required by law. Proof of such mailing shall be by sworn affidavit of the duly constituted officers of the body publishing the notice.

AN ACT
RELATING TO TRESPASSING LIVESTOCK; REPEALING CHAPTER 22, TITLE 25, IDAHO CODE, RELATING TO TRESPASSING LIVESTOCK; AMENDING TITLE 25, IDAHO CODE, BY THE ADDITION THERETO OF A NEW CHAPTER 22, IDAHO CODE, TO PROVIDE A LIEN NOT DEPENDENT UPON POSSESSION AGAINST LIVESTOCK BREAKING INTO A FENCED AREA, TO PROVIDE FOR PERFECTING THE LIEN, TO PROVIDE FOR THE APPOINTMENT OF VIEWERS, TO PROVIDE FOR THE DETERMINATIONS OF THE VIEWERS, TO PROVIDE FOR DETERMINATION OF FINDINGS OF AMOUNT DUE, TO PROVIDE FOR THE ENFORCEMENT OF THE FINDINGS OF AMOUNT DUE, TO PROVIDE FOR THE SALE OF LIVESTOCK AND DISTRIBUTION OF THE PROCEEDS OF THE SALE, TO PROVIDE THAT LIVESTOCK SHALL NOT BE MOVED FROM THE COUNTY, TO PROVIDE FOR DETERMINATIONS IN THE EVENT OF COURT PROCEEDINGS, TO PROVIDE PENALTIES FOR REMOVAL OF LIVESTOCK, AND TO PROVIDE QUALIFICATIONS OF THE VIEWERS.

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

SECTION 1. That Chapter 22, Title 25, Idaho Code, be, and the same is hereby repealed.

SECTION 2. That Title 25, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 22, Title 25, Idaho Code, and to read as follows:

CHAPTER 22
TRESPASS OF ANIMALS

25-2201. SPECIAL LIEN ON TRESPASSING ANIMALS. Any person having a field of enclosure with a "lawful fence" as described in chapter 1, title 35, Idaho Code, entirely surrounding the field or enclosure shall have a special lien upon, and may take up any domestic livestock such as cattle, horses, mules, donkeys, sheep, goats or other domestic livestock which break into the enclosure. The lien will include the care and feeding of the livestock and other charges as provided for in chapter 23, title 25, Idaho Code, in relation to estrays. The lien is not dependent upon possession. It may be perfected by following the provisions of this chapter which are required of the lien claimant.
25-2202. PERFECTING LIEN. In order to perfect such a lien the person claiming it shall within twenty-four (24) hours of taking up the livestock, notify the owner, if known, and the county sheriff and local state brand inspector by the best means available. The sheriff and brand inspector shall make information concerning this lien available to the person claiming the lien and they shall attempt to notify the owner of the livestock of the lien and of this chapter by the best available means. The sheriff or state brand inspector shall identify the livestock and provide for the care and feeding of the livestock. They may, if they choose to do so, return such animals to the owner thereof until the viewers have made their decision.

25-2203. APPOINTMENT OF VIEWERS. Within two (2) days after taking up the livestock the person claiming the lien shall appoint one (1) viewer. The owner of the livestock, if known, or if the owner is unknown or cannot be found, or refuses to make such appointment within three (3) days after the livestock have been taken up, then the sheriff, shall appoint another viewer. These two (2) viewers shall appoint a third viewer. If within two (2) days after their appointment the first two (2) viewers cannot agree upon a third viewer, the state brand inspector shall appoint the third viewer.

25-2204. DETERMINATIONS OF VIEWERS. It shall be the duty of the viewers by majority vote to determine within three (3) days after the appointment of the third viewer whether the person claiming the lien has a "legal fence" within the provisions of chapter 1, title 35, Idaho Code, entirely surrounding the enclosure. Any award of the viewers shall be itemized and made in writing, shall be signed by the viewers agreeing to it, and shall be made within the same three (3) day period within which they are to determine whether or not the enclosure has a "legal fence" surrounding it.

If it is determined that there is a "legal fence" the viewers shall then assess the lienholder's damages and the costs of care and feeding the livestock and the other charges which are to be assessed as within the terms of the estray law, chapter 23, title 25, Idaho Code. Also, the viewers are entitled to receive mileage at the current rates then in effect for state employees.

25-2205. FINDINGS OF AMOUNT DUE. The viewers may either determine the amount due to the lienholder as above provided for or refuse to make such a finding if the enclosure does
not have a "legal fence" surrounding it, or award a nominal amount if it appears that there are minimal damages. If the enclosure does not have a "legal fence" surrounding it, the viewers may make a finding of costs against the person claiming the lien (as above provided), and the livestock shall at once be surrendered to the owner of the livestock, if known, without charge or further delay.

25-2206. ENFORCEMENT OF FINDING. If the viewers make any finding under this chapter, enforcement of that finding may be either by a sale as provided under the estray law, chapter 23, title 25, Idaho Code, where the finding is against the livestock owner, or by court action.

25-2207. SALE AND DISTRIBUTION OF PROCEEDS. If the owner of the livestock cannot be found or is unknown, or if the owner of the livestock fails or refuses to pay any amount found against him within thirty (30) days after the viewers make such finding, such livestock may be sold in accordance with the estray law, chapter 23, title 25, Idaho Code. The state brand inspector or sheriff may pay the lienholder the amount of damages found for him, if such a finding has been made from the proceeds of any sale under the Idaho estray law, or may pay the costs of any proceedings under this act from the proceeds of such sale. Any balance remaining after the sale shall be paid to the owner of the livestock if known, or held as provided for by the Idaho estray law, chapter 23, title 25, Idaho Code.

25-2208. LIVESTOCK NOT TO BE MOVED. The livestock shall not be moved out of the county where the enclosure is to be found without the written approval of all three (3) viewers or upon court order.

25-2209. COURT PROCEEDINGS. If either the person claiming the lien or the person owning the livestock commence any civil action in court in regard to the seizure of the livestock, the "viewer" proceedings taken under this chapter may be terminated by the court or the court may require an oral or written report from the viewers, if it chooses to do so, and may either accept the report and act upon it or take the matter on to trial de novo as the court determines.

25-2210. PENALTIES. Removal of the livestock from the custody of the sheriff, brand inspector or any person holding the livestock for the sheriff or brand inspector without payment in full of all charges or costs that have been incurred under this chapter shall be a misdemeanor and the livestock may be recovered to be disposed of as provided for
by this chapter by the sheriff, brand inspector, or person authorized by either of them to hold the livestock.

25-2211. VIEWERS' QUALIFICATIONS. The viewers provided for by this chapter shall not be related to the person appointing that viewer by consanguinity or affinity within the second degree under the civil system of determining relationship.

AN ACT
AMENDING SECTION 1, CHAPTER 274, LAWS OF 1977, RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE ELIGIBILITY SERVICES PROGRAM, BY INCREASING THE APPROPRIATIONS FROM THE GENERAL ACCOUNT BY $134,200, THE MISCELLANEOUS RECEIPTS ACCOUNT BY $86,100, AND THE COOPERATIVE WELFARE ACCOUNT BY $208,600; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 1, Chapter 274, Laws of 1977, 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 program, from the listed accounts, according to the designated standard expense classes for the period July 1, 1977, through June 30, 1978:

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<th>PROGRAM</th>
<th>FOR PERSONNEL COSTS</th>
<th>FOR OPERATING EXPENDITURES</th>
<th>FOR TRUSTEE AND BENEFIT PAYMENTS</th>
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<td>A. ELIGIBILITY SERVICES:</td>
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<td></td>
</tr>
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<td></td>
<td>4,930,500</td>
<td>1,835,600</td>
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<td>6,767,600</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.

AN ACT
RELATING TO PROFESSIONAL ENGINEERS AND LAND SURVEYORS LICENSING; AMENDING SECTION 54-1202, IDAHO CODE, TO MAKE NAME CHANGES AND DEFINE LAND SURVEYOR-IN-TRAINING; AMENDING SECTION 54-1203, IDAHO CODE, PROVIDING LAND SURVEYOR REPRESENTATION ON THE BOARD; AMENDING SECTION 54-1204, IDAHO CODE, TO PROVIDE QUALIFICATIONS OF BOARD MEMBERS; AMENDING SECTION 54-1205, IDAHO CODE, TO PROVIDE COMPENSATION OF THIRTY-FIVE DOLLARS PER DAY; AMENDING SECTION 54-1207, IDAHO CODE, TO PROVIDE FOR APPOINTMENT OF AN EXECUTIVE SECRETARY; AMENDING SECTION 54-1209, IDAHO CODE, TO INCLUDE REFERENCES TO LAND SURVEYORS IN THE ACCOUNT; AMENDING SECTION 54-1211, IDAHO CODE, TO INCLUDE REFERENCES TO LAND SURVEYORS-IN-TRAINING ON THE ROSTER; AMENDING SECTION 54-1212, IDAHO CODE, TO INCLUDE LAND SURVEYORS-IN-TRAINING IN EXAMINATION AND LICENSING REQUIREMENTS; AMENDING SECTION 54-1213, IDAHO CODE, TO INCLUDE LAND SURVEYORS AND LAND SURVEYORS-IN-TRAINING IN APPLICATIONS AND REGISTRATION FEE REQUIREMENTS AND TO INCREASE FEES; AMENDING SECTION 54-1214, IDAHO CODE, TO PROVIDE REFERENCES TO LAND SURVEYORS AND LAND SURVEYORS-IN-TRAINING IN EXAMINATION REQUIREMENTS; AMENDING SECTION 54-1215, IDAHO CODE, TO INCLUDE REFERENCES TO LAND SURVEYORS AND LAND SURVEYORS-IN-TRAINING IN PROVISIONS FOR SEALS AND CERTIFICATES; AMENDING SECTION 54-1216, IDAHO CODE, TO INCLUDE REFERENCES TO LAND SURVEYORS-IN-TRAINING IN RENEWAL PROVISIONS, AND TO INCREASE FEES; AMENDING SECTION 54-1217, IDAHO CODE, TO PROVIDE APPLICATION TO PRACTITIONERS AT THE TIME THE ACT BECOMES EFFECTIVE; AMENDING SECTION 54-1218, IDAHO CODE, TO REQUIRE CERTIFICATION UNDER THE CHAPTER ON PUBLIC WORKS WHEN THE PUBLIC HEALTH OR SAFETY IS INVOLVED; AMENDING SECTION 54-1219, IDAHO CODE, TO PROVIDE COMITY CERTIFICATION AND TO INCREASE FEES; AMENDING SECTION 54-1220, IDAHO CODE, TO REQUIRE RULES AND REGULATIONS IN ACCORDANCE WITH THE ADMINISTRATIVE PROCEDURES ACT FOR THE CONDUCT OF HEARINGS UNDER THE CHAPTER; AMENDING SECTION 54-1222, IDAHO CODE, TO CLARIFY SELECTION OF LEGAL COUNSEL; AMENDING SECTION 54-1223, IDAHO CODE, TO EXEMPT INDIVIDUALS OR FIRMS DOING WORK FOR THEMSELVES; AMENDING SECTION 54-1225, IDAHO CODE, TO PROVIDE APPEAL IN ACCORDANCE WITH PROVISIONS OF THE ADMINISTRATIVE
PROCEEDURES ACT; AMENDING SECTION 54-1227, IDAHO CODE, TO PROVIDE CLARIFICATION AS TO WHO MAY PERFORM SURVEYS NECESSARY AND INCIDENTAL TO WORK CUSTOMARILY PERFORMED BY OTHER LICENSED PROFESSIONS; AMENDING SECTION 54-1228, IDAHO CODE, CORRECTING REFERENCES TO LAND SURVEYORS IN THE ADMINISTRATION OF OATHS; AMENDING SECTION 54-1229, IDAHO CODE, TO DEFINE A LEGAL LAND SURVEY; AMENDING SECTION 54-1235, IDAHO CODE, TO PROVIDE FOR LAND SURVEYING PRACTICE BY CORPORATIONS AND JOINT STOCK ASSOCIATIONS; AND REPEALING SECTION 54-1224, IDAHO CODE.

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

SECTION 1. That Section 54-1202, Idaho Code, be, and the same is hereby amended to read as follows:

54-1202. DEFINITIONS. As used in this act, unless the context or subject matter requires otherwise:

(a) Engineer and Professional Engineer. The terms "engineer" and "professional engineer" means a person who is qualified by reason of his knowledge of mathematics, the physical sciences, and the principles of engineering, acquired by professional education and practical experience, to engage in the practice of professional engineering.

(b) Engineering and Professional Engineering. The terms "engineering" and "professional engineering" include any professional service, such as consultation, investigation, evaluation, planning, designing, construction, or responsible supervision of construction or operation, in connection with any public or private utilities, structures, buildings, machines, equipment, processes, works, or projects, wherein the public welfare or the safeguarding of life, health, or property is concerned or involved, when such service is rendered in a professional capacity and requires the application of engineering principles and data. The work ordinarily performed by persons who operate or maintain machinery, or equipment, is not included within the terms "engineering" and "professional engineering" as used in this act.

(c) Land Surveyor and Land Surveying. The term "land surveyor" means a person who is qualified by reason of his knowledge of the principles of surveying acquired by education and practical experience to engage in the practice of land surveying. The term "land surveying" includes responsible supervision of surveying of areas for their correct determination and descriptions and for conveyancing, or for the establishment or re-establishment of land boundaries and the plotting of lands and subdivisions thereof.

(d) Board. The term "board" means the state board of
professional engineers and land surveyors engineering-examiners.

(e) Responsible Charge. The term "responsible charge" means the control and direction of the investigation, design, construction or operation of engineering work, or of land surveying work, requiring initiative, professional skill and independent judgment.

(f) Engineer-in-Training. The term "engineer-in-training" means a person who possesses the education, experience and character as specified in sections 54-1212 and 54-1214 of this act, Idaho Code.

(g) Land Surveyor-in-Training. The term "land surveyor-in-training" means a person who possesses the education, experience and character as specified in sections 54-1212 and 54-1214, Idaho Code.

SECTION 2. That Section 54-1203, Idaho Code, be, and the same is hereby amended to read as follows:

54-1203. STATE BOARD OF ENGINEERING-EXAMINERS BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS -- APPOINTMENT -- TERM. A board to be known as the "state board of engineering examiners professional engineers and land surveyors" is hereby created in the Idaho department of self-governing agencies. It shall consist of five (5) professional engineers persons duly registered as provided by this chapter, appointed by the governor from among nominees recommended by any organized and generally recognized state engineering or land surveying society in this state. The board shall be comprised of four (4) persons registered as professional engineers and one (1) person registered as a land surveyor. The members of the board shall have the qualifications required by section 54-1204, Idaho Code. The members of the first present board shall be appointed within ninety (90) days after the approval of this act, to serve for the following terms: one (1) member for one (1) year, one (1) member for two (2) years, one (1) member for three (3) years, one (1) member for four (4) years, and one (1) member for five (5) years, from the date of their appointment, to continue to serve for the balance of their respective terms of appointment. Each member of the board shall take, subscribe and file the oath required by chapter 4, title 59, Idaho Code, before entering upon the duties of his office. On the expiration of the term of any member his successor shall be appointed in like manner by the governor for a term of five (5) years. Any appointment to complete a term that has not expired, because of resignation or inability of a member to serve for any reason, shall be for the unexpired portion of the term. Members of the board shall hold office
until the expiration of the term for which they were appointed and until their successors have been appointed and have qualified. A member after serving two (2) consecutive full terms shall not be reappointed for a period of two (2) years.

SECTION 3. That Section 54-1204, Idaho Code, be, and the same is hereby amended to read as follows:

54-1204. QUALIFICATION OF MEMBERS OF BOARD. Members of the board shall be citizens of the United States and residents of this state, and they shall have been engaged in the practice of engineering or land surveying for at least twelve (12) years, shall have been in responsible charge of important engineering or land surveying work for at least five (5) years, and shall be registered under the provisions of this act as herein provided. Responsible charge of engineering or land surveying teaching may be construed as responsible charge of important engineering or land surveying work.

SECTION 4. That Section 54-1205, Idaho Code, be, and the same is hereby amended to read as follows:

54-1205. COMPENSATION AND EXPENSES OF BOARD MEMBERS. Each member of the board shall receive as compensation for his services such sum as the board from time to time may fix, but not exceeding twenty thirty-five dollars ($35.00) for each day actually spent in attending to the work of the board or any of its committees and for the time spent in necessary travel; and, in addition thereto, he shall be reimbursed within legal limitations for all actual travel, incidental, and clerical expenses necessarily incurred in carrying out the provisions of this act.

SECTION 5. That Section 54-1207, Idaho Code, be, and the same is hereby amended to read as follows:

54-1207. BOARD -- ORGANIZATION AND MEETINGS. The board shall hold—after-its-members-are first-appointed-and-thereafter-shall hold at least one (1) regular meeting each year. The by-laws rules and regulations of the board may provide for such additional regular meetings and for special meetings. Notice of all meetings shall be given as may be provided in the by-laws rules and regulations. The board shall annually elect a chairman, a vice-chairman and a secretary, who shall be members of the board, and they may provide for an assistant or executive secretary who need not be a member of the board. Three (3) members
shall constitute a quorum.

SECTION 6. That Section 54-1209, Idaho Code, be, and the same is hereby amended to read as follows:

54-1209. RECEIPTS AND DISBURSEMENTS. The secretary of the board shall receive and account for all moneys derived under the provisions of this act, and shall pay the same monthly to the state treasurer, who shall keep such moneys in a separate fund account to be known as the "professional engineers' and land surveyors' fund account." Such fund moneys shall be kept separate and apart from all other moneys in the treasury, and shall be paid out only on approval of the board. All moneys in the "professional engineers' and land surveyors' fund account" are hereby specifically appropriated for the use of the board. The secretary of the board shall be bonded to the state of Idaho in the time, form and manner prescribed in chapter 8, title 59, Idaho Code. The secretary of the board shall receive such salary as the board shall determine in addition to the compensation and expenses provided for in section 54-1205, Idaho Code. The board may employ such clerical or other assistants as are necessary for the proper performance of its work, and may make expenditures of this fund for any purpose which in the opinion of the board is reasonably necessary for the proper performance of its duties under this act, including the expenses of the board's delegates to annual conventions of, and membership dues to, the National Council of Engineering Examiners. Under no circumstances shall the total amount of expenditures approved by the board in payment of the expenses and compensation provided for in this act exceed the amount of the examination, and registration and renewal fees collected as herein provided. All warrants on said "professional engineers' and land surveyors' fund account" shall be drawn by the state auditor on vouchers by the board and the state board of examiners.

SECTION 7. That Section 54-1211, Idaho Code, be, and the same is hereby amended to read as follows:

54-1211. ROSTER. A roster showing the names and addresses of all registered professional engineers, all registered land surveyors, all corporations holding certificates of authorization and all who possess current certification as engineers-in-training and land surveyors-in-training shall be published by the secretary of the board each year. Copies of this roster shall be mailed to each person so registered or certified, placed on file with the secretary of state, and furnished to the public.
upon request.

SECTION 8. That Section 54-1212, Idaho Code, be, and the same is hereby amended to read as follows:

54-1212. GENERAL REQUIREMENTS FOR EXAMINATION AND LICENSE. Except as herein otherwise expressly provided, no license as a professional engineer or land surveyor, or certification as an engineer-in-training or land surveyor-in-training, shall be issued until an applicant has successfully passed an examination given by or under the supervision of the board, nor shall a license as a professional engineer or land surveyor, or certification as an engineer-in-training or land surveyor-in-training, be issued to an applicant having habits or character that would justify revocation or suspension of certificate, as provided in section 54-1220, Idaho Code. The following shall be considered as minimum evidence that the applicant is qualified to take an examination:

(1) As a professional engineer:
   (a) Graduation from an approved engineering curriculum of four (4) years or more in a school or college approved by the board as of satisfactory standing, and a specific record of an additional four (4) years or more of experience in engineering work of a character satisfactory to the board, and indicating that the applicant is competent to practice professional engineering (in counting years of experience, the board, at its discretion, may give credit, not in excess of one (1) year, for satisfactory graduate study in engineering); or
   (b) Evidence satisfactory to the board that the applicant possesses knowledge and skill approximating that attained through graduation from an approved four (4) year engineering curriculum, and a specific record of eight (8) years or more of experience in engineering work of a character satisfactory to the board and indicating that the applicant is competent to practice professional engineering.

(2) As a land surveyor:
   (a) Evidence—that—applicant—possesses—the-qualifications—and-has—the-experience-required-for-license—for—a—professional—engineer. Graduation from a school or college in an approved four (4) year surveying curriculum, and in addition, a specific record of at least four (4) years of combined office and field experience in land surveying work, after graduation, with a minimum of two (2) years in responsible charge of surveying work of a character satisfactory to the board and indicating that the applicant is competent to practice land surveying;
or

(b) Graduation from a school or college approved by the board as of satisfactory standing, including the completion of an approved course in surveying and an additional two (2) years or more of experience in land surveying. Two (2) years of approved formal education in a school or college above high school level with at least sixty (60) semester hours, or the equivalent, passed, and in addition, a specific record of at least six (6) years of combined office and field experience in land surveying work, with a minimum of two (2) years in responsible charge of surveying work of a character satisfactory to the board and indicating that the applicant is competent to practice land surveying.

(c) Evidence satisfactory to the board that the applicant possesses knowledge and skill approximating that attained upon completion of an approved college course in surveying, and a specific record of six (6) years or more of experience in land surveying. Evidence that the applicant possesses knowledge and skill satisfactory to the board, similar to that attained upon completion of an approved college curriculum, and evidence of a specific record of at least eight (8) years of combined office and field experience in land surveying work with a minimum of three (3) years in responsible charge of surveying work of a character satisfactory to the board and indicating that the applicant is competent to practice land surveying.

(3) As an engineer-in-training:

(a) Graduation from an approved engineering curriculum of four (4) years or more in a school or college approved by the board as of satisfactory standing and indicating that the applicant is competent to enroll as an engineer-in-training;

(b) Evidence satisfactory to the board that the applicant possesses knowledge and skill approximating that attained through graduation from an approved four (4) year engineering curriculum and a specific record of four (4) years or more experience in engineering work of a character satisfactory to the board and indicating that the applicant is competent to enroll as an engineer-in-training.

(4) As a land surveyor-in-training:

(a) Graduation from a college or school in an approved surveying curriculum and evidence that the applicant is
competent to be enrolled as a land surveyor-in-training; or
(b) Has at least two (2) years of formal education in an approved school or college above high school level with at least sixty (60) semester hours, or the equivalent, passed, and in addition, a specific record of at least three (3) years of combined office and field experience in land surveying work of a character satisfactory to the board that the applicant is competent to be enrolled as a land surveyor-in-training; or
(c) Possesses knowledge and skill, satisfactory to the board, similar to that attained upon completion of an approved college curriculum and evidence of a specific record of at least four (4) years experience of combined office and field experience of a character satisfactory to the board that the applicant is competent to be enrolled as a land surveyor-in-training.

In considering the combined education and experience qualifications of applicants, the board shall consider engineering teaching, land surveying teaching, each year of satisfactory completion of undergraduate college education, advanced degrees in engineering and advanced degrees in land surveying in establishing the applicants' minimum composite knowledge and skill. Graduation in a curriculum other than engineering or surveying from a college or university of recognized standing may be considered as equivalent to two (2) years of experience in this section subdivisions (1)(b) and (2)(b); provided, however, that no applicant shall receive credit for more than four (4) years of experience because of undergraduate educational qualifications.

The mere execution, as a contractor, of work designed by a professional engineer, or the supervision of the construction of such work as a foreman or superintendent, shall not be deemed to be practice in professional engineering, but if such experience, in the opinion of the board, has involved responsible supervision of a character that will tend to expand the engineering knowledge and skill of the applicant the board may in its discretion give such credit therefor as it may deem proper.

Any person having the necessary qualifications prescribed in this act to entitle him to registration shall be eligible for such registration although he may not be practicing his profession at the time of making his application.
SECTION 9. That Section 54-1213, Idaho Code, be, and the same is hereby amended to read as follows:

54-1213. APPLICATIONS AND REGISTRATION FEES. Applications for registration as professional engineers or land surveyors, or certification as engineers-in-training or land surveyors-in-training, shall be on forms prescribed and furnished by the board. The application shall be made under oath, and shall show the applicant's education and a detailed summary of his technical work. An applicant for registration as a professional engineer or land surveyor shall furnish not less than five (5) references, of whom three (3) or more should be registered professional engineers or land surveyors, as applicable, having personal knowledge of the applicant's engineering or surveying experience. An applicant for certification as an engineer-in-training or land surveyor-in-training shall furnish three (3) character references. Applications for certification of corporations and joint stock associations shall be made in accordance with section 54-1235 hereof, Idaho Code.

The maximum registration fee for professional engineers or land surveyors shall be seventy-five ninety-five dollars ($75.95), of which a fee not to exceed sixty-five seventy-five dollars ($65.75) shall accompany the application for examination, and the remaining fee, not to exceed ten twenty dollars ($10.20), shall be paid prior to issuance of the certificate.

The maximum registration fee for an applicant who seeks a license only as a land surveyor or the maximum certification fee for an applicant who seeks a certificate as an engineer-in-training or land surveyor-in-training shall be fifty seventy-five dollars ($50.75), of which a fee not to exceed forty fifty-five dollars ($40.55) shall accompany the application, and the remaining fee, not to exceed ten twenty dollars ($10.20), shall be paid prior to issuance of the certificate.

The maximum certification fee for corporations or joint stock associations shall be one hundred fifty sixty dollars ($150.60), of which a fee not to exceed one hundred forty dollars ($140) shall accompany the application, and the remaining fee, not to exceed ten twenty dollars ($10.20), shall be paid prior to issuance of the certificate.

Separate application fees shall accompany all applications for each of the three (3) four (4) classes of examinations: land surveying, engineer-in-training, land surveyor-in-training and professional engineering.

The amount of the registration fee or certificate fee shall be fixed by the board prior to June 30th of any year.
and shall continue in force until changed. Said fees shall not be subject to change except at the beginning of each fiscal year.

Should the board deny the issuance of a certificate of registration or authorization to any applicant, the initial fee deposited shall be retained as an application fee.

SECTION 10. That Section 54-1214, Idaho Code, be, and the same is hereby amended to read as follows:

54-1214. EXAMINATION. Written and/or oral examinations shall be held at such time and place as the board shall determine. If examinations are required on fundamental engineering or land surveying subjects (such as are ordinarily given in college curricula) the applicant may be permitted to take this part of the professional examination prior to his completion of the requisite years of experience in engineering or land surveying work, and satisfactory passage of this portion of the professional examination by the applicant shall constitute a credit toward the applicant's complete professional examination for a period not to exceed ten (10) years.

The scope of the examination and the methods of procedure shall be prescribed by the board with special reference to the applicant's ability to design and supervise engineering works so as to insure the safety of life, health and property. Examinations shall be given for the purpose of determining the qualifications of applicant for registration simultaneously in professional engineering and in land surveying. Examinations for engineer-in-training and land surveyor-in-training enrollment shall be given at such time as the board may prescribe. A candidate failing his first examination may apply for reexamination at the expiration of six (6) months without filing a new application and shall be entitled to such reexamination on payment of an additional fee of not to exceed a maximum of sixty-five seventy-five dollars ($65.00 $75.00) if the examination is for registration as a professional engineer or land surveyor and not to exceed a maximum of forty fifty-five dollars ($40.00 $55.00) if the examination is for registration as a land surveyor for certification as an engineer-in-training or land surveyor-in-training. A candidate who fails on reexamination must file a new application before he can again be admitted to examination, and such new application shall not be filed prior to one (1) year following the date of the last examination taken by the applicant, and in addition the applicant shall present evidence satisfactory to the board to warrant assignment to an additional examination; provided, however, that it shall be unlawful for a candidate
failing any examination to practice professional engineering or land surveying under paragraphs (b) and (c) of section 54-1223, Idaho Code.

SECTION 11. That Section 54-1215, Idaho Code, be, and the same is hereby amended to read as follows:

54-1215. CERTIFICATES -- SEALS. The board shall issue a certificate of registration upon payment of registration fee as provided for in this act chapter, to any applicant who, in the opinion of the board, has satisfactorily met all of the requirements of this act chapter, and an enrollment certificate shall be issued to those who qualify as engineers-in-training and land surveyors-in-training. In case of a registered engineer, the certificate shall authorize the practice of "professional engineering and land surveying," and in the case of one registered only as a land surveyor the certificate shall authorize the practice of "land surveying." Certificates of registration shall show the full name of the registrant, shall give a serial number, and shall be signed by the chairman and the secretary of the board under seal of the board.

The issuance of a certificate of registration by the board shall be prima facie evidence that the person named therein is entitled to all the rights and privileges of a registered professional engineer or of a registered land surveyor.

Each registrant hereunder shall, upon registration, obtain a seal of the design authorized by the board, bearing the registrant's name and the legend "Registered Professional Engineer," or "Registered Land Surveyor." All drawings, specifications, plats, reports, or other engineering or land surveying papers or documents involving engineering or land surveying work as is appropriate and as defined in section 54-1202, Idaho Code, hereof which shall have been prepared or approved for the use of or for delivery to any person or for public record within this state shall be impressed with said seal or the seal of a nonresident practicing under the provisions of section 54-1223, Idaho Code.

It shall be unlawful for any person to stamp or seal any documents with said seal after the certificate of the registrant named thereon has expired or has been suspended or revoked, unless said certificate shall have been renewed, reinstated, or reissued.

SECTION 12. That Section 54-1216, Idaho Code, be, and the same is hereby amended to read as follows:

54-1216. EXPIRATIONS AND RENEWALS -- FEES. Certificates
of registration for professional engineers and land surveyors and certificates of authorization for corporations and joint stock associations shall expire on the last day of the month of June following their issuance or renewal and shall become invalid on that date unless renewed. It shall be the duty of the secretary of the board to notify every person registered and every corporation or joint stock association certified under this act chapter, of the date of the expiration of his or its certificate and the amount of the fee that shall be required for its renewal for one (1) year; such notice shall be mailed at least one (1) month in advance of the date of the expiration of said certificate. Renewal may be effected at any time during the month of June by the payment of a renewal fee to be fixed by the board at not less than three dollars ($3.00) nor more than twenty-five thirty dollars ($25.00 $30.00). The failure on the part of any registrant or certificate holder to renew his or its certificate annually in the month of June as required above shall not deprive such person or corporation or joint stock association of the right of renewal, but the fee to be paid for the renewal of a certificate after the month of June shall be increased twenty percent (20%) for each month or fraction of a month that payment of renewal is delayed; provided, however, that the maximum fee for delayed renewal shall not exceed twice the renewal fee for each year delinquent, but in no event more than one hundred fifty dollars ($150).

Certificates of enrollment for engineers-in-training and land surveyors-in-training shall expire on the last day of the month of June following their issuance or renewal. The notification to holders of certificates of enrollment shall be processed as prescribed above for registrants except that the annual renewal fee shall not be less than two dollars ($2.00) nor more than five ten dollars ($5.00 $10.00). The failure on the part of any holder of a certificate of enrollment to effect renewal shall not invalidate his status as an engineer-in-training or land surveyor-in-training, but his name shall, after ninety (90) days, be removed from the board's current mailing list. The fee to bring an enrollment current after a renewal expiration shall be twice that established for annual renewal.

SECTION 13. That Section 54-1217, Idaho Code, be, and the same is hereby amended to read as follows:

54-1217. PRACTITIONERS AT TIME ACT BECOMES EFFECTIVE -- FEE. Immediately after this act becomes effective, the board shall issue a revised certificate of registration, without oral or written examination, to any engineer or land surveyor.
Professional engineers and land surveyors with a current certificate of registration and engineers-in-training with a current enrollment card, will continue under their existing certificates or enrollments, as appropriate.

Any person who is a registered professional engineer and who elects to apply for a certificate of registration as a land surveyor shall submit evidence satisfactory to the board that the registrant has practiced land surveying as defined in section 54-1202, Idaho Code, and upon submittal of proper application, including payment of fees as prescribed in section 54-1213, Idaho Code, within one (1) year of the effective date of this section, shall be registered as a land surveyor and shall be issued a certificate to that effect.

SECTION 14. That Section 54-1218, Idaho Code, be, and the same is hereby amended to read as follows:

54-1218. PUBLIC WORK. It shall be unlawful for this state, or for any county, city, village, school district, irrigation district, drainage district, highway district, or other subdivision of the state, having power to levy taxes or assessments against property situated therein, to engage in the construction of any public work involving professional engineering when the public health or safety is involved unless the plans and specifications and estimates have been prepared by, and the construction executed under the supervision of a registered professional engineer, provided that nothing in this section shall be held to apply to any public work wherein the contemplated expenditure for the completed project does not exceed two thousand dollars ($2,000.00), if the public health or safety is not involved in such work, and provided further that from the effective date of this act until the 1st day of January, 1940, such plans, specifications, and estimates may be prepared by and the construction executed under the supervision of persons so licensed-who-has-qualified-under-the-statute-repealed-by-this-act-and-who-holds-a-license-in-force-and-effect--issued-the-under-.This-revised-certificate-shall-bear-the-same-number-as-the-certificate-or-license-replaced-thereby-.Any-such-engineer-or-land-surveyor-whose-license-to-practise-has-been-cancelled-and-net-renewed,-prior-to-the-effective-date-of-this-act,-for-failure-to-pay-the-annual-renewal-fee,-shall-be-entitled-to-such-revised-certificate-after-this-act-becomes-effective,-upon-payment-of-ten-dollars-(610.00)-plus-the-amount-of-the-delinquent-fees-at-the-rate-of-two-dollars-per-year,-or-fraction-thereof,-for-the-period-of-the-delinquency.-
SECTION 15. That Section 54-1219, Idaho Code, be, and the same is hereby amended to read as follows:

54-1219. RECIPROCAL COMITY CERTIFICATION -- FEE. The board, upon application therefor and the payment of a fee of not to exceed a maximum of seventy-five one hundred dollars ($75.00 $100), may issue a certificate of registration as a professional engineer or land surveyor to any person who holds a certificate of qualification or registration issued to him the applicant by the proper authority of any state, territory or possession of the United States, or of a foreign country, provided that the requirements for the indicated registration of professional engineers, under which said certificate of qualification or registration was issued, are of a standard not lower than those specified in this act as amended, and provided such state, territory, possession or country will license or issue certificates of registration, without examination and upon substantially the same condition, to applicants holding licenses or certificates of registration issued by the board under this act.

SECTION 16. That Section 54-1220, Idaho Code, be, and the same is hereby amended to read as follows:

54-1220. REVOCATION OR SUSPENSION OF CERTIFICATES -- HEARINGS. The board shall have power to (1) revoke the certificate of registration or the certificate of authorization or, (2) to suspend the certificate of registration or the certificate of authorization for a period of time not exceeding two (2) years, of any registrant or certificate holder who or which is found guilty of:

(a) The practice of any fraud or deceit in obtaining a certificate of registration or certificate of authorization;
(b) Gross negligence incompetency, habitual intemperance, insanity, conviction of a felony, moral turpitude, or misconduct in the practice of professional engineering or land surveying as a registered professional engineer or land surveyor.

Any person may prefer charges, based on any of the above grounds, against any registrant or certificate holder. Such charges shall be in writing, and shall be sworn to by the person making them and shall be filed with the secretary of the board.

All charges, unless dismissed by the board as unfounded or trivial, shall be heard by the board within three (3) months after the date on which they shall have been pre-
ferred. The board shall adopt rules and regulations for the conduct of hearings on charges pursuant to the administrative procedures act, chapter 52, title 67, Idaho Code. After the board has entered a decision, the charged registrant or certificate holder may appeal that decision as a contested case pursuant to section 67-5215, Idaho Code.

The time and place for said hearing shall be fixed by the board, and a copy of the charges, together with a notice of the time and place of hearing, shall be personally served on, or mailed to the last known address of, such registrant or certificate holder, at least thirty (30) days before the date fixed for the hearing. At any hearing, the accused registrant or certificate holder shall have the right to appear personally and by counsel, and to cross-examine witnesses in his or its own defense.

If, after such hearing, three or more members of the board vote in favor of finding the accused guilty, the board shall revoke or suspend, as herein provided, the certificate of registration of such registered professional engineer or land surveyor or the certificate of authorization of such corporation or joint stock association.

SECTION 17. That Section 54-1222, Idaho Code, be, and the same is hereby amended to read as follows:

54-1222. VIOLATIONS AND PENALTIES -- PROSECUTION OF OFFENSES. Any person who shall practice, or offer to practice, professional engineering or land surveying in this state without being registered in accordance with the provisions of this act, or any person presenting or attempting to use as his own the certificate of registration or the seal of another, or any person who shall give any false or forged evidence of any kind to the board or to any member thereof in obtaining a certificate of registration, or any person who shall falsely impersonate any other registrant of like or different name, or any person who shall attempt to use an expired or revoked certificate of registration or practice at any time during a period the board has suspended or revoked his certificate of registration, or any person who shall violate any of the provisions of this act, shall be guilty of a misdemeanor and shall, upon conviction, be sentenced to pay a fine of not less than one hundred dollars ($100) nor more than five hundred dollars ($500), or suffer imprisonment for a period not exceeding three (3) months, or both.

Legal counsel selected by of the board, or the attorney general of this state or any assistant designated by him may act as legal advisor of the board; and all violations of the provisions of this act constituting criminal
offenses, shall be prosecuted by the prosecuting attorney of the county or counties in which the violations of the act may be committed or occur. The attorney general shall be reimbursed by the board for any expenses incurred by the attorney general in representing the board.

SECTION 18. That Section 54-1223, Idaho Code, be, and the same is hereby amended to read as follows:

54-1223. SAVING CLAUSE -- EXEMPTIONS. This act shall not be construed to prevent or to effect:

(a) Other Professions or Trades. The practice of any other profession or trade for which a license is required under any law of this state or the United States; or

(b) Nonresidents. The practice of professional engineering or land surveying by a person not a resident of and having no established place of business in this state, when such practice does not exceed in the aggregate more than thirty (30) days in any calendar year and provided such person is duly licensed or registered to practice such profession in a state in which the requirements and qualifications for obtaining a certificate of registration or license are not lower than those specified in this act for obtaining the license required for such work, upon examination, and provided further that such nonresident shall file with the board, on or before entering the state for commencing such work, a statement, accompanied by a filing fee not to exceed seventy-five dollars ($75.00), giving his name, residence, the number of his license or certificate of registration and by what authority issued, and the place and nature of the work on which he will be engaged in this state and, upon the completion of the work, a statement of the time engaged in such work within the state; or

(c) Recent Arrivals in State. The practice of a person not a resident of and having no established place of business in this state, or who has recently become a resident thereof, practicing or offering to practice herein for more than thirty (30) days in any calendar year the profession of engineering or land surveying, if he shall have filed with the board an application for a certificate of registration and shall have paid the fee required by this act; provided, that such a person is legally qualified by registration to practice said profession in his own state or county in which the requirements and qualifications for obtaining a certificate of registration are not lower than those specified in this act. Such practice shall continue only for such time as the board requires for the consideration of the application for registration; or

(d) Employees and Subordinates. The work of an employee
or a subordinate of a person holding a certificate of registration under this act, or an employee of a person practicing lawfully under paragraphs (b) or (c) of this section, provided such work is done under the direct responsibility, checking, and supervision of a person holding a certificate of registration under this act or a person practicing lawfully under paragraphs (b) or (c) of this section; or

(e) Government Officers and Employees. The practice of officers and employees of the government of the United States while engaged within this state in the practice of the profession of engineering or land surveying for said government; or

(f) Individuals or Firms Doing Work for Themselves. An individual doing surveying work for himself or herself, or through a firm, partnership, corporation or joint stock association, on property owned or leased by the individual, firm, partnership, corporation or joint stock association, or in which the individual, firm, partnership, corporation or joint stock association has an interest, estate or possessory right and which affects exclusively the property or interests of the individual, firm, partnership, corporation or joint stock association; provided, that all land surveying maps, plats or plans filed with any county recorder's office in the state of Idaho for the purpose of illustrating or defining boundaries of property ownership, shall be made and certified by a registered land surveyor as provided in this chapter; or

(g) Mining Claim Location. An individual doing survey work for himself or herself, or through a firm, partnership, corporation or joint stock association with respect to the location, amendment, or relocation of a mining claim.

SECTION 19. That Section 54-1225, Idaho Code, be, and the same is hereby amended to read as follows:

54-1225. APPEALS. Any person or organization who shall feel aggrieved by any action of the board in denying, suspending or revoking his a certificate of registration or certificate of authorization, as is appropriate, may appeal therefrom in accordance with the provisions of the administrative procedures act, title 67, chapter 52, Idaho Code. to the district court of Ada County. Such appeal shall be perfected by filing with the clerk of the district court, within 30 days after the action of the board, of which complaint is made, a petition setting forth briefly the action complained of and wherein the petitioner has been deprived of any legal right. The petition shall constitute the complaint and summons may be issued thereon directed to the board and served upon the president or secretary thereof.
SECTION 20. That Section 54-1227, Idaho Code, be, and the same is hereby amended to read as follows:

54-1227. SURVEYS -- AUTHORITY AND DUTIES OF LAND SURVEYORS AND PROFESSIONAL ENGINEERS. Every registered land surveyor or professional engineer is hereby authorized to make land surveys relating to the sale or subdivision of lands, the retracing or establishing of property or boundary lines, public roads, streets, alleys, or trails; and it shall be the duty of each registered land surveyor or professional engineer, whenever making any such land survey, except those relating to the retracing of subdivision or cemetery or town lots, whether the land survey be made for private persons, corporations, cities or counties, to set permanent and reliable monuments; and such monuments must be permanently marked. Persons qualified and duly registered pursuant to title 54, Idaho Code, may also perform those surveys necessary and incidental to the work customarily performed by them.

SECTION 21. That Section 54-1228, Idaho Code, be, and the same is hereby amended to read as follows:

54-1228. ADMINISTERING AND CERTIFICATION OF OATHS -- AUTHORITY OF LAND SURVEYORS AND ENGINEERS. Every registered land surveyor and professional engineer is authorized to administer and certify oaths, when it becomes necessary to take testimony to identify or establish old or lost corners, or to perpetuate a corner that is in a perishable condition, or whenever the importance of the land survey makes it desirable, and to administer oaths to assistants for the faithful performance of duty. A record of such oaths shall be kept as part of the field notes of the land survey.

SECTION 22. That Section 54-1229, Idaho Code, be, and the same is hereby amended to read as follows:

54-1229. LEGAL SURVEY OF LAND. Effective one (1) year from the effective date of this act, no survey of land, or plat or subdivision shall be legal after June 1, 1903, unless made by or under the direct supervision of a registered land surveyor or professional engineer.
All land surveys made under the authority of the state, or of any county, town, city or village within the state, must be performed by a licensed land surveyor or licensed civil-engineer.

SECTION 23. That Section 54-1235, Idaho Code, be, and the same is hereby amended to read as follows:

54-1235. PRACTICE BY CORPORATIONS OR JOINT STOCK ASSOCIATIONS. The practice of or offer to practice engineering or professional engineering or land surveying, as defined in section 54-1202, Idaho Code, by individual registered professional engineers or individual registered land surveyors, through a corporation or joint stock association, or by a corporation or joint stock association through individual registered professional engineers or individual registered land surveyors, as agents, employees, or officers, is permitted subject to the provisions of this chapter, provided that all personnel of such corporation or joint stock association, who act in its behalf as professional engineers or land surveyors in this state are registered as provided by this chapter, or are persons lawfully practicing under the exemptions enumerated in section 54-1223, Idaho Code, and further provided that said corporation or joint stock association, except utilities regulated by the Idaho public utilities commission, has been issued a certificate of authorization by the board as provided by this chapter. No corporation or joint stock association shall be relieved of responsibility for the conduct or acts of its agents, employees or officers by reason of its compliance with the provisions of this chapter, nor shall any individual practicing professional engineering or land surveying as defined in section 54-1202, Idaho Code, be relieved of responsibility for engineering or land surveying services performed by reason of his employment or relationship with such corporation or joint stock association. All final drawings, specifications, plats, reports, or other engineering or land surveying papers or documents involving the practice of professional engineering or land surveying as defined in section 54-1202, Idaho Code, which shall have been prepared or approved for the use of or for delivery to any person or for public record within this state shall be dated and bear the signature and seal of the professional engineer or land surveyor who prepared or approved them.

A corporation or joint stock association desiring a certificate of authorization for engineering, for land surveying, or for both, shall file with the board a description of the engineering or land surveying service to be offered or practiced in the state, an application upon a form to be
prescribed by the board and the designation required by the following paragraph, accompanied by the application fee.

Such corporation or joint stock association shall file with the board a designation of an individual or individuals duly licensed, registered and certified to practice professional engineering or land surveying in this state who shall be in responsible charge of the practice of professional engineering or land surveying, as applicable, by said corporation or joint stock association in this state. In the event there shall be a change in the individual or individuals in responsible charge, such changes shall be designated in writing and filed with the board within thirty (30) days after the effective date of such change.

If all requirements of this chapter are met, the board shall issue to such corporation or joint stock association a certificate of authorization for professional engineering, for land surveying, or for both; provided, however, the board may refuse to issue a certificate if any facts exist which would entitle the board to suspend or revoke an existing certificate.

SECTION 24. That Section 54-1224, Idaho Code, be, and the same is hereby repealed.

CHAPTER 171
(H.B. No. 398)

AN ACT
RELATING TO GAME TAGS AND PERMITS; AMENDING SECTION 36-409, IDAHO CODE, TO PROVIDE THAT ANY PERSON PARTICIPATING IN A MUZZLELOADER HUNT MUST HAVE A MUZZLELOADER PERMIT IN HIS POSSESSION.

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

SECTION 1. That Section 36-409, Idaho Code, be, and the same is hereby amended to read as follows:

36-409. GAME TAGS -- ARCHERY PERMITS -- FEES -- PENALTY. (a) Resident Game Tags. A resident who has purchased a license to hunt, as provided in section 36-406, Idaho Code, upon payment of the fees provided herein shall be eligible to receive a resident game tag to hunt and kill a moose, bighorn sheep, mountain goat, elk, deer, antelope, mountain lion, bear, or turkey in accordance with the laws of this state and regulations promulgated by the commission.

(b) Nonresident Game Tags. A nonresident who has purchased a hunting license, as provided in section 36-407(a), Idaho Code, upon payment of the fees provided herein, shall be eligible to receive a nonresident tag to hunt and kill a moose, bighorn sheep, mountain goat, elk, deer, antelope, mountain lion, bear or turkey in accordance with the laws of this state and regulations promulgated by the commission.

(c) Schedule of Game Tag Fees.

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<th>Game</th>
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<th>Nonresident</th>
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<tr>
<td>Mountain Lion</td>
<td>5.00</td>
<td>35.00</td>
</tr>
<tr>
<td>Bear</td>
<td>4.00</td>
<td>15.00</td>
</tr>
<tr>
<td>Turkey</td>
<td>4.00</td>
<td>7.00</td>
</tr>
</tbody>
</table>

(d) Game Tags Required -- To Be Endorsed on License. The appropriate tag must be had for the hunting or taking of each and every one (1) of the aforementioned wildlife. Provided, however, that the requirements for a mountain lion tag or a bear tag, as to different periods of time and areas of the state, shall be determined and specified by the com-
mission. All of said tags are to bear and have serial numbers to be endorsed on the purchaser's license by the vendor at the time of sale.

(e) Game Tag to be Validated and Attached to Carcass. As soon as any person kills any wildlife for which a tag is required, said tag, belonging to him, must be validated and attached to said wildlife in a manner provided by commission regulation.

(f) Archery Permits: In addition to meeting the license and tag requirements provided in this chapter, any persons participating in any controlled or general game season which has been specifically designated as an archery hunt must have in his possession an archery hunt permit which may be purchased at a fee of three dollars ($3.00).

(g) Muzzleloader Permit. In addition to meeting the license and tag requirements provided in this chapter, any person participating in any controlled or general game season which has been specifically designated as a muzzleloader hunt must have in his possession a muzzleloader permit which may be purchased at a fee of three dollars ($3.00).

(h) Penalty. Failure to comply with any of the provisions of this section shall constitute a misdemeanor.

AN ACT
RELATING TO UNLAWFUL TAKING, KILLING OR POSSESSION OF WILD ANIMALS; AMENDING CHAPTER 14, TITLE 36, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 36-1404, IDAHO CODE, PROVIDING FOR REIMBURSEMENT TO THE STATE FOR THE VALUE OF CERTAIN ANIMALS UNLAWFULLY TAKEN, KILLED OR POSSESSED, PROVIDING A SCHEDULE FOR REIMBURSEMENT, PROVIDING FOR JOINT REIMBURSEMENTS, PROVIDING FOR PROBATION AND MANNER AND TIME OF PAYMENT BY DEFENDANTS WHO FAIL TO PAY PRESCRIBED REIMBURSEMENT SUM(S), PROVIDING THAT A DEFAULTED REIMBURSEMENT OR INSTALLMENT PAYMENT THEREOF MAY BE COLLECTED BY ANY MEANS AUTHORIZED FOR ENFORCEMENT OF JUDGMENTS UNDER THE PROVISIONS OF THE IDAHO CODE, AND PROVIDING FOR DISPOSITION OF DAMAGE REIMBURSEMENT MONEYS.

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

SECTION 1. That Chapter 14, 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 36-1404, Idaho Code, and to read as follows:

36-1404. UNLAWFUL KILLING OR POSSESSION OF WILD ANIMALS -- REIMBURSABLE DAMAGES -- SCHEDULE -- ASSESSMENT BY MAGISTRATES -- INSTALLMENT PAYMENTS -- DEFAULT JUDGMENTS -- DISPOSITION OF MONEYS. (a) In addition to the penalties provided for violating any of the provisions of title 36, Idaho Code, any person convicted of the illegal killing or the illegal possession of game animals shall reimburse the state for the value of each animal so killed or possessed as follows:

1. Elk, caribou, bighorn sheep, mountain goat and moose, five hundred dollars ($500) per animal killed or possessed.
2. Deer, and pronghorn antelope, two hundred dollars ($200) per animal killed or possessed.

(b) In every case of conviction, the court before whom such conviction is obtained shall order the defendant to reimburse the state in a sum or sums as hereinbefore set forth. If two (2) or more defendants are convicted of the illegal taking, killing or the illegal possession of the game animal, the reimbursement above prescribed shall be declared against them jointly and severally.
(c) If a defendant fails to pay the prescribed reimbursement sum(s) for such animal(s) illegally taken, killed or possessed, upon conviction the court shall either impose a sentence of probation and, as a condition of sentence, require the defendant to satisfy the reimbursement in the amount prescribed and fix the manner and time of payment, or make a written order permitting the defendant to pay the reimbursement sum(s) in installments at such times and in such amounts as, in the opinion of the court, the defendant is able to pay.

(d) A defaulted reimbursement or any installment payment thereof may be collected by any means authorized for the enforcement of a judgment under the provisions of the Idaho Code.

(e) All courts receiving such reimbursement damages shall forthwith remit them to the department who shall deposit them with the state treasurer, and the treasurer shall place them in the state fish and game fund.

AN ACT
RELATING TO RENUNCIATION OF RIGHTS; REPEALING SECTION 15-2-801, IDAHO CODE; ADDING A NEW SECTION 15-2-801, IDAHO CODE, TO PERMIT RENUNCIATION OF PRESENT AND FUTURE INTERESTS IN ALL OR ANY PART OF ANY PROPERTY OR INTEREST PASSING TO A PERSON BY PROBATE OR NONPROBATE TRANSFER BY THE PERSON TO WHOM SUCH PROPERTY PASSES OR THE GUARDIAN OR CONSERVATOR FOR SUCH PERSON (WHETHER OR NOT SUCH PERSON IS ASCERTAINED), AND PRESCRIBING PROCEDURES FOR RENUNCIATION AND SETTING FORTH THE EFFECT OF RENUNCIATION AND LIMITATION UPON RENUNCIATION; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 15-2-801, Idaho Code, be, and the same is hereby repealed.

SECTION 2. That Chapter 2, Title 15, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 15-2-801, Idaho Code, and to read as follows:

15-2-801. RENUNCIATION. (a) (1) A person or the representative of an incapacitated or unascertained person who is an heir, devisee, person succeeding to a renounced interest, donee, beneficiary under a testamentary or nontestamentary instrument, donee of a power of appointment, grantee, surviving joint owner or surviving joint tenant, beneficiary of an insurance contract, person designated to take pursuant to a power of appointment exercised by a testamentary or nontestamentary instrument, or otherwise the recipient of any benefit under a testamentary or nontestamentary instrument, may renounce in whole or in part, powers, future interests, specific parts, fractional shares or assets thereof by filing a written instrument within the time and at the place hereinafter provided.

(2) The instrument shall (i) describe the property or interest renounced; (ii) be signed by the person renouncing; and (iii) declare the renunciation and the extent thereof.

(3) The appropriate court may direct or permit a trustee under a testamentary or nontestamentary instrument to renounce or to deviate from any power of administration,
management or allocation of benefit upon finding that exercise of such power may defeat or impair the accomplishment of the purposes of the trust whether by the imposition of tax or the allocation of beneficial interest inconsistent with such purposes. Such authority shall be exercised after hearing and upon notice to all known persons beneficially interested in such trust or estate, in the manner provided by this act.

(b) The writing specified in (a) must be filed within nine (9) months after the transfer or the death of the decedent, or donee of the power, (whichever is the later) or, if the taker of the property is not then finally ascertained, not later than nine (9) months after the event that determines that the taker of the property or interest is finally ascertained or his interest indefeasibly vested. The writing must be filed in the court of the county where proceedings concerning the decedent's estate are pending, or where they would be pending if commenced. If an interest in real estate is renounced, a copy of the writing may also be recorded in the office of the recorder in the county in which said real estate lies. A copy of the writing also shall be delivered in person or mailed by registered or certified mail to the personal representative of the decedent, the trustee of any trust in which the interest renounced exists, and no such personal representative, trustee, or person shall be liable for any otherwise proper distribution or other disposition made without actual notice of the renunciation.

(c) Unless the decedent or donee of the power has otherwise indicated, the property or interest renounced passes as if the person renouncing had predeceased the decedent, or if the person renouncing is designated to take under a power of appointment as if the person renouncing had predeceased the donee of the power. A future interest that takes effect in possession or enjoyment after the termination of the estate or interest renounced takes effect as if the person renouncing had predeceased the decedent or the donee of the power. In every case the renunciation relates back for all purposes to the date of death of the decedent or the donee, as the case may be.

(d) The right to renounce property or an interest therein is barred by: (1) assignment, conveyance, encumbrance, pledge or transfer of property therein or any contract therefor; (2) written waiver of the right to renounce; or (3) sale or other disposition of property pursuant to judicial process, made before the renunciation is effective.

(e) The right to renounce granted by this section exists irrespective of any limitation on the interest of the person renouncing in the nature of a spendthrift provision or similar restriction.
(f) The renunciation or the written waiver of the right to renounce is binding upon the person renouncing or person waiving and all persons claiming through or under him.

(g) This section does not abridge the right of any person to assign, convey, release, or renounce any property or an interest therein arising under any other statute.

(h) An interest in property existing on the effective date of this act as to which, if a present interest, the time for filing a renunciation has not expired, or, if a future interest, the interest has not become indefeasibly vested or the taker finally ascertained may be renounced within nine (9) months after the effective date of this act.

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

CHAPTER 174
(H.B. No. 517)

AN ACT
RELATING TO THE TRANSFER OF PUPILS; AMENDING SECTION 33-1403, IDAHO CODE, BY STRIKING THE RESTRICTION ON TUITION CHARGES WHEN PUPILS ARE TRANSFERRED ON INITIATIVE OF THE BOARD OF TRUSTEES; AMENDING SECTION 33-1404, IDAHO CODE, TO PROVIDE THAT TUITION CHARGES MAY BE WAIVED.

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

SECTION 1. That Section 33-1403, Idaho Code, be, and the same is hereby amended to read as follows:

33-1403. TRANSFER OF PUPILS BY INITIATIVE OF THE BOARD OF TRUSTEES. Whenever the board of trustees of any school district shall determine that it is in the best interest of any of its pupils to attend school in another district within this state, the boards of trustees of the districts may annually agree, in writing, that such pupil or pupils shall be transferred to and attend the designated school or schools of the other district party to the agreement.

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

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

SECTION 2. That Section 33-1404, Idaho Code, be, and the same is hereby amended to read as follows:

33-1404. DISTRICTS TO RECEIVE PUPILS. Every school district shall receive and admit pupils transferred thereto, where payment of their tuition is to be paid by the home district, parent or guardian or waived by the receiving district, except when any such transfer would work a hardship on the receiving district; but no district shall be required to accept and admit secondary school pupils who have not completed the grades given in their home districts, nor pupils who have failed in any of their home district classes in the year next preceding the proposed transfer.

AN ACT
RELATING TO TUBERCULOSIS EXAMINATIONS FOR SCHOOL PERSONNEL;
AMENDING SECTION 33-1225, IDAHO CODE, TO ALLOW A ONE YEAR COURSE OF APPROPRIATE MEDICATION, IN LIEU OF AN ANNUAL CHEST X RAY, AND TO PROVIDE FOR EXEMPTIONS.

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

SECTION 1. That Section 33-1225, Idaho Code, be, and the same is hereby amended to read as follows:

33-1225. SCHOOL PERSONNEL -- EXAMINATIONS FOR TUBERCULOSIS. It shall be unlawful for public school authorities to employ teachers, custodians, bus drivers, food handlers, nurses or other persons who might come in direct contact with school students, when such personnel have tuberculosis in an infectious stage. Every board of trustees shall require of all such employees an initial intradermal tuberculin skin test for tuberculosis within one (1) year from the date this act becomes effective, unless the employee can produce evidence of a skin test having been done and read as negative within the preceding three (3) year period. If the initial intradermal skin test is negative, or if there is an adequately documented history of a negative tuberculin skin test applied and read after July 1, 1967, no repeat skin tests are required unless the employee becomes a known contact of an active case of tuberculosis. Records of previous testing are transferrable from school district to school district and should be accepted.

If the intradermal skin test is positive, a chest X ray shall be made to determine whether the disease may be in an infectious state, and the report submitted to the board of trustees, or their medical advisor. If the disease is not in an infectious state the employee shall be eligible for service, but such an employee shall annually thereafter submit to a chest X ray to determine his continued eligibility for such employment or shall engage in and subsequently complete a one (1) year course of appropriate medication prescribed by a licensed physician, and furnish an appropriate report to the board of trustees. Such X ray or treatment reports shall be made only by physicians holding an unlimited license to practice medicine. The cost of such skin tests and X rays shall be borne by the board of trustees. An employee
may be tested and/or treated at his own expense if he so chooses.

Recognizing that individuals may have legitimate medical contraindication to having a skin test, and that certain medications may interfere with the skin test reaction, and that some employees may choose not to take the offered skin test, the board of trustees may accept the report of a satisfactory chest X ray done annually or completion of a one (1) year course of appropriate medication as early in the school year as possible. However, if it is at the employee's option that the skin test is not done, the employee should furnish annually the X ray report, or a report of completion of a one (1) year course of appropriate medication, to the board of trustees at his or her own expense, not at the expense of the board of trustees unless they choose to accept the bill.

The state tuberculosis control officer may grant exemptions from the requirements for a yearly chest X ray for individual school employees on the basis that the individual has completed appropriate drug therapy for tuberculosis or that the officer judges the risk of the employee developing active tuberculosis to be so low that it does not justify either the cost, or the radiation exposure, or both of them involved in a yearly chest X ray.

CHAPTER 176

(H.B. No. 352, As Amended)

AN ACT

RELATING TO MUNICIPAL BONDS; AMENDING SECTION 50-1029, IDAHO CODE, TO REDEFINE "REHABILITATE EXISTING ELECTRICAL GENERATING FACILITIES" TO INCLUDE RELATED FACILITIES FOR FLOOD CONTROL, ENVIRONMENTAL, PUBLIC RECREATION AND FISH AND WILDLIFE NECESSARY UNDER STATE AND FEDERAL REGULATIONS; AND AMENDING SECTION 50-1036, IDAHO CODE, TO PROVIDE THAT MUNICIPAL REVENUE BONDS MAY BE SOLD AT PRIVATE SALE WITHOUT ADVERTISING THE SAME FOR COMPETITIVE BIDDING, AND PROVIDING THE AUTHORITY AND PROCEDURES FOR ISSUING REVENUE BOND ANTICIPATION NOTES, AND THE REDEMPTION THEREOF; AND DECLARING AN EMERGENCY.

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, and related facilities for flood control, environmental, public recreation and fish and wildlife mitigation and enhancement purposes made necessary in order to comply with applicable state and federal requirements, but does not include transmission and distribution lines and their related structures, equipment and appurtenances.

SECTION 2. That Section 50-1036, Idaho Code, be, and the same is hereby amended to read as follows:

50-1036. BONDS -- FORM -- CONDITIONS -- BOND ANTICIPATION NOTES. (a) All revenue bonds issued under authority of this act shall be sold, executed and delivered in the same manner as provided by the municipal bond law for the sale of general obligation negotiable coupon bonds, except that issues of revenue bonds may, in the discretion of the governing body, be sold at a private sale at not less than par and accrued interest, without advertising the same at competitive bidding. The ordinance authorizing the issuance of said bonds shall prescribe the form of bonds. Said bonds shall bear interest at a rate or rates, payable annually, or at such lesser intervals as may be prescribed by ordinance; may be in one (1) or more series, bear such date or dates, mature at such time or times, and be redeemable before maturity at the option of the city; may be payable in such medium of payment, at such place or places, may carry such registration privileges, may be subject to such terms of redemption, may contain such terms, covenants and conditions, and may be in such form, either coupon or registered, as such ordinance may provide. Said bonds shall be sold at not less than par with accrued interest. Pending preparation of the bonds, interim certificates, in such form and with such provisions as the council may determine, may be issued.
Said bonds and interim certificates shall be fully negotiable within the meaning of and for all the purposes of the negotiable instruments law.

Notwithstanding the provisions of the municipal bond law, the governing body in any proceedings authorizing bonds under this act may:

1. provide for the initial issuance of one (1) or more bonds, in this act called "bond," aggregating the amount of the entire issue;
2. make such provision for installment payments of the principal amount of any such bond as it may consider desirable;
3. provide for the making of any such bond payable to bearer or otherwise, registrable as to principal or as to both principal and interest, and where interest accruing thereon is not represented by interest coupons, for the indorsing of payments of interest on such bonds; and
4. further make provision in any such proceedings for the manner and circumstances in and under which any such bond may in the future, at the request of the holder thereof, be converted into bonds of smaller denominations, which bonds of smaller denominations may in turn be either coupon bonds or bonds registrable as to principal, or principal and interest, or both.

Whenever the governing body considers it advisable and in the interests of the city to anticipate the issuance of revenue bonds to be issued under this act, the governing body may from time to time and pursuant to appropriate resolution issue bond anticipation notes. Each resolution authorizing the issuance of bond anticipation notes shall:

1. describe the revenue bonds in anticipation of which the notes are to be issued; and
2. shall specify the principal amount of the notes, the rate of interest and maturity date of the notes, which maturity date shall be not to exceed five (5) years from the date of issuance of such notes; but the time of payment of any such notes may be extended for a period of not exceeding three (3) years from their maturity date.

Bond anticipation notes shall be issued and sold from time to time in such manner and at such price as the governing body shall by resolution determine. Bond anticipation notes shall be in bearer form, except that the governing body may provide for the registration of the notes in the name of the owner either as to principal alone, or as to principal and interest, and on such terms and conditions as the governing body may determine in the authorizing resolution. Interest on bond anticipation notes may be made pay-
able semiannually, annually, or at maturity. Bond anticipation notes may be made redeemable prior to maturity at the option of the governing body in the manner and upon the terms fixed by the resolution authorizing their issuance. Bond anticipation notes shall be executed and shall be in such form and have such details and terms as shall be provided in the authorizing resolution.

Contemporaneously with the issuance of the revenue bonds in anticipation of which bond anticipation notes are issued, all bond anticipation notes so issued, even though they may not then have matured, shall be paid, both as to principal and interest, to date of payment; and all such notes shall be surrendered and canceled.

Bond anticipation notes and the interest on them shall be secured by a pledge of the income and revenues derived by the city from the project to be undertaken with the proceeds of the bond anticipation notes and shall also be made payable from funds derived from the sale of the revenue bonds in anticipation of which the notes are issued.

Bond anticipation notes may be refunded by the issuance of other bond anticipation notes maturing within not more than eight (8) years from the date of the issuance of the initial issue of bond anticipation notes for which this refunding is to be effected.

SECTION 3. 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.

CHAPTER 177
(H.B. No. 482)

AN ACT
RELATING TO INCOME TAX CREDIT FOR CHARITABLE CONTRIBUTIONS;
AMENDING SECTION 63-3029A, IDAHO CODE, TO ALLOW INCOME
TAX CREDIT FOR CHARITABLE CONTRIBUTIONS TO A NONPROFIT
CORPORATION, FUND, FOUNDATION, TRUST, OR ASSOCIATION
ORGANIZED AND OPERATED EXCLUSIVELY FOR THE BENEFIT OF
INSTITUTIONS OF HIGHER LEARNING, AND TO DEFINE INSTI-
TUTION OF HIGHER LEARNING; DECLARING AN EMERGENCY, AND
PROVIDING FOR RETROACTIVE APPLICATION.

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 CONTRIBU-
TIONS -- LIMITATION. At the election of the taxpayer, there
shall be allowed, subject to the applicable limitations pro-
vided herein, as a credit against the income tax imposed by
chapter 30, title 63, Idaho Code, an amount equal to fifty
percent (50%) of the aggregate amount of charitable con-
tributions made by such taxpayer during the year to a non-
profit corporation, fund, foundation, trust, or association
organized and operated exclusively for the benefit of insti-
tutions of higher learning located within the state of Idaho
and to nonprofit private institutions of elementary, secord-
ary, or higher education located within the state of Idaho.

1. In the case of a taxpayer other than a corporation,
the amount allowable as a credit under this section for any
taxable year shall not exceed twenty percent (20%) of such
taxpayer's total income tax liability imposed by section
63-3024, Idaho Code, for the year, or fifty dollars
($50.00), whichever is less.

2. In the case of a corporation, the amount allowable
as a credit under this section for any taxable year shall
not exceed ten percent (10%) of such corporation's total
income or franchise tax liability imposed by sections
63-3025 and 63-3025A, Idaho Code, for the year, or five hun-
dred dollars ($500), whichever is less.

For the purposes of this section, "institution of higher
learning" means only an educational institution located
within this state meeting all of the following requirements:
(a) It maintains a regular faculty and curriculum and
has a regularly enrolled body of students in attendance at the place where its educational activities are carried on.
(b) It regularly offers education above the twelfth grade.
(c) It is accredited by the Northwest Association of Schools and Colleges, or by the state board of education.

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 Schools and Colleges, or by the state board of education. A nonprofit institution of elementary education means a private nonprofit elementary educational institution located within the state of Idaho and approved by the state board of education.

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 retroactively to January 1, 1978.

CHAPTER 178
(H.B. No. 405, As Amended)

AN ACT
RELATING TO LICENSES ISSUED TO OPERATORS AND CHAUFFEURS;
AMENDING SECTION 49-318, IDAHO CODE, BY PROVIDING THAT
NO PUBLIC ENTITY OR EMPLOYEE SHALL BE LIABLE FOR ERRORS
OR FALSE OR INACCURATE INFORMATION ON APPLICATION FORMS,
AND PROVIDING FOR CORRECTED DOCUMENTS WITHOUT CHARGE;
AND DECLARING AN EMERGENCY.

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.
[Effective--January--17--1978] (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 direc­
tor, 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.
(d) No public entity or employee shall be liable for
any loss, detriment, or injury resulting directly or indi­
directly from any typographical error, false or inaccurate
information contained in any application forms or any other
forms furnished, put out, or provided for by the department
of law enforcement pursuant to chapter 3, title 49, Idaho
Code. If an error is made by a public entity or employee, a
corrected copy of the document involved shall be made avail­
able without charge to any person affected.

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.

AN ACT
RELATING TO OVERWEIGHT AND OVERSIZE VEHICLES; AMENDING SECTION 49-905, IDAHO CODE, TO STRIKE REFERENCE TO OBSOLETE MATERIAL, AND TO REQUIRE A PERMIT BE OBTAINED, OR INTENT TO OBTAIN BE ESTABLISHED, BEFORE MOVEMENT OF THE OVERWEIGHT OR OVERSIZE VEHICLE ON THE PUBLIC HIGHWAY.

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

SECTION 1. That Section 49-905, Idaho Code, be, and the same is hereby amended to read as follows:

49-905. PERMITS FOR HEAVIER-OR-WIDER-LOADS OVERWEIGHT OR OVERSIZE LOADS. Upon application in writing to the Idaho transportation board or other proper authorities in charge of, or having jurisdiction over a public highway, such board or authorities may in their discretion issue a special permit to the owner or operator of any vehicle allowing heavier--or--wider--loads vehicles or loads having a greater weight or size than permitted by law to be moved or carried over and on the public highways and bridges. Such special permits shall be in writing and may limit the time of use and operation over the particular highways and bridges which may be traversed and may contain such special conditions and require such undertaking or other security as the said Idaho transportation board or other proper authority shall deem to be necessary to protect the public highways and bridges from injury, or provide indemnity for any injury to said public highways and bridges or to persons or property resulting from such operation. The owner or operator of an overweight or oversize vehicle shall obtain a permit, or shall establish intent to obtain a permit by contacting a permit office and receiving a permit number before moving the vehicle on the public highways. All such special permits or evidence of intent to obtain a permit, shall be carried in the vehicles to which they refer and shall upon demand be opened-to-the-inspection-of-any peace-officer, and delivered for inspection to any peace
officer or authorized agent of the Idaho transportation board or any officer or employee charged with the care or protection of the public highways. It shall be unlawful for any person to violate, or to cause or permit to be violated, the limitations or conditions of such special permits and any such violation shall be deemed for all purposes to be a violation of the provisions of this chapter.

CHAPTER 180
(H.B. No. 449)
AN ACT
RELATING TO THE REVOCATION, SUSPENSION OR DENIAL OF TEACHER CERTIFICATES; AMENDING SECTION 33-1208, IDAHO CODE, TO ADD SUSPENSION OR DENIAL OF A CERTIFICATE AS A PENALTY FOR MISCONDUCT, TO ADD SURRENDER OF A CERTIFICATE IN ANOTHER STATE FOR CAUSE AS A GROUND FOR PENALTY, AND TO REQUIRE A DISTRICT SUPERINTENDENT TO REPORT CERTAIN OFFENSES; AND REPEALING SECTION 33-1210, IDAHO CODE, RELATING TO SUSPENSION OF CERTIFICATE.

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

SECTION 1. That Section 33-1208, Idaho Code, be, and the same is hereby amended to read as follows:

33-1208. REVOCATION, SUSPENSION OR DENIAL OF CERTIFICATE -- GROUNDS. The state board of education may revoke or suspend any certificate issued or authorized under section 33-1201, Idaho Code, upon any of the following grounds:

a. Gross neglect of duty;
b. Incompetency to instruct or govern a class or school;
c. Breach of the teaching contract;
d. Making any material statement of fact in the application for a certificate, which the applicant knows to be false;
e. Revocation, refusal or suspension, denial or surrender of a certificate in another state for any reason constituting grounds for revocation in this state;
f. Conviction in this or any other state of a crime involving moral turpitude;
g. Any disqualification which would have been sufficient grounds for refusing to issue or authorize a certificate, if the disqualification existed or had been known at the time of its issuance or authorization;
h. Wilful violation of any professional code or standard of ethics or conduct adopted by the state board of education.

The state board may deny the issuance of a certificate for any reason that would be a ground for revocation or suspension.

A district superintendent shall report to the chief officer of teacher certification the name of any educator dismissed or otherwise severed from employment for the commission of an act or acts that would constitute grounds for revocation or suspension of a certificate.

SECTION 2. That Section 33-1210, Idaho Code, be, and the same is hereby repealed.

AN ACT
RELATING TO THE IDAHO DEVELOPMENT AND PUBLICITY TAX; REPEALING SECTION 48-410, IDAHO CODE; PROVIDING FOR TRANSFER OF REMAINING FUNDS TO THE GENERAL ACCOUNT; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 48-410, Idaho Code, be, and the same is hereby repealed.

SECTION 2. Any funds remaining in the Idaho development and publicity fund on the effective date of this act shall be transferred to the general account.

SECTION 3. This act shall be in full force and effect on and after January 1, 1979.

CHAPTER 182
(H.B. No. 364)

AN ACT
RELATING TO DISTRIBUTION OF FUNDS COLLECTED BY THE IDAHO CIGARETTE TAX ACT; AMENDING SECTION 63-2520, IDAHO CODE, RELATING TO THE DISTRIBUTION OF FUNDS TO THE CENTRAL TUMOR REGISTRY ACCOUNT, BY INCREASING THE MONEYS DISTRIBUTED TO THE ACCOUNT FROM FIFTY-FIVE THOUSAND DOLLARS TO SEVENTY THOUSAND DOLLARS.

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

SECTION 1. That Section 63-2520, Idaho Code, be, and the same is hereby amended to read as follows:

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

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

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

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

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

3. 1.099% of such balance shall be distributed to the central tumor registry account. The amount of money so distributed to the central tumor registry account shall not exceed fifty-five seventy thousand dollars ($55,700) per fiscal year, and at such time as fifty-five seventy thousand dollars ($55,700) has been distributed to the central tumor registry account during any fiscal year, all such distributions in excess of fifty-five seventy thousand dollars ($55,700) shall be made instead to the general account of the state of Idaho.

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

CHAPTER 183
(H.B. No. 371)

AN ACT
RELATING TO TAX LEVIES FOR HIGHWAY PURPOSES; AMENDING SECTION 40-2709, IDAHO CODE, TO PROVIDE A GENERAL LIST OF PURPOSES FOR WHICH TAXES MAY BE LEVIED FOR HIGHWAY PURPOSES.

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

SECTION 1. That Section 40-2709, Idaho Code, be, and the same is hereby amended to read as follows:

40-2709. AUTHORITY AND PROCEDURE FOR TAX LEVIES. The county commissioners of a county highway system, the commissioners of a county-wide highway district, and the commissioners of highway districts or good roads districts are hereby empowered and authorized, for the purpose of construction and maintenance of roads and bridges under their respective jurisdictions, to make the following highway tax levies as applied to the assessed valuation of their districts:

1. One dollar ($1.00) on each one hundred dollars ($100) of assessed valuation for construction and maintenance of roads and bridges; provided that if such levy is made upon property within the limits of any incorporated city, town or village, fifty per cent (50%) thereof shall be apportioned to such incorporated city, town or village.

2. A special levy of thirty cents (30¢) on each one hundred dollars ($100) of assessed valuation, said levy to be for the specific purposes of improving county secondary highways, and for the construction, maintenance, and engineering costs necessary in connection with the building of said secondary highways, and for maintenance during an emergency.

3. An additional special levy of twelve cents (12¢) on each one hundred dollars ($100) of assessed valuation, said levy to be for the specific purpose of construction and maintenance of bridges, and no part of which shall be apportioned to any incorporated city, town or village.

A special levy of forty-two cents (42¢) on each one hundred dollars ($100) of assessed valuation, said levy to be used for any one or all of the following purposes:
(a) bridge maintenance and construction;
(b) matching state and federal road funds;
(c) secondary highway construction;
(d) secondary highway maintenance and improvements;
(e) maintenance during an emergency.

No part of this levy shall be apportioned to any incorporated city.

The tax levies authorized by this section shall be certified to the county auditor of the county in which such levies are made and at the same time that other tax levies are certified for other county purposes and shall be collected by the same officers and in the same manner as any other state and county taxes are collected, and paid into the county treasury and apportioned to the districts or taxing units in the amount that their respective levies produced, exclusive of ordinary collection fees to the county and the proper apportionment to the incorporated cities.

The total levies for construction and maintenance of roads and bridges, secondary road matching funds and construction and maintenance of bridges only, shall not exceed one dollar and forty-two cents ($1.42) on each one hundred dollars ($100) of such assessed valuation.

CHAPTER 184
(H.B. No. 403)

AN ACT
RELATING TO THE MAXIMUM SUPPORT BY COUNTIES TO MUSEUMS AND HISTORICAL SOCIETIES; AMENDING SECTION 31-864, IDAHO CODE, TO PROVIDE THAT THE BOARD OF COUNTY COMMISSIONERS OF A COUNTY MAY NOT ANNUALLY EXPEND MORE THAN TWENTY THOUSAND DOLLARS FOR THE SUPPORT OF NONPROFIT HISTORICAL SOCIETIES AND MUSEUMS LOCATED WITHIN THAT COUNTY.

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

SECTION 1. That Section 31-864, Idaho Code, be, and the same is hereby amended to read as follows:

31-864. HISTORICAL SOCIETIES AND MUSEUMS -- SUPPORT BY COUNTY. The board of county commissioners of any county may expend annually not more than nine twenty thousand dollars ($97,000$20,000) for the support of county or local historical societies which are incorporated as Idaho nonprofit corporations and which operate primarily within the county, or for the support of museums or of historical restoration projects within the county undertaken or operated by Idaho nonprofit organizations, or for the marking and development of historic sites by Idaho nonprofit corporations. For the purposes of this act, the board of county commissioners of any county is authorized and empowered to levy not more than six-tenths (6/10) of one (1) mill on each dollar of assessed valuation of taxable property within the county.

AN ACT
RELATING TO THE SALARY OF COURT REPORTERS; AMENDING SECTION 1-1102, IDAHO CODE, BY PROVIDING FOR A SALARY OF $20,400 PER ANNUM FOR COURT REPORTERS.

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 twenty thousand four hundred dollars ($16,000 $20,400) per annum, to be paid 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.

AN ACT
RELATING TO SALES AND USE TAX EXEMPTIONS; AMENDING SECTION 63-3622, IDAHO CODE, TO PROVIDE AN EXEMPTION FOR RESIDENT CONTRACTORS PURCHASING MATERIALS IN IDAHO FOR INCORPORATION INTO OUT-OF-STATE REALTY WHEN ANOTHER STATE WOULD NOT TAX THE CONTRACTOR ON THE PURCHASE OR USE OF THE SAME PROPERTY IN THAT STATE.

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 contractor 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 \(f(h), (k), (l)\) and \(p\) of this section.

\(f(e)\) 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.

\(f(f)\) 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.

\(f(g)\) 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.

\{h\} The sale or purchase of gas, electricity, and water when delivered to consumers.

\{i\} The sale or purchase of any matter used to produce heat by burning, including wood, coal, petroleum and gas.

\{j\} 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.

\{(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.

\{(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.

\{(u)\} The sale or purchase of tangible personal property which is shipped to a point outside this state for use outside this state pursuant to a contract of sale by delivery by the vendor to such point by means of (1) facilities operated by the vendor, (2) delivery by the vendor to a carrier for shipment to a consignee at such point, or (3) delivery by the vendor to a customs broker or forwarding agent for shipment outside this state.

\{(v)\} Sales of motor vehicles and trailers for use outside of this state, even though delivery be made within this state, but only when (1) the vehicles or trailers will be taken from the point of delivery in this state directly to a
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.

{w} The sale of tangible personal property relating to funeral services by a licensed funeral establishment. To prevent evasion of the sales and use tax, it shall be presumed that all articles are subject to the taxes imposed by this act and the retailer shall have the burden of establishing the facts giving rise to such exemption by clear and convincing evidence unless the purchaser delivers to the retailer an exemption certificate in such form as the tax commission may prescribe, signed by the purchaser and setting forth the reason for the claimed exemption.

Any person who gives an exemption certificate with the intention of evading payment of the amount of the tax applicable to the transaction is guilty of a mis-
demeanor 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.


CHAPTER 187
(H.B. No. 501)

AN ACT
RELATING TO HISTORIC SITE DESIGNATION; AMENDING CHAPTER 41, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-4113, IDAHO CODE, REQUIRING PUBLIC NOTICE AND COMMENT PRIOR TO RECOMMENDATION FOR OR DESIGNATION OF AN HISTORIC SITE BY A STATE AGENCY OR OFFICER.

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

SECTION 1. That Chapter 41, 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 67-4113, Idaho Code, and to read as follows:

67-4113. HISTORIC SITE DESIGNATION -- PUBLIC NOTICE AND COMMENT. No state agency or officer may recommend, designate or declare or cause any historic site to be designated as an historic site without first:

(1) Sending notification to the board of county commissioners and, if within the corporate limits of any city, to the city council where said historic site is located. Notification must include the description of the proposed site and a full and complete disclosure of the consequences of such designation under current state and federal laws;

(2) Giving at least twenty (20) days public notice of its intended action. The notice shall include a statement of the historical significance of the proposed site, the location, and the time when, the place where, and the manner in which interested persons may present their views thereon. The notice shall be mailed to all persons who have made timely requests in writing of the agency for advance notice of its intended site designation; and

(3) Affording all interested persons reasonable opportunity to submit data, views or arguments, orally or in writing. Opportunity for oral hearing must be granted, if requested in writing, no later than five (5) days before the date of the intended action by twenty-five (25) persons, by a governmental subdivision or state agency, or by an association having not less than twenty-five (25) members. All written and oral submissions respecting the proposed site designation shall be considered fully by the state agency or offices.

CHAPTER 188
(H.B. No. 671)

AN ACT
PROVIDING THAT THE PROVISIONS OF HOUSE BILL NO. 504, SECOND REGULAR SESSION, FORTY-FOURTH IDAHO LEGISLATURE, SHALL BE IN FULL FORCE AND EFFECT ON AND AFTER ITS PASSAGE AND APPROVAL; AND DECLARING AN EMERGENCY.

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

SECTION 1. An emergency existing therefor, which emergency is hereby declared to exist, the provisions of House Bill No. 504, Second Regular Session, Forty-fourth Idaho Legislature, shall be in full force and effect on and after its passage and approval.

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

AN ACT
APPROPRIATING MONEYS 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, 1978, THROUGH JUNE 30, 1979.

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, 1978, through June 30, 1979:

<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>FROM:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Industrial Administration</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Account $ 720,400</td>
<td>$ 224,000</td>
<td>$ 1,000</td>
<td>$ 945,400</td>
</tr>
<tr>
<td>Miscellaneous Receipts</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Account $ 54,500</td>
<td>$ 25,500</td>
<td></td>
<td>$ 80,000</td>
</tr>
<tr>
<td>TOTAL $ 774,900</td>
<td>$ 249,500</td>
<td>$ 1,000</td>
<td>$1,025,400</td>
</tr>
</tbody>
</table>

AN ACT
APPROPRIATING MONEYS FROM THE ACCOUNT ENUMERATED TO THE OFFICE OF
THE GOVERNOR FOR THE STATE INSURANCE FUND TO BE EXPENDED FOR
THE DESIGNATED PROGRAM ACCORDING TO THE DESIGNATED EXPENSE

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 expense
classes designated therein from the listed account for the period
July 1, 1978, through June 30, 1979:

<table>
<thead>
<tr>
<th>PROGRAM</th>
<th>PERSONNEL</th>
<th>OPERATING</th>
<th>CAPITAL</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>STATE INSURANCE FUND:</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>State Insurance Fund</td>
<td>$ 748,500</td>
<td>$ 233,200</td>
<td>$ 10,200</td>
<td>$ 991,900</td>
</tr>
</tbody>
</table>

CHAPTER 191
(S.B. No. 1595)

AN ACT
APPROPRIATING MONEYS FROM THE GENERAL ACCOUNT TO THE LIEUTENANT
GOVERNOR TO BE EXPENDED ACCORDING TO DESIGNATED EXPENSE CLAS­

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

SECTION 1. There is hereby appropriated to the Lieutenant
Governor the following amount from the general account, to be
expended according to expense classes designated for the period
July 1, 1978, through June 30, 1979:

FOR:
Personnel Costs $41,200
Operating Expenditures 23,200
TOTAL $64,400

FROM:
General Account $64,400

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, 1978, through June 30, 1979:

<table>
<thead>
<tr>
<th>PROGRAM SERVICES TO THE BLIND: FROM:</th>
<th>FOR PERSONNEL COSTS</th>
<th>FOR OPERATING EXPENDITURES</th>
<th>FOR CAPITAL OUTLAY</th>
<th>FOR TRUSTEE AND BENEFIT PAYMENTS</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Account</td>
<td>$ 115,000</td>
<td></td>
<td></td>
<td>$ 188,300</td>
<td>$ 303,300</td>
</tr>
<tr>
<td>Blind Commission Account</td>
<td></td>
<td>$ 140,200</td>
<td>$ 7,500</td>
<td>130,100</td>
<td>660,000</td>
</tr>
<tr>
<td>Miscellaneous Receipts Account</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>$ 497,200</td>
<td>$ 140,200</td>
<td>$ 7,500</td>
<td>39,900</td>
<td>1,003,200</td>
</tr>
</tbody>
</table>

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 for the Physical Health Program the following amounts, to be expended from the listed accounts, according to the designated expense classes for the period July 1, 1978, through June 30, 1979:

<table>
<thead>
<tr>
<th>FROM:</th>
<th>FOR PERSONNEL COSTS</th>
<th>FOR OPERATING EXPENDITURES</th>
<th>FOR CAPITAL OUTLAY</th>
<th>FOR TRUSTEE AND BENEFIT PAYMENTS</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Account</td>
<td>$499,400</td>
<td>$806,300</td>
<td>$18,200</td>
<td>$488,900</td>
<td>$1,812,800</td>
</tr>
<tr>
<td>Miscellaneous Receipts Account</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cooperative Welfare Account</td>
<td>$523,600</td>
<td>$1,872,900</td>
<td>$10,200</td>
<td>$2,716,400</td>
<td>$5,123,100</td>
</tr>
<tr>
<td>Central Tumor Registry Account</td>
<td></td>
<td></td>
<td></td>
<td>$55,000</td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>$1,023,000</td>
<td>$2,679,200</td>
<td>$28,400</td>
<td>$3,283,300</td>
<td>$6,994,100</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.

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, 1978, through June 30, 1979:

<table>
<thead>
<tr>
<th>A. STATE ATHLETIC DIRECTOR:</th>
<th>FOR: Supervision of Boxing and Wrestling</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Account</td>
<td>$ 6,500</td>
</tr>
<tr>
<td>Athletic Account</td>
<td>3,000</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$ 9,500</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>B. BOARD OF PHARMACY:</th>
<th>FOR: Protecting Public Health</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pharmacy Board</td>
<td>FOR: Controlled Substance Act:</td>
</tr>
<tr>
<td>Acct.</td>
<td>$ 92,100</td>
</tr>
<tr>
<td>FOR: Controlled Substance Act:</td>
<td></td>
</tr>
<tr>
<td>Pharmacy-Triplicate Prescription Program Acct.</td>
<td>$ 26,400</td>
</tr>
<tr>
<td>General</td>
<td>$ 68,600</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$ 68,600</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>C. BOARD OF ACCOUNTANCY:</th>
<th>FOR: Licensing and Enforcing</th>
</tr>
</thead>
<tbody>
<tr>
<td>State Board of Accountancy</td>
<td>Acct.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>D. BOARD OF DENTISTRY:</th>
<th>FOR: Enforcing the Dental Practice Act</th>
</tr>
</thead>
<tbody>
<tr>
<td>State Board of Dentistry</td>
<td>Acct.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>E. BOARD OF ENGINEERING EXAMINERS:</th>
<th>FOR: Licensing and Enforcement</th>
</tr>
</thead>
</table>

AN ACT
<table>
<thead>
<tr>
<th>Board/Commission</th>
<th>From:</th>
<th>Acct. 1</th>
<th>Acct. 2</th>
<th>Acct. 3</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Professional Engineers</td>
<td>$ 46,900</td>
<td>$ 39,500</td>
<td>$ 3,000</td>
<td></td>
<td>$ 89,400</td>
</tr>
<tr>
<td>State Board of Medicine</td>
<td>$ 90,400</td>
<td>$ 45,600</td>
<td>$ 7,000</td>
<td></td>
<td>$ 143,000</td>
</tr>
<tr>
<td>State Board of Nursing</td>
<td>$ 116,300</td>
<td>$ 76,700</td>
<td>$ 1,600</td>
<td></td>
<td>$ 194,600</td>
</tr>
<tr>
<td>Occupational License</td>
<td>$ 163,900</td>
<td>$ 103,000</td>
<td>$ 6,100</td>
<td></td>
<td>$ 273,000</td>
</tr>
<tr>
<td>Idaho Real Estate Brokers Commission</td>
<td>$ 218,400</td>
<td>$ 116,800</td>
<td>$ 4,800</td>
<td></td>
<td>$ 340,000</td>
</tr>
<tr>
<td>Real Estate Education, Research &amp; Recovery</td>
<td>$ 66,800</td>
<td>$ 138,000</td>
<td>$ 3,200</td>
<td></td>
<td>$ 208,000</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$ 285,200</td>
<td>$ 254,800</td>
<td>$ 8,000</td>
<td></td>
<td>$ 548,000</td>
</tr>
<tr>
<td>Professional Geologists</td>
<td>$ 7,000</td>
<td>$ 5,700</td>
<td>$ 200</td>
<td></td>
<td>$ 12,900</td>
</tr>
<tr>
<td>State Board of Optometry</td>
<td>$ 2,300</td>
<td>$ 5,900</td>
<td></td>
<td></td>
<td>$ 8,200</td>
</tr>
<tr>
<td>State Certified Shorthand Reporters Board</td>
<td>$ 5,800</td>
<td></td>
<td></td>
<td></td>
<td>$ 5,800</td>
</tr>
</tbody>
</table>
### N. OUTFITTERS AND GUIDES BOARD:

**FOR:** Outfitters and Guides Board  
**FROM:** Outfitters and Guides Board

<table>
<thead>
<tr>
<th>Acct.</th>
<th>$49,700</th>
<th>$58,500</th>
<th>$500</th>
<th>$108,700</th>
</tr>
</thead>
<tbody>
<tr>
<td>GRAND TOTAL</td>
<td>$1,074,100</td>
<td>$790,600</td>
<td>$33,600</td>
<td>$1,898,300</td>
</tr>
</tbody>
</table>

AN ACT
APPROPRIATING MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE
FOR THE SOCIAL SERVICES PROGRAM, TO BE EXPENDED FROM THE
LISTED ACCOUNTS FOR THE PERIOD JULY 1, 1978, THROUGH
JUNE 30, 1979; 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 for the Social Services Program
the following amounts, to be expended from the listed
accounts, for the period July 1, 1978, through June 30,
1979:
FOR:
Social Services Program $13,552,000
FROM:
General Account $ 3,022,200
Cooperative Welfare Account 10,139,600
Miscellaneous Receipts Account 390,200
TOTAL $13,552,000

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.

AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE
FOR THE MEDICAID PAYMENTS PROGRAM, TO BE EXPENDED
ACCORDING TO THE DESIGNATED EXPENSE CLASS FROM THE
LISTED ACCOUNTS FOR THE PERIOD JULY 1, 1978, THROUGH
JUNE 30, 1979; 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 for the Medicaid Payments Program
the following amounts, to be expended from the listed
accounts, according to the designated expense class for the
period July 1, 1978, through June 30, 1979:

<table>
<thead>
<tr>
<th>FOR:</th>
<th>$42,456,100</th>
</tr>
</thead>
<tbody>
<tr>
<td>Trustee and Benefit Payments</td>
<td>$42,456,100</td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
</tr>
<tr>
<td>Revenue Sharing Account</td>
<td>$ 8,000,000</td>
</tr>
<tr>
<td>General Account</td>
<td>6,391,000</td>
</tr>
<tr>
<td>Cooperative Welfare Account</td>
<td>27,415,100</td>
</tr>
<tr>
<td>Liquor Account</td>
<td>650,000</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$42,456,100</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.

CHAPTER 197
(S.B. No. 1607)

AN ACT
APPROPRIATING MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR
THE INDIRECT SUPPORT SERVICES PROGRAM, TO BE EXPENDED ACCORD-
ING TO THE DESIGNATED EXPENSES CLASSES FROM THE LISTED
ACCOUNTS FOR THE PERIOD JULY 1, 1978, THROUGH JUNE 30, 1979;
AND PROVIDING THAT THE STATE AUDITOR SHALL MAKE TRANSFERS
FROM THE GENERAL ACCOUNT OF THE STATE OPERATING FUND TO THE
COORDERATIVE 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 for the Indirect Support Services Program the
following amounts, to be expended from the listed accounts,
according to the designated expense classes for the period July
1, 1978, through June 30, 1979:

<table>
<thead>
<tr>
<th>FROM:</th>
<th>FOR PERSONNEL COSTS</th>
<th>FOR OPERATING EXPENDITURES</th>
<th>FOR CAPITAL OUTLAY</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Acct.</td>
<td>$2,445,800</td>
<td>$1,500,300</td>
<td>$31,500</td>
<td>$3,977,600</td>
</tr>
<tr>
<td>Miscellaneous Receipts</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Account</td>
<td>5,000</td>
<td></td>
<td></td>
<td>5,000</td>
</tr>
<tr>
<td>Cooperative Welfare Account</td>
<td>1,308,900</td>
<td>816,500</td>
<td></td>
<td>2,125,400</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$3,754,700</td>
<td>$2,321,800</td>
<td>$31,500</td>
<td>$6,108,000</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.

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 for the Laboratory Services Program the following amounts, to be expended from the listed accounts, according to the designated expense classes for the period July 1, 1978, through June 30, 1979:

<table>
<thead>
<tr>
<th>FOR PERSONNEL COSTS</th>
<th>FOR OPERATING EXPENDITURES</th>
<th>FOR CAPITAL OUTLAY</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Account</td>
<td>$885,200</td>
<td>$122,400</td>
<td>$24,800</td>
</tr>
<tr>
<td>Misc. Receipts Account</td>
<td>61,000</td>
<td>56,300</td>
<td>10,100</td>
</tr>
<tr>
<td>Cooperative Welfare Account</td>
<td>392,300</td>
<td>120,800</td>
<td>6,000</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$1,338,500</td>
<td>$299,500</td>
<td>$40,900</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.

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 for the Environmental Health Program the following amounts, to be expended from the listed accounts, according to the designated expense classes for the period July 1, 1978, through June 30, 1979:

<table>
<thead>
<tr>
<th>FOR PERSONNEL COSTS</th>
<th>FOR OPERATING EXPENDITURES</th>
<th>FOR CAPITAL OUTLAY</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Acct. $572,000</td>
<td>$ 77,500</td>
<td>$ 1,200</td>
<td>$650,700</td>
</tr>
<tr>
<td>Cooperative Welfare Account $144,500</td>
<td>$173,700</td>
<td>$1,200</td>
<td>$318,200</td>
</tr>
<tr>
<td>TOTAL $716,500</td>
<td>$251,200</td>
<td>$1,200</td>
<td>$968,900</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.

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, 1978, THROUGH JUNE 30, 1979; AND EXEMPT-
ing 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, 1978 through June 30, 1979:

<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>$6,048,400</td>
</tr>
<tr>
<td>Operating Expenditures</td>
<td>General Interaccount Account</td>
<td>$2,860,600</td>
</tr>
<tr>
<td>Capital Outlay</td>
<td></td>
<td>$1,851,300</td>
</tr>
<tr>
<td>TOTAL</td>
<td></td>
<td>$10,760,300</td>
</tr>
</tbody>
</table>

SECTION 2. There is hereby appropriated to the Department of Fish and Game, the follow-
ing amounts to be expended for designated programs, according to expense classes designated
therein from the listed accounts for the period July 1, 1978, through June 30, 1979:

<table>
<thead>
<tr>
<th>PROGRAM</th>
<th>FOR:</th>
<th>For PERSONNEL COSTS</th>
<th>OPERATING EXPENDITURES</th>
<th>CAPITAL OUTLAY</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. ADMINISTRATION:</td>
<td></td>
<td>$909,500</td>
<td>$21,500</td>
<td>$23,600</td>
<td>$954,600</td>
</tr>
<tr>
<td>FROM:</td>
<td>Fish &amp; Game Account</td>
<td>General Interaccount Account</td>
<td>$20,000</td>
<td>$20,000</td>
<td>$10,000</td>
</tr>
<tr>
<td>TOTAL</td>
<td></td>
<td>$929,500</td>
<td>$41,500</td>
<td>$33,600</td>
<td>$1,004,600</td>
</tr>
<tr>
<td>B. ENFORCEMENT DIVISION:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td>Fish &amp; Game Account</td>
<td></td>
<td>$1,580,000</td>
<td>$316,200</td>
<td>$148,200</td>
</tr>
<tr>
<td>C. FISHERIES DIVISION:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td>Fish &amp; Game Account</td>
<td></td>
<td>$1,517,200</td>
<td>$1,305,100</td>
<td>$986,500</td>
</tr>
<tr>
<td>Section</td>
<td>Program</td>
<td>From</td>
<td>Personnel Costs</td>
<td>Operating Expenditures</td>
<td>Capital Outlay</td>
</tr>
<tr>
<td>---------</td>
<td>---------</td>
<td>------</td>
<td>-----------------</td>
<td>-----------------------</td>
<td>---------------</td>
</tr>
<tr>
<td>D. GAME PROGRAM:</td>
<td>Fish &amp; Game Account</td>
<td>$1,302,500</td>
<td>$948,600</td>
<td>$549,100</td>
<td>$2,800,200</td>
</tr>
<tr>
<td>E. INFORMATION AND EDUCATION:</td>
<td>Fish &amp; Game Account</td>
<td>$256,800</td>
<td>$118,300</td>
<td>$24,300</td>
<td>$399,400</td>
</tr>
<tr>
<td>F. ENGINEERING:</td>
<td>Fish &amp; Game Account</td>
<td>$388,600</td>
<td>$122,000</td>
<td>$109,400</td>
<td>$620,000</td>
</tr>
<tr>
<td>G. PLANNING AND ENVIRONMENTAL SERVICES:</td>
<td>Fish &amp; Game Account</td>
<td>$73,800</td>
<td>$8,900</td>
<td>$200</td>
<td>$82,900</td>
</tr>
<tr>
<td>GRAND TOTAL</td>
<td></td>
<td>$6,048,400</td>
<td>$2,860,600</td>
<td>$1,851,300</td>
<td>$10,760,300</td>
</tr>
</tbody>
</table>

SECTION 3. Construction authorized under the provisions of this act in the engineering program, to include all preliminary matters through completion of construction, is expressly exempt from the provisions of Section 67-5711, Idaho Code.

CHAPTER 201
(S.B. No. 1611)

AN ACT
EXPRESSING LEGISLATIVE INTENT WITH RESPECT TO EXPENDITURES
FOR THE DEPARTMENT OF FINANCE; AND APPROPRIATING MONEYS

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, 1978, through June 30, 1979:

<table>
<thead>
<tr>
<th>FOR:</th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel Costs</td>
<td>$610,900</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Operating Expenditures</td>
<td>118,900</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>900</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$730,700</strong></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

FROM:
General Account

$730,700

SECTION 2. There is hereby appropriated to the Department of Finance the following amounts to be expended for designated programs, according to expense classes designated therein from the listed accounts for the period July 1, 1978, through June 30, 1979:

<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. 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>General Account</td>
<td>$119,500</td>
<td>$17,300</td>
<td></td>
<td>$136,800</td>
</tr>
<tr>
<td>B. SUPPORTING SERVICES:</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>$93,500</td>
<td>$9,700</td>
<td></td>
<td>$103,200</td>
</tr>
<tr>
<td>C. BANKS:</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>$148,400</td>
<td>$39,400</td>
<td>$600</td>
<td>$188,400</td>
</tr>
<tr>
<td>D. SAVINGS AND LOAN ASSOCIATIONS:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Account</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>----------------</td>
<td>--------------------------</td>
<td>-----</td>
<td>-----</td>
<td>-----</td>
</tr>
<tr>
<td></td>
<td>General Account</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>E. CREDIT UNIONS:</td>
<td>$ 18,600</td>
<td>$ 3,000</td>
<td>$ 21,600</td>
<td></td>
</tr>
<tr>
<td>F. UNIFORM CONSUMER CREDIT:</td>
<td>$ 53,900</td>
<td>$ 13,300</td>
<td>$ 67,200</td>
<td></td>
</tr>
<tr>
<td>G. SECURITIES:</td>
<td>$ 57,400</td>
<td>$ 13,800</td>
<td>$ 300</td>
<td>$ 71,500</td>
</tr>
<tr>
<td>H. COLLECTION AGENCIES:</td>
<td>$ 100,400</td>
<td>$ 16,200</td>
<td>$ 116,600</td>
<td></td>
</tr>
<tr>
<td>GRAND TOTAL</td>
<td>$ 610,900</td>
<td>$ 118,900</td>
<td>$ 900</td>
<td>$ 730,700</td>
</tr>
</tbody>
</table>

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, 1978, through June 30, 1979:

**DISABILITY DETERMINATIONS:**

<table>
<thead>
<tr>
<th>FOR:</th>
<th>$</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel Costs</td>
<td>548,000</td>
</tr>
<tr>
<td>Operating Expenditures</td>
<td>126,000</td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>5,200</td>
</tr>
<tr>
<td>Trustee and Benefit Payments</td>
<td>195,300</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$874,500</strong></td>
</tr>
</tbody>
</table>

**FROM:**

Federal Disability Determination Account $874,500

CHAPTER 203
(S.B. No. 1613)

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 for the Air Quality Program the following amounts, to be expended from the listed accounts, according to the designated expense classes for the period July 1, 1978, through June 30, 1979:

<table>
<thead>
<tr>
<th>FROM:</th>
<th>FOR PERSONNEL COSTS</th>
<th>FOR OPERATING EXPENDITURES</th>
<th>FOR CAPITAL OUTLAY</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Acct.</td>
<td>$192,100</td>
<td>$55,100</td>
<td>$12,900</td>
<td>$260,100</td>
</tr>
<tr>
<td>Cooperative Welfare Account</td>
<td>$235,900</td>
<td>$40,900</td>
<td>$12,900</td>
<td>$276,800</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$428,000</td>
<td>$96,000</td>
<td>$25,800</td>
<td>$536,900</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.

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 for the Community Mental Health Program the following amounts, to be expended from the listed accounts, according to the designated expense classes for the period July 1, 1978, through June 30, 1979:

<table>
<thead>
<tr>
<th>FROM:</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>General Account</td>
<td>$2,267,400</td>
<td>$ 267,500</td>
<td>$ 11,000</td>
<td>$2,545,900</td>
<td></td>
</tr>
<tr>
<td>Miscellaneous Receipts</td>
<td>271,300</td>
<td>505,600</td>
<td>3,000</td>
<td>19,100</td>
<td>799,000</td>
</tr>
<tr>
<td>Cooperative Welfare Account</td>
<td>1,336,900</td>
<td>106,400</td>
<td></td>
<td>30,000</td>
<td>1,473,300</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$3,875,600</td>
<td>$879,500</td>
<td>$ 3,000</td>
<td>$60,100</td>
<td>$4,018,200</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.

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, 1978, THROUGH JUNE 30, 1979; 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, 1978, through June 30, 1979:

<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>$ 394,700</td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>Miscellaneous Receipts Account</td>
</tr>
<tr>
<td>Trustee &amp; Benefit Payments</td>
<td>$ 448,500</td>
</tr>
<tr>
<td>TOTAL</td>
<td>Idaho Code Commission Account</td>
</tr>
<tr>
<td></td>
<td>$ 313,100</td>
</tr>
</tbody>
</table>

$1,164,700

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 designated program according to expense classes designated therein from the listed accounts for the period July 1, 1978, through June 30, 1979:

<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: FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Account</td>
<td>$ 334,100</td>
<td>$ 205,600</td>
<td>$ 7,000</td>
<td>$ 546,700</td>
<td></td>
</tr>
<tr>
<td>Miscellaneous Receipts Account</td>
<td>15,000</td>
<td>15,000</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>$ 334,100</td>
<td>$ 220,600</td>
<td>$ 7,000</td>
<td>$ 561,700</td>
<td></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, 1978, through June 30, 1979:
COMMISSION ON UNIFORM STATE LAWS:
FOR:
For Operating Expenditures $6,500
FROM:
General Account $6,500

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, 1978, through June 30, 1979:

<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 COMMISSION</td>
<td>$ 57,600</td>
<td>$ 11,800</td>
<td>$ 1,400</td>
<td>$ 313,100</td>
<td>$ 447,100</td>
</tr>
<tr>
<td>FROM:</td>
<td>General Account</td>
<td>15,000</td>
<td>15,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Miscellaneous Receipts Account</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Idaho Commission on Arts &amp; Humanities Account</td>
<td>3,000</td>
<td>45,200</td>
<td>313,100</td>
<td>$ 313,100</td>
<td>447,100</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$ 60,600</td>
<td>$ 72,000</td>
<td>$ 1,400</td>
<td>$ 313,100</td>
<td>$ 447,100</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, 1978, through June 30, 1979:

IDAHO CODE COMMISSION:
FOR:
Operating Expenditures $149,400
FROM:
Idaho Code Commission Account $149,400

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.

CHAPTER 206
(S.B. No. 1616)

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 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, 1978, through June 30, 1979:

<table>
<thead>
<tr>
<th>PROGRAM</th>
<th>PERSONNEL</th>
<th>OPERATING</th>
<th>CAPITAL</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. ENERGY CONSERVATION:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Federal Energy Administration</td>
<td>$ 119,100</td>
<td>$ 385,300</td>
<td>$ 1,600</td>
<td>$ 506,000</td>
</tr>
<tr>
<td>B. ENERGY MANAGEMENT AND RESEARCH:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Account</td>
<td>$ 85,700</td>
<td>$ 39,200</td>
<td>$ 2,900</td>
<td>$ 127,800</td>
</tr>
<tr>
<td>GRAND TOTAL</td>
<td>$ 204,800</td>
<td>$ 424,500</td>
<td>$ 4,500</td>
<td>$ 633,800</td>
</tr>
</tbody>
</table>

AN ACT
EXPRESSING LEGISLATIVE INTENT WITH RESPECT TO EXPENDITURES FOR THE DEPARTMENT OF LABOR AND
INDUSTRIAL SERVICES; AND APPROPRIATING MONEYS TO THE DEPARTMENT OF LABOR AND INDUSTRIAL
SERVICES TO BE EXPENDED FOR DESIGNATED PROGRAMS ACCORDING TO DESIGNATED EXPENSE CLASSES

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, 1978,
through June 30, 1979:

<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>$ 555,000</td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>Miscellaneous Receipts Account</td>
</tr>
<tr>
<td>Trustee &amp; Benefit Payments</td>
<td>Electrical Board Account</td>
</tr>
<tr>
<td>TOTAL</td>
<td>1,012,900</td>
</tr>
</tbody>
</table>

$2,608,400

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 accounts for the period July 1, 1978, through
June 30, 1979:

<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>General Account</td>
<td>$ 47,100</td>
<td>$ 5,600</td>
<td>$ 100</td>
<td>$ 52,800</td>
</tr>
<tr>
<td>'Electrical Board Account</td>
<td>45,700</td>
<td>5,800</td>
<td>100</td>
<td>51,600</td>
<td></td>
</tr>
<tr>
<td>Idaho Building Code Account</td>
<td>39,600</td>
<td>5,000</td>
<td>100</td>
<td>44,700</td>
<td></td>
</tr>
<tr>
<td>PROGRAM</td>
<td>FOR PERSONNEL COSTS</td>
<td>FOR OPERATING EXPENDITURES</td>
<td>FOR CAPITAL OUTLAY</td>
<td>FOR TRUSTEE AND BENEFIT PAYMENTS</td>
<td>TOTAL</td>
</tr>
<tr>
<td>---------------------------------------</td>
<td>---------------------</td>
<td>---------------------------</td>
<td>--------------------</td>
<td>----------------------------------</td>
<td>-------</td>
</tr>
<tr>
<td>Plumbing Board Account</td>
<td>25,400</td>
<td>3,300</td>
<td></td>
<td></td>
<td>28,700</td>
</tr>
<tr>
<td>Misc. Receipts Account</td>
<td>9,000</td>
<td></td>
<td></td>
<td></td>
<td>9,000</td>
</tr>
<tr>
<td>General Interaccount Account</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>3,000</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$ 157,800</strong></td>
<td><strong>$ 31,700</strong></td>
<td><strong>$ 300</strong></td>
<td></td>
<td><strong>$ 189,800</strong></td>
</tr>
</tbody>
</table>

B. INDUSTRIAL SAFETY BUREAU:
FROM:
General Account                        | $ 309,900           | $ 75,600                  | $ 6,400            |                                  | $ 391,900 |

C. UNIFORM BUILDING SAFETY BUREAU:
FROM:
Idaho Bldg. Code Account               | $ 381,400           | $ 127,800                 | $ 600              |                                  | $ 509,800 |

D. ELECTRICAL SAFETY BUREAU:
FROM:
Electrical Board Account               | $ 763,200           | $ 196,100                 | $ 2,000            |                                  | $ 961,300 |

E. PLUMBING SAFETY BUREAU:
FROM:
Plumbing Board Account                 | $ 355,400           | $ 86,600                  | $ 800              | $ 2,500                          | $ 445,300 |

F. WAGE & HOUR & LABOR RELATIONS BUREAU:
FROM:
General Account                        | $ 85,700            | $ 17,000                  | $ 7,600            |                                  | $ 110,300 |

**GRAND TOTAL**                         | **$2,053,400**      | **$ 534,800**             | **$ 17,700**       | $ 2,500                          | **$2,608,400** |

AN ACT

APPROPRIATING MONEYS OUT OF THE ACCOUNTS ENUMERATED TO THE SUPREME COURT FOR DESIGNATED PROGRAMS FOR THE PERIOD JULY 1, 1978, THROUGH JUNE 30, 1979; 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, 1978, through June 30, 1979:

<table>
<thead>
<tr>
<th>FOR MAJOR PROGRAMS:</th>
<th>FROM GENERAL ACCOUNT</th>
<th>FROM MISCELLANEOUS RECEIPTS ACCOUNT</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Supreme Court</td>
<td>$1,252,500</td>
<td>$ 20,000</td>
<td>$1,272,500</td>
</tr>
<tr>
<td>Law Library</td>
<td>162,400</td>
<td></td>
<td>162,400</td>
</tr>
<tr>
<td>District Court</td>
<td>2,120,800</td>
<td></td>
<td>2,120,800</td>
</tr>
<tr>
<td>Magistrates Division</td>
<td>1,953,300</td>
<td></td>
<td>1,953,300</td>
</tr>
<tr>
<td>Judicial Council</td>
<td>30,500</td>
<td></td>
<td>30,500</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$5,519,500</td>
<td>$ 20,000</td>
<td>$5,539,500</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, 1978, through June 30, 1979:

<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. SUPREME COURT: FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Account</td>
<td>$ 871,500</td>
<td>$ 366,400</td>
<td>$ 14,600</td>
<td>$1,252,500</td>
</tr>
<tr>
<td>Miscellaneous Receipts Account</td>
<td></td>
<td></td>
<td>20,000</td>
<td>20,000</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$ 871,500</td>
<td>$ 386,400</td>
<td>$ 14,600</td>
<td>$1,272,500</td>
</tr>
<tr>
<td>B. LAW LIBRARY: FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Account</td>
<td>$ 65,000</td>
<td>$ 45,400</td>
<td>$ 52,000</td>
<td>$ 162,400</td>
</tr>
<tr>
<td>C. DISTRICT COURT: FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Account</td>
<td>$2,031,200</td>
<td>$ 89,600</td>
<td></td>
<td>$2,120,800</td>
</tr>
<tr>
<td>PROGRAM</td>
<td>FOR PERSONNEL COSTS</td>
<td>FOR OPERATING EXPENDITURES</td>
<td>FOR CAPITAL OUTLAY</td>
<td>TOTAL</td>
</tr>
<tr>
<td>-------------------------------</td>
<td>---------------------</td>
<td>-----------------------------</td>
<td>--------------------</td>
<td>--------</td>
</tr>
<tr>
<td>D. MAGISTRATES 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>General Account</td>
<td>$1,845,000</td>
<td>$ 108,300</td>
<td></td>
<td>$1,953,300</td>
</tr>
<tr>
<td>E. JUDICIAL COUNCIL:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Account</td>
<td>$ 2,200</td>
<td>$ 28,300</td>
<td></td>
<td>$ 30,500</td>
</tr>
<tr>
<td><strong>GRAND TOTAL</strong></td>
<td><strong>$4,814,900</strong></td>
<td><strong>$ 658,000</strong></td>
<td><strong>$ 66,600</strong></td>
<td><strong>$5,539,500</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.

AN ACT
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, 1978, THROUGH JUNE 30, 1979; APPROPRIATING FISCAL YEAR
1978 GENERAL ACCOUNT MONEYS TO THE OFFICE OF THE GOVERNOR FOR THE PURPOSE SPECIFIED FOR
THE DESIGNATED PERIOD; APPROPRIATING FISCAL YEAR 1978 GENERAL ACCOUNT MONEYS TO THE
GOVERNOR-ELECT TRANSITIONAL ACCOUNT FOR THE DESIGNATED PERIOD; AND PROVIDING EFFECTIVE
DATES.

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 programs according to the expense classes desig­
nated therein from the listed accounts for the period July 1, 1978, through June 30, 1979:

<table>
<thead>
<tr>
<th>PROGRAM</th>
<th>FOR PERSONNEL COSTS</th>
<th>FOR OPERATING EXPENDITURES</th>
<th>FOR CAPITAL OUTLAY</th>
<th>FOR TRUSTEE AND BENEFIT PAYMENTS</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. ADMINISTRATION:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Account</td>
<td>$ 229,300</td>
<td>$ 101,100</td>
<td>$ 500</td>
<td></td>
<td>$ 330,900</td>
</tr>
<tr>
<td>B. RESIDENCE AND EXPENSE:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Account</td>
<td>$ 8,400</td>
<td>$ 12,700</td>
<td>$ 3,500</td>
<td></td>
<td>$ 24,600</td>
</tr>
<tr>
<td>C. FEDERAL PROGRAM ADMINISTRATION:</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>Pacific Northwest Regional Commission Account</td>
<td>$ 117,500</td>
<td>$ 24,800</td>
<td></td>
<td></td>
<td>$ 142,300</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$ 117,500</td>
<td>$ 24,800</td>
<td></td>
<td>$ 37,500</td>
<td>$ 179,800</td>
</tr>
<tr>
<td>D. EDUCATION COMMISSION:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Account</td>
<td>$ 200</td>
<td>$ 14,800</td>
<td></td>
<td></td>
<td>$ 15,000</td>
</tr>
<tr>
<td>GRAND TOTAL</td>
<td>$ 355,400</td>
<td>$ 153,400</td>
<td>$ 4,000</td>
<td>$ 37,500</td>
<td>$ 550,300</td>
</tr>
</tbody>
</table>

SECTION 2. There is hereby appropriated to the Office of the Governor the following
amount from the general account, to be expended for the purpose specified, for the period
from the effective date of this section through June 30, 1978.

FOR:
Attorneys' fees in the case of
FROM: Fiscal Year 1978 General Account $750.00

SECTION 3. There is hereby appropriated to the Governor-Elect Transitional account the
amount of $15,000 from fiscal year 1978 general account, for the period from the effective
date of this section through June 30, 1979.

SECTION 4. This act shall be in full force and effect on and after July 1, 1978, except
for Sections 2 and 3 hereof. An emergency existing therefor, which emergency is hereby
declared to exist, Sections 2 and 3 shall be in full force and effect on and after passage
and approval of this act.

AN ACT

EXPRESSING LEGISLATIVE INTENT WITH RESPECT TO EXPENDITURES OF THE OFFICE OF GOVERNOR FOR THE
DIVISION OF BUDGET, POLICY PLANNING AND COORDINATION; AND APPROPRIATING MONEYS FROM THE
ACCOUNTS ENUMERATED TO THE OFFICE OF THE GOVERNOR FOR THE DIVISION OF BUDGET, POLICY
PLANNING AND COORDINATION TO BE EXPENDED FOR DESIGNATED PROGRAMS ACCORDING TO DESIGNATED
EXPENSE CLASSES FROM THE LISTED ACCOUNTS FOR THE PERIOD JULY 1, 1978, THROUGH JUNE 30,
1979.

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, 1978, through June 30, 1979.

<table>
<thead>
<tr>
<th>FOR</th>
<th>FROM:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel Costs</td>
<td>General Account</td>
</tr>
<tr>
<td>$1,673,200</td>
<td>General Interaccount Account</td>
</tr>
<tr>
<td>Operating Expenditures</td>
<td>Idaho Criminal Justice Information Account</td>
</tr>
<tr>
<td>$1,121,800</td>
<td>Law Enforcement Planning Commission Account</td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>Urban Planning Account</td>
</tr>
<tr>
<td>$10,000</td>
<td>State Planning Account</td>
</tr>
<tr>
<td>Trustee and Benefit Payments</td>
<td></td>
</tr>
<tr>
<td>$8,134,000</td>
<td>Total</td>
</tr>
<tr>
<td>$10,939,000</td>
<td></td>
</tr>
</tbody>
</table>

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, 1978, through June 30, 1979:

<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>$198,900</td>
<td>$19,600</td>
<td>$200</td>
<td></td>
<td>$218,700</td>
</tr>
</tbody>
</table>
### PROGRAMS

<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>General Interaccount</td>
<td>$4,000</td>
<td>$14,300</td>
<td></td>
<td></td>
<td>$217,200</td>
</tr>
<tr>
<td>Idaho Criminal Justice Information Account</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>$217,200</td>
<td>$20,800</td>
<td>$200</td>
<td></td>
<td>$238,200</td>
</tr>
</tbody>
</table>

### B. LAW ENFORCEMENT PLANNING COMMISSION

<table>
<thead>
<tr>
<th>Program</th>
<th>From: General Account</th>
<th>From: Law Enforcement Planning Commission Account</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Account</td>
<td>$80,200</td>
<td>$316,800</td>
<td>$397,000</td>
</tr>
<tr>
<td>Law Enforcement Planning Commission Account</td>
<td></td>
<td></td>
<td>$547,600</td>
</tr>
<tr>
<td>Total</td>
<td>$397,000</td>
<td>$307,700</td>
<td>$704,700</td>
</tr>
</tbody>
</table>

### C. POLICE OFFICERS STANDARDS AND TRAINING

<table>
<thead>
<tr>
<th>Program</th>
<th>From: General Account</th>
<th>From: Law Enforcement Planning Commission Account</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Account</td>
<td>$95,300</td>
<td>$70,000</td>
<td>$165,300</td>
</tr>
<tr>
<td>Law Enforcement Planning Commission Account</td>
<td></td>
<td></td>
<td>$235,300</td>
</tr>
<tr>
<td>Total</td>
<td>$95,300</td>
<td>$9,800</td>
<td>$215,200</td>
</tr>
</tbody>
</table>

### D. Upgrading Criminal Justice

<table>
<thead>
<tr>
<th>Program</th>
<th>From: Law Enforcement Planning Commission Account</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Account</td>
<td>$3,100,000</td>
<td>$3,100,000</td>
</tr>
<tr>
<td>General Interaccount</td>
<td>$4,400</td>
<td>$4,400</td>
</tr>
<tr>
<td>Total</td>
<td>$3,104,400</td>
<td>$3,104,400</td>
</tr>
</tbody>
</table>

### E. BUREAU OF BUDGET

<table>
<thead>
<tr>
<th>Program</th>
<th>From: General Account</th>
<th>From: General Interaccount</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Account</td>
<td>$270,300</td>
<td>$4,400</td>
<td>$314,700</td>
</tr>
<tr>
<td>General Interaccount</td>
<td>$4,400</td>
<td></td>
<td>$4,400</td>
</tr>
<tr>
<td>Total</td>
<td>$270,300</td>
<td>$4,400</td>
<td>$314,700</td>
</tr>
</tbody>
</table>

### F. STATE PLANNING AND COORDINATION

<table>
<thead>
<tr>
<th>Program</th>
<th>From: General Account</th>
<th>From: Urban Planning Account</th>
<th>From: State Planning Account</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Account</td>
<td>$121,200</td>
<td>$24,400</td>
<td>$36,400</td>
<td>$182,000</td>
</tr>
<tr>
<td>Urban Planning Account</td>
<td></td>
<td></td>
<td></td>
<td>$87,900</td>
</tr>
<tr>
<td>State Planning Account</td>
<td></td>
<td></td>
<td></td>
<td>$52,000</td>
</tr>
<tr>
<td>Total</td>
<td>$182,000</td>
<td>$91,200</td>
<td>$52,000</td>
<td>$267,200</td>
</tr>
</tbody>
</table>

### G. COMMUNITY AFFAIRS

<table>
<thead>
<tr>
<th>Program</th>
<th>From: General Account</th>
<th>From: Urban Planning Account</th>
<th>From: State Planning Account</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Account</td>
<td>$40,000</td>
<td>$118,000</td>
<td>$135,800</td>
<td>$293,800</td>
</tr>
<tr>
<td>Urban Planning Account</td>
<td></td>
<td></td>
<td></td>
<td>$232,000</td>
</tr>
<tr>
<td>State Planning Account</td>
<td></td>
<td></td>
<td></td>
<td>$4,912,000</td>
</tr>
<tr>
<td>Total</td>
<td>$293,800</td>
<td>$232,000</td>
<td>$4,912,000</td>
<td>$5,438,000</td>
</tr>
<tr>
<td>PROGRAM</td>
<td>FOR PERSONNEL COSTS</td>
<td>FOR OPERATING EXPENDITURES</td>
<td>FOR CAPITAL OUTLAY</td>
<td>FOR TRUSTEE AND BENEFIT PAYMENTS</td>
</tr>
<tr>
<td>-------------------------------------</td>
<td>---------------------</td>
<td>----------------------------</td>
<td>-------------------</td>
<td>----------------------------------</td>
</tr>
<tr>
<td>H. MANAGEMENT ANALYSIS: FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Account</td>
<td>$167,500</td>
<td>$21,800</td>
<td></td>
<td></td>
</tr>
<tr>
<td>I. INFORMATION SYSTEMS: FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Account</td>
<td>$50,100</td>
<td>$20,100</td>
<td></td>
<td></td>
</tr>
<tr>
<td>GRAND TOTAL</td>
<td>$1,673,200</td>
<td>$1,121,800</td>
<td>$10,000</td>
<td>$8,134,000</td>
</tr>
</tbody>
</table>

AN ACT

EXPRESSING LEGISLATIVE INTENT WITH RESPECT TO EXPENDITURES FOR THE STATE LIBRARY BOARD AND THE IDAHO STATE HISTORICAL SOCIETY; APPROPRIATING MONEYS FROM THE ACCOUNTS ENUMERATED TO THE STATE BOARD OF EDUCATION FOR THE STATE LIBRARY BOARD, TO BE EXPENDED ACCORDING TO DESIGNATED EXPENSE CLASSES FROM THE LISTED ACCOUNTS FOR THE PERIOD JULY 1, 1978, THROUGH JUNE 30, 1979; APPROPRIATING MONEYS FROM FISCAL YEAR 1978 GENERAL ACCOUNT TO THE STATE BOARD OF EDUCATION FOR THE STATE LIBRARY BOARD, TO BE EXPENDED FOR CAPITAL OUTLAY FOR THE DESIGNATED PROGRAM FOR THE SPECIFIED PERIOD; APPROPRIATING MONEYS FROM THE ACCOUNTS ENUMERATED TO THE STATE BOARD OF EDUCATION FOR THE IDAHO STATE HISTORICAL SOCIETY, TO BE EXPENDED ACCORDING TO DESIGNATED EXPENSE CLASSES FROM THE LISTED ACCOUNTS FOR THE PERIOD JULY 1, 1978, THROUGH JUNE 30, 1979; 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 State Library Board and the Idaho State Historical Society not exceed the following amounts for the period July 1, 1978, through June 30, 1979:

<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>Library Services &amp; Construction Act - Titles I &amp; III Account</td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>Historical Preservation Account</td>
</tr>
<tr>
<td>Trustee and Benefit Payments</td>
<td>Miscellaneous Receipts Account</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>TOTAL</strong></td>
</tr>
<tr>
<td><strong>$ 991,400</strong></td>
<td><strong>$1,683,100</strong></td>
</tr>
<tr>
<td><strong>525,700</strong></td>
<td><strong>405,200</strong></td>
</tr>
<tr>
<td><strong>103,800</strong></td>
<td><strong>470,200</strong></td>
</tr>
<tr>
<td><strong>1,262,500</strong></td>
<td><strong>36,900</strong></td>
</tr>
<tr>
<td><strong>$2,883,400</strong></td>
<td><strong>$2,883,400</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, 1978, through June 30, 1979:
A. STATE GRANTS AND LIBRARY CONSTRUCTION:

<table>
<thead>
<tr>
<th>PROGRAM</th>
<th>FOR PERSONNEL COSTS</th>
<th>FOR OPERATING EXPENDITURES</th>
<th>FOR CAPITAL OUTLAY</th>
<th>FOR TRUSTEE AND BENEFIT PAYMENTS</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Account</td>
<td>$357,000</td>
<td></td>
<td></td>
<td></td>
<td>$357,000</td>
</tr>
</tbody>
</table>
| Library Services & Construction Act -
  Titles I & III Account       |                     |                            |                    | 317,000                          | 317,000 |
| TOTAL                        |                     |                            |                    |                                  | $674,000 |

B. STATE LIBRARY SERVICES:

| FROM:                        |                     |                            |                    |                                  |       |
| General Account              | $443,200            | $165,700                   | $82,200            | $120,000                         | $811,100 |
| Library Services & Construction Act -
  Titles I & III Account       | 20,200              | 13,500                     | 54,500             | 88,200                           |       |
| Misc. Receipts Account       | 2,300               | 4,600                      | 30,000             | 36,900                           |       |
| TOTAL                        | $463,400            | $181,500                   | $86,800            | $204,500                         | $936,200 |

GRAND TOTAL: $463,400 $181,500 $86,800 $204,500 $1,610,200

SECTION 3. There is hereby appropriated to the State Board of Education for the State Library Board from the general account the amount of $60,000, to be expended for capital outlay for the State Library Services Program, for the period from the effective date of this section through June 30, 1979.

SECTION 4. 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, 1978, through June 30, 1979:

A. HISTORICAL PRESERVATION AND EDUCATION:

<p>| FROM:                        |                     |                            |                    |                                  |       |
| General Account              | $351,000            | $76,100                    | $8,400             |                                  | $435,500 |
| State Historical Society Foundation Account | 62,400       | 5,200                      |                    |                                  | 67,600 |
| Historical Preservation Account | 107,500            | 72,700                     |                    |                                  | 180,200 |
| TOTAL                        | $458,500            | $211,200                   | $13,600            |                                  | $683,300 |</p>
<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>B. HISTORIC RESTORATION PROJECTS:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM: Historical Preservation Account</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>C. FRANKLIN PIONEER RELIC HALL:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM: General Account</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>D. HISTORIC SITES MAINTENANCE AND INTERPRETATION:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM: General Account</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></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></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>69,500</td>
<td>133,000</td>
<td>3,400</td>
<td>100,000</td>
<td>305,900</td>
</tr>
<tr>
<td>GRAND TOTAL</td>
<td>528,000</td>
<td>344,200</td>
<td>17,000</td>
<td>384,000</td>
<td>1,273,200</td>
</tr>
</tbody>
</table>

SECTION 5. This act shall be in full force and effect on and after July 1, 1978, except for Section 3 hereof. An emergency existing therefor, which emergency is hereby declared to exist, Section 3 shall be in full force and effect on and after passage and approval of this act through June 30, 1979.

AN ACT
APPROPRIATING MONEYS FROM THE ACCOUNTS ENUMERATED TO THE DEPARTMENT OF AGRICULTURE, TO BE EXPENDED FOR DESIGNATED PROGRAMS ACCORDING TO DESIGNATED EXPENSE CLASSES FROM THE LISTED ACCOUNTS FOR THE PERIOD JULY 1, 1978, THROUGH JUNE 30, 1979; APPROPRIATING MONEYS FROM FISCAL YEAR 1978 GENERAL ACCOUNT TO THE DEPARTMENT OF AGRICULTURE, TO BE EXPENDED FOR THE GRAIN INSPECTION PROGRAM ACCORDING TO THE DESIGNATED EXPENDITURE CLASSES FOR THE SPECIFIED PERIOD; PROVIDING FOR REPAYMENT OF AN APPROPRIATION TO THE GENERAL ACCOUNT BY THE DEPARTMENT OF AGRICULTURE; APPROPRIATING MONEYS FROM FISCAL YEAR 1978 GENERAL ACCOUNT TO THE DEPARTMENT OF AGRICULTURE, TO BE EXPENDED FOR THE BRUCELLOSIS VACCINATION PROGRAM ACCORDING TO THE DESIGNATED EXPENDITURE CLASS FOR THE SPECIFIED PERIOD; APPROPRIATING MONEYS FROM FISCAL YEAR 1978 GENERAL ACCOUNT TO THE DEPARTMENT OF AGRICULTURE, TO BE EXPENDED FOR THE DESIGNATED PURPOSE FOR THE SPECIFIED PERIOD; AND PROVIDING EFFECTIVE DATES.

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

SECTION 1. 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, 1978, through June 30, 1979:

<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>$165,400</td>
<td>$98,800</td>
<td>$700</td>
<td></td>
<td>$264,900</td>
</tr>
<tr>
<td>Fresh Fruit and Vegetable Inspection Account</td>
<td>25,600</td>
<td>25,600</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rural Rehab. Account</td>
<td>11,700</td>
<td>2,000</td>
<td></td>
<td>$50,000</td>
<td>$63,700</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$202,700</td>
<td>$100,800</td>
<td>$700</td>
<td>$50,000</td>
<td>$354,200</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>$180,100</td>
<td>$48,300</td>
<td></td>
<td></td>
<td>$228,400</td>
</tr>
<tr>
<td>Livestock Disease Control &amp; T.B. Indemnity Account</td>
<td>165,000</td>
<td>118,600</td>
<td>19,600</td>
<td></td>
<td>303,200</td>
</tr>
<tr>
<td>Meat Inspection Account</td>
<td>24,500</td>
<td></td>
<td></td>
<td>24,500</td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>$369,600</td>
<td>$166,900</td>
<td>$19,600</td>
<td></td>
<td>$556,100</td>
</tr>
<tr>
<td>2. Meat 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>General Account</td>
<td>$365,100</td>
<td>$71,000</td>
<td>$900</td>
<td></td>
<td>$437,000</td>
</tr>
<tr>
<td>PROGRAM</td>
<td>FOR PERSONNEL COSTS</td>
<td>FOR OPERATING EXPENDITURES</td>
<td>FOR CAPITAL OUTLAY</td>
<td>FOR TRUSTEE AND BENEFIT PAYMENTS</td>
<td>TOTAL</td>
</tr>
<tr>
<td>-------------------------------</td>
<td>---------------------</td>
<td>---------------------------</td>
<td>--------------------</td>
<td>----------------------------------</td>
<td>-------</td>
</tr>
<tr>
<td>Meat Inspection Account</td>
<td>$558,700</td>
<td>$111,900</td>
<td>$1,400</td>
<td>$672,000</td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>$923,800</td>
<td>$182,900</td>
<td>$2,300</td>
<td>$1,109,000</td>
<td></td>
</tr>
</tbody>
</table>

3. Sheep Health:
FROM:
General Account                | $7,700              | $12,400                   |                    | $20,100                          |
Sheep Commission Account        | $16,500             | 500                       |                    | $17,000                          |
TOTAL                          | $24,200             | $12,900                   |                    | $37,100                          |
MAJOR PROGRAM TOTAL            | $1,317,600          | $362,700                  | $21,900            | $1,702,200                       |

C. FEDERAL-STATE INSPECTIONS:
1. Commodities Inspection:
FROM:
Agriculture Department Inspection Account | $27,300          | $10,100                   |                    | $3,000              | $40,400 |
2. Fresh Fruit and Vegetable Inspection:
FROM:
Fresh Fruit and Vegetable Inspection Account | $3,025,400      | $268,300                  | $10,900            | $150,000            | $3,454,600 |
MAJOR PROGRAM TOTAL            | $3,052,700        | $278,400                  | $10,900            | $153,000            | $3,495,000 |

D. PLANT INDUSTRY:
1. Plant Inspection:
FROM:
General Account                | $232,300           | $129,600                  | $4,700             | $366,600                          |
Agriculture Department Inspection Account | 137,500         | 35,700                    | 1,800              | 175,000                          |
Bee Inspection Account         | 11,000             |                          |                    | 11,000                           |
TOTAL                          | $380,800           | $165,300                  | $6,500             | $552,600                          |
2. Plant Chemical:
FROM:
General Account                | $52,600            | $14,900                   |                    | $67,500                          |
Commercial Feed and Fertilizer Account | 139,800        | 63,600                    | $18,500            | 221,900                          |
Pesticide Account              | 52,700             | 18,400                    |                    | 71,100                           |
TOTAL                          | $245,100           | $96,900                   | $18,500            | $360,500                          |
MAJOR PROGRAM TOTAL            | $625,900           | $262,200                  | $25,000            | $913,100                          |
<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>E. MARKETING:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. Bonded Warehouse and Track Buyers:</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>$176,900</td>
<td>$37,700</td>
<td>$700</td>
<td>$215,300</td>
<td></td>
</tr>
<tr>
<td>Agriculture Department Inspection Account</td>
<td>2,000</td>
<td></td>
<td></td>
<td>2,000</td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>$178,900</td>
<td>$37,700</td>
<td>$700</td>
<td>$217,300</td>
<td></td>
</tr>
<tr>
<td>2. Weights and Measures:</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>$191,800</td>
<td>$74,200</td>
<td>$12,000</td>
<td>$278,000</td>
<td></td>
</tr>
<tr>
<td>3. Dairy Industries:</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>Dairy Industry and Inspection Account</td>
<td>$122,900</td>
<td>$31,400</td>
<td></td>
<td>$154,300</td>
<td></td>
</tr>
<tr>
<td>4. Inspection and Compliance:</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>$68,100</td>
<td>$13,900</td>
<td></td>
<td>$82,000</td>
<td></td>
</tr>
<tr>
<td>Egg Inspection Account</td>
<td>39,300</td>
<td>14,300</td>
<td>$200</td>
<td>53,800</td>
<td></td>
</tr>
<tr>
<td>Egg and Poultry Inspection Account</td>
<td>68,400</td>
<td>18,500</td>
<td>1,000</td>
<td>87,900</td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>$175,800</td>
<td>$46,700</td>
<td>$1,200</td>
<td>$223,700</td>
<td></td>
</tr>
<tr>
<td>5. Marketing:</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>$11,900</td>
<td>$8,000</td>
<td></td>
<td>$19,900</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>Wheat Statistics Account</td>
<td>2,400</td>
<td>500</td>
<td></td>
<td>2,900</td>
<td></td>
</tr>
<tr>
<td>TOTAL MAJOR PROGRAM TOTAL</td>
<td>$685,800</td>
<td>$201,500</td>
<td>$13,900</td>
<td>$901,200</td>
<td></td>
</tr>
<tr>
<td>F. SHEEP COMMISSION:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. 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>Sheep Commission Account</td>
<td>$43,100</td>
<td>$11,000</td>
<td></td>
<td>$54,100</td>
<td></td>
</tr>
<tr>
<td>2. Predatory Animal Control:</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>Sheep Commission Account</td>
<td>$35,000</td>
<td>$25,000</td>
<td></td>
<td>$60,000</td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>$78,100</td>
<td>$36,000</td>
<td></td>
<td>$114,100</td>
<td></td>
</tr>
</tbody>
</table>
**G. HONEY ADVERTISING COMMISSION:**

<table>
<thead>
<tr>
<th>PROGRAM</th>
<th>FOR PERSONNEL COSTS</th>
<th>FOR OPERATING EXPENDITURES</th>
<th>FOR CAPITAL OUTLAY</th>
<th>FOR TRUSTEE AND BENEFIT PAYMENTS</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>FROM: Idaho Honey Advertising Account</td>
<td>$300</td>
<td>$7,200</td>
<td></td>
<td></td>
<td>$7,500</td>
</tr>
</tbody>
</table>

**GRAND TOTALS:** $5,963,100 $1,248,800 $72,400 $203,000 $7,487,300

**SECTION 2.** There is hereby appropriated to the Department of Agriculture the following amounts, to be expended for the Grain Inspection Program according to the designated expenditure classes, for the period from the effective date of this section through June 30, 1979.

**FOR:**
- Personnel Costs
- Operating Expenditures
- Capital Outlay
- Trustee and Benefit Payments

<table>
<thead>
<tr>
<th></th>
<th>FROM: Fiscal Year 1978 General Account</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel Costs</td>
<td>$40,000</td>
</tr>
<tr>
<td>Operating Expenditures</td>
<td>$10,000</td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>$22,000</td>
</tr>
<tr>
<td>Total</td>
<td>$72,000</td>
</tr>
</tbody>
</table>

**SECTION 3.** The appropriation made by Section 2 of this act, shall be repaid to the General Account by the Department of Agriculture from revenue collected through the Grain Inspection Program at the rate of 20% of the original appropriation per year, beginning in the fiscal year ending June 30, 1980.

**SECTION 4.** There is hereby appropriated to the Department of Agriculture from the general account the following amount, to be expended for the Brucellosis Vaccination Program according to the designated expenditure class, for the period from the effective date of this section through June 30, 1979.

**FOR:** Operating Expenditures

<table>
<thead>
<tr>
<th>FROM: Fiscal Year 1978 General Account</th>
</tr>
</thead>
<tbody>
<tr>
<td>Operating Expenditures</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
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<tr>
<td></td>
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<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>$200,000</td>
</tr>
</tbody>
</table>

**SECTION 5.** There is hereby appropriated to the Department of Agriculture from the general account the following amount, to be expended for the designated purpose, for the period from the effective date of this section through June 30, 1979.

**A.** Repair and up-date the heating and cooling system in the Health/Agriculture Building

<table>
<thead>
<tr>
<th>FROM: Fiscal year 1978 General Account</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>$13,300</td>
</tr>
</tbody>
</table>
SECTION 6. This act shall be in full force and effect on and after July 1, 1978, except for Sections 2, 4 and 5 hereof. An emergency existing therefor, which emergency is hereby declared to exist, Sections 2, 4 and 5 shall be in full force and effect on and after their passage and approval through June 30, 1979.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF IDAHO:

SECTION 1. It is legislative intent that the expenditures for the enumerated programs for the State Tax Commission not exceed the following amounts for the period July 1, 1978, through June 30, 1979:

<table>
<thead>
<tr>
<th>Activity</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel Costs</td>
<td>$3,442,000</td>
</tr>
<tr>
<td>Operating Expenditures</td>
<td>1,623,700</td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>20,500</td>
</tr>
<tr>
<td>Trustee &amp; Benefit Payments</td>
<td>1,700,000</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$6,786,200</strong></td>
</tr>
</tbody>
</table>

FROM:

<table>
<thead>
<tr>
<th>Source</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Account</td>
<td>$6,498,000</td>
</tr>
<tr>
<td>State Highway Account</td>
<td>245,500</td>
</tr>
<tr>
<td>Miscellaneous Receipts</td>
<td>42,700</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$6,786,200</strong></td>
</tr>
</tbody>
</table>
SECTION 2. There is hereby appropriated to the State Tax 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, 1978, through June 30, 1979:

<table>
<thead>
<tr>
<th>PROGRAM</th>
<th>FOR PERSONNEL COSTS</th>
<th>FOR OPERATING EXPENDITURES</th>
<th>FOR CAPITAL OUTLAY</th>
<th>FOR TRUSTEE AND BENEFIT PAYMENTS</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. ADMINISTRATION &amp; SUPPORT:</td>
<td>$438,200</td>
<td>$117,200</td>
<td>$400</td>
<td>$555,800</td>
<td></td>
</tr>
<tr>
<td>FROM: General Account</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>69,800</td>
</tr>
<tr>
<td>Highway Account</td>
<td>52,800</td>
<td>16,700</td>
<td>300</td>
<td>76,800</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>TOTAL</td>
<td>$491,000</td>
<td>$134,100</td>
<td>$700</td>
<td>$625,800</td>
<td></td>
</tr>
<tr>
<td>B. TAX COLLECTION &amp; AUDIT:</td>
<td>$2,324,800</td>
<td>$1,276,500</td>
<td>$18,200</td>
<td>$3,619,500</td>
<td></td>
</tr>
<tr>
<td>FROM: General Account</td>
<td>129,900</td>
<td>45,600</td>
<td></td>
<td>175,700</td>
<td></td>
</tr>
<tr>
<td>Highway Account</td>
<td></td>
<td></td>
<td>200</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Miscellaneous Receipts Account</td>
<td>42,000</td>
<td></td>
<td></td>
<td>42,000</td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>$2,454,700</td>
<td>$1,364,100</td>
<td>$18,400</td>
<td>$3,837,200</td>
<td></td>
</tr>
<tr>
<td>C. AD VALOREM:</td>
<td>$496,300</td>
<td>$83,500</td>
<td>$1,400</td>
<td>$581,200</td>
<td></td>
</tr>
<tr>
<td>FROM: General Account</td>
<td>500</td>
<td></td>
<td></td>
<td>500</td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>$496,800</td>
<td>$83,500</td>
<td>$1,400</td>
<td>$581,200</td>
<td></td>
</tr>
<tr>
<td>D. MULTI-STATE TAX COMPACT:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM: General Account</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>E. CIRCUIT BREAKER TAX RELIEF:</td>
<td>$42,000</td>
<td></td>
<td></td>
<td>42,000</td>
<td></td>
</tr>
<tr>
<td>FROM: General Account</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>GRAND TOTAL</td>
<td>$3,442,000</td>
<td>$1,623,700</td>
<td>$20,500</td>
<td>$6,786,200</td>
<td></td>
</tr>
</tbody>
</table>

SECTION 3. There is hereby appropriated to the State Tax Commission the following amount from the general account, to be expended for the purpose specified, for the period from the effective date of this section through June 30, 1978:

FOR:
Expenses related to the Ware Case decision $22,700
SECTION 4. There is hereby appropriated to the State Tax Commission the following amount from the general account, to be expended for the purpose specified for the period July 1, 1978, through the completion of the project.

FOR:
Property Tax Assessment Assistance to Counties
FROM:
Fiscal Year 1978 General Account
$22,700

SECTION 5. There is hereby appropriated to the State Tax Commission the following amount from the general account, to be expended for the purpose specified, for the period from the effective date of this section through the completion of the project.

FOR:
Property Tax Assessment Assistance to Counties
FROM:
Fiscal Year 1978 General Account
$120,000

$500,000

SECTION 6. The State Tax Commission is hereby authorized to charge counties for assistance provided for property tax assessment. Any payments received by the State Tax Commission for such assistance shall be deposited in the Property Tax Assistance account.

SECTION 7. The appropriations made in Sections 4 and 5 of this act and the authority to charge for services in Section 6 of this act shall be exempt from the provisions of Section 67-3509, Section 67-3516(1) and Section 67-3517, Idaho Code, it being legislative intent that such appropriations should be available for all necessary purposes, even though the term of the project may extend across fiscal years. Personnel employed by the State Tax Commission for the Property Tax Assessment Assistance to Counties program, and personnel assigned to such program, shall be exempt from the provisions of chapter 53, title 67, Idaho Code.

SECTION 8. The State Tax Commission shall report at least quarterly to the Revenue and Taxation Committee of the House of Representatives and to the Joint Senate Finance-House Appropriations Committee on its program to assist the counties with property tax assessment.

SECTION 9. The moneys designated in the Circuit Breaker Tax Relief Program in Section 2 of this act 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 1978.

SECTION 10. There is hereby appropriated to the Board of Tax Appeals the following
amounts, to be expended according to expense classes designated from the listed account for the period July 1, 1978, through June 30, 1979.

FOR:
- Personnel Costs
- Operating Expenditures

TOTAL

FROM:
- General Account

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel Costs</td>
<td>$28,300</td>
</tr>
<tr>
<td>Operating Expenditures</td>
<td>$9,200</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$37,500</strong></td>
</tr>
<tr>
<td>General Account</td>
<td><strong>$37,500</strong></td>
</tr>
</tbody>
</table>

SECTION 11. This act shall be in full force and effect on and after July 1, 1978, except for Sections 3, 5 and 6 hereof. An emergency existing therefor, which emergency is hereby declared to exist, Sections 3, 5 and 6 shall be in full force and effect on and after passage and approval of this act.

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 for the Community Developmental Disabilities Program the following amounts, to be expended from the listed accounts, according to the designated expense classes for the period July 1, 1978, through June 30, 1979:

<table>
<thead>
<tr>
<th>FROM:</th>
<th>FOR PERSONNEL</th>
<th>FOR OPERATING</th>
<th>FOR CAPITAL</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Acct. $2,557,000</td>
<td>$1,263,700</td>
<td>$22,200</td>
<td>$3,842,900</td>
<td></td>
</tr>
<tr>
<td>Miscellaneous Receipts</td>
<td>451,700</td>
<td>25,100</td>
<td>489,200</td>
<td></td>
</tr>
<tr>
<td>Cooperative Welfare Account</td>
<td>308,800</td>
<td>651,900</td>
<td>960,700</td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>$3,317,500</td>
<td>$1,940,700</td>
<td>$5,292,800</td>
<td></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.

AN ACT
AMENDING SECTION 2, CHAPTER 203, LAWS OF 1977, RELATING TO THE APPROPRIATION TO THE PUBLIC UTILITIES COMMISSION FOR THE DESIGNATED PROGRAMS, BY INCREASING THE APPROPRIATIONS FROM THE GENERAL ACCOUNT BY $2,900 AND FROM THE PUBLIC UTILITIES COMMISSION ACCOUNT BY $65,400; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 2, Chapter 203, Laws of 1977, be, and the same is hereby amended to read as follows:

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: Public Utilities</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Commission Account</td>
<td>$256,900</td>
<td>$117,500</td>
<td>$600</td>
<td>$369,000</td>
</tr>
<tr>
<td></td>
<td>262,900</td>
<td>138,300</td>
<td></td>
<td>401,800</td>
</tr>
<tr>
<td>B. TRANSPORTATION REGULATION:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM: Public Utilities</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Commission Account</td>
<td>$284,000</td>
<td>$191,700</td>
<td>$300</td>
<td>$405,700</td>
</tr>
<tr>
<td></td>
<td>130,600</td>
<td></td>
<td></td>
<td>414,900</td>
</tr>
<tr>
<td>C. ADMINISTRATION:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM: General Account</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>$139,900</td>
<td></td>
<td></td>
<td>$139,900</td>
</tr>
<tr>
<td></td>
<td>142,800</td>
<td></td>
<td></td>
<td>142,800</td>
</tr>
<tr>
<td>PUBLIC UTILITIES</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Commission Account</td>
<td>168,500</td>
<td>69,700</td>
<td>200</td>
<td>230,400</td>
</tr>
<tr>
<td></td>
<td>72,700</td>
<td></td>
<td></td>
<td>241,400</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$308,400</td>
<td>$69,700</td>
<td>$200</td>
<td>$384,200</td>
</tr>
</tbody>
</table>
D. ACCOUNTING AND FINANCE:
FROM:
Public Utilities
Commission Account

<table>
<thead>
<tr>
<th></th>
<th>$ 193,000</th>
<th>$ 113,500</th>
<th>$ 306,500</th>
</tr>
</thead>
<tbody>
<tr>
<td>GRAND TOTAL</td>
<td>$1,051,200</td>
<td>455,100</td>
<td>$1,507,400</td>
</tr>
</tbody>
</table>

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.

AN ACT
APPROPRIATING MONEYS FROM THE ACCOUNT ENUMERATED TO THE OFFICE OF
THE GOVERNOR FOR THE PUBLIC EMPLOYEE RETIREMENT SYSTEM TO BE
EXPENDED FOR THE DESIGNATED PROGRAM ACCORDING TO THE DESIG-
NATED EXPENSE CLASSES FOR THE PERIOD JULY 1, 1978, 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 Public Employees' Retirement System the follow-
ing amounts, to be expended for the designated program according
to the expense classes designated therein from the listed account
for the period July 1, 1978, through June 30, 1979:

<table>
<thead>
<tr>
<th>PROGRAM PERSONNEL OPERATING CAPITAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>COSTS EXPENDITURES OUTLAY TOTAL</td>
</tr>
<tr>
<td>----------------------------------</td>
</tr>
<tr>
<td>PUBLIC EMPLOYEES' RETIREMENT SYSTEM:</td>
</tr>
<tr>
<td>FROM:</td>
</tr>
<tr>
<td>Public Employees' Retirement System</td>
</tr>
<tr>
<td>Account $ 562,600 $ 275,000 $ 7,500 $ 845,100</td>
</tr>
</tbody>
</table>

AN ACT


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

SECTION 1. There is hereby appropriated from the general account to the State Tax Commission the following amount, to be expended for the designated purpose, for the period July 1, 1978, through June 30, 1979:

FOR:

Circuit Breaker Tax Relief $2,300,000

FROM:

General Account $2,300,000

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 for the Institutional Mental Health Program the following amounts, to be expended from the listed accounts, according to the designated expense classes for the period July 1, 1978, through June 30, 1979:

<table>
<thead>
<tr>
<th>FROM:</th>
<th>FOR PERSONNEL COSTS</th>
<th>FOR OPERATING EXPENDITURES</th>
<th>FOR CAPITAL OUTLAY</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Acct.</td>
<td>$4,345,000</td>
<td>$339,700</td>
<td>$61,500</td>
<td>$4,746,200</td>
</tr>
<tr>
<td>Miscellaneous Receipts</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Account</td>
<td>514,100</td>
<td>364,700</td>
<td></td>
<td>878,800</td>
</tr>
<tr>
<td>State Hospital South Income Account</td>
<td>382,500</td>
<td></td>
<td></td>
<td>382,500</td>
</tr>
<tr>
<td>State Hospital North Income Account</td>
<td>176,300</td>
<td></td>
<td></td>
<td>176,300</td>
</tr>
<tr>
<td>Alcoholism Treatment</td>
<td>102,600</td>
<td>37,400</td>
<td></td>
<td>140,000</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$4,961,700</td>
<td>$1,300,600</td>
<td>$61,500</td>
<td>$6,323,800</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.

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 for the Water Quality Program the following amounts, to be expended from the listed accounts, according to the designated expense classes for the period July 1, 1978, through June 30, 1979:

<table>
<thead>
<tr>
<th>FROM:</th>
<th>FOR PERSONNEL COSTS</th>
<th>FOR OPERATING EXPENDITURES</th>
<th>FOR CAPITAL OUTLAY</th>
<th>FOR TRUSTEE AND BENEFIT PAYMENTS</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Account</td>
<td>$ 496,700</td>
<td>$ 97,100</td>
<td>$ 26,200</td>
<td></td>
<td>$ 620,000</td>
</tr>
<tr>
<td>Cooperative Welfare Account</td>
<td>428,400</td>
<td>792,000</td>
<td></td>
<td></td>
<td>1,220,400</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>$ 925,100</td>
<td>$ 889,100</td>
<td>$ 26,200</td>
<td>$7,500,000</td>
<td>$9,340,400</td>
</tr>
</tbody>
</table>

SECTION 2. For the period July 1, 1978, through June 30, 1979, the Idaho Board of Health and Welfare may make payments not to exceed 25% of the estimated reasonable cost of any eligible project for the construction of sewage treatment works, providing that the state grant shall not result in an aggregate state-federal grant exceeding 90% of the project, Section 39-3604, Idaho Code, notwithstanding.

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.

CHAPTER 220
(H.B. No. 653)

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, 1978, through June 30, 1979:

<table>
<thead>
<tr>
<th>FOR PERSONNEL COSTS</th>
<th>FOR OPERATING EXPENDITURES</th>
<th>FOR CAPITAL OUTLAY</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Acct. $</td>
<td>79,500</td>
<td>53,000</td>
<td>1,000</td>
</tr>
<tr>
<td>Human Rights Account</td>
<td>25,900</td>
<td>17,400</td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>$105,400</td>
<td>$70,400</td>
<td>$1,000</td>
</tr>
</tbody>
</table>

CHAPTER 221
(H.B. No. 654)

AN ACT
APPROPRIATING MONEYS FROM THE ACCOUNT ENUMERATED TO THE
STATE TREASURER TO BE EXPENDED FOR THE DESIGNATED PRO-
GRAM, ACCORDING TO DESIGNATED EXPENSE CLASSES FROM THE
LISTED ACCOUNT FOR THE PERIOD JULY 1, 1978, THROUGH JUNE
30, 1979; 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, 1978,
through June 30, 1979:
A. TREASURY:
FOR:
Personnel Costs $274,000
Operating Expenditures 76,500
Capital Outlay 1,500
TOTAL $352,000
FROM:
General Account $352,000

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 accounted for solely on the itemized certif-
icate of the State Treasurer and shall be exempted from the
provisions of Chapter 36, Title 67, Idaho Code, and Section
67-3516, Idaho Code.

CHAPTER 222
(H.B. No. 655)

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, 1978, through June 30, 1979:

<table>
<thead>
<tr>
<th>FOR:</th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel Costs</td>
<td>$1,272,000</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Operating Expenditures</td>
<td>1,028,101</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>46,201</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Trustee and Benefit Payments</td>
<td>-0-</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>$2,346,301</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

FROM:
- General Account
- Adjutant General Receipts Account
- Civil Defense--Federal Administration and Personnel Account

TOTAL $2,346,301

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, 1978, through June 30, 1979:

<p>| PROGRAM FOR PERSONNEL OPERATING CAPITAL |
|-----------------------------------------|---------------------------------|------------------|
| FOR EXPENDITURES OUTLAY TOTAL           |                                |                  |
| A. ADMINISTERING THE MILITARY DIVISION: |                                |                  |
| FROM: General Account                   | $ 179,500 | $ 20,800 | $ 1,100 | $ 201,40 |
| B. ADMINISTRATION AND OPERATION OF MILITARY FACILITIES: |                                |                  |
| FROM: General Account                   | $ 86,300  | $ 296,700 | $ 42,300 | $ 425,30 |
| C. ADMINISTERING FEDERAL/STATE CONTRACTS: |                                |                  |
| FROM:                                   |                                |                  |</p>
<table>
<thead>
<tr>
<th>Item</th>
<th>General Account</th>
<th>Adjutant General Receipts Account</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$ 65,700</td>
<td>$ 92,700</td>
<td>$ 158,400</td>
</tr>
<tr>
<td>Total</td>
<td>$ 641,300</td>
<td>$ 519,100</td>
<td>$1,160,400</td>
</tr>
</tbody>
</table>

2. ADMINISTERING DISASTER SERVICES:

<table>
<thead>
<tr>
<th>Item</th>
<th>General Account</th>
<th>Adjutant General Receipts Account</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$ 90,700</td>
<td>$ 34,900</td>
<td>$ 126,100</td>
</tr>
<tr>
<td>Civil Defense--Federal Administration and Personnel Account</td>
<td>123,600</td>
<td>14,100</td>
<td>138,200</td>
</tr>
<tr>
<td>Total</td>
<td>$ 214,300</td>
<td>$ 49,000</td>
<td>$ 264,300</td>
</tr>
</tbody>
</table>

3. MILITARY OPERATIONS AND TRAINING:

<table>
<thead>
<tr>
<th>Item</th>
<th>General Account</th>
<th>Adjutant General Receipts Account</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$ 150,600</td>
<td>$ 56,500</td>
<td>$ 208,900</td>
</tr>
<tr>
<td>Total</td>
<td>$ 150,600</td>
<td>$ 31,000</td>
<td>$ 239,900</td>
</tr>
</tbody>
</table>

4. RECRUITING AND RETENTION:

<table>
<thead>
<tr>
<th>Item</th>
<th>General Account</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$ 55,000</td>
<td>$ 55,000</td>
</tr>
</tbody>
</table>

GRAND TOTAL                                                                                      $2,346,300

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 for the designated programs according to expense classes designated therein from the listed accounts for the period July 1, 1978, through June 30, 1979:

<table>
<thead>
<tr>
<th>PROGRAM</th>
<th>PERSONNEL OPERATING COSTS</th>
<th>EXPENDITURES</th>
<th>CAPITAL OUTLAY</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. IDAHO APPLE COMMISSION:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FOR: Advertising and Promotion</td>
<td>$ 4,200</td>
<td>$ 49,800</td>
<td>$ 100</td>
<td>$ 54,100</td>
</tr>
<tr>
<td>FROM: Apple Commission</td>
<td>Acct. $</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>B. IDAHO BEAN COMMISSION:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FOR: Marketing and Development</td>
<td>$ 44,500</td>
<td>$ 156,300</td>
<td>$ 500</td>
<td>$ 201,300</td>
</tr>
<tr>
<td>FROM: Idaho Bean Marketing &amp; Production Promotion</td>
<td>Acct. $</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>C. IDAHO CHERRY COMMISSION:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FOR: Advertising and Promotion</td>
<td>$ 1,800</td>
<td>$ 22,000</td>
<td>$ 100</td>
<td>$ 23,900</td>
</tr>
<tr>
<td>FROM: Cherry Commission</td>
<td>Acct. $</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>D. IDAHO DAIRY PRODUCTS COMMISSION:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FOR: Dairy Products Promotion</td>
<td>$ 113,900</td>
<td>$ 754,500</td>
<td></td>
<td>$ 868,400</td>
</tr>
<tr>
<td>FROM: Dairy Products Commission</td>
<td>Acct. $</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>E. IDAHO POTATO COMMISSION:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FOR: Advertising and Promotion</td>
<td>$ 241,700</td>
<td>$2,260,700</td>
<td>$ 1,300</td>
<td>$2,503,700</td>
</tr>
<tr>
<td>FROM: Potato Commission</td>
<td>Acct. $</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>F. IDAHO WHEAT COMMISSION</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FOR: Marketing and Development</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>
Idaho Wheat Commission
  Acct. $ 71,500 $ 703,100 $ 1,000 $ 775,600
FOR: Idaho Transportation Council
FROM:
Idaho Wheat Commission
  Acct. $ 14,100 $ 1,500 $ 15,600
TOTAL $ 85,600 $ 704,600 $ 1,000 $ 791,200

G. IDAHO PRUNE COMMISSION:
FOR: Advertising Idaho Prunes
FROM:
Idaho Prune Commission
  Acct. $ 800 $ 10,300 $ 11,100
GRAND TOTAL $ 492,500 $3,958,200 $ 3,000 $4,453,700

CHAPTER 224
(H.B. No. 657)

AN ACT
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, 1978, THROUGH JUNE 30, 1979; 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 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, 1978, through June 30, 1979:

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

A. PRE-AUDIT AND ACCOUNTING:
FROM:
General Acct.$ 509,800 $ 50,900 $ 2,000 $ 562,700
B. DATA CENTER:
FROM:
General Acct.$ 828,500 $ 828,500
General Interaccount
Account 134,800 $ 1,467,700 $ 25,000 1,627,500
TOTAL $ 963,300 $ 1,467,700 $ 25,000 $2,456,000
GRAND TOTAL $1,473,100 $1,518,600 $ 27,000 $3,018,700

SECTION 2. 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.

AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE SUBSTANCE ABUSE PRO-
GRAM, TO BE EXPENDED ACCORDING TO THE DESIGNATED EXPENSE CLASSES FROM THE LISTED
ACCOUNTS FOR THE PERIOD JULY 1, 1978, THROUGH JUNE 30, 1979; 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 for the
Substance Abuse Program the following amounts, to be expended from the listed accounts,
according to the designated expense classes for the period July 1, 1978, through June 30,
1979:

<table>
<thead>
<tr>
<th>FROM:</th>
<th>FOR PERSONNEL COSTS</th>
<th>FOR OPERATING EXPENDITURES</th>
<th>FOR CAPITAL OUTLAY</th>
<th>FOR TRUSTEE AND BENEFIT PAYMENTS</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Account</td>
<td>$ 319,500</td>
<td>$ 26,000</td>
<td>$ 8,100</td>
<td></td>
<td>$ 353,600</td>
</tr>
<tr>
<td>Miscellaneous Receipts</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Account</td>
<td>17,900</td>
<td>12,400</td>
<td></td>
<td></td>
<td>36,300</td>
</tr>
<tr>
<td>Alcoholism Treatment Account</td>
<td>329,200</td>
<td>464,700</td>
<td></td>
<td></td>
<td>1,071,000</td>
</tr>
<tr>
<td>Cooperative Welfare Account</td>
<td>740,200</td>
<td>315,300</td>
<td></td>
<td>48,000</td>
<td>1,103,500</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$1,406,800</td>
<td>$818,400</td>
<td>$ 8,100</td>
<td>$331,100</td>
<td>$2,564,400</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

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, 1978, THROUGH JUNE 30, 1979, 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, 1978, through June 30, 1979:

<table>
<thead>
<tr>
<th>FOR:</th>
<th>FROM:</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel Costs</td>
<td>General Account</td>
<td>$28,282,600</td>
</tr>
<tr>
<td>Operating Expenditures</td>
<td>Alcohol Safety Action Program Account</td>
<td>17,753,300</td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>State Aeronautics Account</td>
<td>72,907,600</td>
</tr>
<tr>
<td>Trustee &amp; Benefit Payments</td>
<td>State Highway Account</td>
<td>2,346,500</td>
</tr>
<tr>
<td>TOTAL</td>
<td>Idaho Traffic Safety Commission Account</td>
<td>2,346,500</td>
</tr>
<tr>
<td></td>
<td>General Interaccount Account</td>
<td></td>
</tr>
<tr>
<td></td>
<td>TOTAL</td>
<td>$121,290,000</td>
</tr>
</tbody>
</table>

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, 1978, through June 30, 1979:

<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 SUPPORT:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td>General Account</td>
<td>$5,600</td>
<td>$4,400</td>
<td>$10,000</td>
<td></td>
</tr>
</tbody>
</table>

(H.B. No. 659)

CHAPTER 226

IDAHO SESSION LAWS

C. 226/78
<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>State Highway Account</td>
<td>3,365,300</td>
<td>2,091,400</td>
<td>$71,400</td>
<td>$140,000</td>
<td>$5,668,100</td>
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<tr>
<td>TOTAL</td>
<td>$3,370,900</td>
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<td>$71,400</td>
<td>$140,000</td>
<td>$5,678,100</td>
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<tr>
<td>B. HIGHWAYS:</td>
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</tr>
<tr>
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<tr>
<td>State Highway Account</td>
<td>$24,384,900</td>
<td>$14,299,500</td>
<td>$72,660,800</td>
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<td>$111,345,200</td>
</tr>
<tr>
<td>Alcohol Safety Action</td>
<td>19,500</td>
<td>4,300</td>
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<td>Idaho Traffic Safety Commission Account</td>
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<td>101,900</td>
<td>$1,257,800</td>
<td>1,465,900</td>
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<tr>
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<td>$14,405,700</td>
<td>$72,660,800</td>
<td>$1,257,800</td>
<td>$112,834,900</td>
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<tr>
<td>C. AERONAUTICS:</td>
<td></td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>State Aeronautics Account</td>
<td>$249,300</td>
<td>$177,200</td>
<td>$100,700</td>
<td>$400,000</td>
<td>$927,200</td>
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<tr>
<td>D. PUBLIC TRANSPORTATION:</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>State Highway Account</td>
<td>$9,400</td>
<td>$3,400</td>
<td>$200</td>
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<td>$13,000</td>
</tr>
<tr>
<td>State Aeronautics Account</td>
<td>39,000</td>
<td>14,600</td>
<td>700</td>
<td>548,700</td>
<td>603,000</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$48,400</td>
<td>$18,000</td>
<td>$900</td>
<td>$548,700</td>
<td>$616,000</td>
</tr>
<tr>
<td>E. INTER AND INTRA DEPARTMENTAL SERVICES:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
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<td></td>
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<tr>
<td>State Aeronautics Account</td>
<td></td>
<td></td>
<td>$73,800</td>
<td>$73,800</td>
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</tr>
<tr>
<td>Interaccount Account</td>
<td>103,400</td>
<td>1,056,600</td>
<td></td>
<td>1,160,000</td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>$103,400</td>
<td>$1,056,600</td>
<td>$73,800</td>
<td>1,233,800</td>
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</tr>
<tr>
<td>GRAND TOTAL</td>
<td>$28,282,600</td>
<td>$17,753,300</td>
<td>$72,907,600</td>
<td>$2,346,500</td>
<td>$121,290,000</td>
</tr>
</tbody>
</table>


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 ACCOUNTS FOR THE PERIOD JULY 1, 1978, THROUGH JUNE 30, 1979.

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, 1978, through June 30, 1979:

<table>
<thead>
<tr>
<th>FOR:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel Costs</td>
<td>$5,381,100</td>
</tr>
<tr>
<td>Operating Expenditures</td>
<td>4,191,800</td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>254,800</td>
</tr>
<tr>
<td>Trustee &amp; Benefit Payments</td>
<td>348,500</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$10,176,200</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>FROM:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>General Account</td>
<td>$4,674,700</td>
</tr>
<tr>
<td>Cash Receipts Account</td>
<td>17,800</td>
</tr>
<tr>
<td>Scaling Practices Account</td>
<td>113,800</td>
</tr>
<tr>
<td>Forest &amp; Range Conservation Account</td>
<td>6,800</td>
</tr>
<tr>
<td>Land Commissioners Scaling Trust Account</td>
<td>252,900</td>
</tr>
<tr>
<td>Forest Management Account</td>
<td>1,001,100</td>
</tr>
<tr>
<td>U.S. Clark-McNary Account</td>
<td>1,023,300</td>
</tr>
<tr>
<td>Soil Erosion Control Account</td>
<td>140,500</td>
</tr>
<tr>
<td>Insect Disease Control Account</td>
<td>147,400</td>
</tr>
<tr>
<td>Clearwater Potlatch Timber Protection Association Account</td>
<td>1,036,100</td>
</tr>
<tr>
<td>Southern Idaho Timber Protection Association Account</td>
<td>74,000</td>
</tr>
<tr>
<td>10% Grazing Lease Account</td>
<td>190,700</td>
</tr>
<tr>
<td>10% Recreation Lease Account</td>
<td>19,100</td>
</tr>
<tr>
<td>10% Timber Lease Account</td>
<td>1,116,200</td>
</tr>
<tr>
<td>Lands Federal Account</td>
<td>361,800</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$10,176,200</td>
</tr>
</tbody>
</table>

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, 1978, through June 30, 1979:

<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: FROM:</td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>General Account</td>
<td>$ 584,800</td>
<td>$ 210,600</td>
<td>$ 29,300</td>
<td></td>
<td>$ 824,700</td>
</tr>
<tr>
<td>Cash Receipts Account</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>U.S. Clark-McNary Account</td>
<td>20,900</td>
<td>12,800</td>
<td>4,300</td>
<td></td>
<td>38,000</td>
</tr>
<tr>
<td>Forest Management Account</td>
<td>9,100</td>
<td>6,500</td>
<td></td>
<td></td>
<td>15,600</td>
</tr>
<tr>
<td>10% Timber Lease Account</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Land Commissioners Scaling</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Trust Account</td>
<td>3,000</td>
<td></td>
<td></td>
<td></td>
<td>3,000</td>
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<tr>
<td>TOTAL</td>
<td>$ 614,800</td>
<td>$ 234,100</td>
<td>$ 35,400</td>
<td></td>
<td>$ 884,300</td>
</tr>
<tr>
<td>B. FOREST &amp; RANGE FIRE PROTECTION: FROM:</td>
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<td></td>
</tr>
<tr>
<td>General Account</td>
<td>$ 840,200</td>
<td></td>
<td>$ 196,200</td>
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<td>$1,036,400</td>
</tr>
<tr>
<td>Forest &amp; Range Conservation Account</td>
<td>$ 4,200</td>
<td>1,900</td>
<td>$ 700</td>
<td></td>
<td>6,800</td>
</tr>
<tr>
<td>Forest Management Account</td>
<td>547,600</td>
<td>400,500</td>
<td>37,400</td>
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<td>985,500</td>
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<tr>
<td>U.S. Clark-McNary Account</td>
<td>818,500</td>
<td>143,700</td>
<td>23,100</td>
<td></td>
<td>985,300</td>
</tr>
<tr>
<td>Soil Erosion Control</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Clearwater Potlatch Timber Protection Association Account</td>
<td>28,900</td>
<td>111,600</td>
<td></td>
<td></td>
<td>140,500</td>
</tr>
<tr>
<td>Southern Idaho Timber</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1,036,100</td>
</tr>
<tr>
<td>Protection Association</td>
<td>1,036,100</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>10% Timber Lease Account</td>
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<tr>
<td>TOTAL</td>
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<td>$2,608,100</td>
<td>$ 61,200</td>
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<td>$4,264,700</td>
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<tr>
<td>C. FOREST RESOURCES MANAGEMENT: FROM:</td>
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<tr>
<td>General Account</td>
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<tr>
<td>Land Commissioners</td>
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<td></td>
</tr>
<tr>
<td>Scaling Trust Account</td>
<td>223,000</td>
<td>26,900</td>
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<td>249,900</td>
</tr>
<tr>
<td>Insect Disease Control</td>
<td>52,100</td>
<td>92,700</td>
<td>2,600</td>
<td></td>
<td>147,400</td>
</tr>
<tr>
<td></td>
<td>FOR PERSONNEL COSTS</td>
<td>FOR OPERATING EXPENDITURES</td>
<td>FOR CAPITAL OUTLAY</td>
<td>FOR TRUSTEE AND BENEFIT PAYMENTS</td>
<td>TOTAL</td>
</tr>
<tr>
<td>----------------------</td>
<td>---------------------</td>
<td>----------------------------</td>
<td>--------------------</td>
<td>----------------------------------</td>
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</tr>
<tr>
<td>10% Recreational Lease Account</td>
<td>4,600</td>
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<tr>
<td>10% Timber Lease Account</td>
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<td>606,400</td>
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<td>1,114,900</td>
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<tr>
<td>TOTAL</td>
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D. LANDS AND RANGE RESOURCES MANAGEMENT:

<table>
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<tr>
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<th>FROM:</th>
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<th></th>
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</tr>
</thead>
<tbody>
<tr>
<td>General Account</td>
<td>$ 544,700</td>
<td>$136,300</td>
<td>$ 18,600</td>
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<td>$699,600</td>
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<tr>
<td>10% Grazing Lease Account</td>
<td>33,100</td>
<td>124,700</td>
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<td>190,700</td>
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E. EARTH RESOURCES MANAGEMENT:

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</thead>
<tbody>
<tr>
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<td>Lands Federal Funds Account</td>
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<tr>
<td>TOTAL</td>
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<td>$141,700</td>
<td>$ 12,900</td>
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<td>$670,700</td>
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</table>

F. SOILS & WATER MANAGEMENT:

<table>
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</tr>
</thead>
<tbody>
<tr>
<td>General Account</td>
<td>$ 238,700</td>
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<td>$ 400</td>
<td>$139,000</td>
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<td>Lands Federal Funds Account</td>
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<td>72,700</td>
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<tr>
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<td>$45,500</td>
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<td>$139,000</td>
<td>$486,200</td>
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G. SCALING PRACTICES:

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</thead>
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<tr>
<td>Log Scalers Law Account</td>
<td>$ 87,300</td>
<td>$18,900</td>
<td>$ 7,600</td>
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<td>113,800</td>
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H. GOODING HOSPITAL MAINTENANCE:

<table>
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<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>General Account</td>
<td>$ 55,400</td>
<td>$55,000</td>
<td>$ 10,300</td>
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<td>$120,700</td>
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<td>Cash Receipts Account</td>
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<td>$ 55,400</td>
<td>$67,000</td>
<td>$13,300</td>
<td></td>
<td>$136,700</td>
</tr>
<tr>
<td>GRAND TOTAL</td>
<td>$5,381,100</td>
<td>$4,191,800</td>
<td>$ 254,800</td>
<td>$ 348,500</td>
<td>$10,176,200</td>
</tr>
</tbody>
</table>

AN ACT

APPROPRIATING MONEYS FROM THE ACCOUNT ENUMERATED TO THE
DEPARTMENT OF LAW ENFORCEMENT FOR THE CRIMINAL IDENTIFI-
CATION BUREAU PROGRAM, TO BE EXPENDED ACCORDING TO
DESIGNATED EXPENSE CLASSES FROM THE LISTED ACCOUNT FOR

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

SECTION 1. There is hereby appropriated to the Depart-
ment of Law Enforcement for the Criminal Identification Pro-
gram the following amounts, to be expended, according to
expense classes designated from the listed account for the
period July 1, 1978, through June 30, 1979:

FUND:  
General Account  $853,700

FOR:
Personnel Costs  $334,000
Operating Expenditures  499,900
Capital Outlay  19,800
TOTAL  $853,700

AN ACT
APPROPRIATING MONEYS FROM THE ACCOUNTS ENUMERATED TO THE
DEPARTMENT OF LAW ENFORCEMENT FOR THE NARCOTICS AND DRUG
ENFORCEMENT PROGRAM, TO BE EXPENDED ACCORDING TO DESIGNATED EXPENSE CLASSES FROM THE LISTED ACCOUNTS FOR THE

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

SECTION 1. There is hereby appropriated to the Department of Law Enforcement for the Narcotics and Drug Enforcement Program the following amounts, to be expended according to expense classes designated therein from the listed accounts for the period July 1, 1978, through June 30, 1979:

<table>
<thead>
<tr>
<th>FROM:</th>
<th>FOR PERSONNEL</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Account</td>
<td>$ 541,300</td>
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<tr>
<td>Law Enforcement Drug Suspense Account</td>
<td>$ 2,000</td>
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<tr>
<td>TOTAL</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>FOR OPERATING</th>
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</thead>
<tbody>
<tr>
<td>$ 221,400</td>
</tr>
<tr>
<td>$ 2,000</td>
</tr>
<tr>
<td>TOTAL</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>FOR CAPITAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>$ 61,900</td>
</tr>
<tr>
<td>$ 6,000</td>
</tr>
<tr>
<td>TOTAL</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>FOR OUTLAY</th>
</tr>
</thead>
<tbody>
<tr>
<td>$ 824,600</td>
</tr>
<tr>
<td>$ 8,000</td>
</tr>
<tr>
<td>TOTAL</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>FOR TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>$ 832,600</td>
</tr>
</tbody>
</table>

AN ACT
APPROPRIATING MONEYS TO THE STATE BOARD OF EDUCATION FOR VOCATIONAL REHABILITATION, TO BE EXPENDED FOR THE DESIGNATED PROGRAMS ACCORDING TO DESIGNATED EXPENSE CLASSES FROM THE LISTED ACCOUNTS FOR THE PERIOD JULY 1, 1978, THROUGH JUNE 30, 1979; AND EXPRESSING LEGISLATIVE INTENT WITH RESPECT TO REHABILITATION SERVICES.

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 the designated programs according to designated expense classes from the listed accounts for the period July 1, 1978, through June 30, 1979:

<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>
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<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></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vocational Rehabilitation</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Medicare Account</td>
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<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>B. VOCATIONAL REHABILITATION:</td>
<td></td>
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<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></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vocational Rehabilitation</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Account</td>
<td>$2,040,700</td>
<td>$457,400</td>
<td>$13,000</td>
<td>$2,201,300</td>
<td>4,712,400</td>
</tr>
<tr>
<td>Miscellaneous Receipts Account</td>
<td>1,500</td>
<td></td>
<td></td>
<td>1,500</td>
<td></td>
</tr>
<tr>
<td>Vocational Rehabilitation Donated Account</td>
<td></td>
<td>500</td>
<td></td>
<td>500</td>
<td></td>
</tr>
<tr>
<td>Federal Third Party Account</td>
<td></td>
<td>5,000</td>
<td></td>
<td>5,000</td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>$2,040,700</td>
<td>$457,400</td>
<td>$13,000</td>
<td>$3,376,900</td>
<td>5,888,000</td>
</tr>
<tr>
<td>GRAND TOTAL</td>
<td>$2,040,700</td>
<td>$457,400</td>
<td>$13,000</td>
<td>$3,646,900</td>
<td>$6,158,000</td>
</tr>
</tbody>
</table>

SECTION 2. It is legislative intent that for the period July 1, 1978, through June 30, 1979, 20% of the services to be provided by the appropriation made in Section 1 of this act for the Rehabilitation Program shall be provided through rehabilitation facilities commonly known as sheltered workshops.

CHAPTER 231
(H.B. No. 664)

AN ACT

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

SECTION 1. There is hereby appropriated to the Department of Law Enforcement for the Bureau of Investigation Program the following amounts, to be expended according to expense classes designated therein from the listed accounts for the period July 1, 1978, through June 30, 1979:

<table>
<thead>
<tr>
<th>FROM:</th>
<th>PERSONNEL</th>
<th>OPERATING</th>
<th>CAPITAL</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Account</td>
<td>$291,800</td>
<td>$69,300</td>
<td>$31,300</td>
<td>$392,400</td>
</tr>
<tr>
<td>Liquor Law Enforcement Account</td>
<td>$268,900</td>
<td>$68,700</td>
<td>$30,300</td>
<td>$367,900</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$560,700</strong></td>
<td><strong>$138,000</strong></td>
<td><strong>$61,600</strong></td>
<td><strong>$760,300</strong></td>
</tr>
</tbody>
</table>

CHAPTER 232
(H.B. No. 665)

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, 1978, THROUGH JUNE 30, 1979.

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, 1978, through June 30, 1979:

FOR:
Personnel Costs  $ 7,862,700
Operating Expenditures  2,552,600
Capital Outlay  407,600
TOTAL  $10,822,900

FROM:
Motor Vehicle Account  $ 9,135,600
Idaho State Horse Racing Commission Account  171,900
State Brand Board Account  916,900
Alcohol Safety Action Program Account  598,500
TOTAL  $10,822,900

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, 1978, through June 30, 1979:

<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. GENERAL ADMINISTRATION: FROM: Motor Vehicle Account</td>
<td>$ 365,300</td>
<td>$ 181,000</td>
</tr>
<tr>
<td>B. DATA PROCESSING: FROM: Motor Vehicle Account</td>
<td>$ 182,300</td>
<td>$ 221,600</td>
</tr>
<tr>
<td>C. OPERATORS LICENSE: FROM: Motor Vehicle Account</td>
<td>$ 455,400</td>
<td>$ 259,000</td>
</tr>
<tr>
<td>D. SAFETY RESPONSIBILITY:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Department</td>
<td>From Account</td>
<td>Amounts</td>
</tr>
<tr>
<td>------------------------------------------------</td>
<td>-------------------------------------</td>
<td>-----------------------------------</td>
</tr>
<tr>
<td>E. Vehicle Titles</td>
<td>Motor Vehicle Account</td>
<td>$81,100 $10,700</td>
</tr>
<tr>
<td>F. Vehicle Registrations</td>
<td>Motor Vehicle Account</td>
<td>$354,800 $80,900 $800</td>
</tr>
<tr>
<td>G. Motor Carrier Bureau</td>
<td>Motor Vehicle Account</td>
<td>$224,400 $496,800 $10,600</td>
</tr>
<tr>
<td>H. Weigh Station Bureau</td>
<td>Motor Vehicle Account</td>
<td>$427,800 $155,100</td>
</tr>
<tr>
<td>I. Idaho State Police</td>
<td>Motor Vehicle Account</td>
<td>$1,394,800 $125,300 $49,000</td>
</tr>
<tr>
<td>J. Brand Inspection</td>
<td>State Brand Board Account</td>
<td>$748,500 $141,600 $26,800</td>
</tr>
<tr>
<td>K. Horse Racing Commission</td>
<td>Idaho State Horse Racing Commission</td>
<td>$116,500 $55,400</td>
</tr>
<tr>
<td>GRAND TOTAL</td>
<td></td>
<td>$7,862,700 $2,552,600 $407,600</td>
</tr>
</tbody>
</table>

CHAPTER 233
(H.B. No. 666)

AN ACT
APPROPRIATING MONEYS TO THE INDUSTRIAL COMMISSION TO BE EXPENDED FOR THE DESIGNATED PROGRAM ACCORDING TO THE DESIGNATED EXPENSE CLASSES FROM THE LISTED ACCOUNT FOR THE PERIOD FROM THE EFFECTIVE DATE OF THIS SECTION THROUGH JUNE 30, 1978; APPROPRIATING MONEYS TO THE INDUSTRIAL COMMISSION TO BE EXPENDED FOR THE DESIGNATED PROGRAM ACCORDING TO THE DESIGNATED EXPENSE CLASSES FROM THE LISTED ACCOUNT FOR THE PERIOD JULY 1, 1978 THROUGH JUNE 30, 1979; AND PROVIDING EFFECTIVE DATES.

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 from the effective date of this section through June 30, 1978.

<table>
<thead>
<tr>
<th>PROGRAM</th>
<th>PERSONNEL</th>
<th>OPERATING</th>
<th>CAPITAL</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>FROM:</td>
<td>FOR COSTS</td>
<td>EXPENDITURES</td>
<td>OUTLAY</td>
</tr>
<tr>
<td>A. REHABILITATION</td>
<td>Industrial Administration</td>
<td>$47,900</td>
<td>$23,700</td>
<td>$9,400</td>
</tr>
</tbody>
</table>

SECTION 2. 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, 1978, through June 30, 1979.

<table>
<thead>
<tr>
<th>PROGRAM</th>
<th>PERSONNEL</th>
<th>OPERATING</th>
<th>CAPITAL</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>FROM:</td>
<td>FOR COSTS</td>
<td>EXPENDITURES</td>
<td>OUTLAY</td>
</tr>
<tr>
<td>A. REHABILITATION</td>
<td>Industrial Administration</td>
<td>$220,200</td>
<td>$104,900</td>
<td>$14,700</td>
</tr>
</tbody>
</table>

SECTION 3. This act shall be in full force and effect on and after July 1, 1978, except for Section 1 hereof. An emergency existing therefor, which emergency is declared to exist, Section 1 shall be in full force and effect on and after its passage and approval through June 30, 1978.

AN ACT

EXPRESSING LEGISLATIVE INTENT WITH RESPECT TO EXPENDITURES FOR THE DEPARTMENT OF ADMINISTRATION; AND 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, 1978, THROUGH JUNE 30, 1979.

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, 1978, through June 30, 1979:

<table>
<thead>
<tr>
<th>FOR:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel Costs</td>
<td>$3,495,300</td>
</tr>
<tr>
<td>Operating Expenditures</td>
<td>2,193,800</td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>603,800</td>
</tr>
<tr>
<td>Trustee &amp; Benefit Payments</td>
<td>5,181,900</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$11,474,800</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>FROM:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>General Account</td>
<td>$1,111,800</td>
</tr>
<tr>
<td>General Interaccount Account</td>
<td>6,420,900</td>
</tr>
<tr>
<td>Permanent Building Account</td>
<td>389,500</td>
</tr>
<tr>
<td>Personnel Commission Account</td>
<td>1,057,800</td>
</tr>
<tr>
<td>Federal Surplus Property Revolving Account</td>
<td>204,300</td>
</tr>
<tr>
<td>Risk Retention Account</td>
<td>2,158,600</td>
</tr>
<tr>
<td>Employee Group Insurance Account</td>
<td>70,300</td>
</tr>
<tr>
<td>Federal Energy Account</td>
<td>51,600</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$11,474,800</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, 1978, through June 30, 1979:
<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>$117,300</td>
<td>$37,000</td>
<td>$400</td>
<td></td>
<td>$154,700</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>$100,600</td>
<td>$14,500</td>
<td>$800</td>
<td></td>
<td>$115,900</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>$35,800</td>
<td>$5,400</td>
<td></td>
<td></td>
<td>$41,200</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>$118,700</td>
<td>$21,700</td>
<td>$4,000</td>
<td></td>
<td>$144,400</td>
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<tr>
<td>General Interaccount Account</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>TOTAL</td>
<td>$118,700</td>
<td>$21,700</td>
<td>$4,000</td>
<td></td>
<td>$144,400</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>$26,000</td>
<td>$48,100</td>
<td></td>
<td></td>
<td>$241,600</td>
</tr>
<tr>
<td>VI. GENERAL SERVICES -- RADIO:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>$249,100</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>$17,500</td>
<td>$7,500</td>
<td></td>
<td>$32,600</td>
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<td>General Interaccount Account</td>
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<td>185,700</td>
<td>27,200</td>
<td></td>
<td>541,100</td>
</tr>
<tr>
<td>TOTAL</td>
<td>335,800</td>
<td>203,200</td>
<td>34,700</td>
<td></td>
<td>573,700</td>
</tr>
<tr>
<td>VII. GENERAL SERVICES -- RECORDS MANAGEMENT:</td>
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<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>General Interaccount Account</td>
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<td>$103,700</td>
</tr>
<tr>
<td>VIII. GENERAL SERVICES -- PRINTING:</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>PROGRAM</td>
<td>FOR PERSONNEL COSTS</td>
<td>FOR OPERATING EXPENDITURES</td>
<td>FOR CAPITAL OUTLAY</td>
<td>FOR TRUSTEE AND BENEFIT PAYMENTS</td>
<td>TOTAL</td>
</tr>
<tr>
<td>---------</td>
<td>---------------------</td>
<td>----------------------------</td>
<td>-------------------</td>
<td>---------------------------------</td>
<td>-------</td>
</tr>
<tr>
<td>General Interaccount Account</td>
<td>$262,500</td>
<td>$602,600</td>
<td>$26,000</td>
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<td>$891,100</td>
</tr>
<tr>
<td>IX. PUBLIC WORKS -- ADMINISTRATION:</td>
<td></td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Permanent Building Account</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Federal Energy Account</td>
<td>$318,300</td>
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<td></td>
<td></td>
<td>$395,500</td>
</tr>
<tr>
<td>TOTAL</td>
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<td>$87,200</td>
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<td></td>
<td>$451,100</td>
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<tr>
<td>X. PUBLIC WORKS -- BUILDING SERVICE:</td>
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<td></td>
</tr>
<tr>
<td>General Account</td>
<td></td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>General Interaccount Account</td>
<td>$754,900</td>
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<td></td>
<td></td>
<td>$1,438,100</td>
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<td>$626,300</td>
<td>$533,300</td>
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<td>$1,914,500</td>
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<tr>
<td>XI. PURCHASING:</td>
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<tr>
<td>General Account</td>
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<td>$35,500</td>
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<td>$500</td>
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<td>XII. BUREAU OF SUPPLIES:</td>
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</tr>
<tr>
<td>General Interaccount Account</td>
<td>$30,300</td>
<td>$34,900</td>
<td></td>
<td>$1,000</td>
<td></td>
</tr>
<tr>
<td>XIII. RISK MANAGEMENT:</td>
<td></td>
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</tr>
<tr>
<td>Risk Retention Account</td>
<td>$78,000</td>
<td>$29,600</td>
<td>$1,000</td>
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<td>$2,050,000</td>
</tr>
<tr>
<td>XIV. FEDERAL SURPLUS PROPERTY:</td>
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<tr>
<td>Federal Surplus Property Revolving Account</td>
<td>$136,800</td>
<td>$67,500</td>
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<td>$204,300</td>
</tr>
<tr>
<td>XV. GENERAL SERVICES -- CENTRAL PROPERTY:</td>
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<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Account</td>
<td>$26,500</td>
<td>$12,300</td>
<td>$600</td>
<td></td>
<td>$39,400</td>
</tr>
<tr>
<td>General Interaccount Account</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>$26,500</td>
<td>$18,100</td>
<td>$600</td>
<td></td>
<td>$45,200</td>
</tr>
<tr>
<td>XVI. INTERN:</td>
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<td></td>
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<tr>
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<td></td>
<td></td>
<td>$300</td>
<td></td>
</tr>
<tr>
<td>PROGRAM</td>
<td>FOR PERSONNEL COSTS</td>
<td>FOR OPERATING EXPENDITURES</td>
<td>FOR CAPITAL OUTLAY</td>
<td>FOR TRUSTEE AND BENEFIT PAYMENTS</td>
<td>TOTAL</td>
</tr>
<tr>
<td>-------------------------------</td>
<td>---------------------</td>
<td>----------------------------</td>
<td>-------------------</td>
<td>---------------------------------</td>
<td>-------------</td>
</tr>
<tr>
<td>XVII. EMPLOYEES GROUP INSURANCE:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Employees Group</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Insurance Account</td>
<td>$45,300</td>
<td>$25,000</td>
<td></td>
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<td>$70,300</td>
</tr>
<tr>
<td>XVIII. PERSONNEL COMMISSION:</td>
<td></td>
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<td></td>
</tr>
<tr>
<td>Personnel Commission Account</td>
<td>$839,800</td>
<td>$216,500</td>
<td>$1,500</td>
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<td>$1,057,800</td>
</tr>
<tr>
<td>XIX. PERSONNEL COMMISSION-TRAINING:</td>
<td></td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>General Interaccount Account</td>
<td>$15,000</td>
<td></td>
<td></td>
<td></td>
<td>$15,000</td>
</tr>
<tr>
<td>XX. MOTOR POOL:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Interaccount Account</td>
<td>$30,000</td>
<td></td>
<td></td>
<td></td>
<td>$30,000</td>
</tr>
<tr>
<td>GRAND TOTAL</td>
<td>$3,495,300</td>
<td>$2,193,800</td>
<td>$603,800</td>
<td>$5,181,900</td>
<td>$11,474,800</td>
</tr>
</tbody>
</table>

AN ACT
EXPRESSING LEGISLATIVE INTENT WITH RESPECT TO EXPENDITURES FOR
THE DEPARTMENT OF CORRECTION; 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, 1978, THROUGH JUNE 30, 1979; APPROPRIATING MONEYS FROM
FISCAL YEAR 1978 GENERAL ACCOUNT TO THE DEPARTMENT OF CORREC-
TION FOR THE 120 DAY REMAND PROGRAM, TO BE EXPENDED FOR CAPI-
TAL OUTLAY FOR THE SPECIFIED PERIOD; APPROPRIATING MONEYS
FROM THE RECEIPTS TO APPROPRIATION ACCOUNT TO THE DEPARTMENT
OF CORRECTION FOR THE 120 DAY REMAND PROGRAM FOR THE SPECI-
FIED PURPOSES FOR THE SPECIFIED PERIOD; AUTHORIZING THE
DEPARTMENT OF CORRECTION TO UNDERTAKE CONSTRUCTION OR REMODEL-
LING PROJECTS ALL OR IN PART BY INMATE LABOR FOR THE SPECI-
FIED 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
for the Department of Correction not exceed the following amounts
for the period July 1, 1978, through June 30, 1979:

<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>Penitentiary -- Law Enforcement Planning Account</td>
</tr>
<tr>
<td>Capital Outlay:</td>
<td>Miscellaneous Receipts Account</td>
</tr>
<tr>
<td>TOTAL</td>
<td>Penitentiary Income Account</td>
</tr>
<tr>
<td>$4,672,200</td>
<td>$6,610,400</td>
</tr>
<tr>
<td>$2,484,500</td>
<td>157,100</td>
</tr>
<tr>
<td>$168,800</td>
<td>200,000</td>
</tr>
<tr>
<td>$7,325,500</td>
<td>358,800</td>
</tr>
</tbody>
</table>

SECTION 2. There is hereby appropriated to the Department of
Correction the following amounts, to be expended for designated
programs, according to expense classes designated therein from
the listed accounts for the period July 1, 1978, through June 30,
1979:

<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. ADMINISTRATION:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM: General Account</td>
<td>$ 475,600</td>
<td>$ 272,200</td>
<td>$ 4,000</td>
<td>$ 751,800</td>
</tr>
</tbody>
</table>
B. INCARCERATION:
FROM:
General Account $2,006,200 $622,700 $147,400 $2,776,300
Penitentiary Income 358,000 358,000
Miscellaneous Receipts Account 200,000 200,000
TOTAL $2,006,200 $1,180,700 $147,400 $3,334,300

C. HABILITATION:
FROM:
General Account $314,900 $116,700 $1,700 $433,300

D. 120 DAY REMAND:
FROM:
General Account $353,600 $506,800 $10,300 $870,700
Penitentiary-Law Enforcement Planning Account 13,200 13,200
TOTAL $366,800 $506,800 $10,300 $883,900

E. PROBATION AND PAROLE:
FROM:
General Account $1,030,100 $243,800 $800 $1,274,700
Penitentiary-Law Enforcement Planning Account 60,300 143,900
TOTAL $1,090,400 $324,900 $2,500 $1,418,600

F. IDAHO SECURITY MEDICAL FACILITY:
FROM:
General Account $418,300 $83,200 $2,100 $503,600

GRAND TOTAL $4,672,200 $2,484,500 $168,800 $7,325,500

SECTION 3. There is hereby appropriated to the Department of Correction for the 120 Day Remand Program the following amount from the general account, to be expended for the purpose specified, for the period from the effective date of this section through June 30, 1979.

FOR:
Capital Outlay $67,000
FROM:
Fiscal Year 1978 General Account $67,000

SECTION 4. There is hereby appropriated to the Department of
Correction for the 120 Day Remand Program the following amount from the listed account for the purposes specified, for the period from the effective date of this section through June 30, 1978.

FOR:
Repairs and replacements due to fire damages $45,000
FROM:
Receipts to Appropriation Account $45,000

SECTION 5. The Department of Correction is hereby authorized to undertake any and all construction or remodeling projects all or in part by inmate labor, for the period from the effective date of this section through June 30, 1979.

SECTION 6. This act shall be in full force and effect on and after July 1, 1978, 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.

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, 1978, THROUGH JUNE 30, 1979; 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, 1978, through June 30, 1979:

<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>Miscellaneous Receipts Account</td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>Driver Training Account</td>
</tr>
<tr>
<td>Trustee &amp; Benefit Payments</td>
<td>Professional Standards Commission Account</td>
</tr>
<tr>
<td>TOTAL</td>
<td>Commodity Distribution Account</td>
</tr>
<tr>
<td></td>
<td>Federal Accounts</td>
</tr>
</tbody>
</table>

|                            | $ 2,407,500 | $ 1,402,000 | 20,900 | 17,511,900 | $21,342,300 |

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, 1978, through June 30, 1979:

<table>
<thead>
<tr>
<th>PROGRAM</th>
<th>FOR PERSONNEL COSTS</th>
<th>FOR OPERATING EXPENDITURES</th>
<th>FOR CAPITAL OUTLAY</th>
<th>FOR TRUSTEE AND BENEFIT PAYMENTS</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. MANAGEMENT:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Account</td>
<td>$ 94,700</td>
<td>$ 31,600</td>
<td>$ 800</td>
<td>$ 127,100</td>
<td></td>
</tr>
<tr>
<td>PROGRAM</td>
<td>FOR PERSONNEL COSTS</td>
<td>FOR OPERATING EXPENDITURES</td>
<td>FOR CAPITAL OUTLAY</td>
<td>FOR TRUSTEE AND BENEFIT PAYMENTS</td>
<td>TOTAL</td>
</tr>
<tr>
<td>--------------------------------------------------</td>
<td>---------------------</td>
<td>----------------------------</td>
<td>-------------------</td>
<td>----------------------------------</td>
<td>----------</td>
</tr>
<tr>
<td>Elementary-Secondary Education Account</td>
<td>$183,800</td>
<td>$66,800</td>
<td>$800</td>
<td></td>
<td>$253,400</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$278,500</td>
<td>$100,400</td>
<td>$1,600</td>
<td></td>
<td>$380,500</td>
</tr>
</tbody>
</table>

**B. FINANCE AND ADMINISTRATION:**

**FROM:**

- General Account: $341,100
- Driver Training Account: $64,700
- Commodity Distribution Account: $130,800
- School Food Services Acct. Elementary-Secondary: $64,000
- Drivers Retraining and Safety Education Accounts: $36,200
- Misc. Receipts Account: $101,100

**TOTAL:** $808,500

**C. FEDERAL PROGRAMS:**

**FROM:**

- General Account: $88,700
- Indian Education Account: $23,200
- Elementary-Secondary Education Account: $495,100
- Adult Basic Education Account: $63,100
- Special Education-Teacher Training Account: $17,800
- Deaf and Blind Children Account: $117,300

**TOTAL:** $687,900

**D. INSTRUCTION:**

**FROM:**

- General Account: $357,400
- Professional Standards Commission Account: $13,700
- Elementary-Secondary Education Account: $261,500

**TOTAL:** $632,600

**GRAND TOTAL:** $2,407,500
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.

CHAPTER 237
(H.B. No. 464, As Amended, As Amended in the Senate)

AN ACT
RELATING TO LOCATION OF STATE LIQUOR STORES AND DISTRIBUTING STATIONS; AMENDING SECTION 23-301, IDAHO CODE, TO PROVIDE FOR LOCAL PARTICIPATION ON LOCATION OF LIQUOR STORES; AMENDING SECTION 23-302, IDAHO CODE, TO PROVIDE FOR LOCAL PARTICIPATION ON LOCATION OF DISTRIBUTING STATIONS.

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

SECTION 1. That Section 23-301, Idaho Code, be, and the same is hereby amended to read as follows:

23-301. LIQUOR STORES -- NOTICE OF INTENT TO LOCATE.
(a) The dispensary, in its discretion, may establish and maintain a liquor store under the management of a vendor in any city organized under general or special law and in any incorporated village. It may classify such stores according to the volume of their sales. Before any store site may be established, the dispensary shall have printed in the city's official newspaper, as defined in section 50-213, Idaho Code, a legal notice of the dispensary's intent to establish a liquor store in the city and that a public hearing will be held regarding the proposed liquor store. The legal notice shall contain the time, date and place of the hearing and the address where the liquor store is proposed to be located and shall be a twenty (20) days' notice as described in section 60-109, Idaho Code. Within one (1) week after the last legal notice has been published, the dispensary shall hold a public hearing to give eligible voters who live in precincts located within a one thousand (1000) feet radius of the proposed site a chance to register a protest.

(b) If fifty percent (50%) or more of the eligible voters living in precincts, any part of which is located within a one thousand (1000) foot radius surrounding the proposed site of the liquor store, sign a petition which protests the proposed site of the liquor store and present it to the superintendent or his designated representative within five (5) business days after the public hearing, the dispensary shall not place a liquor store at the proposed site.

(c) The dispensary may classify liquor stores according to the volume of their sales.

SECTION 2. That Section 23-302, Idaho Code, be, and the same is hereby amended to read as follows:
23-302. DISTRIBUTING STATIONS -- NOTICE OF INTENT TO LOCATE. (a) The dispensary, in its discretion, may select a special distributor in any municipality where in its judgment a liquor store is not required; or in any unincorporated locality, but only if satisfied of the existence therein of adequate local police protection, and upon the furnishing by said distributor of a bond satisfactory to the dispensary, conditioned for his faithful observance of this act and the rules and regulations of the dispensary thereunder, and if subsection (b) of this section is complied with.

(b) If fifty percent (50%) or more of the eligible voters living in precincts, any part of which is located within a two thousand (2,000) foot radius surrounding the proposed site of the distributing station, sign a petition which protests the proposed site of the distributing station and present it to the superintendent or his designated representative within five (5) business days after the public hearing, the dispensary shall not place a distributing station at the proposed site.

(c) In fixing or changing maintaining the location of any such store or station, or in discontinuing the same, the dispensary shall give due consideration to the normal local demand for alcoholic liquor by resident temperate adult consumers and the local community sentiment with respect to the liquor traffic as expressed by ordinance or otherwise.

Approved March 24, 1978.
CHAPTER 238
(H.B. No. 440, As Amended in the Senate)

AN ACT
RELATING TO THE DUTIES OF THE DIRECTOR OF THE DEPARTMENT OF
AGRICULTURE; AMENDING SECTION 22-103, IDAHO CODE, TO
PROVIDE AN ADDITIONAL DUTY OF THE DIRECTOR TO AUTHORIZE
AND IMPLEMENT A PREDATOR CONTROL PROGRAM.

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

SECTION 1. That Section 22-103, Idaho Code, be, and the
same is hereby amended to read as follows:

22-103. DUTIES OF DIRECTOR. The director of the depart­
ment of agriculture shall execute the powers and discharge
the duties vested by law in him or in the department,
including, but not limited to, the following:
(1) Pursuant to chapter 53, title 67, Idaho Code, hire, assign
duties and evaluate the performance of all employees
of the department.
(2) Designate employees for special assignment, office
or function as the needs of the department may require.
(3) Acquire, generate, develop and disseminate informa­
tion and data concerning agricultural pursuits, productivity
and product quality.
(4) Encourage and promote in every practical manner,
the interests of agriculture, horticulture, apiculture, the
livestock industries, poultry and fowl raising, wool and
fur-bearing animals and their allied industries.
(5) Assist, encourage and promote the organization of
farmers' institutes, agricultural, horticultural, management
or cooperative societies and organizations for the benefit
of agricultural pursuits in this state.
(6) Promote improved methods of production, storage,
sales and marketing of agricultural industries.
(7) Establish and promulgate standards of construction,
use and sanitation of open and closed receptacles for farm
products, and standards for grade or other classification of
farm products.
(8) Prescribe and promulgate rules and regulations gov­
erning marks, brands and labels, and the registration
thereof, for use upon receptacles for farm products.
(9) Promote, in the interest of the public, economical
and efficient use of products and commodities used in the
production of agricultural, horticultural, meats and other
products and farm commodities and their distribution.
(10) Cooperate with producers, processors and consumers
in devising and maintaining economical and efficient systems
of distribution, and to assist in the reduction of waste and
expense incidental to the marketing of agricultural products.

(11) Gather and diffuse timely information and statistics concerning supply, demand, prevailing prices and commercial movement of agricultural products.

(12) Maintain a market news service, including information concerning crops, freight rates, commission rates and such other information as may be of service to producers and consumers, and to act as a clearinghouse for information between producers and consumers.

(13) Cooperate with the secretary, colleges and universities, experiment stations, and other agencies which cooperate in devising, research and development and utilization of improved agricultural production and other activities.

(14) Investigate the practices, methods of factors, management techniques of commission merchants, track buyers and others who receive, solicit, buy, sell, handle on commission or otherwise, or deal in grains, eggs, livestock, vegetables or other products used as human foods, to the end that distribution of such commodities through such factors, commission merchants, track buyers and others be efficiently and economically accomplished without hardship, waste or fraud.

(15) Enter and inspect any right of way of any irrigation canal, railway, public highway, field, orchard, nursery, fruit or vegetable packing house, store room, sales room, storage facility, depot or other place where fruits and vegetables are grown or stored and to inspect fruits, trees, plants, vines, shrubs or other articles within the state, and if such places or articles are infested with pests, insects or their eggs or larvae, or with any contagious or transmittible diseases injurious to plant life, to abate or eradicate the same as a nuisance.

(16) Provide treatment for and prevent the spread of infectious or communicable diseases among bees, livestock, fur-bearing animals or domestic animals through the systematic and periodic inspection, testing or treatment of such bees and animals at the expense of the owner thereof.

(17) Protect the livestock interests of the state from losses due to disease or hazards to animal health and communicable to humans through agricultural products.

(18) Maintain recording of earmarks, eartags or other identifying marks not covered under any other provisions of law.

(19) Purchase, lease, hold, sell, and dispose of real and personal property of the department when, in the judgment of the director, such transactions promote the purposes for which the department is established.
(20) Contract with any state agency, federal agency or agency of another state concerning any matter, program or cooperative effort within the scope and jurisdiction of its authority pursuant to law.

(21) Assist in the improvement of country life, farm occupations and to cooperate in effectuating equality of opportunity of those employed in agricultural pursuits in the state of Idaho.

(22) Investigate diseases, contamination of livestock and poultry, agricultural, horticultural, and farm products, suspected to be infected or contaminated by bacterial, viral, protozoal, parasitic, chemical, nuclear, botanical or other disease-producing agents, or carrying a residue of any such disease-producing agent or chemical in excess of any tolerance established by federal or state law or regulation and to examine, conduct tests, and issue "hold orders" on any livestock, poultry, agricultural, horticultural or farm products as deemed necessary to effectuate a diagnosis of disease, contamination or chemical level to safeguard and protect animal and man. And additionally, authorize and implement a predator control program on state and private lands using any kind of toxic material or substance suitable for such purpose. Any toxic material or substance shall be approved for use by the director. In order to carry out the provisions of this subsection (22), the director shall prescribe and promulgate rules and regulations pursuant to chapter 52, title 67, Idaho Code.

Approved March 24, 1978.
CHAPTER 239
(H.B. No. 456, As Amended)

AN ACT
RELATING TO THE POWERS AND DUTIES OF THE IDAHO STATE BUILDING AUTHORITY; AMENDING SECTION 67-6402, IDAHO CODE, TO STRIKE INSTRUMENTALITIES OF THE STATE FROM THE DEFINITION OF STATE BODY; AMENDING SECTION 67-6405, IDAHO CODE, TO PROVIDE THAT NO COMMISSIONER OF THE AUTHORITY SHALL ALSO SERVE ON THE PERMANENT BUILDING COUNCIL; AMENDING SECTION 67-6409, IDAHO CODE, TO STRIKE AUTHORIZATION TO MAKE PLANNING STUDIES; AMENDING SECTION 67-6410, IDAHO CODE, TO PROVIDE LIMITATIONS UPON AUTHORIZATIONS TO FINANCE BUILDING DEVELOPMENTS OR PROJECTS.

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

SECTION 1. That Section 67-6402, Idaho Code, be, and the same is hereby amended to read as follows:

67-6402. DEFINITIONS. As used in this chapter the following words and terms have the following meanings, unless a different meaning clearly appears from the context:

(a) "Authority" means the Idaho state building authority created and established pursuant to section 67-6403, Idaho Code.

(b) "Bonds," "notes" or "bond anticipation notes" and "other obligations" mean any bonds, notes, debentures, interim certificates or other evidences of financial indebtedness, respectively, issued by the state building authority pursuant to this chapter.

(c) "Federal government" means the United States of America, or any agency or instrumentality, corporate or otherwise of the United States of America.

(d) "Facility" means any work or undertaking, whether new construction or rehabilitation, which is designed and financed pursuant to the provisions of this act and designed for use as an office building, laboratory, library, dining room, instructional facility, motor vehicle parking, storage or service facility or for any other use by any state body and all other real or personal properties which are necessary, convenient, or desirable appurtenances, such as but not limited to streets, sewers, utilities, parks, site preparation, landscaping, and such equipment which may be necessary to constitute a fully equipped and modern office building as the authority determines to be necessary or
convenient to accomplish the purposes of this act.

(e) "Municipality" means any city, municipal corporation, or other political subdivision of this state.

(f) "Real property" means 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 of years and liens by way of judgment, mortgage or otherwise and the indebtedness secured by such liens.

(g) "State" means the state of Idaho.

(h) "State body" means any department, board, commission, or agency of the state of Idaho including instrumentalities thereof.

SECTION 2. That Section 67-6405, Idaho Code, be, and the same is hereby amended to read as follows:

67-6405. APPOINTMENT AND REMOVAL OF COMMISSIONERS. (a) The powers of the authority shall be vested in a board of seven (7) commissioners appointed by the governor for terms of five (5) years with advice and consent of a majority of the members of the senate. No commissioner appointed after January 1, 1978, shall also serve as a member of the permanent building council created in section 67-5710, Idaho Code. Of the commissioners first appointed, two (2) commissioners shall serve for terms ending one (1) year from January first next succeeding the date of their appointment, two (2) commissioners shall serve for terms ending two (2) years from January first next succeeding their appointment and one (1) of the remaining three (3) commissioners shall serve for a term of three (3), four (4) and five (5) years, respectively. Any vacancies in the membership of the authority shall be filled in like manner but only for the remainder of an unexpired term. Each commissioner shall hold office for the term of his appointment and until his successor shall have been appointed and qualified. Any commissioner shall be eligible for reappointment.

(b) The commissioners shall elect from among their number a chairman and a vice-chairman annually and such other officers as it may determine. Meetings shall be held at the call of the chairman or whenever two (2) commissioners so request. Four (4) commissioners of the authority shall constitute a quorum and the affirmative vote of four (4) commissioners shall be necessary for any action taken by the authority. No vacancy in the membership of the authority shall impair the right of a quorum to exercise all the rights and perform all the duties of the authority.

(c) Commissioners shall be compensated on a per diem
basis to be determined by the authority not in excess of twenty-five dollars ($25.00) for each day spent in the exercise of authority business and shall be reimbursed for reasonable expenses incurred in carrying out their duties under this act.

(d) For incompetency or neglect of duty or malfeasance in office, a commissioner of the authority may be removed from office by the governor in the manner provided by law.

SECTION 3. That Section 67-6409, Idaho Code, be, and the same is hereby amended to read as follows:

67-6409. GENERAL POWERS OF THE AUTHORITY. The authority is hereby granted, has and may exercise all powers necessary or appropriate to carry out and effectuate its corporate purposes, including, without limitation, the following:

(a) sue and be sued in its own name;
(b) have an official seal and to alter the same at pleasure;
(c) have perpetual succession;
(d) maintain an office at such place or places within this state as it may designate;
(e) adopt and from time to time amend and repeal by-laws and rules and regulations, not inconsistent with this chapter, to carry into effect the powers and purposes of the authority and the conduct of its business;
(f) make and execute contracts and all other instruments necessary or convenient for the exercise of its powers and functions;
(g) acquire real or personal property, or any interest therein, on either a temporary or long term basis in the name of the authority by gift, purchase, transfer, foreclosure, lease or otherwise including rights or easements; hold, sell, assign, lease, encumber, mortgage or otherwise dispose of any real or personal property, or any interest therein, or mortgage interest owned by it or under its control, custody or in its possession and release or relinquish any right, title, claim, lien, interest, easement or demand however acquired, including any equity or right of redemption in property foreclosed by it and to do any of the foregoing by public sale, with such public bidding as shall be required by the provisions of any other law;
(h) to lease or rent any lands, buildings, structures, facilities or equipment from private parties to effectuate the purposes of this act;
(i) to enter into agreements or other transactions with and accept grants and the cooperation of the United States or any agency thereof or of the state of Idaho or any agency or governmental subdivision thereof in furtherance of the
purposes of this act, including but not limited to the
development, maintenance, operation and financing of any
facility and to do any and all things necessary in order to
avail itself of such aid and cooperation;

(j) to receive and accept aid or contributions from any
source of money, property, labor or other things of value,
to be held, used and applied to carry out the purposes of
this act subject to such conditions upon which such grants
and contributions may be made, including, but not limited
to, gifts or grants from any department or agency of the
United States or this state for any purpose consistent with
this act;

(k) to employ architects, engineers, attorneys,
accountants, building construction and financial experts and
such other advisors, consultants and agents as may be neces­
sary in its judgment and to fix their compensation;

(l) to procure insurance against any loss in connec­
tion with its property and other assets in such amounts and
from such insurers as it deems desirable;

(m) to invest any funds not needed for immediate use
of disbursement, including any funds held in reserve, in
property or securities in which a bank, as defined in
section 26-102, Idaho Code, may legally invest funds;

(n) to borrow money and issue bonds and notes or
other evidences of indebtedness thereof as hereinafter pro­
vided;

(o) to the extent permitted under its contract with
the holders of bonds, notes and other obligations of the
authority to consent to any modification of any contract,
lease or agreement of any kind to which the authority is a
party;

(p) to manage or operate real and personal property,
in the state, take assignments of leases and rentals, pro­
ceed with foreclosure actions, or take any other action
necessary or incidental to the performance of its corporate
duties;

(q) to make and enter into all contracts and agree­
ments necessary or incidental to the performance of its
duties and the execution of its powers under this chapter;

(r) to plan, carry out, acquire, lease and operate
facilities and to provide for the construction, reconstruc­
tion, improvement, alteration or repair of any facility or
part thereof;

(s) to sell, lease, rent or sublease to any state
body, any facility or any space embraced in any facility constructed or leased under this act to establish and revise the rents or charges therefor and to do any other acts necessary to the management and operation of its facilities;

(t) to do any act necessary or convenient to the exercise of the powers herein granted or reasonably implied therefrom.

SECTION 4. That Section 67-6410, Idaho Code, be, and the same is hereby amended to read as follows:

67-6410. PROCEDURE PRIOR TO FINANCING BUILDING DEVELOPMENTS OR BUILDING PROJECTS. Notwithstanding any other provision of this act, the authority is not empowered to finance any facility pursuant to section 67-6409, Idaho Code, unless:

(a) Prior approval by the legislature has been given by concurrent resolution authorizing a state body to have the authority provide a specific facility;

(b) A state body has entered into an agreement with the authority for the authority to provide a facility;

(c) The authority finds that the building development or building project to be assisted pursuant to the provisions of this act, will be of public use and will provide a public benefit. No state body may enter into an agreement pursuant to (a) above without prior legislative approval.

Approved March 24, 1978.
CHAPTER 240
(H.B. No. 610)

AN ACT
RELATING TO REQUIREMENTS FOR IMMUNIZATION AND SCHOOL ATTENDANCE; AMENDING TITLE 39, IDAHO CODE, BY THE ADDITION THERETO OF A NEW CHAPTER 46, TITLE 39, IDAHO CODE, TO PROVIDE THAT A CHILD MAY ATTEND SCHOOL UPON PRESENTATION OF CERTIFICATION THAT HE HAS RECEIVED IMMUNIZATION AS REQUIRED BY THIS CHAPTER, AND TO PROVIDE FOR EXEMPTIONS FROM IMMUNIZATION FOR CHILDREN; 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 46, Title 39, Idaho Code, and to read as follows:

CHAPTER 46
IMMUNIZATION

39-4601. IMMUNIZATION REQUIRED. Except as provided in section 39-4602, Idaho Code, any child in Idaho of the age of compulsory school attendance may attend any public, private or parochial elementary or secondary school operating in this state, provided that within sixty (60) days of the first admission, the parent or guardian shall provide a statement to the school authorities regarding the child's immunity to certain childhood diseases. This statement shall provide a certificate signed by a physician licensed by the state board of medicine or from an authorized representative of the district health department, that such child has received, or is in the process of receiving immunizations as specified by the board of health and welfare, or can effectively demonstrate, through verification in a form approved by the department of health and welfare, immunity gained through prior contraction of the disease.

The parent or guardian of any child who is attending school for other than the first time during the school term beginning in 1978, shall be required to comply with the provisions of this chapter prior to the beginning of the 1979 school year.

Immunizations required and the manner and frequency of their administration shall be as prescribed by the state
board of health and welfare and shall conform to recognized standard medical practices in the state. The state board of health and welfare, in cooperation with the state board of education and the Idaho school boards association, shall promulgate appropriate rules and regulations for the enforcement of the required immunization program and specify reporting requirements of schools, pursuant to the provisions of chapter 52, title 67, Idaho Code.

39-4602. EXEMPTIONS. (1) Any minor child whose parent or guardian has submitted to school officials a certificate signed by a physician licensed by the state board of medicine stating that the physical condition of the child is such that all or any of the required immunizations would endanger the life or health of the child shall be exempt from the provisions of this chapter.

(2) Any minor child whose parent or guardian has submitted a signed statement to school officials stating their objections on religious or other grounds shall be exempt from the provisions of this chapter.

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 24, 1978.
AN ACT
APPROPRIATING MONEYS OUT OF THE GENERAL ACCOUNT TO THE
LEGISLATIVE COUNCIL, AND SPECIFYING THE PURPOSE FOR
WHICH THE APPROPRIATION IS MADE.

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

SECTION 1. There is hereby appropriated out of the Gen­
eral Account to the Legislative Council, the sum of $24,000,
to be expended as follows:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1978-79 dues payment to the Council of State Governments:</td>
<td>$12,000</td>
</tr>
<tr>
<td>1978-79 dues payment to the National Conference of State Legislatures:</td>
<td>12,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$24,000</strong></td>
</tr>
</tbody>
</table>

Approved March 24, 1978.
CHAPTER 242
(S.B. No. 1580)

AN ACT
RELATING TO THE STRUCTURE OF THE EXECUTIVE BRANCH OF IDAHO STATE GOVERNMENT; AMENDING SECTION 67-2402, IDAHO CODE, TO PROVIDE FOR CONSIDERATION OF SCHOOL DISTRICTS AS CIVIL DEPARTMENTS OF STATE GOVERNMENT ONLY FOR THE PURPOSE OF AND LIMITED TO THE PURCHASE OF STATE ENDOWMENT LAND AT APPRAISED PRICES.

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

SECTION 1. That Section 67-2402, Idaho Code, be, and the same is hereby amended to read as follows:

67-2402. STRUCTURE OF THE EXECUTIVE BRANCH OF IDAHO STATE GOVERNMENT. (1) Pursuant to section 20, article IV, Idaho constitution, all executive and administrative offices, agencies, and instrumentalities of the executive department of state, except for those assigned to the elected constitutional officers, are allocated among and within the following departments:
Department of administration
Department of agriculture
Department of correction
Department of employment
Board of examiners
Department of finance
Department of fish and game
Department of health and welfare
Department of insurance
Idaho transportation department
Industrial commission
Department of labor and industrial services
Department of lands
Department of law enforcement
Department of parks and recreation
Department of revenue and taxation
Department of self-governing agencies
Department of water resources
State board of education
The public school districts of Idaho, having condemnation authority, shall be considered civil departments of state government for the purpose of and limited to the purchase of state endowment land at appraised prices.
(2) The governor, lieutenant governor, secretary of state, state auditor, state treasurer, attorney general and superintendent of public instruction each heads a constitutional office.

(3) For its internal structure, unless specifically provided otherwise, each department shall adhere to the following standard terms:

(a) The principal unit of a department is a division. Each division shall be headed by an administrator. The administrator of any division may be exempt from the provisions of chapter 53, title 67, Idaho Code, if declared exempt by the director of the department at the time of the creation of the division.

(b) The principal unit of a division is a bureau. Each bureau shall be headed by a chief.

(c) The principal unit of a bureau is a section. Each section shall be headed by a supervisor.

Approved March 24, 1978.
AN ACT
RELATING TO MOTOR VEHICLE DEALER AND SALESMAN LICENSING;
AMENDING SECTION 49-118, IDAHO CODE, TO STRIKE THE
REQUIREMENT OF DEALER LICENSE PLATES AND TO PROVIDE FOR
NEW AND USED DEALER LICENSE PLATES; AMENDING SECTION
49-2402, IDAHO CODE, TO PROVIDE THAT A PRINCIPAL PLACE
OF BUSINESS FOR A MOTOR VEHICLE DEALER SHALL PERMIT THE
DISPLAY OF FIVE OR MORE NEW OR USED MOTOR VEHICLES
TOGETHER WITH ADEQUATE REPAIR AND SERVICE FACILITIES,
AND TO PROVIDE THAT A LICENSED REAL ESTATE BROKER OR
SALESMAN WHO SELLS, LISTS, BUYS OR NEGOTIATES THE PURCHASE, SALE OR EXCHANGE OF A USED MOBILE HOME SHALL BE EXEMPT; AMENDING SECTION 49-2403, IDAHO CODE, TO PROVIDE CORRECTED REFERENCES; AMENDING SECTION 49-2408, IDAHO CODE, TO PROVIDE FOR INCREASED FEES; AMENDING CHAPTER 24, TITLE 49, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 49-2409, IDAHO CODE, TO PROVIDE FOR A MOTOR VEHICLE DEALER'S BOND IN THE AMOUNT OF TEN THOUSAND DOLLARS CONDITIONED SO THE APPLICANT SHALL NOT PRACTICE ANY FRAUD, MAKE ANY FRAUDULENT REPRESENTATION OR VIOLATE ANY PROVISIONS OF THE MOTOR VEHICLE DEALER AND SALESMAN LICENSING ACT, AND TO PROVIDE THAT A LICENSED REAL ESTATE BROKER OR SALESMAN WHO SELLS, LISTS, BUYS OR NEGOTIATES THE PURCHASE, SALE OR EXCHANGE OF A USED MOBILE HOME SHALL NOT BE REQUIRED TO COMPLY WITH THIS SECTION; AMENDING SECTION 49-2414, IDAHO CODE, TO PROVIDE A DEFINITION FOR GOOD CAUSE FOR MODIFYING, REPLACING, TERMINATING OR REFUSING TO CONTINUE A MOTOR VEHICLE DEALER FRANCHISE; AMENDING CHAPTER 24, TITLE 49, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 49-2420, IDAHO CODE, TO PROVIDE FOR PRODUCT LIABILITY RESPONSIBILITY, TO PROVIDE COMPENSATION FOR WARRANTY DEFECT OR DELIVERY AND PREPARATION OBLIGATIONS AT THE DEALER'S REGULAR ESTABLISHED RETAIL RATE FOR SIMILAR NONWARRANTY WORK; AMENDING CHAPTER 24, TITLE 49, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 49-2421, IDAHO CODE, TO PROVIDE FOR THE DISCLOSURE OF ANY DAMAGE EXCEEDING SIX PER CENT OF THE MANUFACTURER'S SUGGESTED RETAIL PRICE IN WRITING PRIOR TO DELIVERY; AND AMENDING CHAPTER 24, TITLE 49, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 49-2422, IDAHO CODE, TO PROVIDE THAT REPAIRED DAMAGE NOT EXCEEDING SIX PER CENT OF THE MANUFACTURER'S SUGGESTED RETAIL PRICE SHALL NOT CONSTITUTE GROUNDS FOR REVOCATION OF THE CUSTOMER ORDER.

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. LICENSE REQUIRED BY MOTOR VEHICLE MANUFACTURERS OR NEW AND USED DEALERS -- USE AND DISPLAY OF PLATES. 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 semitrailers, 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 new or used motor vehicles, trailers or semitrailers, owning or operating any such vehicle upon any highway in lieu of registering each such vehicle may obtain from the department upon application therefor to the department upon the proper official 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" words which may be abbreviated, to indicate a new vehicle dealer or a used vehicle dealer, as the case may be, or a distinguishing symbol indicating that such plate is issued to a manufacturer or a new or used 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 new or used dealer, in pursuance of his business as a manufacturer or new or used dealer.

1. Dealer New or used 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 new or used dealer has complied with section 49-127, Idaho Code;
   (d) On vehicles which have been sold.

2. Dealer New or used dealer plates may be used on vehicles operated by the manufacturer, new or used dealer, or his licensed motor vehicle salesmen, as defined in section 49-2402(5), Idaho Code, in connection with the manufacturer's or new or used dealer's business. A new or used dealer plate may be used on a vehicle assigned for personal use on a full-time basis to
the manufacturer, new or used 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, new or used 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 new or used dealer plate for not more than ninety-six (96) hours or may operate the vehicle when accompanied by the manufacturer, new or used dealer or a licensed motor vehicle salesman.

3. Licensed part-time motor vehicle salesmen may use a new or used 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 new or used dealer plate when testing the mechanical operation of a vehicle or for the necessary operation in pursuance of the new or used dealer's business, including the delivery and pickup of vehicles owned or purchased by such manufacturer or new or used dealer. Motor vehicle manufacturers and new or used dealers shall keep a written record of the vehicles upon which such new or used 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, 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 new or used motor vehicles, trailers or semitrailers 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 vehicle 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.

SECTION 2. That Section 49-2402, Idaho Code, be, and the same is hereby amended to read as follows:

49-2402. DEFINITIONS. The following words and phrases, when used in this act, shall, for the purpose of this act, have the meaning respectively ascribed as follows:

(1) "Motor vehicle" shall mean every vehicle intended
primarily for use and operation on the public highways which is self-propelled; and every vehicle intended primarily for operation on the public highways which is not driven or propelled by its own power, but which is designed either to be attached to and become a part of, or to be drawn by a self-propelled vehicle; but not including farm tractors and other machines and tools used in the production, harvesting and care of farm products.

(2) "Person" shall mean every natural person, firm, co-partnership, association or corporation.

(3) "Motor vehicle dealer" shall mean any person engaged in the business of selling or exchanging new or new and used motor vehicles, or who buys and sells, or exchanges three (3) or more new or new and used motor vehicles in any one (1) calendar year.

(4) "Used motor vehicle dealer" shall mean any person engaged in the business of selling or exchanging used motor vehicles, or who buys and sells, or exchanges three (3) or more used motor vehicles in any one (1) calendar year.

No insurance company, finance company, public utility company, or other person coming into possession of any motor vehicle as an incident to its regular business who shall sell such vehicle, or who shall sell such vehicle under any contractual rights it may have with respect thereto shall be considered a motor vehicle dealer or used motor vehicle dealer under the terms and provisions of subsections (3) and (4) of this section.

(5) "Motor vehicle salesman" shall mean any person, who, for a salary, commission or compensation of any kind, is employed either directly or indirectly, or regularly or occasionally by any motor vehicle dealer or used motor vehicle dealer or other licensee as in this act provided to sell, purchase or exchange or to negotiate for the sale, purchase or exchange of motor vehicles, motorcycles, motor scooters or mobile homes.

(6) "Director" shall mean the director of the department of law enforcement of this state.

(7) "Department" shall mean the department of law enforcement of this state acting directly or through its duly authorized officers and agents.

(8) "Principal place of business" shall mean a site or location devoted mostly and mainly to the business for which the motor vehicle dealer or used motor vehicle dealer is licensed, sufficiently designated to admit of definite description with space thereon or contiguous thereto adequate to permit the display of five (5) or more new or new and used motor vehicles, adequate repair facilities and tools to properly and actually service motor vehicles at such place of business and to make repairs arising out of
the conduct of the licensee's business, or in lieu of such repair facilities the licensee may enter into a contract for the provision of such service and file a copy thereof with the department and shall furnish to each buyer a written statement as to where such service will be provided, and on which there shall be located or erected permanent inclosed building or structure large enough to accommodate the office or offices of the dealer and to provide a safe place to keep the books and other records of the business of such dealer, at which site or location the principal portion of such dealer's business shall be conducted and the books and records thereof kept and maintained. In no event shall a room or rooms in a hotel, rooming house, or apartment house building or a part of any single or multiple unit dwelling house be considered a "principal place of business" within the terms and provisions of this act unless the entire ground floor of such hotel, apartment house, or rooming house building or such dwelling house be devoted principally to and occupied for commercial purposes and the office or offices of the dealer be located on the ground floor thereof. In no event shall premises devoted principally to the business of a gasoline service station be considered a "principal place of business" within the terms and provisions of this act, provided, however, this subsection shall not apply to any real estate salesman, holding a current salesman's license from the state of Idaho and associated with and licensed under a licensed real estate broker, who sells or offers to sell, lists or offers to list, buys or offers to buy, negotiates or offers to negotiate, either directly or indirectly, the sale of a used mobile home while representing, either directly or indirectly, said broker.

(9) "New motorcycle or motor scooter dealer" shall mean any person who has a franchise from a manufacturer of motorcycles or motor scooters who is engaged in the business of selling or exchanging new or new and used motorcycles or motor scooters or who buys and sells or exchanges three (3) or more new or new and used motorcycles or motor scooters in any one (1) calendar year.

(10) "Used motorcycle or motor scooter dealer" shall mean any person engaged in the business of selling or exchanging used motorcycles or motor scooters or who buys and sells three (3) or more used motorcycles or motor scooters in any one (1) calendar year. Provided, however, that no insurance company, bank or finance company, public utility company, or other person coming into possession of any motorcycle or motor scooter as an incident to its regular business who shall sell such vehicles under any contractual rights it may have with respect thereto shall be considered to be a new and used motorcycle or motor scooter.
dealer under the terms and provisions of this act.

(11) "Mobile home dealer" shall mean any person engaged in the business of selling or exchanging new or new and used mobile homes, or who buys or sells or exchanges three (3) or more new or new and used mobile homes in any one (1) calendar year.

(12) "Manufacturer" shall mean every person engaged in the business of constructing or assembling motor vehicles, of a type subject to registration under the motor vehicle act, at an established place of business within the state. Provided, however, the term "manufacturer" shall not include mobile home manufacturer.

(13) "Distributor" shall mean any person, firm, association, corporation or trust, resident or nonresident, who has a franchise from a manufacturer of motor vehicles to distribute motor vehicles in this area, and who in whole or in part sells or distributes new motor vehicles to motor vehicle dealers or who maintains distributor representatives.

(14) "Factory branch" shall mean a branch office maintained by a person, firm, association, corporation or trust, who manufactures or assembles motor vehicles for the sale of motor vehicles to distributors, or for the sale of motor vehicles to motor vehicle dealers, or for directing or supervising, in whole or in part, its representatives.

(15) "Distributor branch" shall mean a branch office similarly maintained by a distributor for the same purposes a factory branch is maintained.

(16) "Factory representative" shall mean any person, firm, association, corporation or trust, and each officer and employee thereof engaged as a representative of a manufacturer of motor vehicles or by a factory branch for the purpose of making or promoting a sale of his, its, or their motor vehicles, or for supervising or contacting his, its, or their dealers or prospective dealers.

(17) "Distributor representative" shall mean any person, firm, association, corporation or trust, and each officer and employee thereof engaged as a representative of a distributor or distributor branch of motor vehicles for the purpose of making or promoting the sale of his, its, or their motor vehicles, or for supervising or contacting his, its, or their dealers or prospective dealers.

(18) "Franchise" shall mean contract or agreement between a motor vehicle dealer and a manufacturer of new motor vehicles or its distributor or factory branch by which the dealer is authorized to engage in the business of selling any specified make or makes of new motor vehicles.

SECTION 3. That Section 49-2403, Idaho Code, be, and
the same is hereby amended to read as follows:

49-2403. ADMINISTRATION -- POWERS AND DUTIES. The director and the advisory board hereinafter defined, are hereby charged with the administration of this act. For the purpose of administering this act, the director and advisory board shall have the following powers and duties:

(1) From time to time to promulgate, amend, and repeal such reasonable rules and regulations, not inconsistent with this act and the laws of the state of Idaho, as the director and advisory board shall deem necessary, to carry out the purposes of this act. To define and prohibit by regulation, any practice which is found to be deceptive. The director shall cause a public hearing to be held on any proposed regulation. The director, with approval of the advisory board, is further empowered:

(2) To employ, subject to the laws of the state of Idaho, such clerks, deputies, and assistants as he may consider necessary to discharge the duties imposed upon him by this act, and to designate the duties of such clerks, deputies and assistants.

(3) To issue, and, for reasonable cause shown, to refuse to issue to any applicant therefor, any license authorized by this act. The director shall not refuse to issue to any applicant therefor, other than a partnership or corporation, any license provided for herein if such applicant shall have complied with the terms and provisions of this act and the rules and regulations promulgated by the director pursuant to the authority herein conferred upon him relating to the conduct of the type of business for which application for a license is made, or unless the applicant, though never licensed under the terms and provisions of this act, has been convicted in a court of record in this state of violation of some one or more of the terms and provisions of this act or of a rule or regulation promulgated by the director under the authority herein conferred upon him. If the applicant for a license be a partnership or a corporation, the director may refuse to issue a license to such applicant where he determines: That one or more of the partners, if the applicant be a partnership, or one or more of the stockholders or officers of the corporation, if a corporation be the applicant, was previously the holder of a license, issued under the authority of this act, which was revoked or suspended, which license in the case of revocation was never reissued or in the case of suspension was never reinstated, or that one or more of such partners, stockholders, or officers, as the case may be, though not previously the holder of a license, was convicted in a court of record in the state of Idaho of a violation of one or
more of the provisions of this act or of a rule or regulation promulgated by the director under the authority herein conferred upon him; and that by reason of the facts and circumstances touching the organization, control, and management of the partnership or corporation business it is likely that the policy of such business will be directed, controlled, or managed by individuals who, by reason of their conviction of a violation of the provisions of this act, would be ineligible for a license and that by licensing such corporation or partnership the purposes of this act would likely be defeated.

(4) For just cause shown, to revoke, or to suspend on such terms and conditions and for such period of time as to the director shall appear fair and just, any license or licenses issued under and pursuant to the terms and provisions of this act. No such license shall be revoked or suspended except that it shall first be shown that the licensee has violated one or more of the terms and provisions of this act, or of a rule or regulation promulgated by the (commissioner) director under the power and authority herein conferred upon him.

(5) He shall have the power on his own motion and he shall upon the sworn complaint of any person investigate any suspected or alleged violation by any licensee hereunder of any of the terms and provisions of this act or of any rule or regulation promulgated by the director under the authority herein conferred upon him.

(6) To prescribe the forms to be used for applications for licenses to be issued under the provisions of this act and to require of such applicants, as a condition precedent to the issuance of such license, such information touching on and concerning the applicant's fitness to be licensed hereunder as he may consider necessary. Every application for a licensee's license shall contain, in addition to such information as the director may require, a statement of the following facts:

(a) The name and residence address of the applicant and the trade name, if any, under which he intends to conduct his business; and if the applicant be a copartnership, the name and residence address of each member thereof, whether a limited or general partner, and the name under which the partnership business is to be conducted; and if the applicant be a corporation, the name of the corporation and the name and address of each of its principal officers and directors.

(b) A complete description, including the city with the street and number, if any, of the principal place of business and such other and additional place or places of business as shall be operated and maintained by the
applicant in conjunction with the principal place of business.
(c) If the application be for a motor vehicle dealer's license, the name or names of the new motor vehicle or vehicles that the applicant has been enfranchised to sell or exchange and the name or names and addresses of the manufacturer or distributor who has enfranchised the applicant.
(d) The names and addresses of the persons who shall act as salesmen under the authority of the license, if issued.
(7) To require that a licensee's principal place of business and such other sites or location as may be operated and maintained by such licensees in conjunction with their principal place of business have erected or posted thereon such signs or devices providing information relating to the licensee's name, the location and address of such licensee's principal place of business, the type of license held by the licensee and the number thereof, as the director shall consider necessary to enable any person doing business with such licensee to identify him properly; and for this purpose to determine the size and shape of such signs or devices, the lettering thereon, and other details thereof, and to prescribe rules and regulations for the location thereof.
(8) To provide for regular meetings of the advisory board, to be held not less frequently than semiannually, and from time to time to call special meetings thereof; providing that notices of all regular and special meetings of the advisory board shall by the director be mailed to all members thereof at the last known address of each, not less than five (5) days prior to the date on which such meeting shall be held.

SECTION 4. That Section 49-2408, Idaho Code, be, and the same is hereby amended to read as follows:

49-2408. FEES -- FUNDS -- EXPENSES -- EXPIRATION OF LICENSES. (1) To pay the expenses of administering and enforcing this act, the director shall collect with each application for each class of license, the following fees:
(a) Motor vehicle dealer's license, sixtydollars ($60.00) one hundred dollars ($100).
(b) Used motor vehicle dealer's license, sixtydollars ($60.00) one hundred dollars ($100).
(c) Motor vehicle salesman's license, five dollars ($5.00).
(d) New motorcycle or motor scooter dealer's license, thirty-five dollars ($35.00).
(e) Used motorcycle or motor scooter dealer's license,
thirty-five dollars ($35.00).

(f) Mobile home dealer's license, sixty-dollars ($60.00) one hundred dollars ($100).

(g) Motor vehicle manufacturer's license, sixty-dollars ($60.00) one hundred dollars ($100).

(h) Distributor-factory branch-distributor branch license, sixty-dollars ($60.00) one hundred dollars ($100).

(i) Representative's license, twenty-five dollars ($25.00).

(2) All such fees shall be paid over to the state treasurer and shall be kept in the motor vehicle fund account of the state of Idaho. The expenses of said department and the expenses incurred in enforcing this act shall be paid from said fund account.

(3) Such licenses, if the same shall not have been suspended or revoked, as provided in this act, shall be in effect to the first day of January next following the date of issuance thereof and shall then expire. Upon the expiration of such license, unless by suspension or revocation, the same may be renewed upon the payment of the fees specified herein to accompany applications, and such renewals shall be made from year to year as a matter of right.

(4) A supplemental license shall be secured by any licensee for each established additional place of business maintained by such licensee which supplemental license shall be issued without payment of an additional fee.

(5) When an applicant or licensee is conducting more than one category of business as defined in section 49-2402, Idaho Code, subsections (3), (4), (9), (10), and (11), such applicant or licensee shall be issued a license which shall include each such category and shall pay only one (1) fee in the sum of sixty-dollars ($60.00) one hundred dollars ($100).

SECTION 5. That Chapter 24, 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 49-2409, Idaho Code, and to read as follows:

49-2409. DEALER'S BOND. Before any motor vehicle dealer's license or used motor vehicle dealer's license, or mobile home dealer's license shall be issued by the director to any applicant therefore, the said applicant shall procure and file with the director good and sufficient bond in the amount of ten thousand dollars ($10,000) with corporate surety thereon, duly licensed to do business within this state, approved as to form by the attorney general of the state, and conditioned that said applicant shall not prac-
tice any fraud, make any fraudulent representation or violate any of the provisions of this act in the conduct of the business for which he is licensed, provided, however, that this section shall not apply to any real estate salesman, holding a current salesman's license from the state of Idaho and associated with and licensed under a licensed real estate broker, who sells or offers to sell, lists or offers to list, buys or offers to buy, negotiates or offers to negotiate, either directly or indirectly, the sale of a used mobile home while representing, either directly or indirectly, said broker.

SECTION 6. That Section 49-2414, Idaho Code, be, and the same is hereby amended to read as follows:

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

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

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

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

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

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

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

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

(a) To accept delivery of any motor vehicle or vehicles, parts, or accessories therefor, or any other commodity or commodities, including advertised material
which shall not have been ordered by said motor vehicle dealer.
(b) To order or accept delivery of any motor vehicle with special features, appliances, accessories, or equipment not included in the list price of said motor vehicles as publicly advertised by the manufacturer thereof.
(c) To order from any person, firm, association, corporation or trust, any parts, accessories, equipment, machinery, tools, appliances, or any commodity whatsoever.
(d) To enter into any agreement with such manufacturer, distributor, distributor branch or factory branch, or representative thereof, or to do any other act unfair to said dealer by threatening to cancel any franchise or contractual agreement existing between such manufacturer, distributor, distributor branch or factory branch and said dealer.
(e) To refuse to deliver to any motor vehicle dealer having a franchise or contractual arrangement for the retail sale of new and unused motor vehicles sold or distributed by said manufacturer, distributor, distributor branch or factory branch, any such motor vehicle, publicly advertised for immediate delivery within sixty (60) days after such dealers order shall have been received.
(f) To unfairly without due regard to the equities of said dealer and without just provocation, cancel a franchise of any motor vehicle dealer. The nonrenewal of a franchise or selling agreement without just provocation or cause shall be deemed an evasion of this paragraph and shall constitute an unfair cancelation. In determining whether good cause has been established for modifying, replacing, terminating or refusing to continue a franchise, it shall be taken into consideration the existing circumstances, including, but not limited to:
1. Amount of business transacted by the franchisee, as compared to the business available to the franchisee.
2. Investment necessarily made and obligations incurred by the franchisee to perform its part of the franchise.
3. Permanency of the investment.
4. Whether it is injurious or beneficial to the public welfare for the franchise to be modified or replaced or the business of the franchisee disrupted.
5. Whether the franchisee has adequate motor vehicle sales and services facilities, equipment, vehi-
icle parts, and qualified service personnel to reasonably provide for the needs of the consumers for the motor vehicles handled by the franchisee and has been and is rendering adequate services to the public.

5. Whether the franchisee fails to fulfill the warranty obligations of the franchiser to be performed by the franchisee.

7. Extent of franchisee's failure to comply with the terms of the franchise.

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

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

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

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

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

SECTION 7. That Chapter 24, 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 49-2420, Idaho Code, and to read as follows:
49-2420. PRODUCT LIABILITY RESPONSIBILITY. A manufacturer must file with the department a copy of the delivery and preparation obligations required to be performed by a dealer prior to the delivery of a new motor vehicle to a buyer. These delivery and preparation obligations constitute the dealer's only responsibility for product liability as between the dealer and the manufacturer. Any mechanical, body, or parts defects arising from an express or implied warranty of the manufacturer constitute the manufacturer's product or warranty liability only; provided, however, that this section shall not affect the obligation of new motor vehicle dealers to perform such warranty repair and maintenance as may be required by law or contract. The manufacturer must compensate an authorized dealer who performs work to rectify the manufacturer's product or warranty defect or delivery and preparation obligations at the dealer's regular established retail rate for similar nonwarranty work.

SECTION 8. That Chapter 24, 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 49-2421, Idaho Code, and to read as follows:

49-2421. DISCLOSURE OF DAMAGE REQUIRED. On any new vehicle, any uncorrected damage or any corrected damage exceeding six per cent (6%) of the manufacturer's suggested retail price, as measured by retail repair costs, must be disclosed in writing prior to delivery. Damage to glass, tires and bumpers is excluded from the six per cent (6%) rule when replaced by identical manufacturer's original equipment.

SECTION 9. That Chapter 24, 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 49-2422, Idaho Code, and to read as follows:

49-2422. REPAIRED DAMAGE NOT GROUNDS FOR REVOCATION. Repaired damage to a customer ordered new vehicle, not exceeding the six per cent (6%) rule, shall not constitute grounds for revocation of the customer order. The customer's right of revocation ceases upon his acceptance of delivery of the vehicle, provided disclosure as required by section 49-2421, Idaho Code, is made prior to delivery.

Approved March 24, 1978.
AN ACT
RELATING TO COMPENSATION OF COMMISSIONERS OF FLOOD CONTROL
DISTRICTS; AMENDING SECTION 42-3114, IDAHO CODE, TO PRO-
VIDE THAT COMMISSIONERS OF FLOOD CONTROL DISTRICTS SHALL
RECEIVE THE SUM OF TWENTY DOLLARS PER DAY FOR THEIR SER-
VICES AND FIFTEEN CENTS PER MILE FOR TRAVEL AND THEIR
NECESSARY EXPENSES.

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

SECTION 1. That Section 42-3114, Idaho Code, be, and
the same is hereby amended to read as follows:

42-3114. COMPENSATION OF COMMISSIONERS. The commission-
ers of the district shall each receive for their services
the sum of fifteen twenty dollars (15-00) ($20.00) per day,
and ten fifteen cents (10-15) (15¢) per mile for travel and
their necessary expenses for each day they shall be away
from their place of residence and engaged in the business of
their office. The commissioners shall present an itemized
account under oath on forms prescribed by the board.

Approved March 24, 1978.
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, 1978, through June 30, 1979:

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<th>FOR</th>
<th>FOR</th>
<th>FOR</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>PROGRAM PERSONNEL</td>
<td>OPERATING EXPENDITURES</td>
<td>TRUSTEE/BENEFIT</td>
<td></td>
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<td>COSTS</td>
<td>EXPENDITURES</td>
<td>PAYMENTS</td>
<td></td>
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<tr>
<td>TOTAL</td>
<td>$ 281,600</td>
<td>$2,043,600</td>
<td>$2,583,900</td>
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AN ACT
RELATING TO THE PUBLIC ASSISTANCE LAW; AMENDING SECTION 56-201, IDAHO CODE, RELATING TO DEFINITIONS, BY STRIKING REFERENCE TO MEDICAL CARE IN REFERENCE TO OLD AGE ASSISTANCE, AID TO THE BLIND, AID TO DEPENDENT CHILDREN, AND AID TO THE DISABLED BY STRIKING PERMANENTLY AND TOTALLY AND PROVIDING CONDITIONS FOR DISABILITY IN REFERENCE TO AID TO THE DISABLED, BY STRIKING NEEDED IN REFERENCE TO AGED PERSONS, BY ADDING DEPRIVATION AS AN ELIGIBILITY REQUIREMENT FOR AID TO DEPENDENT CHILDREN, BY STRIKING THE CITATION TO PUBLIC LAW 89-97 AND ADDING A CITATION TO TITLE XIX OF THE SOCIAL SECURITY ACT IN REFERENCE TO MEDICAL CARE, AND BY PROVIDING A DEFINITION OF NEEDY; AMENDING SECTION 56-209, IDAHO CODE, RELATING TO AID TO DEPENDENT CHILDREN, BY PROVIDING DEPRIVATION OF PARENTAL SUPPORT AS A CONDITION OF ELIGIBILITY FOR PUBLIC ASSISTANCE; AMENDING SECTION 56-209a, IDAHO CODE, RELATING TO AID TO THE DISABLED, BY PROVIDING CONDITIONS FOR DISABILITY; AMENDING SECTION 56-209b, IDAHO CODE, RELATING TO MEDICAL ASSISTANCE, BY PROVIDING COVERAGE FOR OPTIONAL GROUPS; AMENDING SECTION 56-210, IDAHO CODE, RELATING TO AMOUNT OF ASSISTANCE BY PROVIDING FOR PAYMENT LEVELS CONDITIONED UPON AVAILABILITY OF FUNDS.

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, who are deprived of parental support or support by reason of the death, continued absence from the home, or physical or mental incapacity of a parent;

(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, and whose disability prevents self-support through employment for a period of at least one (1) year from the date of onset of the disability;

(o) "Medical assistance" shall mean payments for part or all of the cost of such care and services enumerated--in section 1905(a)-(15) allowable within the scope of title XIX of the federal Social Security Act as amended by the Social Security Act amendments of 1957--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 independ-
ently, 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.

(g) "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.

(r) "Needy" shall mean the condition where a person or family does not have income and available resources sufficient to provide a reasonable standard of health and well-being as defined by department regulation and subject to the availability of funds.

SECTION 2. That Section 56-209, Idaho Code, be, and the same is hereby amended to read as follows:

56-209. AID TO DEPENDENT CHILDREN. Aid to dependent children shall be awarded on behalf of needy children who are residents of the state, and who are deprived of parental care or support by reason of the death, continued absence from the home, or physical or mental incapacity of a parent. Such aid shall be awarded in accordance with department regulations.

SECTION 3. That Section 56-209a, Idaho Code, be, and the same is hereby amended to read as follows:

56-209a. AID TO THE PERMANENTLY-AND--TOTAELY DISABLED. Aid to the permanently-and-totally disabled shall be awarded to needy persons who are permanently-and-totally disabled and whose disability prevents self-support through employment for a period of at least one (1) year from the date of onset of the disability, but who are not inmates of public institutions (except as patients in medical institutions) and who are not patients in an institution for tuberculosis or mental diseases or who are not patients in any medical institution as a result of having been diagnosed as having tuberculosis or psychosis.

SECTION 4. That Section 56-209b, Idaho Code, be, and the same is hereby amended to read as follows:

56-209b. MEDICAL ASSISTANCE. Medical assistance shall be awarded to persons who are recipients of old-age assistance, aid to dependent children, aid to the blind, aid to the permanently-and-totally disabled, and to such other per-
sons as mandated by title XIX of the Social Security Act, and such other persons not required to be awarded medical assistance as mandated by title XIX of the Social Security Act when such award is to the fiscal advantage of the state of Idaho.

SECTION 5. That Section 56-210, Idaho Code, be, and the same is hereby amended to read as follows:

56-210. AMOUNT OF ASSISTANCE. The amount of assistance which any recipient shall be eligible to receive shall be determined, in accordance with the rules and regulations of the state department, with due regard to his requirements, and the conditions existing in his case, and to the income and resources available to him from whatever source, and which shall be sufficient, when added to the income and resources determined to be available to him, to provide him with a reasonable subsistence compatible with health and his well-being, the amount of assistance being subject to reduction according to the amount of funds as are available to the department for such assistance; provided that the department may disregard income to the extent and in the manner permitted or required by the public assistance titles of the Social Security Act as now or hereafter amended or other federal legislation affecting federal financial participation in his assistance.

Approved March 24, 1978.
CHAPTER 247

(S.B. No. 1364, As Amended in the House)

AN ACT
RELATING TO TAX REDUCTION ON AD VALOREM TAXES; AMENDING SECTION 63-120, IDAHO CODE, TO PROVIDE A NEW SCHEDULE OF AMOUNTS FOR TAX REDUCTION ON AD VALOREM TAXES, AND TO PROVIDE A NEW SCHEDULE OF INCOME LIMITS FOR CLAIMANTS; PROVIDING FOR EXTENSION OF TIME REQUIREMENTS FOR FILING CLAIMS AND PROCESSING CLAIMS; DECLARING AN EMERGENCY AND PROVIDING FOR RETROACTIVE APPLICATION.

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

SECTION 1. That Section 63-120, Idaho Code, be, and the same is hereby amended to read as follows:

63-120. AMOUNT OF TAX REDUCTION. (1) Each claimant qualifying for and applying for a reduction in taxes under the provisions of sections 63-117 through and including 63-125, Idaho Code, shall be allowed a reduction in taxes for the current year only, in the amounts provided by subsection (5) of this section.

(2) All taxes continue to be the responsibility of the individual taxpayer, all taxes continue to be liens against the property against which assessed, and all taxes may be collected and enforced in the usual manner, if the taxpayer does not receive any tax reduction as provided under the provisions of sections 63-117 through and including 63-125, Idaho Code, or if the taxpayer receives less tax reduction than the whole amount of taxes he is charged with.

(3) The amount of tax reduction that each claimant may receive shall be initially estimated by the county assessor by estimating the amount of taxes due for the current year by applying the previous year's mill levies to the current year's assessed value of the property of the claimant. The estimate shall be used for determining the amount of state reimbursement to the county under section 63-124, Idaho Code, but shall not determine the final amount of the claimant's tax reduction.

(4) The claimant property owner's tax reduction shall be based upon the current year's assessed value and the current year's levy.

(5) Tax reductions qualified under this act shall be allowed as follows:

When the claimant's household income is: The reduction may be:

$3,000, or under $300; 400, or actual taxes, whichever is less;

$3,001, but not more than $3,500 575; 375, or actual taxes,
$3,501, but not more than $4,000  $150, or actual taxes, whichever is less;  
$4,001, but not more than $4,500  $125, or actual taxes, whichever is less;  
$4,501, but not more than $5,000  $100, or actual taxes, whichever is less;  
$5,001, but not more than $5,500  $75, or actual taxes, whichever is less;  
$5,501, but not more than $6,000  $200, or actual taxes, whichever is less;  
$6,001, but not more than $6,500  $150, or actual taxes, whichever is less;  
$6,501, but not more than $7,000  $100, or actual taxes, whichever is less;  
$7,001, but not more than $7,500  $75, or actual taxes, whichever is less.

SECTION 2. For calendar year 1978 only, the time requirements imposed by subsection (1) of section 63-121, Idaho Code, are extended to May 15, 1978, and the time requirements imposed by subsection (2) of section 63-121, Idaho Code, are extended to June 1, 1978.

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, 1978.

Approved March 27, 1978.
AN ACT
RELATING TO THE BOUNDARIES OF LATAH AND NEZ PERCE COUNTRIES;
AMENDING SECTION 31-131, IDAHO CODE, TO PROVIDE FOR A
DESCRIPTION OF THE SOUTHERN BOUNDARY OF LATAH COUNTY;
AMENDING SECTION 31-137, IDAHO CODE, TO PROVIDE FOR A
DESCRIPTION OF THE NORTHERN BOUNDARY OF NEZ PERCE COUNTY.

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

SECTION 1. That Section 31-131, Idaho Code, be, and the
same is hereby amended to read as follows:

31-131. LATAH COUNTY. Latah county is described as fol­
lows: beginning at a point where the middle line of township
thirty-seven (37) north intersects the boundary line between
the state of Idaho and the state of Washington;
Western boundary. Thence north along the said boundary
line to a point where the watershed between Hangman's creek
and Palouse river crosses the said boundary line;
Northern boundary. Thence in a southeasterly direction
along the said watershed to a point where this line crosses
the section line between sections twenty-seven (27) and
twenty-eight (28), township forty-three (43) north, range
four (4) west; thence south on the said section line to the
section corner common to sections twenty-seven (27), twenty-
eight (28), thirty-three (33) and thirty-four (34), in the
same township and range; thence east on this section line to
the eastern boundary of the said township and range; thence
north on the range line to the northwest corner of section
thirty-one (31), township forty-three (43) north, range
three (3) west; thence east along the section line running on
the north of said section thirty-one (31), to the north­
east corner of section thirty-three (33), township forty-
three (43) north, range one (1) west; thence south one (1)
mile, to the township line between townships forty-two (42)
and forty-three (43) north; thence east along the said town­
ship line to a point directly north of the mouth of the
North Fork of the Clearwater river;
Eastern boundary. Thence south to the middle line of
township thirty-eight (38) north;
Southern boundary. Thence west to Big-Potiaten-creek, where it--first--intersects--the--middle--line--of--township
thirty-eight -- (38) -- north, thence down the said creek south-westerly to a point where it intersects the middle line of township thirty-seven -- (37) -- north, thence west to the point of beginning on the middle line of township thirty-eight (38) north to the point of intersection of said middle line and the center of Big Potlatch creek; thence along the average center of said creek south 41° 29' 00" west 433.17 feet; thence south 83° 00' 30" west 553.76 feet; thence north 72° 43' 45" west 486.51 feet; thence north 41° 28' 30" west 762.95 feet; thence north 72° 52' 00" west 134.45 feet; thence south 83° 00' 30" west 949.70 feet; thence north 88° 25' 15" west 1485.43 feet; thence south 45° 57' 45" west 770.90 feet; thence north 82° 46' 15" west 750.35 feet; thence south 43° 26' 45" west 1160.84 feet; thence south 65° 32' 00" west 804.18 feet; thence south 46° 29' 30" west 527.72 feet; thence south 53° 01' 15" west 717.00 feet; thence south 30° 54' 30" west 1373.34 feet; thence south 84° 44' 45" west 1151.75 feet; thence south 21° 04' 00" west 1132.26 feet; thence south 05° 04' 00" west 902.41 feet; thence south 78° 56' 15" west 493.86 feet; thence north 657.49 feet from the corner common to Sections 13, 17, 20 and 22, township thirty-eight (38) north, range 2 west, Boise Meridian; thence south 53° 01' 15" west 655.19 feet; thence south 30° 54' 30" west 1373.34 feet; thence south 84° 44' 45" west 1151.75 feet; thence south 21° 04' 00" west 1132.26 feet; thence south 05° 04' 00" west 902.41 feet; thence south 78° 56' 15" west 493.86 feet; thence north 657.49 feet from the corner common to Sections 13, 17, 20 and 22, township thirty-eight (38) north, range 3 west and range 2 west, Boise Meridian; thence south 78° 56' 15" west 136.07 feet; thence north 87° 54' 15" west 2370.65 feet; thence south 73° 27' 15" west 1216.03 feet; thence south 34° 56' 45" west 2443.32 feet; thence south 55° 35' 15" west 258.89 feet to a point which is south 447.50 feet from the one-quarter corner common to Sections 24 and 25, township thirty-eight (38) north, range 3 west, Boise Meridian; thence south 55° 35' 15" west 2071.08 feet; thence south 42° 55' 30" west 1609.29 feet; thence north 50° 50' 00" west 1509.29 feet; thence north 35° 33' 30" west 2443.32 feet; thence south 44° 33' 29" west 950.95 feet; thence south 07° 36' 44" west 869.55 feet; thence south 28° 54' 42" west 740.46 feet; thence south 30° 25' 40" west 399.99 feet; thence south 03° 38' 57" west 618.32 feet; thence south 38° 21' 12" west 590.57 feet; thence south 54° 22' 07" west 56.90 feet; thence south 69° 39' 54" west 343.03 feet; thence south 82° 19' 22" west 333.65 feet; thence south 65° 55' 57" west 647.97 feet; thence south 85° 46' 49" west 784.25 feet; thence north 85° 46' 49" west 1140.68 feet; thence south 37° 18' 55"
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west 820.62 feet; thence south 30°42'01" west 840.83 feet; thence south 02°55'30" east 1395.50 feet; thence south 10°47'35" west 233.84 feet; thence south 52°26'42" west 474.82 feet; thence south 31°23'33" west 1307.49 feet; thence south 15°45'00" west 732.84 feet; thence south 10°27'38" east 755.37 feet to a point which is east 662.51 feet and north 02°06'09" west 8.57 feet from the corner common to Sections 3, 4, 9 and 10 township thirty-seven (37) north, range 3 west, Boise Meridian, which corner is marked by a Brass Cap Monument set 1556.70 feet east of said corner set by James W. Grow, R.L.S. #749; thence south 02°06'09" east 317.10 feet; thence south 11°10'52" west 528.81 feet; thence south 33°23'33" west 1343.54 feet; thence south 18°47'37" east 514.74 feet; thence south 18°33'57" west 902.43 feet; thence south 10°36'14" west 654.11 feet; thence south 21°02'12" west 343.00 feet; thence south 31°52'33" west 896.41 feet, to a point that is west 983.97 feet and north 05°04'43" east 80.67 feet from the corner common to Sections 9, 10, 15 and 16, township thirty-seven (37) north, range 3 west, Boise Meridian, being marked by a 5/8" iron pin set in a mound of stone by James W. Grow, R.L.S. #749, and by a Brass Cap Monument set 1136.66 feet west of said section corner; thence south 05°04'43" west 488.49 feet; thence south 15°20'14" west 272.28 feet; thence south 27°52'57" west 661.93 feet; thence south 57°36'12" west 456.93 feet; thence south 21°50'14" west 385.38 feet; thence south 12°45'28" east 367.96 feet; thence south 67°00'39" east 464.34 feet; thence south 22°07'05" west 1097.33 feet; thence south 33°13'49" west 576.62 feet; thence south 13°03'47" east 296.08 feet; thence south 34°16'41" west 1198.35 feet; thence south 21°36'07" west 183.18 feet to a point on the north line of Section 21, township thirty-seven (37) north, range 3 west, Boise Meridian, said point being east 1482.32 feet from the northwest corner of said section 21, which corner is marked by a Brass Cap Monument lying east 1845.18 feet from said corner; thence west along the middle line of township thirty-seven (37) north to the point of beginning.

County Seat--Moscow.

SECTION 2. That Section 31-137, Idaho Code, be, and the same is hereby amended to read as follows:

31-137. NEZ PERCE COUNTY. Nez Perce county is described as follows: beginning at the northwest corner of section twenty-two (22), township thirty-eight (38) north, range one (1) west;

Eastern boundary. Thence south to the north boundary line of the Nez Perce Indian reservation; thence easterly
along said reservation line to the intersection of the same with the line running south between sections fifteen (15) and sixteen (16), township thirty-seven (37) north, range one (1) west; thence south on the said line between sections fifteen (15) and sixteen (16), to the middle of the channel of Clearwater river; thence up the middle of the channel of said Clearwater river to a point where the same is intersected by the section line between sections five (5) and six (6), township thirty-six (36) north, range one (1) east; thence south on the section line between said sections five (5) and six (6) to the middle of the channel of Little Canyon creek (1911, ch. 24, section 2, p. 50); thence down the center of the channel of Little Canyon creek to a point where the same empties into Big Canyon creek; thence up the center of the channel of Big Canyon creek to a point where the same crosses the township line between townships thirty-four (34) and thirty-five (35) north; thence west on said township line to a point where the same crosses Mission creek; thence up the middle of the channel of Mission creek to a point where the same crosses the township line between townships thirty-three (33) and thirty-four (34) north; thence west on said township line to the northeast corner of section four (4), township thirty-three (33) north, range three (3) west; thence south on section lines to the center of the channel of Salmon river (1911, ch. 37, section 2, pp. 77, 78);

Southern boundary. Thence down the middle of the channel of Salmon river to a point in the middle of the channel of Snake river opposite the junction of Salmon river;

Western boundary. Thence northerly along the boundary line between the state of Idaho and the state of Washington to the point where said boundary line is intersected by the middle line of township thirty-seven (37) north;

Northern boundary. Thence east to a point where the Big Potlatch creek intersects with the said middle line of township thirty-seven (37) north; thence—up—the—Big—Potlatch creek—northeasterly—to—a—point—where—said—creek—first—intersects—with—the—the—middle—line—of—township—thirty-eight—(38)—north—thence—east—to—the—point—of—beginning—(1909,—p—318)_, being at the northwest corner of Section 21, T.37N., R.3W. B.M., which corner is marked by a Brass Cap Monument lying east 1845.18 feet from said corner; thence east 1482.82 feet along the north line of said Section 21 to the centerline of Potlatch river, being the point of beginning of said county line; thence continue northerly along the centerline of said Potlatch river the following courses: N.21°36'07"E. 183.18 feet; thence N.34°16'41"E. 1198.35 feet; thence N.13°03'47"W. 296.08 feet; thence N.33°13'49"E. 576.62 feet, thence N.22°07'05"E. 1097.33 feet; thence
N.67°00'39"W. 464.34 feet; thence N.12°45'28"W. 367.96 feet; thence N.21°50'14"E. 385.38 feet; thence N.57°36'12"E. 456.93 feet; thence N.27°52'57"E. 661.93 feet; thence N.15°20'14"E. 272.28 feet; thence N.5°04'43"E. 488.49 feet to a point that is west 983.97 feet and N.5°04'43"E. 80.67 feet from the corner common to Sections 9, 10, 15, and 16, T.37N., R.3W. B.M., being marked by a 5/8" iron pin set in a mound of stone by James W. Grow, R.L.S. #749, and by a Brass Cap Monument set 1136.66 feet west of said Section corner; thence continue along the centerline of Potlatch river N.31°52'33"E. 896.41 feet; thence N.21°02'12"E. 343.00 feet; thence N.10°36'14"E. 654.11 feet; thence N.18°33'57"E. 902.43 feet; thence N.18°47'37"W. 514.74 feet; thence N.33°23'33"E. 1343.54 feet; thence N.11°10'52"E. 528.81 feet; thence N.2°06'09"W. 317.10 feet to a point which is east 662.51 feet and N.2°06'09"W. 8.57 feet from the corner common to Sections 3, 4, 9 and 10, T.37N., R.3W. B.M., which corner is marked by a Brass Cap Monument set 1556.70 feet east of said corner set by James W. Grow, R.L.S. #749; thence continue along the centerline of Potlatch river N.10°27'38"W. 755.37 feet; thence N.15°45'00"E. 732.84 feet; thence N.31°23'33"E. 1307.49 feet; thence N.52°26'42"E. 474.82 feet; thence N.10°47'35"E. 233.84 feet; thence N.2°55'30"W. 1395.50 feet; thence N.30°42'01"E. 840.83 feet; thence N.37°18'55"E. 820.62 feet; thence S.85°46'49"E. 1140.68 feet; thence N.63°14'18"E. 784.25 feet; thence N.65°55'57"E. 647.97 feet; thence N.82°19'22"E. 333.65 feet; thence N.69°39'54"E. 343.03 feet; thence N.54°22'07"E. 56.90 feet; thence N.38°21'12"E. 690.57 feet; thence N.3°38'57"E. 618.32 feet; thence N.30°26'40"E. 397.99 feet; thence N.28°34'42"E. 740.46 feet; thence N.7°36'44"E. 869.85 feet; thence N.44°33'29"E. 950.95 feet to a point on the north line of Section 35, T.38N., R.3W. B.M., being the point of terminus of said county line. Said point being west 2811.24 feet from the northeast corner of said Section 35, which is marked by a Brass Cap Monument set 3091.98 feet west of said corner, being set by James W. Grow, R.L.S. #749.

County seat--Lewiston.

Approved March 27, 1978.
AN ACT
RELATING TO COMPENSATION FOR EXPENSES; AMENDING SECTION 67-2008, IDAHO CODE, TO AUTHORIZE THE STATE BOARD OF EXAMINERS TO ESTABLISH INCREASED MAXIMUM SUBSISTENCE ALLOWANCES FOR STATE EMPLOYEES, REQUIRING THE STATE BOARD OF EXAMINERS TO ADOPT REGULATIONS PROVIDING FOR PARTIAL DAY TRAVEL SUBSISTENCE REIMBURSEMENT, AND ESTABLISHING LIMITS FOR PARTIAL DAY SUBSISTENCE ALLOWANCES.

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

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

67-2008. DETERMINATION OF RATE OF ALLOWANCE. At its first meeting after the effective date of this act, and thereafter as it shall deem appropriate, the board of examiners shall by regulation fix a rate of allowance for per diem subsistence for officers, agents and all other employees of the state who are absent from their post of duty on official business, which shall be effective for the year in which such allowance is fixed, and shall fix a rate of allowance for mileage for official travel executed by privately owned means of conveyance, which rate of allowance shall be effective for the year in which it is fixed; provided, however, that the board shall fix no rate of per diem allowance which is higher than actual lodgings (maximum to be set by board of examiners) and ten twelve dollars ($10.12.00) per day for travel within the state and actual lodgings (maximum to be set by board of examiners) and fourteen seventeen dollars ($14.17.00) without the state and actual lodgings (maximum to be set by board of examiners), and the board shall fix no rate of mileage allowance which is higher than fifteen seventeen cents (15 17¢) per mile. The mileage allowance for private aircraft travel shall be set by the board and shall be no higher than fifteen seventeen cents (15 17¢) per mile, calculated as if the travel had been by highway route. In fixing rates of allowance under this act, the board shall consider the prevailing cost of executing such travel, generally prevailing economic conditions, and the rates of allowance made applicable to similar travel by the federal government and private employers within the state.
For a period where employees are to be absent from their post on official business for less than twenty-four (24) hours the boards regulations shall provide for partial day subsistence rates equal to a maximum of twenty-five percent (25%) of the total per diem rate for breakfast, twenty-five percent (25%) of the total per diem for luncheon and fifty percent (50%) of the total per diem rate for dinner.

Approved March 27, 1978.

CHAPTER 250
(S.B. No. 1518)

AN ACT
RELATING TO IRRIGATION DISTRICTS; AMENDING SECTION 43-332, IDAHO CODE, TO AUTHORIZE IRRIGATION DISTRICTS TO EMPLOY SOME COMPETENT PERSON TO DISTRIBUTE AND APPORTION WATER FOR TRACTS OF FOUR ACRES OR LESS FOR WHICH SUBDIVISION PLATS HAVE BEEN FILED AS REQUIRED BY LAW, UPON THE REQUEST OF FIFTY PER CENT OR MORE OF THE OWNERS OF SUCH TRACTS.

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

SECTION 1. That Section 43-332, Idaho Code, be, and the same is hereby amended to read as follows:

43-332. APPORTIONMENT OF WATER TO TRACTS -- EMPLOYMENT OF PERSON TO DISTRIBUTE WATER -- ASSESSMENT OF COST -- LIEN ON LAND. Whenever a parcel of land lying within an irrigation district is subdivided into tracts of four (4) acres or less, and plats of such subdivision are filed as provided by law, and the owners fail to properly apportion the water to their various tracts in the subdivision, or upon request made by fifty per cent (50%) or more of the owners of the tracts in the subdivision the board of directors may employ some competent person to distribute and apportion water for such tracts. The reasonable cost of such services shall be apportioned each year by the board to such tracts. The cost of such services shall be assessed by the board as a special charge to the tracts in the same manner as other assessments are made by the board. The assessment so levied and apportioned shall be a lien upon the tracts, and shall be collected in the same manner as all other assessments are levied and collected by the board.

Approved March 27, 1978.
AN ACT
RELATING TO IRRIGATION DISTRICTS; AMENDING SECTION 43-331, IDAHO CODE, TO PROVIDE THAT UPON THE REQUEST OF FIFTY PER CENT OR MORE OF THE OWNERS OF ANY PARCEL OF LAND LYING WITHIN AN IRRIGATION DISTRICT WHICH HAS BEEN SUBDIVIDED INTO TRACTS OF FOUR ACRES OR LESS, THE BOARD OF DIRECTORS OF THE DISTRICT MAY PROVIDE FOR PROPER DISTRIBUTION OF WATER TO ANY TRACT OR MAY MAINTAIN, REPAIR OR REPLACE IMPROVEMENTS FOR THE DISTRIBUTION OR DELIVERY OF WATER TO ANY TRACT.

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

SECTION 1. That Section 43-331, Idaho Code, be, and the same is hereby amended to read as follows:

43-331. DIRECTORS MAY CONSTRUCT OR MAINTAIN IMPROVEMENTS, LEVY ASSESSMENTS. (1) This section applies: (a) When a parcel of land lying within an irrigation district is subdivided into tracts of four (4) acres or less, and the owner has made no provision which in the opinion of the board of directors is adequate for the proper distribution of water thereto; or (b) when improvements for the distribution or delivery of water to any tract of land are not owned by the district and the owner or person in control of the improvement fails to maintain, repair or replace the improvement as required for the proper and efficient distribution or delivery of water to any tract; or (c) when fifty per cent (50%) or more of the owners of the tracts in any such subdivided parcel request that the board provide for the proper distribution of water thereto or request that the board maintain, repair or replace the improvement as required for the proper and efficient distribution or delivery of water to any tract.

(2) Whenever the interest or convenience of such tracts requires the construction, repair or maintenance of any ditch, flume, dike, aqueduct or other improvement, the board may construct, repair or maintain such improvement, and levy and collect an assessment upon all tracts specially benefited thereby, to defray the whole or any portion of the cost and expense thereof. The board may determine what lands are specially benefited by such construction, repair or maintenance, and the amount to which each tract is benefited.

Approved March 27, 1978.
CHAPTER 252
(S.B. No. 1557)

AN ACT
RELATING TO TRANSPORTATION AND PURCHASE OF FOREST PRODUCTS; AMENDING SECTION 18-4628, IDAHO CODE, TO REQUIRE ADDITIONAL INFORMATION ON LOAD RECEIPTS OR TICKETS; AMENDING CHAPTER 46, TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 18-4628A, IDAHO CODE, TO PROVIDE PENALTIES FOR PURCHASE OF PRODUCTS WITHOUT PROOF OF OWNERSHIP; AMENDING CHAPTER 46, TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 18-4630, IDAHO CODE, TO PROVIDE PENALTIES FOR FRAUDULENT OR ILLEGAL USE OF CERTAIN DOCUMENTS.

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

SECTION 1. That Section 18-4628, Idaho Code, be, and the same is hereby amended to read as follows:

18-4628. TRANSPORTATION OF FOREST PRODUCTS -- PROOF OF OWNERSHIP REQUIRED -- EXCEPTIONS. (a) It shall be unlawful and constitute a misdemeanor for any person, firm, company, or business to transport on the public highways of this state any load of forest products, including coniferous trees, Christmas trees, sawlogs, poles, cedar products, pulp logs, fuelwood, etc., without proof of ownership. Such proof of ownership shall consist of one or more of the following:

(1) A permit, contract, or other legal instrument issued by the landowner or proper state or federal agencies which shall specify:
   (a) Date of execution;
   (b) Name and address of permittee;
   (c) Location or area by legal description where forest products were harvested;
   (d) Estimated amount, volume, species, and class of forest products authorized to be cut and removed;
   (e) Delivery or scaling point;
   (f) Name and address of purchaser of forest products if different than permittee.

(2) A bill of sale showing title thereto, which shall specify:
   (a) Date of execution;
   (b) Name and address of the vendor or donor of the forest products;
(c) Name and address of the vendee or donee of the forest products;
(d) Number, volume, species, and class of forest products sold or transferred by the bill of sale;
(e) Property, legal description, from which the forest products were cut and removed.

(3) A log or product load receipt or ticket issued by the seller and is a contract or permit condition authorizing removal of forest products. After scaling, load receipts or tickets shall be acceptable as proof of ownership when such tickets or load receipts specify:
(a) Name of sale and purchaser;
(b) Date load removed;
(c) Name of truck driver;
(d) Sale contract/permit number;
(e) Number, volume, species and class of forest products covered by the load receipts or tickets.

(b) The foregoing provisions shall not apply to:
(1) Transportation of wood chips, sawdust and bark;
(2) Transportation of forest products by the owner of the land from which forest products were taken or his agent;
(3) Transportation of two (2) or less coniferous trees;
or
(4) Transportation of trees in the course of transplantation with their roots intact.

SECTION 2. That Chapter 46, Title 18, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 18-4628A, Idaho Code, and to read as follows:

18-4628A. PENALTY FOR PURCHASE WITHOUT PROOF OF OWNERSHIP. It is unlawful and a misdemeanor for any person, firm, company, or business to purchase any load of forest products, including coniferous trees, Christmas trees, sawlogs, poles, cedar products, pulp logs, fuelwood, etc., without proof of ownership as specified in subsection (a) of section 18-4628, Idaho Code, or to fail to retain a copy of that proof of ownership for a period of at least one (1) year from the date of purchase.

SECTION 3. That Chapter 46, Title 18, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 18-4630, Idaho Code, and to read as follows:

18-4630. ILLEGAL USE OF DOCUMENTS. It is unlawful for any person, firm, company, or business to use any of the
following documents for fraudulent or illegal purposes:

(a) Log or product load receipt or ticket, permit, contract, or other instrument under the transportation of forest products act, sections 18-4627 through 18-4630, Idaho Code;

(b) Certificates of compliance under the Idaho forestry act, sections 38-101 through 38-133, Idaho Code;

(c) Certificate of notification under the Idaho forest practices act, sections 38-1301 through 38-1312, Idaho Code. Any person, firm, company, or business which knowingly uses any of the above mentioned documents in a fraudulent or illegal manner is guilty of a felony.

Approved March 27, 1978.
AN ACT
RELATING TO ADVERTISEMENTS OF SALE OF STATE TIMBER; AMENDING
SECTION 58-406, IDAHO CODE, TO PROVIDE THAT SALES OF
STATE TIMBER FOR AN APPRAISED PRICE OF LESS THAN TWENTY-
FIVE THOUSAND DOLLARS MAY BE MADE AFTER ONLY ONE ADVER-
TISEMENT.

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

SECTION 1. That Section 58-406, Idaho Code, be, and the
same is hereby amended to read as follows:

58-406. SALE IN PARCELS -- ADVERTISEMENT OF SALE. Whenever
the state board of land commissioners directs a sale of
timber, it shall direct such sale in such parcels as it
deems for the best interests of the state. All sales of
timber on state lands, where sold separate from the lands,
shall be advertised in one or more newspapers, to be design-
nated by the board, one (1) of which shall be in the county
where such timber is located, if there be such paper, if
not, then in some newspaper published in an adjoining
county, and if such timber is located in more than one (1)
county, then in some newspaper in each of said counties, if
there be such paper, if not, then in some newspaper pub-
lished in an adjoining county, once a week for four (4) con-
secutive weeks. The advertisement shall set forth the time,
place and terms of the sale, a description of the land by
legal subdivisions on which such timber is situated, and the
minimum price, below which no bid shall be accepted. Pro-
vided, however, that small sales of timber, not exceeding
one million (1,000,000) board feet in volume, according to
the cruiser's estimate, and five twenty-five thousand
dollars ($5,000 $25,000) in appraised value, may be made as
provided herein, except that only one (1) publication of
advertisement shall be necessary and the date of sale shall
be set not less than four (4) days after date of publi-
cation, and provided further that very small sales of timber
not exceeding one hundred thousand (100,000) board feet and
five thousand dollars ($5,000 $5,000) may be made with-
out advertisement and upon approval of the director of the
department of lands.

Approved March 27, 1978.
CHAPTER 254
(S.B. No. 1449, As Amended, As Amended in the House)

AN ACT
RELATING TO THE DEFINITION OF KIDNAPPING IN THE FIRST DEGREE;
AMENDING SECTION 18-4502, IDAHO CODE; ADDING NEW CONDITIONS UNDER WHICH A PERSON MAY BE CHARGED WITH FIRST DEGREE KIDNAPING.

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

SECTION 1. That Section 18-4502, Idaho Code, be, and the same is hereby amended to read as follows:

18-4502. FIRST DEGREE KIDNAPING -- RANSOM. Any kidnaping committed for the purpose of extorting money, property or any other thing of value for the return or disposition of such person kidnaped, or committed for the purpose of raping, or committing the infamous crime against nature, or committing serious bodily injury upon the person kidnaped, or committing any lewd and lascivious act upon any child under the age of sixteen (16) years with the intent of arousing, appealing to, or gratifying the lust or passions or sexual desires of any person, shall be kidnaping in the first degree.

Approved March 27, 1978.
CHAPTER 255
(S.B. No. 1558, As Amended in the House)

AN ACT
RELATING TO LEGISLATIVE REVIEW OF ADMINISTRATIVE RULES; AMENDING SECTION 67-5203, IDAHO CODE, TO PROVIDE REVIEW BY THE GERMANE JOINT SUBCOMMITTEE OF RULES UNDER CONSIDERATION FOR ADOPTION BY AN AGENCY AND TO PROVIDE AN ALTERNATIVE PROCEDURE FOR COMPLIANCE OF THE STATE BOARD OF EDUCATION AND THE BOARD OF REGENTS OF THE UNIVERSITY OF IDAHO WITH THE ADMINISTRATIVE PROCEDURES ACT; AMENDING SECTION 67-5204, IDAHO CODE, TO PROVIDE INCLUSION OF A STATEMENT OF THE SUBSTANCE OF A RULE IN NONTECHNICAL LANGUAGE; AND AMENDING CHAPTER 4, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-454, IDAHO CODE, TO CREATE GERMANE JOINT SUBCOMMITTEES FOR REVIEW OF RULES.

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

SECTION 1. That Section 67-5203, Idaho Code, be, and the same is hereby amended to read as follows:

67-5203. PROCEDURE FOR ADOPTION OF RULES. (a) Prior to the adoption, amendment, or repeal of any rule, the agency shall:

(1) give at least twenty (20) days' notice of its intended action as provided for in section 60-109, Idaho Code. The notice shall include a statement in nontechnical language of the substance of the intended action and the principle issues involved, and the time when, the place where, and the manner in which interested persons may represent their views thereon. The notice shall be mailed to all persons who have made timely request in writing of the agency for advance notice of its rule-making proceedings and shall be published in some newspaper published in and having general circulation throughout the state;

(2) ten (10) days prior to notice specified in subsection (1), transmit notice of intended action, accompanied by the full text of the rule under consideration prepared so as to indicate words added or deleted from the presently effective text, if any, to the director of the legislative council. The director of the legislative council shall analyze and refer the material under consideration to the germane joint subcommittee.
created in section 67-454, Idaho Code, to afford the subcommittee opportunity to submit data, views or arguments in writing to the agency within twenty (20) days as specified in the notice. If a public hearing is held, the record shall remain open for ten (10) days thereafter for further written comments from the germane joint subcommittee.

(3) afford all interested persons reasonable opportunity to submit data, views, or arguments, orally or in writing. In case of substantive rules, opportunity for oral hearing must be granted if requested in writing no later than five (5) days before the date of the intended action by twenty-five (25) persons, by a governmental subdivision or agency, or by an association having presented a petition with signatures of not less than twenty-five (25) members of the organization. The agency shall consider fully all written and oral submissions respecting the proposed rule. Upon adoption of a rule, the agency, if requested in writing to do so by an interested person either prior to adoption or within thirty (30) days thereafter, shall issue a concise statement of the principal reasons for and against its adoption, incorporating therein its reasons for overruling the considerations urged against its adoption.

(b) If an agency finds that an imminent peril to the public health, safety, or welfare requires adoption of a rule upon fewer than twenty (20) days' notice and states in writing its reasons for that finding, it may proceed without prior notice or hearing or upon any abbreviated notice and hearing that it finds practicable, to adopt an emergency rule. The rule may be effective for a period of not longer than one hundred twenty (120) days, but the adoption of an identical rule under subsections (a)(1), and (a)(2) and (a)(3), and (c) of this section is not precluded.

(c) Notwithstanding any other provisions of this section, the state board of education and board of regents of the university of Idaho shall be deemed to be in full compliance with this section if:

(1) Notice is given by including the intended action in the official written agenda for a regularly-scheduled meeting of the board, and the agenda is available for public inspection at the central office of the board not less than five (5) days prior to the meeting; and

(2) Notice of the intended action, accompanied by the full text of the rule under consideration prepared so as to indicate words added or deleted from the presently effective text, if any, is transmitted to the director of the legislative council at the time notice is given under subsection (1). The director of the legislative
council shall analyze and refer the material under consider­
cation to the germane joint subcommittee created in sec­tion 67-454, Idaho Code, to afford the subcommittee opportunity to submit data, views or arguments in writ­ing to the board prior to the time for receiving comment as provided in subsection (4); and
(3) The intended action is discussed but not acted upon during the regularly-scheduled meeting for which the agenda was prepared, but instead is held for final action at the next regularly-scheduled or later meeting of the board; and
(4) At least fifteen (15) days prior to the scheduled date for final action, the board shall mail to all persons who have made timely request in writing of the agency and shall cause to be published in some newspaper published in and having general circulation throughout the state a brief description of the intended action, and shall note the time when, the place where, and the manner in which interested persons may present their views thereon; and
(5) Upon adoption of a rule, the board, if requested in writing to do so by an interested person either prior to adoption or within thirty (30) days thereafter, shall issue a concise statement of the principal reasons for and against its adoption, incorporating therein its reasons for overruling the considerations urged against its adoption.
(d) No rule hereafter adopted is valid unless adopted in substantial compliance with this section. A proceeding to contest any rule on the ground of noncompliance with the procedural requirements of this section must be commenced within two (2) years from the effective date of the rule.

SECTION 2. That Section 67-5204, Idaho Code, be, and the same is hereby amended to read as follows:

67-5204. FILING AND TAKING EFFECT OF RULES. (a) Each agency shall file in its central office a certified copy of each rule, including the statement of its substance in nontechnical language, adopted by it, including all rules existing on the effective date [January 1, 1966] of this act. Each agency shall keep a permanent register of its rules open to public inspection.
(b) Each rule hereafter adopted is effective twenty days after filing, except that:
(1) if a later date is required by statute or specified in the rule, the later date is the effective date;
(2) subject to applicable constitutional or statutory
provisions, an emergency rule becomes effective immediately upon filing in its central office or at a stated date less than twenty (20) days thereafter, if the agency finds that this effective date is necessary because of imminent peril to the public health, safety, or welfare. The agency's finding and a brief statement of the reasons therefor shall be filed with the rule. The agency shall take appropriate measures to make emergency rules known to the persons who may be affected by them.

SECTION 3. That Chapter 4, Title 67, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 67-454, Idaho Code, and to read as follows:

67-454. SUBCOMMITTEES FOR REVIEW OF ADMINISTRATIVE RULES. For the purposes of review of proposed administrative rules pursuant to section 67-5203, Idaho Code, germane joint subcommittees are hereby authorized and created. The speaker of the house of representatives and the president pro tempore of the senate shall designate a subcommittee of each germane committee of each house for the consideration of proposed rules of the respective state agencies. The respective germane subcommittee of each house thus designated shall meet with the germane subcommittee of the other house and shall constitute the germane joint subcommittee. A subcommittee of each standing committee of each house shall be composed of the chairman of the committee, one (1) member of the majority party from the committee, appointed by the majority caucus, and one (1) member of the minority party from the committee, appointed by the minority caucus. Meetings of a joint germane subcommittee shall be governed by the joint rules of the legislature; the chairmen shall sit as cochairmen.

Upon notice of intended action as provided in section 67-5203, Idaho Code, and transmission of analysis from the director of the legislative council, the cochairmen shall determine whether a meeting of the subcommittee shall be held. If no meeting is to be held, each member shall be notified of this decision within fifteen (15) days of receipt of the original notice. If two (2) or more members of the subcommittee object to the decision of the cochairmen within five (5) days, a meeting of the subcommittee shall be held within ten (10) days. Upon a finding of the same objection by a majority of the members of the subcommittee of each house voting separately, an objection to a rule shall be transmitted to the agency with a concise statement of the reasons for the objection. A report of the joint subcommit-
ter on each rule transmitted to it, including a finding that there is no objection to the rule or that an objection has been filed, shall be filed with the agency, transmitted to the membership of the germane standing committees, and submitted to the next regular session of the legislature.

Approved March 27, 1978.

CHAPTER 256
(S.B. No. 1349, As Amended in the House, As Amended in the House)

AN ACT
RELATING TO POLITICAL PARTIES; REPEALING SECTION 34-501, IDAHO CODE; AMENDING CHAPTER 5, TITLE 34, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 34-501, IDAHO CODE, TO PROVIDE A DEFINITION OF POLITICAL PARTY, AND TO PRESCRIBE QUALIFICATIONS FOR CREATION OF A POLITICAL PARTY.

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

SECTION 1. That Section 34-501, Idaho Code, be, and the same is hereby repealed.

SECTION 2. That Chapter 34, Title 5, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 34-501, Idaho Code, and to read as follows:

34-501. "POLITICAL PARTY" DEFINED -- PROCEDURES FOR CREATION OF A POLITICAL PARTY. (1) A "political party" within the meaning of this act, is an organization of electors under a given name. A political party shall be deemed created and qualified to participate in elections in any of the following three (3) ways:
(a) By having three (3) or more candidates for state or national office listed under the party name at the last general election, provided that those individuals seeking the office of president, vice president and presidential elector shall be considered one candidate, or
(b) By polling at the last general election for any one of its candidates for state or national office at least three per cent (3%) of the aggregate vote cast for governor or for presidential electors.
(c) By an affiliation of electors who shall have signed a petition which shall:
  (A) State the name of the proposed party in not more than six (6) words;
  (B) State that the subscribers thereto have affiliated, one with another, for the purpose of forming such party;
(C) State that the subscribers thereto are entitled to participate in the proposed party's convention to elect officers and nominate candidates;

(D) Have attached thereto a sheet or sheets containing the signatures of at least a number of qualified electors equal to three per cent (3%) of the aggregate vote cast for presidential electors in the state at the previous general election at which presidential electors were chosen, provided that no more than twenty per cent (20%) of those so signing shall reside in any one county;

(E) Be filed with the secretary of state on or before May 30 of even numbered years;

(F) The format of the signature petition sheets shall be prescribed by the secretary of state and shall be patterned after, but not limited to, such sheets as used for state initiative and referendum measures;

(G) The petitions and signatures so submitted shall be verified in the manner prescribed in section 34-1807, Idaho Code.

(2) Upon certification by the secretary of state that the petition has met the requirements of this act such party shall, under the party name chosen, have all the rights of a political party whose ticket shall have been on the ballot at the preceding general election.

The newly certified party shall proceed to hold a state convention in the manner provided by law; provided, that at the initial convention of any such political party, all members of the party shall be entitled to attend the convention and participate in the election of officers and the nominations of candidates. Thereafter the conduct of any subsequent convention shall be as provided by law.

Approved March 27, 1978.
AN ACT
RELATING TO CITIES WITH THE CITY MANAGER FORM OF GOVERNMENT;
AMENDING CHAPTER 8, TITLE 50, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 50-813, IDAHO CODE, TO PROVIDE
THAT WHERE A STATUTE PROVIDES FOR CALCULATING THE NUMBERS NECESSARY FOR A PETITION OR ELECTION THAT THE CALCULATIONS SHALL BE BASED ON THE NUMBER OF VOTES CAST FOR THE COUNCILMAN WHO RECEIVED THE HIGHEST NUMBER OF VOTES AT THE LAST PRECEDING CITY ELECTION, IF THE PARTICULAR CITY DOES NOT ELECT A MAYOR BY DIRECT ELECTION.

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

SECTION 1. That Chapter 8, 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 50-813, Idaho Code, and to read as follows:

50-813. CALCULATION FOR NUMBER OF REQUIRED SIGNATURES. In cases where a city is operating under the city manager plan, if there is no direct mayoral election, and a statute provides for petitions or elections based upon the total number of votes cast for mayor at the last preceding city election, the calculation of signatures or votes necessary under state law shall be based upon the total number of votes cast for the city councilman who received the highest number of votes at the last preceding city election.

Approved March 27, 1978.
CHAPTER 258
(S.B. No. 1446)

AN ACT
RELATING TO THE PAYMENT OF COSTS FOR SCALING STATE TIMBER;
AMENDING SECTION 58-416, IDAHO CODE, TO STRIKE REFERENCE
TO LIMITATIONS ON THE AMOUNT OF SCALING COSTS TO BE
CHARGED TO THE PURCHASER OF STATE TIMBER.

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

SECTION 1. That Section 58-416, Idaho Code, be, and the
same is hereby amended to read as follows:

58-416. MEASURING METHOD USED IN SALE OF STATE-OWNED
TIMBER -- COST OF SCALING -- PAYMENT. In all cases of sales
of timber from state lands, the state board of land commis-
sioners shall cause the timber to be scaled, in lieu of mea-
surement by cruising, unless in the discretion of the state
board of land commissioners it shall be, in any particular
instance, in the public interest to use the cruising method.
In addition to the purchase price, the state board of land
commissioners shall, in all cases where the scaling method
is used, require the purchaser to pay, in addition to the
purchase price, and not as part thereof, for-the-purpose--of
defraying the cost of scaling, as may be determined by the
board in each case-the-sum-of-not-more-than-two-dollars
($2.00)--per-thousand-board-feet--and-the-sum-of-not-more
than-two-cents-(2 ö)--per-lineal-foot-of--poles. The sum so
collected shall in each case be remitted to the director of
the department of lands to be by him placed in the land
department's scaling trust account to be used for the pur-
pose of paying the salaries and expenses of the scaling of
state timber sales.

Approved March 27, 1978.
CHAPTER 259
(H.B. No. 461)

AN ACT
RELATING TO COMPENSATION OF VICTIMS OUT OF FUNDS EARNED BY A PERSON WHO COMMITS A CRIME AND GAINS INCOME THEREFROM; AMENDING TITLE 19, IDAHO CODE, BY THE ADDITION THEREOF OF A NEW CHAPTER 53, TITLE 19, IDAHO CODE, TO PROVIDE FOR THE DEPOSIT IN AN ESCROW ACCOUNT OF MONEYS EARNED BY THE PERPETRATOR OF A CRIME AS THE RESULT OF THAT CRIME FOR THE BENEFIT OF THE VICTIMS OF THAT CRIME, AND ESTABLISHING THE PROCEDURE FOR VICTIMS TO OBTAIN FUNDS IN THE ACCOUNT; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Title 19, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 53, Title 19, Idaho Code, and to read as follows:

19-5301. DISTRIBUTION OF MONEYS RECEIVED AS A RESULT OF THE COMMISSION OF CRIME. (1) Every person, firm, corporation, partnership, association or other legal entity contracting with any person or the representative or assignee of any person, accused of a crime in this state, with respect to the reenactment of such crime, by way of a movie, book, magazine article, radio or television presentation, live entertainment of any kind, or from the expression of such person's thoughts, feelings, opinions or emotions regarding such crime, shall pay over to the state treasurer any moneys which would otherwise, by terms of such contract, be owing to the person so convicted or his representatives. The state treasurer shall deposit such moneys in an escrow account for the benefit of and payable to any victim of crimes committed by such person, provided that such person is eventually convicted of the crime or is acquitted on the ground of mental disease or defect excluding responsibility and provided further that such victim, or his personal representative, within five (5) years of the date the escrow account has been established, brings a civil action in a court of competent jurisdiction and recovers a money judgment against such person or his representatives.

(2) The state treasurer, at least once every six (6) months for five (5) years from the date it receives such moneys, shall cause to have published a legal notice in
newspapers of general circulation in the county of the state where the crime was committed advising such victims that such escrow moneys are available to satisfy money judgments pursuant to this section.

(3) Upon disposition of charges favorable to any person accused of committing a crime, or upon a showing by such person that five (5) years have elapsed from the establishment of such escrow account and further that no actions are pending against such person, pursuant to this section the board shall immediately pay over any moneys in the escrow account to such person.

(4) Notwithstanding the foregoing provisions of this section the state treasurer shall make payments from an escrow account to any person accused of crime upon the order of a court of competent jurisdiction after a showing by such person that such moneys shall be used for the exclusive purpose of retaining legal representation at any stage of the proceedings against such person, including the appeals process.

(5) Any action taken by any person convicted of a crime, whether by way of execution of a power of attorney, creation of corporate entities or otherwise, to defeat the purpose of this section shall be null and void as against the public policy of this state.

(6) The state treasurer may invest the moneys in any escrow account hereunder in any United States government notes or securities.

(7) The attorney general or any other person may bring an action in a court of competent jurisdiction to require the deposit of moneys in an escrow account as provided in this section.

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

AN ACT
RELATING TO CITY AND COUNTY ORDINANCES; AMENDING SECTION 31-714, IDAHO CODE, TO STRIKE THE PROVISION THAT A COUNTY ORDINANCE IS IN CONFLICT WITH THE GENERAL LAWS OF THE STATE IF IT PRESCRIBES A CRIMINAL PENALTY LESS THAN THAT PRESCRIBED BY GENERAL LAW; AND AMENDING SECTION 50-302, IDAHO CODE, TO STRIKE THE PROVISION THAT A CITY ORDINANCE IS IN CONFLICT WITH THE GENERAL LAWS OF THE STATE IF IT PRESCRIBES A LESSER MAXIMUM CRIMINAL PENALTY THAN THAT PRESCRIBED BY GENERAL LAW.

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

SECTION 1. That Section 31-714, Idaho Code, be, and the same is hereby amended to read as follows:

31-714. ORDINANCES -- PENALTIES. The board of county commissioners may pass all ordinances and rules and make all regulations, not repugnant to law, necessary for carrying into effect or discharging the powers and duties conferred by the laws of the state of Idaho, and such as are necessary or proper to provide for the safety, promote the health and prosperity, improve the morals, peace and good order, comfort and convenience of the county and the inhabitants thereof, and for the protection of property therein, and may enforce obedience to such ordinances with such fines or penalties as the board may deem proper; provided, that the punishment of any offense shall be by fine of not more than three hundred dollars ($300) or by imprisonment not to exceed six (6) months, or by both such fine and imprisonment, provided further, that any such ordinance which provides a lower maximum criminal penalty for conduct, acts, or omissions already prohibited by criminal penalties set forth in the general laws of the state of Idaho shall be deemed to be in conflict with said general laws of the state of Idaho.

SECTION 2. That Section 50-302, Idaho Code, be, and the same is hereby amended to read as follows:

50-302. PROMOTION OF GENERAL WELFARE -- PRESCRIBING PENALTIES. Cities shall make all such ordinances, by-laws, rules, regulation and resolutions not inconsistent with the laws of the state of Idaho as may be expedient, in addition
to the special powers in this act granted, to maintain the peace, good government and welfare of the corporation and its trade, commerce and industry. Cities may enforce all ordinances by fine or incarceration; provided, however, that the maximum punishment of any offense shall be by fine of not more than three hundred dollars ($300) or by imprisonment not to exceed six (6) months, or by both such fine and imprisonment, provided further, that any such ordinance which provides a lesser maximum criminal penalty for conduct acts or omissions already prohibited by criminal penalties set forth in the general laws of the state of Idaho shall be deemed to be in conflict with said general laws of the state of Idaho.


CHAPTER 261
(H.B. No. 373, As Amended)

AN ACT
PROVIDING AUTHORITY FOR RESORT CITIES IN COUNTIES WITH A POPULATION NOT IN EXCESS OF 20,000 TO ADOPT, IMPLEMENT AND COLLECT CERTAIN NONPROPERTY TAXES; PROVIDING A SHORT TITLE; PROVIDING AUTHORITY FOR RESORT CITY RESIDENTS TO APPROVE AND CITY GOVERNMENTS TO ADOPT, IMPLEMENT, AND COLLECT CERTAIN CITY NONPROPERTY TAXES; PROVIDING FOR A CITY PROPERTY TAX RELIEF FUND; PROVIDING FOR VOTER APPROVAL BY A SIXTY PER CENT MAJORITY OF CITY NONPROPERTY TAXES; PROVIDING FOR GENERAL PROVISIONS FOR ADMINISTRATION OF LOCAL-OPTION NONPROPERTY TAXES; PROVIDING FOR COORDINATION WITH COUNTY LOCAL-OPTION NONPROPERTY TAXES; PROVIDING FOR VALIDITY OF THE REMAINDER OF THE ACT IF CERTAIN PORTIONS ARE RULED INVALID; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. SHORT TITLE. This act shall be known and may be cited as the "City Property Tax Alternatives Act of 1978."

SECTION 2. AUTHORITY FOR RESORT CITY RESIDENTS TO APPROVE AND RESORT CITY GOVERNMENTS TO ADOPT, IMPLEMENT, AND COLLECT CERTAIN CITY NONPROPERTY TAXES. The voters of any resort city in a county with a population not in excess of twenty thousand (20,000) according to the most recent census within the state of Idaho, organized under the general laws of the state, special charter, or a general incorporation act, are hereby given the freedom to authorize their city government to adopt, implement, and collect one or more local-option nonproperty taxes as provided herein. A resort city is a city that derives the major portion of its eco-
nomic well-being from businesses catering to recreational needs and meeting needs of people traveling to that destination city for an extended period of time. The corporate authorities of any such resort city are hereby given the freedom and authority to adopt, implement, and collect one or more local-option nonproperty taxes as provided herein, if approved by the required majority of city voters voting in an election as provided herein. No local-option nonproperty tax proposal may be presented to resort city voters for approval or modification for a period of one (1) year after an election to approve or disapprove such tax. The election may be a special election conducted for the exclusive purpose of approving or disapproving such tax, or may be conducted as a part of any other special or general city election.

SECTION 3. CITY PROPERTY TAX RELIEF FUND. Any resort city may establish a city property tax relief fund into which may be placed all or any portion of revenues received from any nonproperty tax levied in accordance with the provisions of this act and such nonproperty tax revenues may be used to replace city property taxes in the ensuing fiscal year by the amount of nonproperty tax revenues placed in the city property tax relief fund if city voters have approved of such use of nonproperty tax revenues in the election authorizing such city nonproperty tax. Any resort city that receives more revenues from any local-option nonproperty tax than such city has budgeted shall establish a city property tax relief fund into which shall be placed all revenues received in excess of the budget amount and such excess revenues shall be used to replace city property taxes in the ensuing fiscal year by the amount of all excess revenues placed in said city property tax relief fund.

SECTION 4. CITY LOCAL-OPTION NONPROPERTY TAXES PERMITTED BY SIXTY PER CENT MAJORITY VOTE. A sixty per cent (60%) majority of the voters of any resort city voting on the question may approve and, upon such approval, any city may adopt, implement, and collect, subject to the provisions of this act, the following city local-option nonproperty taxes: (a) hotel-motel room occupancy tax; and (b) liquor by-the-drink tax.

SECTION 5. GENERAL PROVISIONS. Any ordinance assessing a tax pursuant to this act shall contain a finding by the local governing body of the city based upon evidence presented to it that the condition set forth in section 2 of this act exists and shall provide the methods for reporting and collecting taxes due. Taxes collected pursuant to any such ordinance shall be remitted to the city official designated in such ordinance or other such official contracting, pursuant to this act, with the city to provide collection
services, and shall constitute revenue of the city available for any lawful corporate purpose approved by city voters subject to the provisions of this act. In any election, the ordinance submitted to city voters shall: (a) state and define the specific tax to be approved; (b) state the exact rate of the tax to be assessed; (c) state the exact purpose or purposes for which the revenues derived from the tax shall be used; and (d) state the duration of the tax. No tax shall be redefined, no rate shall be increased, no purpose shall be modified, and no duration shall be extended without subsequent approval of city voters. A city may contract with any person for the collection of any nonproperty tax authorized by this act and approved by city voters in accordance with the provisions of this act, provided that provisions may be made for reimbursement of all actual costs of rendering such services. An ordinance adopting any local-option nonproperty tax authorized by this act may provide for separate identification of taxes as may be appropriate. The city clerk of any city adopting an ordinance pursuant to this act shall, immediately following approval of such ordinance, or any amendment thereto, forward a copy of said ordinance or amendment to the state auditor, the chairman of the state tax commission, and the chairman of the state board of tax appeals.

SECTION 6. COORDINATION WITH COUNTY LOCAL-OPTION NONPROPERTY TAXES. In the event that counties are given local-option nonproperty tax authority, it is the intent of the legislature that such county local-option nonproperty taxes be coordinated with existing city local-option nonproperty taxes in the county.

SECTION 7. PROVISIONS RULED INVALID. If any section, subdivision, paragraph, sentence, clause, or provision of this act shall be unconstitutional or ineffective for any reason, in whole or in part, to the extent that it is not unconstitutional or ineffective it shall be valid and effective and no other section, subdivision, paragraph, sentence, clause, or provision shall on account thereof be deemed invalid or ineffective.

SECTION 8. This act shall be in full force and effect on and after July 1, 1978.

AN ACT
RELATING TO CONFIDENTIAL COMMUNICATIONS; ADDING A NEW
SECTION 9-203A, IDAHO CODE, TO PROVIDE IMMUNITY FROM
DISCLOSURE OF PRIVILEGED OR CONFIDENTIAL COMMUNICATIONS
BY LICENSED PUBLIC ACCOUNTANTS AND CERTIFIED PUBLIC
ACCOUNTANTS CONCERNING ANY COMMUNICATION MADE BY THE
CLIENT TO SUCH LICENSED PUBLIC ACCOUNTANT OR CERTIFIED
PUBLIC ACCOUNTANT OR RELATING TO HIS ADVICE GIVEN
THEREON IN THE COURSE OF HIS PROFESSIONAL EMPLOYMENT.

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

SECTION 1. That Chapter 2, Title 9, Idaho Code, be, and
the same is hereby amended by the addition thereto of a NEW
SECTION, to be known and designated as Section 9-203A, Idaho
Code, and to read as follows:

9-203A. CONFIDENTIAL COMMUNICATIONS WITH ACCOUNTANTS.
Any licensed public accountant, or certified public accountant,
can not, without the consent of his client, be examined
as a witness as to any communication made by the client to
him, or his advice given thereon in the course of profes­
sional employment. The word "client" used herein shall be
deemed to include a person, a corporation or an association.
The word "communication" as used herein shall be deemed to
include but shall not be limited to, reports, financial
statements, tax returns, or other documents relating to the
client's personal and/or business financial status, whether
or not said reports or documents were prepared by the
client, the licensed public accountant or certified public
accountant, or other person who prepared said documents at
the direction of and under the supervision of said account­
ants.

AN ACT
APPROPRIATING MONEYS FROM THE ACCOUNT ENUMERATED TO THE
LEGISLATIVE COUNCIL, TO BE EXPENDED FOR THE DESIGNATED
PROGRAM ACCORDING TO THE DESIGNATED EXPENSE CLASSES FROM
THE LISTED ACCOUNT FOR THE PERIOD JULY 1, 1978, THROUGH

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 the designated expense classes from the designated account for the period July 1, 1978 through June 30, 1979:

Research Assistance Program

<table>
<thead>
<tr>
<th>Category</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel Costs</td>
<td>$46,000</td>
</tr>
<tr>
<td>Operating Expenditures</td>
<td>9,400</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$55,400</strong></td>
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</tbody>
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FROM:

General Account $55,400

CHAPTER 264
(S.B. No. 1329, As Amended, As Amended)

AN ACT
RELATING TO WORKMEN'S COMPENSATION; AMENDING SECTION 72-102, IDAHO CODE, TO INCREASE BURIAL EXPENSE ALLOWANCE TO $1,500; ADDING A NEW SECTION 72-324, IDAHO CODE, TO PLACE MANAGEMENT OF THE INDUSTRIAL SPECIAL INDEMNITY FUND UNDER A MANAGER WITHIN THE DEPARTMENT OF ADMINISTRATION, AND PROVIDING FOR THE ADMINISTRATION THEREOF; AMENDING SECTION 72-325, IDAHO CODE, TO STRIKE SUPERFLUOUS LANGUAGE ON SURETY BONDS; AMENDING SECTION 72-326, IDAHO CODE, TO PROVIDE THAT THE MANAGER OF THE INDUSTRIAL SPECIAL INDEMNITY FUND SHALL INVEST THE FUND; AMENDING SECTION 72-327, IDAHO CODE, TO PROVIDE THAT CONTRIBUTIONS TO THE INDUSTRIAL SPECIAL INDEMNITY FUND ARE BASED ON PAYMENTS MADE; AMENDING SECTION 72-329, IDAHO CODE TO PROVIDE THAT DISBURSEMENTS FROM THE FUND SHALL BE MADE BY THE MANAGER, AND BY PROVIDING FOR LUMP SUM DISTRIBUTIONS; AMENDING SECTION 72-330, IDAHO CODE, TO PROVIDE THAT LEGAL REPRESENTATION OF THE FUND SHALL BE AT THE REQUEST OF THE MANAGER; AMENDING SECTION 72-331, IDAHO CODE, TO PROVIDE THAT THE MANAGER SHALL PAY EXPENSES OF THE FUND FROM THE FUND; AMENDING SECTION 72-332, IDAHO CODE, TO STRIKE THE DEFINITION OF PERMANENT PHYSICAL IMPAIRMENT; AMENDING SECTION 72-333, IDAHO CODE, TO PROVIDE THAT THE MONEYS IN THE INDUSTRIAL SPECIAL INDEMNITY FUND ARE PERPETUALLY APPROPRIATED TO THE DEPARTMENT OF ADMINISTRATION; AMENDING SECTION 72-428, IDAHO CODE, TO COMPUTE THE LOSSES ON THE BASIS OF WEEKS OF DISABILITY, AND TO SET THE STANDARD OF MEASURING LOST VISION; AMENDING SECTION 72-432, IDAHO CODE, TO PROVIDE FOR NEEDED SERVICES, TO CLARIFY WHEN AN EMPLOYER SHALL REPLACE A DESTROYED APPLIANCE, TO PROVIDE FOR NOTICE TO THE EMPLOYER WHEN THE EMPLOYEE WISHES TO CHANGE PHYSICIANS, TO PROVIDE THAT AN EMPLOYEE IS NOT RESPONSIBLE FOR HOSPITALS AND OTHER MEDICAL SERVICES, REQUIRING SPECIFIC REPORTS FROM PHYSICIANS, AND REQUIRING HEALTH CARE PROVIDERS TO ASSIST IN REHABILITATION; AMENDING SECTION 72-448, IDAHO CODE, TO CLARIFY THE STATUTE OF LIMITATIONS ON OCCUPATIONAL DISEASES; AMENDING SECTION 72-450, IDAHO CODE, TO PROVIDE FOR INFORMAL CONFERENCES ON RETRAINING OF AN EMPLOYEE; AMENDING SECTION 72-520, IDAHO CODE, TO ALLOW THE COMMISSION TO REFUND ERRONEOUSLY COLLECTED TAXES AND PENALTIES; AMENDING SECTION 72-523, IDAHO CODE, TO ALTER THE PREMIUM TAX PAYMENT
DATES; AMENDING SECTION 72-524, IDAHO CODE, TO ALTER THE DATES OF SURETY REPORTS; AMENDING SECTION 72-602, IDAHO CODE, TO PROVIDE FOR A POSSIBLE CHANGE IN SUMMARY REPORTS; AMENDING SECTION 72-701, IDAHO CODE, TO STRIKE REFERENCE TO OCCUPATIONAL DISEASES, AND PROVIDING THAT IT IS NOT NECESSARY TO FILE A CLAIM IF A REQUEST FOR HEARING IS FILED; AMENDING SECTION 72-704, IDAHO CODE, TO EXTEND THE SUFFICIENCY OF NOTICE PROVISION TO NOTICE UNDER OCCUPATIONAL DISEASE CASES; AMENDING SECTION 72-706, IDAHO CODE, TO EXTEND THE RIGHT TO CLAIM ADDITIONAL COMPENSATION WHEN COMPENSATION HAS BEEN DISCONTINUED; AND REPEALING SECTIONS 72-224, 72-324, 72-420, AND 72-421, IDAHO CODE.

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

SECTION 1. That Section 72-102, Idaho Code, be, and the same is hereby amended to read as follows:

72-102. DEFINITIONS. Words and terms used in the workmen's compensation law, unless the context otherwise requires, are defined in the subsections which follow.

(1) "Alien" means a person who is not a citizen, a national or a resident of the United States or Canada. Any person not a citizen or national of the United States who relinquishes or is about to relinquish his residence in the United States shall be regarded as an alien.

(2) "Beneficiary" means any person who is entitled to income benefits or medical and related benefits under this law.

(3) "Burial expenses" means a sum, not to exceed seven hundred and fifty dollars ($750) for funeral and burial or cremation, together with the actual expenses of transportation of the employee's body to his place of residence within the United States or Canada.

(4) "Commission" means the industrial commission.

(5) "Compensation" used collectively means any or all of the income benefits and the medical and related benefits and medical services.

(6) "Death" means death resulting from an injury or occupational disease.

(7) Dependency limitations.

(a) "Adopted" and "adoption" include cases where persons are treated as adopted as well as those of legal adoption unless legal adoption is specifically provided.

(b) "Brother" and "sister" include stepbrothers and stepsisters, half brothers and half sisters, and brothers and sisters by adoption.
(c) "Child" includes adopted children, posthumous children, and acknowledged illegitimate children, but does not include stepchildren unless actually dependent.

(d) "Grandchild" includes children of legally adopted children and children of stepchildren, but does not include stepchildren of children, stepchildren of stepchildren, or stepchildren of adopted children unless actually dependent.

(e) "Parent" includes stepparents and parents by adoption.

(f) "Grandparent" includes parents of parents by adoption, but does not include parents of stepparents, stepparents of parents, or stepparents of stepparents.

(g) "Disability," for purposes of determining total or partial temporary disability income benefits, means a decrease in wage-earning capacity due to injury or occupational disease, as such capacity is affected by the medical factor of physical impairment, and by nonmedical factors such as age, sex, education, economic and social environment.

(h) "Employee" is synonymous with "workman" and means any person who has entered into the employment of, or who works under contract of service or apprenticeship with, an employer. It does not include any person engaged in any of the excepted employments enumerated in section 72-212, Idaho Code, unless an election as provided in section 72-213, Idaho Code, has been filed. Any reference to an employee who has been injured shall, where the employee is dead, include a reference to his dependents as herein defined, if the context so requires, or, where the employee is a minor or incompetent, to his committee or guardian or next friend.

(i) "Employer" means any person who has expressly or impliedly hired or contracted the services of another. It includes contractors and subcontractors. It includes the owner or lessee of premises, or other person who is virtually the proprietor or operator of the business there carried on, but who, by reason of there being an independent contractor or for any other reason, is not the direct employer of the workmen there employed. If the employer is secured, it means his surety so far as applicable.

(j) "Gender and number." The masculine gender includes the feminine and neuter; "husband" or "wife" includes "spouse"; the singular number includes plural and the plural the singular.

(k) "Income benefits" means payments provided for or made under the provisions of this law to the injured employee disabled by an injury or occupational disease, or his dependents in case of death, excluding medical and related benefits.

(l) "Independent contractor" means any person who
renders service for a specified recompense for a specified result, under the right to control or actual control of his principal as to the result of his work only and not as to the means by which such result is accomplished.

(14) "Injury" and "accident."

(a) "Injury" means a personal injury caused by an accident arising out of and in the course of any employment covered by the workmen's compensation law.

(b) "Accident" means an unexpected, undesigned, and unlooked for mishap, or untoward event, connected with the industry in which it occurs, and which can be reasonably located as to time when and place where it occurred, causing an injury.

(c) "Injury" and "personal injury" shall be construed to include only an injury caused by an accident, which results in violence to the physical structure of the body. The terms shall in no case be construed to include an occupational disease and only such nonoccupational diseases as result directly from an injury.

(15) "Medical and related benefits" means payments provided for or made for medical, hospital, burial and other services as provided in this law other than income benefits.

(16) "Medical services" means medical, surgical, dental or other attendance or treatment, nurse and hospital service, medicines, apparatus, appliances, prostheses, and related services, facilities and supplies.

(17) "Occupational diseases."

(a) "Occupational disease" means a disease due to the nature of an employment in which the hazards of such disease actually exist, are characteristic of, and peculiar to the trade, occupation, process, or employment.

(b) "Contracted" and "incurred," when referring to an occupational disease, shall be deemed the equivalent of the term "arising out of and in the course of" employment.

(c) "Disablement," except in the case of silicosis, means the event of an employee's becoming actually and totally incapacitated because of an occupational disease from performing his work in the last occupation in which injuriously exposed to the hazards of such disease, and "disability" means the state of being so incapacitated.

(d) "Disablement," in the case of silicosis, means the event of first becoming actually incapacitated, because of such disease, from performing any work in any remunerative employment; and "disability" means the state of being so incapacitated.

(e) "Silicoses" means the characteristic fibrotic condition of the lungs caused by the inhalation of silicon dioxide (SiO2) dust.

(18) "Outworker" means a person to whom articles or
materials are furnished to be treated in any way on premises not under the control or management of the person who furnished them.

(19) "Person" means the state or any political subdivision thereof, or any individual, partnership, firm, association, trust, corporation, including the state insurance fund, or any representative thereof.

(20) "Physician" means medical physicians and surgeons, ophthalmologists, otorhinolaryngologists, dentists, osteopaths, osteopathic physicians and surgeons, optometrists, podiatrists, chiropractic physicians, and members of any other healing profession licensed or authorized by the statutes of this state to practice such profession within the scope of their practice as defined by the statutes of this state and as authorized by their licenses.

(21) "Secretary" means the secretary of the commission.

(22) "Self-insurer" means an employer who has been authorized under the provisions of this law to carry his own liability to his employees covered by this law.

(23) "State" includes any state, district, commonwealth, zone or territory of the United States or any province of Canada.

(24) "Surety" means any insurer authorized to insure or guarantee payment of workmen's compensation liability of employers in any state; it also includes the state insurance fund, a self-insurer and an inter-insurance exchange.

(25) "United States," when used in a geographic sense, means the several states, the District of Columbia, the Commonwealth of Puerto Rico, the Canal Zone and the territories of the United States.

(26) "Wages" and "wage earning capacity" prior to the injury or disablement from occupational disease means the employee's money payments for services as calculated under section 72-419, Idaho Code, and shall additionally include the reasonable market value of board, rent, housing, lodging, fuel, and other advantages which can be estimated in money which the employee receives from the employer as part of his remuneration, and gratuities received in the course of employment from others than the employer. "Wages" shall not include sums which the employer has paid to the employee to cover any special expenses entailed on him by the nature of his employment.

(27) "Wages" and "wage earning capacity" after the injury or disablement from occupational disease shall be presumed to be the actual earnings after the injury or disablement, which presumption may be overcome by showing that those earnings do not fairly and reasonably represent wage earning capacity; in such a case wage earning capacity shall be determined in the light of all factors and circumstances.
which may affect the worker's capacity to earn wages.

(28) "Workmen's compensation law" means and includes the workmen's compensation law of this state and any like or similar law of any state, United States, territory, or province of Canada.

SECTION 2. That Chapter 3, 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 72-324, Idaho Code, and to read as follows:

72-324. MANAGEMENT OF INDUSTRIAL SPECIAL INDEMNITY FUND. There is hereby created in the department of administration the office of manager of the industrial special indemnity fund, elsewhere in this chapter referred to as manager, whose duties shall be to administer the fund without liability on the part of the state or the manager beyond the amount of such fund. Among the powers of the manager shall be the power to evaluate, investigate, adjust claims made against the fund and make agreements, subject to the approval of the industrial commission, for compensation for injuries and occupational diseases in accordance with the provisions of this act, including the power to order payment from the fund for such medical, hospital and nursing care charges as injured persons or those suffering from occupational diseases may be entitled to from the fund.

The compensation of such manager shall be as provided in section 59-508, Idaho Code.

The manager shall be given notice of all applications, hearings and proceedings involving rights of the fund, and shall represent the fund in all proceedings brought to enforce a claim against it. The manager shall have the authority to employ such medical or other experts and to defray the expense thereof and of such witnesses as are reasonably necessary to administer, evaluate or defend the fund. The manager may also employ such employees as are necessary to assist in the administration of the fund. The manager may also employ legal counsel, or obtain legal counsel pursuant to section 72-330, Idaho Code, to represent and conduct on behalf of the fund all suits, actions and proceedings whatsoever involving the fund.

The manager may, in his official name, sue and be sued in all the courts of the state and before the industrial commission in all actions or proceedings arising out of anything done or offered in connection with the industrial special indemnity fund or business related thereto.

The industrial commission shall compute and collect the excise tax provided by section 72-327, Idaho Code, and shall make quarterly reports to the fund of the same. The manager
of the fund shall, each quarter of each year, prepare and file with the industrial commission and the state treasurer a report of all expenses of administration, legal expenses and payments from the fund, which reports will be kept on file and open to inspection by any interested person.

The director of the department of administration shall appoint the manager from a list of at least three (3) names provided by the industrial commission. The manager shall serve at the pleasure of the director of the department of administration.

SECTION 3. That Section 72-325, Idaho Code, be, and the same is hereby amended to read as follows:

72-325. STATE TREASURER CUSTODIAN OF FUND -- DUTIES. The state treasurer shall be custodian of the industrial special indemnity fund. He shall give a separate and additional bond in an amount and with sureties approved by the commissioner of insurance, conditioned for the faithful performance of his duty as custodian of said fund.

SECTION 4. That Section 72-326, Idaho Code, be, and the same is hereby amended to read as follows:

72-326. DEPOSIT AND INVESTMENT OF FUND -- INTEREST. The state treasurer shall deposit or, on order of the manager of the industrial special indemnity fund, invest any portion of the industrial special indemnity fund not needed for immediate or currently anticipated use, in the manner and subject to all the provisions of law respecting the depositing and investing of state funds by him. Interest earned by such portion of the fund so invested shall be collected by the state treasurer and placed to the credit of the fund.

SECTION 5. That Section 72-327, Idaho Code, be, and the same is hereby amended to read as follows:

72-327. SOURCE OF FUND -- EXCISE. When an award or payments of scheduled or unscheduled income benefits have been made under sections 72-428 or 72-429, Idaho Code, except as otherwise provided in section 72-328, Idaho Code, in addition to the payments to be made to the employee under an award, the employer shall forthwith pay to the state treasurer, to be deposited into the industrial special indemnity fund, a lump sum, without discount not to exceed four per cent (4%) of the aggregate scheduled or unscheduled income benefits so awarded or paid.
SECTION 6. That Section 72-329, Idaho Code, be, and the same is hereby amended to read as follows:

72-329. DISBURSEMENTS. All disbursements from the industrial special indemnity fund shall be paid by the treasurer upon orders of the commission. Such orders shall be issued under the seal of the commission signed by its chairman and attested by its secretary manager. Disbursements to beneficiaries not payable in a lump sum shall be made monthly.

SECTION 7. That Section 72-330, Idaho Code, be, and the same is hereby amended to read as follows:

72-330. LEGAL REPRESENTATION OF FUND. The attorney general shall appoint a member of his staff, if requested by the commission manager, pursuant to section 72-324, Idaho Code, to represent and conduct on behalf of the industrial special indemnity fund in any proceeding brought to enforce a claim against the fund all suits, actions and proceedings whatsoever involving the fund.

SECTION 8. That Section 72-331, Idaho Code, be, and the same is hereby amended to read as follows:

72-331. PAYMENT OF ADMINISTRATIVE EXPENSES. The commission manager shall have the authority to pay from the industrial special indemnity fund necessary expenses of administration involving the industrial special indemnity fund, including secretarial help, equipment and supplies, medical and other experts, witnesses, legal counsel, and similar aid and services.

SECTION 9. That Section 72-332, Idaho Code, be, and the same is hereby amended to read as follows:

72-332. PAYMENT FOR SECOND INJURIES FROM INDUSTRIAL SPECIAL INDEMNITY FUND. (1) If an employee who has a permanent physical impairment from any cause or origin, incurs a subsequent disability by an injury or occupational disease arising out of and in the course of his employment, and by reason of the combined effects of both the preexisting impairment and the subsequent injury or occupational disease or by reason of the aggravation and acceleration of the preexisting impairment suffers total and permanent disability, the employer and surety shall be liable for payment of compensation benefits only for the disability caused by the injury or occupational disease, including scheduled and unscheduled permanent disabilities, and the injured employee
shall be compensated for the remainder of his compensation benefits out of the special industrial special indemnity fund.

(2) -- As used in this law, -- "permanent--physical--impairment" -- means -- any permanent condition, whether congenital or due to the injury or disease, of such seriousness as to constitute a hindrance or obtrusiveness to obtaining employment or to obtaining reemployment if the employee should become unemployed.

SECTION 10. That Section 72-333, Idaho Code, be, and the same is hereby amended to read as follows:

72-333. PERPETUAL APPROPRIATION. All moneys which may come into the industrial special indemnity fund are hereby perpetually appropriated to the commission department of administration to be expended by it for the purposes stated in sections 72-331 and 72-332, Idaho Code.

SECTION 11. That Section 72-428, Idaho Code, be, and the same is hereby amended to read as follows:

72-428. SCHEDULED INCOME BENEFITS FOR LOSS OR LOSSES OF USE OF BODILY MEMBERS. An employee who suffers a permanent disability less than total and permanent shall, in addition to the income benefits payable during the period of recovery, be paid income benefits for such permanent disability in an amount equal to fifty-five per cent (55%) of the average weekly state wage of the percentage stated against the following scheduled permanent impairments respectively:

(1) Amputations of Upper Extremities

<table>
<thead>
<tr>
<th>Permanent-impairments-of Upper Extremity</th>
<th>Whole Hand</th>
<th>Whole Digit</th>
<th>Weeks</th>
</tr>
</thead>
<tbody>
<tr>
<td>Forequarter amputation</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Disarticulation at shoulder joint</td>
<td>100%</td>
<td>60%</td>
<td>300</td>
</tr>
<tr>
<td>Amputation of arm above deltoid insertion</td>
<td>100%</td>
<td>60%</td>
<td>300</td>
</tr>
<tr>
<td>Amputation of arm between deltoid insertion and elbow joint</td>
<td>95%</td>
<td>57%</td>
<td>285</td>
</tr>
<tr>
<td>Disarticulation at elbow joint</td>
<td>95%</td>
<td>57%</td>
<td>285</td>
</tr>
<tr>
<td>Amputation of forearm below elbow joint proximal to insertion of biceps tendon</td>
<td>95%</td>
<td>57%</td>
<td>285</td>
</tr>
<tr>
<td>Amputation of forearm below elbow joint distal to insertion of biceps tendon</td>
<td>100%</td>
<td>90%</td>
<td>270</td>
</tr>
<tr>
<td>Disarticulation at wrist joint</td>
<td>100%</td>
<td>90%</td>
<td>270</td>
</tr>
</tbody>
</table>
Midcarpal or mid-metacarpal amputation of hand

100% 90%

Amputation of all fingers except thumb at metacarpophalangeal joints

60%

Amputation of thumb

At metacarpophalangeal joint or with resection of carpometacarpal bone

100% 40%

At interphalangeal joint

75% 30%

Amputation of index finger

At metacarpophalangeal joint or with resection of metacarpal bone

100% 25%

At proximal interphalangeal joint

80% 20%

At distal interphalangeal joint

45% 11%

Amputation of middle finger

At metacarpophalangeal joint or with resection of metacarpal bone

100% 20%

At proximal interphalangeal joint

80% 16%

At distal interphalangeal joint

45% 9%

Amputation of ring finger

At metacarpophalangeal joint or with resection of metacarpal bone

100% 10%

At proximal interphalangeal joint

80% 8%

At distal interphalangeal joint

45% 5%

Amputation of little finger

At metacarpophalangeal joint or with resection of metacarpal bone

100% 5%

At proximal interphalangeal joint

80% 4%

At distal interphalangeal joint

45% 2%

(2) Amputations of Lower Extremities
<table>
<thead>
<tr>
<th>Description</th>
<th>Foot</th>
<th>Extremity</th>
<th>Lower</th>
<th>Whole</th>
<th>Weeks</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hemipelvectomy</td>
<td></td>
<td></td>
<td>100%</td>
<td>40%</td>
<td>250</td>
</tr>
<tr>
<td>Disarticulation at hip joint</td>
<td></td>
<td></td>
<td>100%</td>
<td>40%</td>
<td>200</td>
</tr>
<tr>
<td>Amputation above knee joint with short thigh stump (3&quot; or less below tuberosity of ischium)</td>
<td></td>
<td></td>
<td>90%</td>
<td>36%</td>
<td>180</td>
</tr>
<tr>
<td>Amputation above knee joint with functional stump</td>
<td></td>
<td></td>
<td>90%</td>
<td>36%</td>
<td>180</td>
</tr>
<tr>
<td>Disarticulation at knee joint</td>
<td></td>
<td></td>
<td>90%</td>
<td>36%</td>
<td>180</td>
</tr>
<tr>
<td>Gritti-Stokes amputation</td>
<td></td>
<td></td>
<td>90%</td>
<td>36%</td>
<td>180</td>
</tr>
<tr>
<td>Amputation below knee joint with short stump (3&quot; or less below intercondylar notch)</td>
<td></td>
<td></td>
<td>90%</td>
<td>36%</td>
<td>180</td>
</tr>
<tr>
<td>Amputation below knee joint with functional stump</td>
<td></td>
<td></td>
<td>70%</td>
<td>20%</td>
<td>140</td>
</tr>
<tr>
<td>Amputation at ankle (Syme)</td>
<td>100%</td>
<td>70%</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Partial amputation of foot (Chopart's)</td>
<td>75%</td>
<td>55%</td>
<td></td>
<td></td>
<td>105</td>
</tr>
<tr>
<td>Mid-metatarsal amputation</td>
<td>50%</td>
<td>35%</td>
<td></td>
<td></td>
<td>70</td>
</tr>
<tr>
<td>Amputation of all toes</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>At metatarsophalangeal joints</td>
<td>30%</td>
<td></td>
<td></td>
<td></td>
<td>42</td>
</tr>
<tr>
<td>Amputation of great toe</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>With resection of metatarsal bone</td>
<td>30%</td>
<td></td>
<td></td>
<td></td>
<td>42</td>
</tr>
<tr>
<td>At metatarsophalangeal joint</td>
<td>100%</td>
<td>10%</td>
<td></td>
<td></td>
<td>25</td>
</tr>
<tr>
<td>At interphalangeal joint</td>
<td>75%</td>
<td>14%</td>
<td></td>
<td></td>
<td>25</td>
</tr>
<tr>
<td>Amputation of lesser toe (2nd-5th) With resection of metatarsal bone</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>At metatarsophalangeal joint</td>
<td>100%</td>
<td>3%</td>
<td></td>
<td></td>
<td>4</td>
</tr>
<tr>
<td>At proximal interphalangeal joint</td>
<td>80%</td>
<td>2%</td>
<td></td>
<td></td>
<td>3</td>
</tr>
<tr>
<td>At distal interphalangeal joint</td>
<td>45%</td>
<td>1%</td>
<td></td>
<td></td>
<td>1</td>
</tr>
</tbody>
</table>

(3) Loss of Vision and Hearing

<table>
<thead>
<tr>
<th>Description</th>
<th>Lower</th>
<th>Whole-Man</th>
<th>Weeks</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total loss of vision of one eye</td>
<td>30%</td>
<td>30%</td>
<td>150</td>
</tr>
<tr>
<td>Loss of one eye by enucleation</td>
<td>35%</td>
<td>35%</td>
<td>175</td>
</tr>
<tr>
<td>Total loss of binaural hearing</td>
<td>35%</td>
<td>35%</td>
<td>175</td>
</tr>
</tbody>
</table>

(4) Total loss of use. Income benefits payable for permanent disability attributable to permanent total loss of use of comparable total loss of use of a member shall not be less than as for the loss of the member.

(5) Partial loss or partial loss of use. Income benefits payable for permanent partial disability attributable
to permanent partial loss or loss of use, of a member shall be not less than for a period as the permanent impairment attributable to the partial loss or loss of use of the member bears to total loss of the member.

(6) Delay in rating. Following the period of recovery, a permanently disabled employee who has been afforded vocational retraining under a rehabilitation program shall be rated for permanent impairment only until completion of the vocational retraining program at which time he shall be rated for permanent disability, deducting from any monetary award therefor amounts previously awarded for permanent impairment only.

SECTION 12. That Section 72-432, Idaho Code, be, and the same is hereby amended to read as follows:

72-432. MEDICAL SERVICES, APPLIANCES AND SUPPLIES REPORTS. (1) The employer shall provide for an injured employee such reasonable medical, surgical or other attendance or treatment, nurse and hospital service, medicines, crutches and apparatus, as may be required by the employee required by the employee's physician or needed immediately after an injury or disability from an occupational disease, and for a reasonable time thereafter. If the employer fails to provide the same, the injured employee may do so at the expense of the employer.

(2) The employer shall also furnish necessary replacements or repairs of appliances and prostheses, but no oftener than once every five years unless the need therefor within any five-year period is due to lack of proper care by the employee. If the appliance or prosthesis is damaged or destroyed in an industrial accident, the employer, for whom the employee was working at the time of accident, will be liable for replacement or repair, but not for any subsequent replacement or repair not directly resulting from the accident.

(3) In addition to the income benefits otherwise payable, the employee who is entitled to income benefits shall be paid an additional sum in an amount as may be determined by the commission as by it deemed necessary, as a medical service, when the constant service of an attendant is necessary by reason of total blindness of the employee or the loss of both hands or both feet or the loss of use thereof, or by reason of being paralyzed and unable to walk, or by reason of other disability resulting from the injury or disease actually rendering him so helpless as to require constant attendance. The commission shall have authority to determine the necessity, character and sufficiency of any medical services furnished or to be furnished and shall have
authority to order a change of physician, hospital or rehabilitation facility when in its judgment such change is desirable or necessary.

(4) The employee upon reasonable grounds, may petition the commission for a change of physician to be provided by the employer, however, the employee must give notice to the employer or surety of his request for a change of physicians to afford the employer the opportunity to fulfill his obligations under this section. If proper notice is not given, the employer shall not be obligated to pay for the services obtained. Nothing in this section shall limit the attending physician from arranging for consultation, referral or specialized care without permission of the employer.

(5) An employee shall not be responsible for charges of physicians, hospitals or other providers of medical services to whom he has been referred for treatment of his injury or occupational disease by an employer designated physician or by the commission, except for charges for personal items or extended services which the employee has requested for his convenience and which are not required for treatment of his injury or occupational disease.

(6) Nothing in this chapter shall be construed to require a workman who in good faith relies on Christian Science treatment by a duly accredited Christian Science practitioner to undergo any medical or surgical treatment, providing that neither he nor his dependents shall be entitled to income benefits of any kind beyond those reasonably expected to have been paid had he undergone medical or surgical treatment, and the employer or insurance carrier may pay for such spiritual treatment.

(7) The commission shall promulgate rules and regulations requiring physicians and other practitioners providing treatment to make regular reports to the commission containing such information as may be required by the commission. The commission shall promulgate such rules and regulations with the counsel, advice, cooperation and expertise of representatives of industry, labor, sureties and the legal and medical professions as well as institutions, hospitals and clinics having physical rehabilitation facilities.

(8) All medical information relevant to or bearing upon a particular injury or occupational disease shall be provided to the employer, surety, claimant or commission without liability on the part of the physician, hospital or other provider of medical services and information developed in connection with treatment or examination for an injury or disease for which compensation is sought shall not be privileged communication. When a physician or hospital willfully fails to make a report required under this section, after written notice by the commission that such report is due,
the commission may order forfeiture of all or part of payments due for services rendered in connection with the particular case.

(9) Physicians or others providing services under this section shall assist in the rehabilitation program provided in section 72-501A, Idaho Code. They shall cooperate with specialists from the commission's rehabilitation staff and with employer rehabilitation personnel in furthering the physical or vocational rehabilitation of the employee. The extension of total temporary disability benefits during retraining as authorized by section 72-450, Idaho Code, shall be the responsibility of the commission, however, the physician shall inform the commission as soon as it is medically apparent that the employee may be unable to return to the job in which he sustained injury or occupational disease following treatment and maximum recovery.

SECTION 13. That Section 72-448, Idaho Code, be, and the same is hereby amended to read as follows:

72-448. NOTICE OF CONTRACTION OF DISEASE AND CLAIM FOR COMPENSATION. (1) Except in cases of silicosis for which notice of contraction and claim for compensation may be given at any time within the four (4) year limitation provided in section 72-439, unless written notice of the manifestation of an occupational disease shall be given by the employee to the employer within sixty (60) days after the first manifestation thereof, and within five (5) months after the employment has ceased in which it is claimed the disease was contracted, and, in case of death, unless written notice of such death be given within ninety (90) days after the occurrence and unless claim for disability or death shall be made within one (1) year after the manifestation of the disease or death respectively, all rights to compensation for disability or death from injury due to an occupational disease shall be forever barred.

(2) Provided, that when disablement or death is the result of exposure to radioactive properties of substances or sources of the ionizing radiation in any occupation involving direct contact therewith, handling thereof or exposure thereto, and other unusual cases of occupational diseases, written notice may be given any time and a claim filed within one (1) year after the date upon which the employee first suffered incapacity, disability or death from such exposure and knew or in the exercise of reasonable diligence should have known that the occupational disease was caused by his present or prior employment.

(3) When compensation payments have been made and discontinued and further compensation is claimed, the claim
SECTION 14. That Section 72-450, Idaho Code, be, and the same is hereby amended to read as follows:

72-450. RETRAINING. Following a hearing or informal conference upon motion of the employer, the employee or its own motion, if the commission deems a permanently disabled employee, after the period of recovery, is receptive to and in need of retraining in another field, skill or vocation in order to restore his earning capacity, it may authorize or order such retraining and during the period of retraining or any extension thereof, the employer shall continue to pay the disabled employee, as a subsistence benefit, temporary total or temporary partial disability benefits as the case may be. The period of retraining shall be fixed by the commission but shall not exceed fifty-two (52) weeks unless the commission, following application and hearing, deems it advisable to extend the period of retraining, in which case the increased period shall not exceed fifty-two (52) weeks.

SECTION 15. That Section 72-520, Idaho Code, be, and the same is hereby amended to read as follows:

72-520. INDUSTRIAL COMMISSION ADMINISTRATOR OF FUND. The industrial administration fund shall be administered by the commission without liability on the part of the state or the commission beyond the amount of the fund. The commission is authorized to credit or remit, refund or pay back any premium tax or penalty or portion thereof paid under this act which the commission determines was paid or collected erroneously or illegally.

SECTION 16. That Section 72-523, Idaho Code, be, and the same is hereby amended to read as follows:

72-523. SOURCE OF FUND -- PREMIUM TAX. The state insurance fund, every authorized self-insurer and every surety authorized under the Idaho insurance code or by the director of the department of insurance to transact workmen's compensation insurance in Idaho, in addition to all other payments required by statute, shall semiannually, within thirty (30) days after January February 1 and July 1 of each year, pay into the state treasury to be deposited in the industrial administration fund a premium tax as follows:

(1) Every surety, other than self-insurers authorized to transact workmen's compensation insurance, a sum equal to one and three-tenths per cent (1 3/10%) of the net premiums
collected by each respectively on workmen's compensation insurance in this state during the preceding six (6) months' period, but in no case less than fifty dollars ($50.00); and

(2) Each self-insurer, a sum equal to one and three-tenths per cent (1 3/10%) of the amount of premium such employer who is a self-insurer would be required to pay as premium to the state insurance fund, but in no case less than fifty dollars ($50.00).

(3) Any insurer making any payment into the industrial administration fund under the provisions of subsection (1) of this section shall be entitled to deduct the full sum so paid from any sum that it is required to pay into the department of insurance as a tax on workmen's compensation premiums.

(4) Computed upon the same basis as provided in subsections (1) and (2) of this section and payable at the time specified in this section, each surety and self-insurer shall pay a special and additional premium tax of four-tenths per cent (4/10%) covering the period July 1, 1974, through December 31, 1974, and thereafter seven-tenths per cent (7/10%) for the purpose of funding and administering a rehabilitation program and division within the commission as provided by law. In no case shall such special and additional premium tax be less than twenty-five dollars ($25.00) nor shall the amount paid for such purpose be deductible by sureties from any sums paid into the department of insurance as a tax on workmen's compensation premiums.

SECTION 17. That Section 72-524, Idaho Code, be, and the same is hereby amended to read as follows:

72-524. SURETIES' REPORTS OF TAX BASIS. Every surety, other than a self-insurer shall, under oath of the person or officers making the report, within thirty (30) days after January 1 and July 1 of each year, report to the commission the net amount of premium collected on workmen's compensation insurance in this state during the preceding six (6) months' period, and every self-insurer shall, within thirty (30) days after January February 1 and July 1 of each year, report in the same manner to the commission the total payroll for the preceding six (6) months' period. The commission shall have the right, at any time and as often as it requires, to verify the workmen's compensation premiums collected by any surety, and to inspect or cause to be inspected the records of any surety underwriting or authorized to underwrite workmen's compensation liability in the state of Idaho for premiums-collected verification purposes. Failure of any such surety to allow such verification or inspection shall constitute sufficient cause enabling the
commission to revoke such surety's authority to underwrite workmen's compensation liability of any and all employers located, or doing business, in the state of Idaho.

SECTION 18. That Section 72-602, Idaho Code, be, and the same is hereby amended to read as follows:

72-602. EMPLOYERS' NOTICE OF INJURY AND REPORTS.
(1) First report--Notice of injury or occupational disease. As soon as practicable but not later than ten (10) days after the occurrence of an injury or occupational disease, requiring treatment by a physician or resulting in absence from work for one (1) day or more, a report thereof shall be made in writing by the employer to the commission in the form prescribed by the commission; the mailing to the commission of the written report within the time prescribed shall be compliance.
(2) Extended disability--Sixty (60) day supplemental and final reports. If the disability extends beyond a period of sixty (60) days, the employer shall make a supplemental report to the commission at the end of such period, in the form prescribed by the commission, that the employee is still disabled.
(3) Supplemental report on termination of disability. Upon termination of the disability of the employee, the employer shall make a final supplemental report to the commission, in the form prescribed by the commission.
(4) Summary of compensation and medical services, paid and payable. Within such time, and under such conditions, as the commission shall prescribe by rule or regulation, but not more often than sixty (60) days after the termination of the disability of the employee, the employer or other party liable to pay the compensation provided for by this act shall file with the commission a summary showing the total compensation payments made or to be made for such employee. The time prescribed by the commission for the filing of such summaries may be different for medical and related benefit cases only as over against cases in which monetary benefits have been made to any such employee.
(5) Failure to file report a misdemeanor. An employer who willfully fails or refuses to make any report required by this section shall be guilty of a misdemeanor.

SECTION 19. That Section 72-701, Idaho Code, be, and the same is hereby amended to read as follows:

72-701. NOTICE OF INJURY AND CLAIM FOR COMPENSATION FOR INJURY -- LIMITATIONS. No proceedings under this law, except in cases of occupational diseases specially provided, shall be maintained unless a notice of the accident or manifestation of the occupational disease shall have been given to the employer as soon as practicable but not later than sixty (60) days after the happening thereof, and unless a
claim for compensation with respect thereto shall have been made within one (1) year after the date of the accident or manifestation or, in the case of death, then within one (1) year after such death, whether or not a claim for compensation has been made by the employee. Such notice and such claim may be made by any person claiming to be entitled to compensation or by someone in his behalf. If payments of compensation have been made voluntarily or if an application requesting a hearing has been filed with the commission, the making of a claim within said period shall not be required.

SECTION 20. That Section 72-704, Idaho Code, be, and the same is hereby amended to read as follows:

72-704. SUFFICIENCY OF NOTICE -- KNOWLEDGE OF EMPLOYER. A notice given under the provisions of section 72-701 or section 72-448, Idaho Code, shall not be held invalid or insufficient by reason of any inaccuracy in stating the time, place, nature or cause of the injury, or disease, or otherwise, unless it is shown by the employer that he was in fact prejudiced thereby. Want of notice or delay in giving notice shall not be a bar to proceedings under this law if it is shown that the employer, his agent or representative had knowledge of the injury or occupational disease, or that the employer has not been prejudiced by such delay or want of notice.

SECTION 21. That Section 72-706, Idaho Code, be, and the same is hereby amended to read as follows:

72-706. LIMITATION ON TIME ON APPLICATION FOR HEARING. (1) When no compensation paid. When a claim for compensation has been made and no compensation has been paid thereon, the claimant, unless misled to his prejudice by the employer or surety, shall have one (1) year from the date of making claim within which to make and file with the commission an application requesting a hearing and an award under such claim.

(2) When compensation discontinued. When payments of compensation have been made and thereafter discontinued, the claimant shall have five (5) years from the date of the accident causing the injury or date of first manifestation of an occupational disease, or, if compensation is discontinued more than five (5) years from the date of the accident causing the injury or the date of first manifestation of an occupational disease, within one (1) year from the date of the last payment of compensation, within which to make and file with the commission an application requesting a hearing for further compensation and award.

(3) Relief barred. In the event an application is not made and filed as in this section provided, relief on any such claim shall be forever barred.

SECTION 22. That Sections 72-224, 72-324, 72-420 and 72-421, Idaho Code, be, and the same are hereby repealed.

CHAPTER 265
(S.B. No. 1415)

AN ACT
RELATING TO COUNTIES ACTING PURSUANT TO THE IDAHO POLLUTION CONTROL FINANCING ACT; AMENDING SECTION 31-4504, IDAHO CODE, TO PROVIDE FOR DISCLOSURE OF CONFLICTS OF INTEREST AND ABSTENTION FROM VOTING BY COUNTY BOARD MEMBERS UNDER CERTAIN CIRCUMSTANCES; AMENDING SECTION 31-4510, IDAHO CODE, TO PROVIDE FOR PUBLICATION OF NOTICES OF BOND ELECTIONS IN NEWSPAPERS OF GENERAL CIRCULATION WHERE LEGAL NOTICES ARE CUSTOMARILY PUBLISHED BY A COUNTY; AMENDING CHAPTER 45, TITLE 31, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 31-4516, IDAHO CODE, TO PROVIDE FOR VALIDATION OF ELECTIONS AND BONDS UNDER THE IDAHO POLLUTION CONTROL FINANCING ACT; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 31-4504, Idaho Code, be, and the same is hereby amended to read as follows:

31-4504. POWERS. Each county shall have the following powers together with all powers incidental thereto or necessary for the performance thereof:

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

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

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

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

(e) To employ consulting engineers, architects, attorneys, accountants, construction and financial experts, superintendents, manager and such other employees and agents as may be necessary in its judgment and to fix their compensation;

(f) To refund outstanding obligations incurred by any person to finance the cost of a pollution control facility including obligations incurred for pollution control facilities undertaken and completed prior to or after the enactment of this act when the authority finds that such financing is in the public interest;

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

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

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

No county shall have power to operate any pollution control facility as a business other than as a lessor. Any lease of a pollution control facility entered into pursuant to the provisions of this act shall be for a term not shorter than the longest maturity of any revenue bonds issued to finance such pollution control facility or a portion thereof and shall provide for rentals adequate to pay the principal of and interest and premiums, if any, on such revenue bonds as the same fall due and to create and maintain such reserves and accounts for depreciation, if any, as the board in its discretion shall determine to be necessary.
In the event a member of a board of county commissioners is an officer, employee or stockholder of the "person" as defined in section 31-4503(c), Idaho Code, with whom the county proposes to contract under the provisions of the Idaho pollution control financing act with respect to the acquisition and financing of pollution control facilities and the issuance of revenue bonds, such member shall disclose such status and interest to the board of county commissioners at a public meeting and shall abstain from voting on all matters before the board of county commissioners related thereto.

SECTION 2. That Section 31-4510, Idaho Code, be, and the same is hereby amended to read as follows:

31-4510. POWERS NOT RESTRICTED -- LAW COMPLETE IN ITSELF -- ELECTION. Neither this act nor anything herein contained shall be construed as a restriction or limitation upon any powers which any county might otherwise have under any laws of this state, but shall be construed as cumulative of any such powers. No proceedings, notice or approval shall be required for the issuance of any revenue bonds or any instrument as security therefor, except that no revenue bonds shall be issued hereunder until the board shall by resolution adopted by a majority of the board determine that the interest of the county and the public interest or necessity demand the acquisition, construction, installation and equipment of pollution control facilities to be financed for or to be sold, leased or otherwise disposed of to persons, associations or corporations other than municipal corporations or other political subdivisions, whereupon the board shall order the submission of the proposition of issuing such revenue bonds for the purposes set forth in said resolution to the vote of the qualified electors of the county as defined in section 34-104, Idaho Code, at an election to be held for that purpose. Any election held for the purpose of submitting any proposition or propositions of issuing such revenue bonds may be held separately, or may be consolidated or held concurrently with any other election authorized by law. The declaration of public interest or necessity herein required and the provision for the holding of such election may be included within one and the same resolution, which resolution, in addition to such declaration of public interest or necessity, shall recite the objects and purposes for which the revenue bonds are proposed to be issued, the amount of principal of the revenue bonds, and the source of revenues pledged to the payment of said bonds.

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

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

In the event that it shall appear from said returns that
a majority of the qualified electors of the county who shall
have voted on any proposition submitted hereunder at such
election voted in favor of such proposition, the county
shall thereupon be authorized to issue and sell such revenue
bonds of the county, all for the purpose or purposes and
object or objects provided for in the proposition submitted
hereunder and in the resolution therefor, and in the amount
so provided.
SECTION 3. That Chapter 45, 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 31-4516, Idaho Code, and to read as follows:

31-4516. BOND ELECTIONS -- VALIDATION OF ELECTIONS AND BONDS. All bond elections conducted by counties pursuant to authority contained in section 31-4510, Idaho Code, prior to the effective date of this act, and all proceedings had in the authorization and issuance of the bonds authorized thereat, are hereby validated, ratified and confirmed and all such bonds are declared to constitute legal obligations in accordance with their terms. Nothing in this section shall be construed to affect or validate any bond election, or bonds issued pursuant thereto, the legality of which is being contested at the time this act takes effect.

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.

AN ACT
RELATING TO THE DUTIES OF COUNTY COMMISSIONERS; AMENDING SECTION 31-3104, IDAHO CODE, TO REQUIRE THE COUNTY COMMISSIONERS OF CANYON COUNTY TO DEVOTE FULL TIME TO THE DISCHARGE OF THEIR DUTIES.

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 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</th>
<th>Oct 1 to Sept. 30, 1977</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ada</td>
<td>$15,750</td>
<td>$21,000</td>
</tr>
<tr>
<td>Adams</td>
<td>$3,187</td>
<td>$4,550</td>
</tr>
<tr>
<td>Bannock</td>
<td>$10,125</td>
<td>$15,000</td>
</tr>
<tr>
<td>Bear Lake</td>
<td>$3,000</td>
<td>$3,900</td>
</tr>
<tr>
<td>Benewah</td>
<td>$4,950</td>
<td>$6,600</td>
</tr>
<tr>
<td>Bingham</td>
<td>$7,500</td>
<td>$10,000</td>
</tr>
<tr>
<td>Blaine</td>
<td>$3,600</td>
<td>$4,800</td>
</tr>
<tr>
<td>Boise</td>
<td>$3,150</td>
<td>$4,500</td>
</tr>
<tr>
<td>Bonner</td>
<td>$9,375</td>
<td>$13,500</td>
</tr>
<tr>
<td>Bonneville</td>
<td>$7,500</td>
<td>$11,000</td>
</tr>
<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>$1,800</td>
<td>$2,400</td>
</tr>
<tr>
<td>Canyon</td>
<td>$9,000</td>
<td>$12,000</td>
</tr>
<tr>
<td>Caribou</td>
<td>$3,000</td>
<td>$3,900</td>
</tr>
<tr>
<td>Cassia</td>
<td>$2,889</td>
<td>$3,900</td>
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<tr>
<td>Clark</td>
<td>$1,500</td>
<td>$2,000</td>
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<tr>
<td>Clearwater</td>
<td>$3,750</td>
<td>$5,000</td>
</tr>
<tr>
<td>Custer</td>
<td>$1,800</td>
<td>$2,400</td>
</tr>
<tr>
<td>Elmore</td>
<td>$3,600</td>
<td>$4,800</td>
</tr>
<tr>
<td>Franklin</td>
<td>$2,700</td>
<td>$3,900</td>
</tr>
<tr>
<td>Fremont</td>
<td>$3,730</td>
<td>$5,000</td>
</tr>
<tr>
<td>Gem</td>
<td>$3,750</td>
<td>$5,300</td>
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<tr>
<td>Gooding</td>
<td>$2,700</td>
<td>$3,800</td>
</tr>
<tr>
<td>Idaho</td>
<td>$4,500</td>
<td>$6,000</td>
</tr>
</tbody>
</table>


<table>
<thead>
<tr>
<th>County</th>
<th>Salary 1</th>
<th>Salary 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jefferson</td>
<td>$ 2,700</td>
<td>$ 3,600</td>
</tr>
<tr>
<td>Jerome</td>
<td>$ 3,600</td>
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<td>Kootenai</td>
<td>$10,500</td>
<td>$15,000</td>
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<tr>
<td>Latah</td>
<td>$ 7,500</td>
<td>$10,000</td>
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<tr>
<td>Lemhi</td>
<td>$ 1,950</td>
<td>$ 2,600</td>
</tr>
<tr>
<td>Lewis</td>
<td>$ 2,250</td>
<td>$ 3,000</td>
</tr>
<tr>
<td>Lincoln</td>
<td>$ 1,875</td>
<td>$ 2,800</td>
</tr>
<tr>
<td>Madison</td>
<td>$ 3,730</td>
<td>$ 5,000</td>
</tr>
<tr>
<td>Minidoka</td>
<td>$ 3,600</td>
<td>$ 5,280</td>
</tr>
<tr>
<td>Nez Perce</td>
<td>$ 9,000</td>
<td>$13,000</td>
</tr>
<tr>
<td>Oneida</td>
<td>$ 2,625</td>
<td>$ 3,500</td>
</tr>
<tr>
<td>Owyhee</td>
<td>$ 3,750</td>
<td>$ 5,500</td>
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<tr>
<td>Payette</td>
<td>$ 3,600</td>
<td>$ 4,800</td>
</tr>
<tr>
<td>Power</td>
<td>$ 2,100</td>
<td>$ 2,800</td>
</tr>
<tr>
<td>Shoshone</td>
<td>$11,250</td>
<td>$16,500</td>
</tr>
<tr>
<td>Teton</td>
<td>$ 1,575</td>
<td>$ 2,100</td>
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<td>Twin Falls</td>
<td>$ 8,475</td>
<td>$11,900</td>
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<tr>
<td>Valley</td>
<td>$ 3,375</td>
<td>$ 4,800</td>
</tr>
<tr>
<td>Washington</td>
<td>$ 4,000</td>
<td>$ 5,200</td>
</tr>
</tbody>
</table>

The county commissioners in the following counties are required to devote full time to the discharge of their duties: Canyon.

AN ACT
RELATING TO THE IDAHO REAL ESTATE BROKERS' ACT; AMENDING
SECTION 54-2022, IDAHO CODE, TO CLARIFY THAT AN INACTIVE
LICENSED REAL ESTATE BROKER IS NOT SUBJECT TO CHAPTER
20, TITLE 54, IDAHO CODE, THAT A REAL ESTATE BROKER WHO
SELLS PERSONAL PROPERTY MUST COMPLY WITH THIS CHAPTER;
AMENDING SECTION 54-2023, IDAHO CODE, TO CLARIFY THE
DEFINITION OF A BUSINESS OPPORTUNITY AND TO LIMIT THE
DEFINITION OF A BUSINESS OPPORTUNITY TO THOSE WHICH
INVOLVE THE SALE OR TRANSFER OF AN INTEREST IN LAND;
AMENDING SECTION 54-2024, IDAHO CODE, TO CLARIFY THOSE
EXCEPTIONS WHEREIN AN ACTIVE BROKER'S, ASSOCIATE BRO­
KER'S OR SALESMAN'S LICENSE IS NOT REQUIRED AND TO PRO­
VIDE THAT THE EXCEPTIONS ARE NOT APPLICABLE TO A BROKER
OR SALESMAN WHO HOLDS AN ACTIVE LICENSE; AMENDING
SECTION 54-2028, IDAHO CODE, TO PROVIDE FOR THE PROCES­
dURES AND REQUIREMENTS FOR LICENSURE OF A PARTNERSHIP OR
CORPORATION; AMENDING SECTION 54-2029, IDAHO CODE, TO
PROVIDE THAT A BROKER OR SALESMAN WHOSE LICENSE HAS BEEN
REVOKED CANNOT REAPPLY FOR A LICENSE WITHIN TWO YEARS
AFTER THE REVOCATION, TO PROVIDE THAT THE EDUCATION AND
EXPERIENCE REQUIREMENTS MUST HAVE BEEN COMPLETED WITHIN
FIVE YEARS PRIOR TO THE DATE OF APPLICATION, TO PROVIDE
THAT THE COMMISSION MAY DENY AN APPLICANT A LICENSE ON
THE GROUNDS THAT HE EMPLOYED ANY FRAUD, DECEPTION, MIS­
REPRESENTATION, OR MISSTATEMENT IN APPLYING FOR A LI­
CENSE, TO PROVIDE THAT THE COMMISSION MAY ALLOW AN
APPLICANT TO SUBSTITUTE OTHER COURSES IN LIEU OF THE
REQUIRED COURSES, TO STRIKE THE PROVISION WHEREIN AN
INDIVIDUAL WHO IS ON ACTIVE DUTY WITH THE ARMED FORCES
COULD RENEW HIS LICENSE, AND TO STRIKE CERTAIN
OUT-OF-DATE PROVISIONS; AMENDING SECTION 54-2030, IDAHO
CODE, TO STRIKE CERTAIN PROVISIONS REGARDING LICENSURE
OF A PARTNERSHIP OR CORPORATION AND TO CLARIFY THE
COMMISSION'S AUTHORITY TO PRESCRIBE BY REGULATION THE
FORM OF THE APPLICATION FOR A LICENSE BY A PARTNERSHIP
OR CORPORATION; AMENDING SECTION 54-2031, IDAHO CODE, TO
PROVIDE FOR LICENSING OF NONRESIDENTS BY RECIPROCITY;
AMENDING SECTION 54-2032, IDAHO CODE, TO PROVIDE THAT AN
APPLICANT FOR A NONRESIDENT'S LICENSE MUST FILE AN
IRREVOCABLE CONSENT TO SERVICE; REPEALING SECTION
54-2033, IDAHO CODE; AMENDING SECTION 54-2033A, IDAHO
CODE, TO RENUMBER THE SECTION AND TO PROVIDE THAT THE
BUSINESS OF A LICENSEE MUST BE CONDUCTED IN THE NAME OF THE LICENSEE; AMENDING SECTION 54-2034, IDAHO CODE, TO PROVIDE THAT A NONRESIDENT APPLICANT FOR A RECIPROCITY LICENSE IS NOT REQUIRED TO TAKE THE EXAMINATION FOR A BROKER OR A SALESMAN AND TO PROVIDE THAT ANY LICENSE ISSUED IS LIMITED TO THE PERSON IN WHOSE NAME THE LICENSE IS ISSUED; AMENDING SECTION 54-2038, IDAHO CODE, TO PROVIDE THAT A LICENSEE MUST PROMINENTLY DISPLAY HIS LICENSE IN HIS OFFICE AND TO PROVIDE THAT A BROKER MUST GIVE THE COMMISSION NOTICE OF A CHANGE IN HIS BUSINESS NAME; AMENDING SECTION 54-2040, IDAHO CODE, TO GIVE THE COMMISSION THE AUTHORITY TO IMPOSE A CIVIL PENALTY AS A DISCIPLINARY MEASURE, TO GIVE THE COMMISSION THE AUTHORITY TO WITHHOLD EXECUTION OF A SUSPENSION, REVOCATION AND/OR CIVIL PENALTY, TO PROVIDE THAT A BROKER OR SALESMAN IS SUBJECT TO DISCIPLINE FOR A VIOLATION OF THE BROKERS' ACT OR ANY OF THE RULES AND REGULATIONS OF THE COMMISSION, OR A FINAL ORDER OF THE COMMISSION, TO PROVIDE THAT A LICENSEE IS SUBJECT TO DISCIPLINARY ACTION IF HE DOES NOT MAKE CERTAIN DISCLOSURES WHEN HE ENTERS INTO AN OPTION TO PURCHASE IN CONJUNCTION WITH A LISTING AGREEMENT, AND TO PROVIDE THAT THE COMMISSION MAY REVOKE OR SUSPEND THE LICENSE OF A PARTNERSHIP OR CORPORATION WHEN IT SUSPENDS OR REVOKS THE LICENSE OF THE DESIGNATED BROKER OF THE PARTNERSHIP OR CORPORATION; AMENDING SECTION 54-2044, IDAHO CODE, BY CHANGING THE FINE AND TERM OF IMPRISONMENT TO WHICH A PERSON MAY BE SENTENCED UPON CONVICTION OF THE CRIME OF ACTING AS A REAL ESTATE BROKER OR SALESMAN WITHOUT A LICENSE; AMENDING SECTION 54-2045, IDAHO CODE, BY REQUIRING A PERSON TO PROVE THAT HE IS A DULY LICENSED REAL ESTATE BROKER OR SALESMAN WITHIN THIS STATE IN ORDER TO MAINTAIN A CAUSE OF ACTION FOR COLLECTION OF COMPENSATION; AMENDING SECTION 54-2047, IDAHO CODE, TO PROVIDE THAT WHEN A REAL ESTATE SALESMAN IS TERMINATED FOR A VIOLATION OF ANY OF THE PROVISIONS OF SECTION 54-2040, IDAHO CODE, THAT A WRITTEN STATEMENT OF FACTS MUST BE FILED WITH THE COMMISSION; AMENDING CHAPTER 20, TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 54-2052, IDAHO CODE, TO PROVIDE THAT CERTAIN RECORDS OF THE COMMISSION ARE OPEN TO PUBLIC INSPECTION WITHOUT A COURT ORDER; AMENDING CHAPTER 20, TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 54-2053, IDAHO CODE, TO PROVIDE FOR THE ISSUANCE OF SUBPOENAS AND THE PAYMENT OF WITNESS FEES; AND DECLARING SEVERABILITY.

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

SECTION 1. That Section 54-2022, Idaho Code, be, and
the same is hereby amended to read as follows:

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

B. Except as provided in section 54-2028, Idaho Code, an associate real estate broker is a person who has qualified as a real estate broker under the laws of this state, is licensed under and associated with a designated broker and either directly or indirectly represents said designated broker in the performance of any of the acts above set forth.

C. Except as provided in section 54-2028, Idaho Code, a real estate salesman is any person who has qualified as such under the laws of this state, is licensed under and associated with a designated broker and either directly or indirectly represents said designated broker in the performance of any of the acts above set forth.

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

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

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

SECTION 3. That Section 54-2024, Idaho Code, be, and the same is hereby amended to read as follows:

54-2024. EXCEPTION. The provisions of this act shall not apply to any person who purchases property for his own use or account, nor to any person who being the owner of property sells, exchanges, leases, rent or otherwise disposes of the same for his own account, nor to any person holding a duly executed power of attorney which is executed for the purpose of consummating a sale, exchange, or lease of real estate which is a single transaction and no other, nor to a salaried employee of such owner acting for such owner in the buying, selling, exchanging, or leasing of the property of the owner when no bonus, commission or extra fee is paid to the employee for completing the transaction, nor to any attorney at law in the performance of his duties as such attorney at law nor to any receiver, trustee in bankruptcy, guardian, administrator or executer nor to any person acting under the order of any court nor to any person selling under a deed of trust. A, An active broker's, associate broker's or salesman's license is not required for the following:

1. the purchase of any property, option in real property, or business opportunity for a person's own account or use;
2. the sale, exchange, lease, rental or other disposition of property or business opportunity by its owner or a regular employee of the owner, acting within the scope of his or her employment;
3. the sale, exchange, lease, rental, purchase or other disposition of property or business opportunity by a duly authorized attorney in fact whose power of attor-
ney is granted for the purpose of consummating a single
transaction involving the conveyance of a single or
undivided interest in a parcel of real property or in a
business opportunity;
(4) the sale, exchange, lease, rental, purchase or
other disposition of property or business opportunity by
an attorney at law in the performance of his duties, a
receiver, a trustee in bankruptcy, guardian, administra-
tor, executor, or personal representative of an estate,
any person selling pursuant to the default provisions of
a deed of trust, or any duly authorized agent thereof.
B. A broker, an associate broker or salesman holding an
active license must comply with this chapter, regardless of
whether he qualifies for any of the exceptions of subsection
A of section 54-2024, Idaho Code.

SECTION 4. That Section 54-2028, Idaho Code, be, and
the same is hereby amended to read as follows:

54-2028. EXTENT-OF-LICENSE—PARTNERSHIPS—CORPORATIONS.
No license issued hereunder shall give authority to
de any act mentioned in section 54-2022 to any person other
than him to whom said license is issued, provided, however,
that whenever a license is issued under the provisions of
this act to a corporation, said license shall entitle one
officer of the corporation to be named by said corporation
in its application for said license, who shall qualify the
same as any other broker to act as a real estate broker on
behalf of said corporation without being required to furnish
an additional bond or pay an additional fee, and provided
further that said corporation may designate not to exceed
two other of its officers as it may desire to be licensed
as brokers who shall qualify in the same manner as any other
broker to act as a real estate broker on behalf of said corpo-
ration and provided further that whenever a license is
issued under the provisions of this act to a partnership,
said license shall entitle all the partners therein to be
named by said partnership in its application for said li-
cense who shall qualify the same as any other broker to act
as a real estate broker on behalf of said partnership.

PARTNERSHIPS AND CORPORATIONS — DESIGNATING PERSON TO
MAKE APPLICATION AND PASS EXAMINATION — CERTAIN FIRM MEM-
BERS REQUIRED TO OBTAIN BROKER'S OR SALESMAN'S LICENSE.
A. Every partnership, in its application for a license,
shall designate and appoint one (1) of its members, and
every corporation in its application for a license shall
designate and appoint one (1) of its officers, to submit an
application for a broker's license. The application of the
partnership or corporation, and the application of the
member or officer so designated, shall be filed with the commission together. No license shall be issued to any partnership or corporation unless and until the person or officer so designated by the partnership or corporation submits to and passes an examination required by section 54-2034, Idaho Code, on behalf of the partnership or corporation. When such member or officer has passed the examination and upon a compliance with all other requirements of law by the partnership or corporation, and by the designated member or officer, the commission shall issue a broker's license to the partnership or corporation, which shall bear the name of such member or officer. Thereupon, the member or officer so designated shall act as a real estate broker only as an officer or agent of the partnership or corporation, and its affiliated or subsidiary corporations licensed under this section and conducting all of their real estate business solely from the main office of the corporation as designated in its license application, and not on his own behalf. Satisfactory proof must be submitted to the commission that the corporation manages and controls each affiliated or subsidiary corporation for which its officer will act as designated real estate broker. If in any case, the person so designated is refused a license by the commission or in case the person ceases to be connected with such partnership or corporation, the partnership or corporation shall have the right to designate another person to act as broker who shall make application and qualify as in the first instance.

B. Each member or officer of a partnership or corporation who will perform or engage in any of the acts specified in subsection A of section 54-2022, Idaho Code, other than the member or officer of the partnership or corporation so designated as broker in the manner provided in section 54-2028, Idaho Code, shall be required to make application for and receive a separate broker's or salesman's license in his own name individually; but the license issued to any such member or officer of a partnership or corporation shall entitle such member or officer to act as real estate broker or salesman only as officer or agent of the partnership or corporation, and not on his own behalf.

SECTION 5. That Section 54-2029, Idaho Code, be, and the same is hereby amended to read as follows:

54-2029. QUALIFICATIONS FOR THE ISSUANCE OF LICENSES -- APPLICATION FOR LICENSE -- CONTENTS OF APPLICATION -- FEES -- TERMS OF LICENSES ISSUED. A. Any Except as provided in section 54-2031, Idaho Code, any person desiring to carry on the business of a real estate broker or real estate salesman in this state shall have and meet the following qualifica-
tions:

(1) The applicant must be at least eighteen (18) years of age;

(2) The applicant must not have had revoked a license or been refused a renewal of a license issued by the state of Idaho or any other state, as a real estate broker or salesman, if such revocation or refusal occurred within one (1) year two (2) years prior to the date the application is submitted to the commission;

(3) The applicant must not have been convicted, issued any fine, placed on probation, received a withheld judgment or completed any sentence of confinement for or on account of a felony or a misdemeanor involving moral turpitude in a state or federal court within five (5) years prior to the date the application is submitted to the commission;

(4) The applicant must be a resident of the state of Idaho, or shall have established his residency in the state of Idaho prior to the issuance of the license. Provided, however, that this requirement shall in no way interfere with or limit the right of a nonresident to obtain a license pursuant to sections 54-2031, 54-2032 and 54-2033, Idaho Code, except as provided in sections 54-2031 and 54-2032, Idaho Code;

(5) The applicant must have a satisfactory credit report, as provided for in subsection B(2) of this section, section 54-2029, Idaho Code;

(6) The applicant must have complied with the educational requirements as provided for in subsection C of this section, section 54-2029, Idaho Code; the real estate education course requirements set forth in subsection C of section 54-2029, Idaho Code, must have been successfully completed within five (5) years prior to the date upon which the applicant makes application; provided, the commission may waive or modify the requirement that the real estate education courses must have been successfully completed within five (5) years prior to the date upon which the applicant makes application;

(7) If the application is for a real estate broker's license, the applicant must have been actively engaged as a licensed real estate salesman in this state as provided for in subsection B(3) of this section, section 54-2029, Idaho Code.

If the commission determines that an applicant does not possess the aforementioned qualifications, it shall have the authority to deny the application. If the commission finds that the applicant employed any fraud, deception, misrepresentation, misstatement or any unlawful means in applying
for a license or taking the examination, then the commission shall have the authority to deny the application.

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

(1) An examination fee of twenty-five dollars ($25.00) which shall not be refunded.
(2) A satisfactory credit report.
(3) In addition to subsections B(1) and (2) above, an applicant for a real estate broker's license shall submit satisfactory evidence of having been actively engaged in the business of real estate broker or real estate salesman in this state within five (5) years prior to the date upon which the applicant makes application; provided, however, that said period requirement may be modified or reduced, in whole or in part, at the discretion of the commission, based upon the educational background of the applicant, his experience as a licensed real estate broker or salesman in another state, or his experience in related or affiliated business activities. The commission in its discretion may make such additional investigation and inquiry relative to the applicant as it shall deem advisable.

C. An applicant for an original salesman's license or a broker's license shall furnish proof that he is a graduate from an accredited high school or the holder of a certificate of general education development issued by proper authorities of public schools of any state. After June 30, 1976, an applicant for an original salesman's license shall furnish to the commission proof that he has successfully completed a course of study consisting of at least thirty (30) classroom hours, or equivalent correspondence hours, of real estate courses, which courses shall include but not be limited to: principles of real estate practice and canons of ethics pertaining thereto; the provisions of this act and rules and regulations of the commission; arithmetical calculations as used in real estate transactions; rudimentary principles of conveyancing; the general purposes and effects of deeds, deeds of trust, mortgages, land contracts of sales, leases, liens and listing contracts; elementary principles of land economics and appraisals; and fundamentals of land economics and appraisals; and fundamentals of obligations between principal and agent—and such other courses as may be designated by the Idaho real estate commissioner; provided however, the commission may accept
other courses in lieu of the above mentioned courses and may designate additional required courses. 

An applicant for an original real estate broker's license shall furnish the commission satisfactory proof that he has successfully completed a total of ninety (90) hours of classroom instruction, or equivalent correspondence hours, in real estate courses above set forth.

Any applicant for a license as a real estate broker or real estate salesman may submit a certification from any university, college or junior college, or from any privately owned school approved by the commission other than an accredited institution of higher learning, that applicant has successfully completed the prescribed courses within five (5) years prior to the date upon which the applicant makes application; and such certificate is considered to be in full compliance with the requirements of this act for the completion of a course of study.

A license fee in an amount not to exceed fifty dollars ($50.00) shall be charged for the issuance of real estate broker's, associate broker's and salesman's licenses, the exact fee for the issuance of each to be determined by the commission at the conclusion of a hearing called for such purpose to be conducted, pursuant to notice, each year. The fee so established by the commission at such hearing to be in effect during the next ensuing year shall be that amount which, in the discretion of the commission, and when added to the other fees charged and collected as authorized by law, is sufficient to raise that revenue required to administer the provisions of chapter 20, title 54, Idaho Code, which shall not be refunded. In the event the commission deems it necessary to increase such license fee when the same is so established each year, the increase in such fee shall not exceed five dollars ($5.00) for the next ensuing year.

There is established a staggered renewal period for licenses to coincide with the last day of the month of the birthdate of each licensee. A new license or renewal issued on January 1, 1975, shall be for the term of one (1) year plus the additional calendar months up to and including the month in which the birthdate of the licensee occurs. On or before January 1, 1975, all licensees, both brokers and
Each license as a real estate broker or real estate salesman may be renewed by the commission upon the payment by the licensee of the renewal fee specified in subsection (a) of section 54-2029, Idaho Code, if that fee is paid on or before the first day of the month following the month of the birthdate of the licensee.

If the licensee fails to pay the renewal fee on or before the first day of the month following the month of the birthdate of the licensee, the commission may accept a later payment, subject to such conditions as the commission may require, including but not limited to the assessment of a late fee not to exceed ten dollars ($10.00); provided that between the last day of the month of his birthdate and the date of renewal of the license, the rights of the licensee under such license shall be suspended, and during such period of suspension it shall be unlawful for any licensee to do or attempt to offer to do any of the acts of the kind and nature described in the definitions of a real estate broker or real estate salesman in section 54-2022, Idaho Code, in consideration of compensation of any kind or expectation thereof.

A new license or renewal issued after January 1, 1975, shall be for the term of the months up to and including the month of the birthdate of the licensee. These licensees shall pay the annual fee for such license.

Corporations and partnerships shall have established as the equivalent of a birthdate, the birthdate of the designated broker of each.

Branch offices shall have established as the equivalent of a birthdate, the birthdate of the real estate broker establishing the branch office.

SECTION 6. That Section 54-2030, Idaho Code, be, and the same is hereby amended to read as follows:

54-2030. APPLICATION OF PARTNERSHIP OR CORPORATION. If the applicant is a corporation, a list of its officers and directors and their addresses, and if the applicant be a partnership, then a list of the members of said partnership and their addresses must be filed with the application, together with such other documents and information as the

SECTION 7. That Section 54-2031, Idaho Code, be, and the same is hereby amended to read as follows:

mission shall require evidence of good standing as a licensed broker or salesman from the proper authority of the state of his domicile. Each nonresident license shall be limited and subject to the terms of the written reciprocal agreement. A nonresident salesman must be licensed under and associated with a nonresident broker licensed by reciprocity under this chapter. Such nonresident licensee may not maintain a place of business in this state except as provided for in section 54-2033, Idaho Code. The commission, in its discretion, may refuse to issue a broker's or salesman's license to an applicant who is not a resident of this state, if such discretion is allowed in the applicable reciprocal agreement.

B. When a nonresident broker is no longer a domiciliary resident of and regularly engaged in the real estate business in the state issuing his resident real estate broker's license, his nonresident broker's license and the nonresident salesman's licenses of salesmen licensed under and associated with him shall thereupon terminate and shall be surrendered to the commission.

SECTION 8. That Section 54-2032, Idaho Code, be, and the same is hereby amended to read as follows:

54-2032. EVIDENCE--OF--GOOD--STANDING--IN--CONNECTION--WITH

the application of a nonresident of the state for a license as a real estate broker or real estate salesman, the commission shall require evidence of good standing as a real estate broker or real estate salesman from the proper authority of the state of his or its domicile. APPLICATION OF NONRESIDENT. If the applicant is a nonresident of this state, he shall file an irrevocable consent that suits and actions may be commenced against him in any county of this state in which the plaintiff having a cause of action, or suit, may reside and that service of any process or pleading in said suit or action may be made by delivering the same to the secretary of state and mailing a copy thereof to said applicant by registered mail addressed to him at his designated principal place of business. Such service, when so made, shall be taken and held in all courts to be as valid and binding upon the applicant as if in fact made upon said applicant in this state within the jurisdiction of the court in which said suit or action is filed. Said "irrevocable consent" shall be in a form prescribed by the commission. It shall be acknowledged by a notary public, and if the applicant be a corporation, said consent shall be accompanied by a duly certified copy of the resolution of the board of directors of such corporation authorizing the execution of same; any process or pleading above mentioned so served upon
the secretary of state shall be served in duplicate copies, one of which shall be filed in the office of the secretary of state, and the other immediately forwarded by registered mail to the registered address of the applicant as designated in his application; service shall be deemed to have been made upon said applicant upon delivery of said copy of said process or pleading by registered mail at his designated principal place of business.

SECTION 9. That Section 54-2033, Idaho Code, be, and the same is hereby repealed.

SECTION 10. That Section 54-2033A, Idaho Code, be, and the same is hereby amended to read as follows:

54-2033A. BRANCH OFFICE. No branch office will be operated by a resident or nonresident broker unless the business performed in that office (such as advertising, listing, closing, depositing of funds, writing of checks and the issuance of receipts) be issued in the name of the broker or under the direct supervision of the broker shall be conducted in the name of the licensee. A branch office operated by a resident broker licensee shall have a licensed broker, associate broker or salesman with two (2) years active experience as a licensed real estate salesman, regularly occupying it and in charge of it. A branch office operated by a nonresident broker licensee shall have a licensed broker who is domiciled in the state of Idaho regularly occupying it and in charge of it. Resident and nonresident broker licensees operating branch offices in the state of Idaho are required to license such offices with the Idaho real estate commission and the broker, associate broker or salesman in charge of the office shall be designated at the time of licensing. A violation of this section shall be deemed a ground for revocation or suspension of license under section 54-2040, Idaho Code.

SECTION 11. That Section 54-2034, Idaho Code, be, and the same is hereby amended to read as follows:

54-2034. EXAMINATION -- EXCEPTION -- FORM--AND-TERM EXTENT OF LICENSE. A. Upon receipt of an application of an applicant who has satisfied the requirements of section 54-2029, Idaho Code, the commission shall within a reasonable time thereafter conduct or cause to be conducted an examination of the applicant as provided in section 54-2027, Idaho Code, and if the applicant for said license is found to be qualified, the commission shall thereupon issue a proper license. If the applicant has had an Idaho license as
a real estate broker, real estate associate broker or real estate salesman immediately prior to the date of his application for the present or ensuing year, or is a nonresident and licensed in the state of his domicile, applicant for licensure by reciprocity when the applicable reciprocity agreement does not require the examination, the examination as provided in this act shall not be required except that any person who was not domiciled in the state of Idaho at the time of receiving a license from his state of domicile must take the examination as provided in section 54-2027, Idaho Code, if at any time such a licensee becomes domiciled in the state of Idaho. The license shall be in a form prescribed by the commission.

B. No license issued hereunder shall give authority to do any act mentioned in section 54-2022, Idaho Code, to any person other than the person to whom said license is issued.

SECTION 12. That Section 54-2038, Idaho Code, be, and the same is hereby amended to read as follows:

54-2038. PLACE OF BUSINESS -- DISPLAY OF LICENSE AND CARD. Except as provided in section 54-20332031, Idaho Code, each person licensed as a real estate broker under the provisions of this act shall be required to have and maintain a definite place of business in the state of Idaho, which place shall serve as his office for the transaction of business and which shall be regarded for the intent and purpose of this act as his principal place of business. The license of said real estate broker licensee shall be prominently displayed in his said office. Upon the issuance of a license hereunder to any real estate broker or real estate salesman, the commission shall at the same time issue to said broker or salesman a pocket card of convenient size reciting that said broker or salesman is licensed to act as such under the provisions of this act during a stated period, showing the business address of said broker or salesman, and said pocket card shall be signed by the commission or a designated officer thereof. Every licensed real estate broker and real estate salesman shall at all times while engaged in said business carry said card upon his person and shall display the same to any person upon request. Notice in writing shall be given the commission of any change by the broker of his business name or business location whereupon a new license shall be issued covering the changed business name or address. A change of business name or location without notification to the commission and issuance of a new license shall automatically cancel the license heretofore issued.
SECTION 13. That Section 54-2040, Idaho Code, be, and the same is hereby amended to read as follows:

54-2040. REVOCATION OR SUSPENSION OF LICENSE -- GROUNDS THEREFOR. A. The commission may upon its own motion, and shall upon verified complaint in writing of any person claiming to have been injured or defrauded, investigate the action of any person engaged in the business or acting in the capacity of real estate broker or real estate salesman within this state and shall have the power to temporarily suspend or permanently revoke licenses issued under the provisions of this act and/or to impose a civil penalty in an amount not to exceed one thousand dollars ($1,000) upon the licensee at any time where the holder thereof in performing or attempting to perform any of the acts mentioned in section 54-2022, Idaho Code, regardless of whether the acts were for his own account or in his capacity as a broker or salesman, is guilty of (a) making any fraudulent representations; or, (b) a continued or flagrant course of misrepresentation or making of false promises whether through agents or salesmen; or, (c) failure to account for or remit any property or moneys coming into his possession which belong to another; or, (d) failure to keep adequate records of all property transactions in which he acts in the capacity of real estate broker or real estate salesman; or, (e) failing or refusing upon demand to disclose any information within his knowledge, or to produce any documents, books, or records in his possession for inspection by the commission or its authorized representatives when acting within the jurisdiction or by authority of law; or, (f) conviction of a felony in a state or federal court; or, conviction of any crime involving moral turpitude. The record of conviction, or a certified copy thereof, certified by the clerk of the court, or the judge in whose court the conviction was had, shall be prima facie evidence of conviction in such cases. The provisions of this subsection shall be grounds for suspension and/or revocation whether committed in performing or attempting to perform any of the acts mentioned in section 54-2022 or not, Section 54-2040, (g) employment of fraud, deception, misrepresentation, misstatement or any unlawful means in applying for or securing a license to act as real estate broker or salesman in the state of Idaho; or, (h) acting as a real estate broker or salesman under an assumed name; or, (i) declaration of insanity by a court of competent jurisdiction, provided, however, that when a licensed person's license shall have been revoked or suspended for this cause, such license may be reactivated by the commission upon a declaration of sanity being made, or, (j) willful violation of any of the rules and regulations made and promulgated--by
the real estate commission (h) violation of any provision of sections 54-2021 to 54-2053, Idaho Code, or any of the rules and regulations made or promulgated by the real estate commission, or final order of the commission; or, (i) any other conduct whether of the same or a different character than hereinabove specified which constitutes dishonest or dishonorable dealings; or, (j) when a final judgment is obtained in a civil action against a real estate licensee upon grounds of fraud, misrepresentation, or deceit with reference to any transaction for which a license is required or is required to be entered into such agreement, discloses in writing to his principal the purpose for which the property will be purchased, that the licensee is licensed, and such other information as the commission may require by rule.

B. The commission may also temporarily suspend or permanently revoke a license where the holder thereof (a) is convicted of a felony in a state or federal court, or is convicted of any crime involving moral turpitude. The record of conviction, or a certified copy thereof, certified by the clerk of the court, or the judge in whose court the judgment was had, shall be prima facie evidence of conviction in such cases; (b) is declared insane by a court of competent jurisdiction; provided, however, that when a license shall have been revoked or suspended for this cause, such license may be reactivated by the commission upon a declaration of sanity being made; (c) has a judgment entered against him in a civil action upon grounds of fraud, misrepresentation, or deceit with reference to any transaction for which a license is required.

C. If the commission temporarily suspends or permanently revokes a license, and/or imposes a civil penalty, the commission may withhold execution of said suspension, revocation and/or civil penalty on such terms and for such time as it may prescribe.

D. In the event of the revocation or suspension of the broker's license issued to the designated broker of a partnership or corporation, the license issued to such partnership or corporation shall be revoked or suspended by the commission. However, the commission may withhold execution of the revocation or suspension on such terms and for such
E. All civil penalties collected by the commission under the provisions of this chapter shall be deposited in the state treasury to the credit of the special real estate account established pursuant to section 54-2037, Idaho Code.

SECTION 14. That Section 54-2044, Idaho Code, be, and the same is hereby amended to read as follows:

54-2044. PENALTY FOR ACTING AS A BROKER OR SALESMAN WITHOUT LICENSE. Any person acting as a real estate broker or real estate salesman within the meaning of this act without a license as herein provided shall upon conviction thereof, if a natural person, be punished by a fine of not to exceed $1,000.00 one thousand dollars ($1,000), or by imprisonment in the county jail for a term not to exceed ninety days one (1) year, or by both such fine and imprisonment in the discretion of the court; or if a corporation, by a fine of not to exceed $2,500.00 two thousand five hundred dollars ($2,500).

SECTION 15. That Section 54-2045, Idaho Code, be, and the same is hereby amended to read as follows:

54-2045. LICENSE A PREREQUISITE. No person engaged in the business or acting in the capacity of real estate broker or real estate salesman within this state shall bring or maintain any action in the courts for the collection of compensation for the performance of any acts mentioned in section 54-2022, Idaho Code, without alleging and proving that such person, partnership, or corporation was a duly licensed real estate broker or real estate salesman, within this state, at the time the alleged cause of action arose.

SECTION 16. That Section 54-2047, Idaho Code, be, and the same is hereby amended to read as follows:

54-2047. DISCHARGE TERMINATION OF SALESMAN FOR VIOLATION OF SECTION 54-2040 -- STATEMENT TO BE FILED WITH COMMISSION. When any real estate salesman shall be discharged or terminated by his broker for a violation of any of the provisions of section 54-2040, Idaho Code, a written statement of the facts in reference thereto shall be filed forthwith with the commission.

SECTION 17. That Chapter 20, Title 54, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 54-2052, Idaho Code, and to read as follows:
54-2052. RECORDS -- DISCLOSURE TO PUBLIC. Records kept in the office of the commission under authority of this chapter and chapter 18, title 55, Idaho Code, shall be open to public inspection under such rules and regulations as shall be prescribed by the commission, except that the commission may refuse to make public, unless ordered to do so by a court:
A. Real estate brokers' and real estate salesmen's examinations;
B. Investigative reports and comparable materials prepared, obtained or compiled by the staff of the commission while investigating possible violations of this chapter or chapter 18, title 55, Idaho Code;
C. The criminal records of licensees or applicants for licenses;
D. Credit reports submitted by license applicants pursuant to section 54-2029, Idaho Code;
E. Reports of audits of brokers' trust accounts.

SECTION 18. That Chapter 20, Title 54, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 54-2053, Idaho Code, and to read as follows:

54-2053. WITNESSES DEPOSITIONS -- FEES -- SUBPOENAS. A. The commission, or any member thereof, the executive secretary of the commission, or such other person so designated by the commission by rule, shall have power to administer oaths, certify to all official acts, issue subpoenas for attendance of witnesses and the production of books and papers, take the testimony of any person by deposition in the manner prescribed for in the rules of procedure of the district court of this state, in civil cases, in any investigation or hearing in any part of the state.
B. Each witness who appears pursuant to a subpoena shall receive for his attendance the fees and mileage allowed to a witness in civil cases in the district court. Witness fees shall be paid by the party at whose request the witness is subpoenaed.
C. If a witness, who has not been required to attend at the request of any party, is subpoenaed by the commission or executive secretary, his fees and mileage shall be paid from funds appropriated for the use of the commission in the same manner as other expenses of the commission are paid.

SECTION 19. The provisions of this act are hereby declared to be severable and if any provision of this act or the application of such provision to any person or circumstance is declared invalid for any reason, such declaration shall not affect the validity of remaining portions of this act.

AN ACT
RELATING TO DEPOSITS OF STATE MONEYS IN STATE DEPOSITORY;
AMENDING SECTION 67-2739, IDAHO CODE, TO INCREASE THE
AMOUNT TO BE PAID AS A COMPENSATING BALANCE PER STATE
WARRANT, AND TO STRIKE THE PROVISION THAT THE DEPARTMENT
OF FINANCE CERTIFY THE PROPORTION OF DEPOSITS TO THE
TREASURER.

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 deposite 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
titled 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-$2.00 two dollars
($2.00) 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 design­
nated depositories as required by this section, every bank­
ing 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 bank­
ing 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 deposi­
tories under the provisions of this section. The allocation
so made may be in any amount to any one (1) 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 allo­
cation 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 alloca­
tions made hereunder as to amounts or otherwise. Such affi­
davits 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 suc­
ceeding 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.

CHAPTER 269  
(S.B. No. 1486)

AN ACT  

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

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

CHAPTER 67  
IDAHO STATE COUNCIL ON DEVELOPMENTAL DISABILITIES  
67-6701. DECLARATION OF PURPOSE. The legislature finds that while there are numerous generic services and programs designed to be provided to the developmentally disabled population of Idaho, that these services and programs are located within diverse agencies and organizations with no central point for coordination and cooperation, comprehensive planning, evaluation, monitoring and influencing on behalf of the developmentally disabled. Cooperation and coordination would result in the identification and reduction in gaps in the services being provided, eligible individuals receiving appropriate services, reduction in inappropriate duplication of services, clarification in responsibility for providing services, and an increase in the effectiveness of the state to serve the developmentally disabled. This act is designed to establish a central point for cooperation and coordination in order to optimally utilize federal, state,
local and private resources to habilitate, normalize, rehabilitate or to bring to the highest level possible those persons with a developmental disability. This act is also intended to assure the dignity of persons with developmental disabilities, by reaffirming their rights, which are the same rights as other people of the state of the same age and includes the right to live as complete and normal lives as possible and to develop their abilities and potential to the fullest extent possible.

It is understood that the intention of this act is not to supersede the authority or responsibilities of agencies of state government responsible for providing services to persons with developmental disabilities.

67-6702. DEFINITIONS. (1) A "developmental disability" is:
(a) Attributable to an impairment, such as mental retardation, cerebral palsy, epilepsy, autism, or other condition found to be closely related to or similar to one of these impairments that requires similar treatment or services or is attributable to dyslexia resulting from such an impairment;
(b) Has continued or can be expected to continue indefinitely; and
(c) Constitutes a substantial handicap to such person's ability to function normally in society.
(2) A "substantial handicap" is:
(a) A disability which results in substantial functional limitation in three (3) or more of the following areas of major life activity:
   1. self-care;
   2. receptive and expressive language;
   3. learning;
   4. mobility;
   5. self-direction;
   6. capacity for independent living; or
   7. economic self-sufficiency; and
(b) Reflects the need for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services which are:
   1. of lifelong or extended duration, and
   2. individually planned and coordinated.
(3) "Normalization" is the process of providing services which promotes a life as much as possible like that of the rest of the community, including living in the community and access to community resources.
(4) "Habilitation" is the process of developing skills and abilities.
(5) "Rehabilitation" is the process of improving skills
or level of adjustment to increase the person's ability to maintain satisfactory independent or dependent functioning.

(6) "Council" means the Idaho state council on developmental disabilities.

(7) "Advocacy" means to act in the interests of the developmentally disabled population.

67-6703. IDAHO STATE COUNCIL ON DEVELOPMENTAL DISABILITIES. (1) The Idaho state council on developmental disabilities is hereby established. The council shall be the interdepartmental and interagency planning and advisory body for the departments and agencies of the state for programs and services affecting persons with a developmental disability. In addition, the council shall be the state developmental disabilities planning council required by the developmental disabilities services and facilities construction act (PL 91-517, as amended) and subsequent acts.

(2) For budgetary purposes and for administrative support purposes, the council shall be assigned, by the governor, to a department or office within the state government. However, this assignment shall not interfere with the interdepartmental and interagency planning, coordinating, influencing, evaluating and monitoring functions of the council.

67-6704. COMPOSITION. (1) The council shall consist of twenty-one (21) members to be appointed by the governor.

(2) At least one-third (1/3) of the members shall be persons with a developmental disability, or parents or guardians of such persons, and who are not officers or employees of an entity or state agency which receives funds for, or provides services to, developmentally disabled persons.

(3) The principal state agencies concerned with services or programs affecting the developmentally disabled shall be represented as members of the council. One (1) representative may represent more than one (1) program or service.

(4) The remainder of the members may be appointed from the public-at-large and from groups concerned with or dealing with developmental disabilities.

(5) Due regard shall be given to balanced representation from geographical and demographic areas of the state.

67-6705. APPOINTMENT AND TERM OF OFFICE. (1) Council members' terms shall be for three (3) years.

(2) For purposes of initial appointments, the existing membership of the Idaho state developmental disabilities planning council shall become the council required by section 67-6703, Idaho Code.
(3) For purposes of initial appointments, seven (7) members shall be appointed for one (1) year terms, seven (7) members shall be appointed for two (2) year terms, and seven (7) members shall be appointed for three (3) year terms.

(4) A vacancy occurring in the membership of the council shall be filled by appointment of the governor for the unexpired portion of the vacated term.

(5) Members may be replaced because of poor attendance, lack of participation in the council's work, or malfeasance in office.

67-6706. COMPENSATION AND EXPENSES. Members of the council shall serve with no salary or benefits, but are entitled to reimbursement for travel and other expenses as authorized by the Idaho Code.

67-6707. ORGANIZATION OF COUNCIL -- EMPLOYMENT OF NECESSARY PERSONNEL. (1) The governor shall, after consultation with the council members, appoint a chairman from among the council membership who shall serve for a one (1) year term, but at the pleasure of the governor.

(2) The council shall adopt and amend bylaws governing its proceedings, activities and organization, including but not limited to, provisions for election of officers other than the chairman; provision for a quorum, procedure, frequency and location of meetings; and establishment, functions and membership of council committees.

(3) The council shall employ and fix the compensation, subject to provisions of chapter 53, title 67, Idaho Code, of such personnel as may be necessary, including but not limited to a full-time administrator, who shall be designated as the executive director of the council and who shall be exempt under the provisions of chapter 53, title 67, Idaho Code.

67-6708. RESPONSIBILITIES AND DUTIES. The council shall:

(1) Serve as a forum by which issues and benefits regarding current and potential services and programs for persons with developmental disabilities may be discussed by consumer, public, private, professional and lay interests.

(2) Advocate for the needs of persons with developmental disabilities.

(3) Advise the executive and legislative branches of the state government and the private sector on programs and policies pertaining to current and potential services to persons with developmental disabilities and their families.

(4) Submit periodic reports to the governor, the legislature and departments of state government on how current
federal and state programs, rules, regulations, and legislation affect services to persons with developmental disabilities.

(5) Assess, review and/or monitor the services and programs being provided for the developmentally disabled.

(6) Review and comment on all service plans and budgets of the state which will or may affect services and programs for persons with developmental disabilities.

(7) Review and comment on proposed state legislation and/or rules and regulations relating to services and programs for persons with developmental disabilities.

(8) Participate in the deinstitutionalization process of the state in regard to programs for the developmentally disabled.

(9) Develop a data base that reflects the services and programs provided to persons with developmental disabilities, reflects potential needs of persons with developmental disabilities, and reflects characteristics of the population with developmental disabilities.

(10) In consultation with the departments of state government, develop, prepare and adopt, and at least annually review and revise as necessary, an annual state plan prescribing a program which meets the needs of persons with developmental disabilities and submit such plan and all revisions to the governor's office and the germane committee of the legislature for their review and recommendations. Such state plan shall be the state plan required to be submitted under PL 91-517, as amended, and shall:

(a) Establish goals and objectives in order for the state to meet the needs of persons with developmental disabilities, including the establishment of priorities for resource allocation for comprehensive services to persons with developmental disabilities and other matters considered necessary to achieve normalization. Such goals and objectives shall be based on needs identified and cover gaps in existing services.

(b) Establish alternative strategies to achieve the goals and objectives.

(c) Establish strategies to eliminate inappropriate placement and to improve the quality of services and programs provided to persons with developmental disabilities.

(11) Monitor programs and services for persons with developmental disabilities to assure nonduplication of services and to encourage efficient and coordinated use of resources in the provision of services.

(12) Encourage all agencies that provide treatment, services and habilitation for persons with developmental disabilities to design such services to maximize the
individual's potential and encourage agencies to provide such treatment, services and habilitation in the least restrictive environment compatible with maximizing such persons' normalization.

67-6709. TRANSITION. (1) The Idaho state council on developmental disabilities, established under this act, succeeds to all contracts, rights, liabilities and obligations of the Idaho state developmental disabilities planning council established by the governor under PL 91-517, as amended, which are in effect on the effective date of this act. Records, equipment, and other property of the former council shall be transferred upon this act taking effect. The amount of appropriation for the former council, which is encumbered, but not expended, on the effective date of this act, shall not lapse, but shall be continued for the Idaho state council on developmental disabilities concurrently with the effective date of this act.

(2) Employees assigned to the former council shall be continued for the Idaho state council on developmental disabilities concurrently with the effective date of this act. No employee shall suffer any loss of salary, seniority, prior service credit, vacation, sick leave, or other employee benefits or privileges as a consequence of this act, subject to chapter 53, title 67, Idaho Code.

67-6710. SHORT TITLE. This act shall be known and cited as the "Idaho state council on developmental disabilities act."

CHAPTER 270
(S.B. No. 1551)

AN ACT
RELATING TO DEVELOPMENTAL DISABILITIES; ADOPTING THE IDAHO DEVELOPMENTAL DISABILITIES SERVICES AND FACILITIES ACT; AMENDING TITLE 39, IDAHO CODE, BY THE ADDITION THEREOF OF A NEW CHAPTER 46, TITLE 39, IDAHO CODE, TO PROVIDE A SHORT TITLE, TO STATE THE PURPOSE, TO PROVIDE A DECLARATION OF RIGHTS, TO PROVIDE DEFINITIONS, TO SPECIFY THE DUTIES OF THE DEPARTMENT IN ADMINISTRATION OF THE CHAPTER, TO DEFINE ELIGIBILITY FOR SERVICES, TO STATE THE EFFECT OF THE CHAPTER ON EXISTING FACILITIES, AND TO PROHIBIT DISCRIMINATION.

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 46, Title 39, Idaho Code, and to read as follows:

CHAPTER 46
IDAHO DEVELOPMENTAL DISABILITIES SERVICES AND FACILITIES ACT

39-4601. SHORT TITLE. This chapter shall be known and may be cited as the "Idaho Developmental Disabilities Services and Facilities Act of 1978."

39-4602. PURPOSE. It is declared to be the policy of the legislature of the state of Idaho to authorize and mandate the department of health and welfare to develop and coordinate services for developmentally disabled persons through adult and child development programs and through contracts with rehabilitation facilities. The complexities of developmental disabilities require the services of many state departments as well as those of the community. It is the intent of this chapter that the department of health and welfare will cooperate with recognized agencies, organizations and departments in implementing this chapter. Services should be planned and provided as a part of a continuum. A pattern of facilities, services and eligibility should be established which is sufficiently complete to meet the needs of each developmentally disabled person regardless of age or degree of handicap, with consideration of the family.
39-4603. DECLARATION OF RIGHTS. Persons with developmentally disabilities shall have the same legal rights and responsibilities guaranteed all other persons by the constitution and laws of the United States of America and by the constitution and laws of the state of Idaho.

39-4604. DEFINITIONS. As used in this chapter:
(1) "Department" means the Idaho department of health and welfare.
(2) A "developmental disability" is (a) attributable to an impairment, such as mental retardation, cerebral palsy, epilepsy, autism or other condition found to be closely related to or similar to one of these impairments that requires similar treatment or services or is attributable to dyslexia resulting from such impairments; (b) has continued or can be expected to continue indefinitely; and (c) constitutes a substantial handicap to such person's ability to function normally in society.
(3) A "substantial handicap" is (a) a disability which results in substantial function limitation in three (3) or more of the following areas of major life activity:
   (i) self care;
   (ii) receptive and expressive language;
   (iii) learning;
   (iv) mobility;
   (v) self-direction;
   (vi) capacity for independent living; or
   (vii) economic self-sufficiency; and
(b) reflects the need for a combination and sequence of special, interdisciplinary, or generic care, treatment or other services which are
   (i) lifelong or extended duration, and
   (ii) individually planned and coordinated.
(4) "Normalization" is the process of providing services which promote a life as much as possible like that of the rest of the community, including living in the community and access to community resources.
(5) "Habilitation" is the process of developing skills and abilities.
(6) "Rehabilitation" is the process of improving skills or level of adjustment to increase the person's ability to maintain satisfactory independent or dependent functioning.
(7) "Developmental disabilities facility" means any service or group of services which provide care to the developmentally disabled on an inpatient, outpatient, residential, clinical or other programmatic basis, including sheltered workshops and adult and child development centers.
(8) "Comprehensive developmental disability system" means a system of services including, but not limited to,
the following basic services with the intention of providing alternatives to institutionalization: (a) evaluation services; (b) diagnostic services; (c) treatment services; (d) individualized developmental programs; (e) extended sheltered employment and work activities; (f) recreation services; (g) domiciliary care services; (h) special living arrangements services; (i) counseling services; (j) information and referral services; (k) follow-along services; and (l) transportation services.

39-4605. DUTIES OF THE DEPARTMENT. The department shall provide appropriate services of habilitation and rehabilitation to the eligible population of developmentally disabled, and shall consult with the state council on developmental disabilities. The department shall be the primary agency responsible for the services set forth herein, and shall:

(1) Develop and prepare an annual plan for the initiation and maintenance of developmental disabilities services authorized in this chapter. Such services shall include, but not be limited to community comprehensive developmental disability services;

(2) Initiate and provide services which shall include, but not be limited to, community comprehensive developmental disabilities services;

(3) In order to provide services, enter into agreements with any person or persons, corporation or association, approved by the department, for the contracting of all or a portion of the costs of the care, treatment, maintenance, support and training of developmentally disabled persons; and

(4) Provide technical assistance for state and local personnel working in the field of developmental disabilities under this chapter.

Any person, corporation or association may make application to the department for approval and certification of the applicant's developmental disabilities facility. The department may either grant or deny certification or revoke certification previously granted after investigation of the applicant's facilities, to ascertain whether or not such facilities are adequate for the health, safety and the care, treatment, maintenance, training and support of developmentally disabled persons, in accordance with standards as set forth in rules and regulations promulgated by the department and consistent with existing national accreditation bodies.

39-4606. ELIGIBILITY FOR SERVICES. Any person suspected of a developmental disability shall be eligible for initial intake and for diagnostic services through any comprehensive developmental disability center, without reference to any
other eligibility criteria.

39-4607. EFFECT ON EXISTING FACILITIES. Nothing in this chapter shall be construed to prevent the continuation of existing developmental disabilities facilities or services in the state.

39-4608. DISCRIMINATION PROHIBITED. The services provided under this chapter shall be made available without discrimination on the basis of race, color, creed or ability to pay.

CHAPTER 271
(S.B. No. 1521)

AN ACT
RELATING TO LIABILITY OF PUBLIC AND PRIVATE LANDS WHICH HAVE BEEN DEVELOPED FOR COMMERCIAL, INDUSTRIAL, RECREATIONAL, RESIDENTIAL, GOVERNMENTAL OR HIGHWAY PURPOSES FOR COSTS AND EXPENSE OF DRAINAGE; ADDING A NEW SECTION 42-2981, IDAHO CODE, TO PROVIDE FOR PAYMENT TO THE PARTY OWNING OR CONTROLLING THE IRRIGATION OR DRAINAGE SYSTEM, AND TO PROVIDE FOR BILLING OF CHARGES AGAINST PRIVATELY OWNED LANDS NOT SUBJECT TO THE REGULAR ASSESSMENT POWERS OF THE OWNER OF THE IRRIGATION OR DRAINAGE SYSTEM TO THE COUNTY IN WHICH THE LANDS ARE LOCATED; AND AMENDING SECTION 31-1603, IDAHO CODE, TO PROVIDE FOR INCLUSION OF SUCH CHARGES IN THE COUNTY BUDGET AS A SEPARATE FUND FOR DRAINAGE.

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

SECTION 1. That Chapter 29, 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 42-2981, Idaho Code, and to read as follows:

42-2981. CERTAIN PUBLIC AND PRIVATE LANDS LIABLE FOR COSTS AND EXPENSE OF DRAINAGE -- COLLECTION OF DRAINAGE CHARGES. Lands, whether public or private, which have been developed for commercial, industrial, recreational, residential, governmental or highway purposes, and from which surface water or seepage drain into the irrigation or drainage system of any person or persons, canal company, irrigation district, drainage district, or ditch owners' association, shall be liable for a proportionate share of the cost and expense of operating, maintaining, repairing and replacing the portions of such system which are used or allocated for drainage purposes. Drainage charges for any such lands which are not subject to the regular assessment powers of the person or entity owning or controlling the system shall be billed to, and shall be paid promptly by, the governmental unit owning the land. If the lands are privately owned, the drainage charges shall be billed to, and shall be paid promptly by the county in which the lands are located, and such charges shall be included in the county budget as a separate fund for drainage, the tax for which shall be levied against all privately owned lands in the county which
are benefited by such drainage and which are not subject to the regular assessment powers of the owner of the irrigation or drainage system.

SECTION 2. That Section 31-1603, Idaho Code, be, and the same is hereby amended to read as follows:

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

1. Revenues from sources other than taxation, giving each fund, office, department, service, agency or institution separately.
2. Expenditures from:
   Current expense fund
   Road and bridge fund
   Bond, interest and sinking
   Common school, general
   Warrant redemption
   Emergency warrants
   Proposed or authorized bonds
   Drainage fund
3. The proposed expenditures for each office, department, service, agency or institution for "Salaries and wages," and for "Other expenses" for the ensuing fiscal year and a comparison with the expenditures for the same purpose for the current fiscal year, to the second Monday of April, and for the two (2) previous fiscal years.

CHAPTER 272  
(S.B. No. 1575)

AN ACT
RELATING TO THE IDAHO TORT CLAIMS ACT; REPEALING SECTION 6-926, IDAHO CODE; AMENDING SECTION 6-903, IDAHO CODE, TO PROVIDE FOR INDEMNIFICATION BY THE PRIMARY INSURER; AMENDING SECTION 6-904, IDAHO CODE, TO INCLUDE GOVERNMENTAL EMPLOYEES WITHIN GOVERNMENTAL IMMUNITY AND ESTABLISHING THE STANDARD OF ORDINARY CARE AND THE STANDARD OF SUBSTANTIAL CONFORMANCE WITH ENGINEERING OR DESIGN STANDARD FOR LIABILITY ON CONSTRUCTION PROJECTS; AMENDING SECTION 6-909, IDAHO CODE, TO PROVIDE FOR NINETY DAYS FOR A GOVERNMENT ENTITY TO DENY CLAIM; AMENDING SECTION 6-916, IDAHO CODE, TO PROVIDE FOR SERVICE OF SUMMONS ON THE ATTORNEY GENERAL AND ALL PROPER PARTIES TO A CLAIM; ADDING A NEW SECTION 6-918A, IDAHO CODE, TO PROVIDE FOR AN AWARD OF ATTORNEYS' FEES; ADDING A NEW SECTION 6-926, IDAHO CODE, TO PROVIDE PROCEDURES FOR A JUDGMENT OR CLAIM IN EXCESS OF COMPREHENSIVE LIABILITY PLAN, TO PROVIDE FOR REDUCTION BY THE COURT AND TO PROVIDE LIMITS OF LIABILITY FOR PROPERTY DAMAGE AND BODILY INJURY OR DEATH; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 6-926, Idaho Code, be, and the same is hereby repealed.

SECTION 2. That Section 6-903, Idaho Code, be, and the same is hereby amended to read as follows:

6-903. LIABILITY OF GOVERNMENTAL ENTITIES -- DEFENSE OF EMPLOYEES. (a) Except as otherwise provided in this act, every governmental entity is subject to liability for money damages arising out of its negligent or otherwise wrongful acts or omissions and those of its employees acting within the course or scope of their employment or duties, whether arising out of a governmental or proprietary function, where the governmental entity if a private person or entity would be liable for money damages under the laws of the state of Idaho.

(b) A governmental entity shall provide a defense to its employee and be responsible for the payment of any judgment on any claim or civil lawsuit against an employee for money damages arising out of any act or omission within the
course or scope of his employment; provided, however, that the governmental entity shall not be required to do so when the claim or lawsuit arises from the operation, maintenance, or use by the employee of an automobile which is owned by the employee or leased by the employee for personal or proprietary use not associated with his employment by the governmental entity to the extent there is valid and collectible, applicable insurance or any other right to defense or indemnification legally available to and for the protection of such employee, the governmental entity's duty hereunder to indemnify and or defend such claim on behalf of such employer shall be secondary to the obligation of such insurer or indemnitor, whose obligation shall be primary and provided finally, this paragraph shall not be construed to alter or relieve any such indemnitor or insurer of any legal obligation to such employee or to any governmental entity vicariously liable on account of or legally responsible for damages due to the allegedly wrongful error, omissions, conduct, act or deed of such employee.

(c) The defense of its employee by the governmental entity shall be undertaken whether the claim and civil lawsuit is brought in Idaho district court under Idaho law or is brought in a United States court under federal law. The governmental entity may refuse a defense or disavow and refuse to pay any judgment for its employee at any time if it determines is determined that the act or omission of the employee was not within the course or scope of his employment or included malice or criminal intent.

(d) A governmental entity shall not be entitled to contribution or indemnification, or reimbursement for legal fees and expenses from its employee unless a court shall find that the act or omission of the employee was outside the course or scope of his employment or included malice or criminal intent. Any action by a governmental entity against its employee and any action by an employee against the governmental entity for contribution, indemnification, or necessary legal fees and expenses shall be tried to the court in the same civil lawsuit brought on the claim against the governmental entity or its employee.

(e) For the purposes of this act and not otherwise, it shall be a rebuttable presumption that any act or omission by of an employee within the time and at the place of his employment is within the course or scope of his employment and without malice or criminal intent.

(f) Nothing in this act shall enlarge or otherwise adversely affect the liability of an employee or a governmental entity. Any immunity or other bar to a civil lawsuit under Idaho or federal law shall remain in effect. The fact that a governmental entity may relieve an employee from all
necessary legal fees and expenses and any judgment arising from the civil lawsuit shall not under any circumstances be communicated to the trier of fact in the civil lawsuit.

SECTION 3. That Section 6-904, Idaho Code, be, and the same is hereby amended to read as follows:

6-904. EXCEPTIONS TO GOVERNMENTAL LIABILITY. A governmental entity and its employees while acting within the course and scope of their employment and without malice or criminal intent shall not be liable for any claim which:

1. Arises out of any act or omission of an employee of the governmental entity exercising due ordinary care, in reliance upon or the execution or performance of a statutory or regulatory function, whether or not the statute or regulation be valid, or based upon the exercise or performance or the failure to exercise or perform a discretionary function or duty on the part of a governmental entity or employee thereof, whether or not the discretion be abused.

2. Arises out of the assessment or collection of any tax or fee, or the detention of any goods or merchandise by any law enforcement officer.

3. Arises out of the imposition or establishment of a quarantine by a governmental entity, whether such quarantine relates to persons or property.

4. Arises out of assault, battery, false imprisonment, false arrest, malicious prosecution, abuse of process, libel, slander, misrepresentation, deceit, or interference with contract rights.

5. Arises out of the activities of the Idaho national guard when engaged in training or duty under sections 316, 502, 503, 504, 505 or 709, title 32, United States Code, and the claim arising therefrom is payable under the provisions of the National Guard Claims Act (section 715, title 32, United States Code) except that a claimant not compensated in whole or in part under the National Guard Claims Act may assert his claim under this act.

6. Arises out of the activities of the Idaho national guard when engaged in combatant activities during a time of war.

7. Arises out of or results from riots, unlawful assemblies, public demonstrations, mob violence and or civil disturbances.

8. Arises out of a plan or design for construction or improvement to the highways, roads, streets, bridges, or other public property where such plan or design is prepared in substantial conformance with engineering or design standards in effect at the time of construction.
previously preparation of the plan or design, approved in advance of the construction or approved by the legislative body of the governmental entity or by some other body or administrative agency, exercising discretion by authority to give such approval.

SECTION 4. That Section 6-909, Idaho Code, be, and the same is hereby amended to read as follows:

6-909. TIME FOR ALLOWANCE OR DENIAL OF CLAIMS -- EFFECT OF FAILURE TO ACT. Within sixty-(60) ninety (90) days after the filing of the claim against the governmental entity or its employee, the governmental entity shall act thereon and notify the claimant in writing of its approval or denial. A claim shall be deemed to have been denied if at the end of the sixty-(60) ninety (90) day period the governmental entity has failed to approve or deny the claim.

SECTION 5. That Section 6-916, Idaho Code, be, and the same is hereby amended to read as follows:

6-916. STATE--NAMED-DEFENDANT---SERVICE OF SUMMONS. In all actions under this act against the state or its employee the summons and complaint shall be served on the secretary of state with a copy to the attorney general. This section shall not be construed to release the party making service of process from serving any named defendant other than the governmental entity in compliance with other applicable statutes or rules of civil proceeding.

In all actions under this act against any employee wherein it is alleged that such employee was acting within the course and scope of his employment, a copy of the summons and complaint shall be served upon the governmental entity which is his employer.

SECTION 6. That Chapter 9, Title 6, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 6-918A, Idaho Code, and to read as follows:

6-918A. ATTORNEYS' FEES. At the time and in the manner provided for fixing costs in civil actions, and at the discretion of the trial court, appropriate and reasonable attorney fees may be awarded to the claimant, the governmental entity or the employee of such governmental entity, as costs, in actions under this act, upon petition therefor and a showing, by clear and convincing evidence, that the party against whom or which such award is sought was guilty of bad faith in the commencement, conduct, maintenance or
defense of the action. In no case shall such attorney fee award or any combination or total of such awards, together with other costs and money judgment or judgments for damages exceed, in the aggregate, the limitations on liability fixed by section 6-926, Idaho Code. The right to recover attorney fees in legal actions for money damages that come within the purview of this act shall be governed exclusively by the provisions of this act and not by any other statute or rule of court, except as may be hereafter expressly and specifically provided or authorized by duly enacted statute of the state of Idaho.

SECTION 7. That Chapter 9, Title 6, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 6-926, Idaho Code, and to read as follows:

6-926. JUDGMENT OR CLAIM IN EXCESS OF COMPREHENSIVE LIABILITY PLAN -- REDUCTION BY COURT -- LIMITS OF LIABILITY. (a) Property damage. - The combined, aggregate liability of a governmental entity and its employees for damages, costs and attorney fees under this act, on account of damage to property, shall not exceed and is limited to one hundred thousand dollars ($100,000) per occurrence, unless the governmental entity has purchased applicable, valid, collectible liability insurance coverage in excess of said amount, in which event the controlling limit shall be the then remaining available proceeds of such insurance. If any judgment or judgments, including costs and attorney fees that may be awarded, are returned or entered, and in the aggregate total more than one hundred thousand dollars ($100,000), whether in one or more such cases, the court shall reduce the amount of the award or awards, verdict or verdicts, or judgment or judgments in any case or cases within its jurisdiction so as to reduce said aggregate loss to said sum of one hundred thousand dollars ($100,000) or the limits provided by said valid, collectible insurance, if any, whichever was greater. In no case shall any court enter judgment, or allow any judgment to stand, which results in the limit of liability herein provided to be exceeded in any manner or respect. If any court has jurisdiction of two (2) or more such claims in litigation in which the adjudication is simultaneous and, in the aggregate, exceeds the limits above provided, the reduction shall be pro rata in a proportion consistent with the relative amounts of loss of the claimants before the court; otherwise, the reduction shall be determined and made in view of limits remaining after the prior settlement of any other such claims or the prior satisfaction of any other such judgments, and no consider-
(b) Bodily or personal injury or death. - The combined, aggregate liability of a governmental entity and its employees for damages, costs and attorney fees under this act, on account of bodily or personal injury or death of any person, shall not exceed and is limited to one hundred thousand dollars ($100,000) subject to the further limitation of three hundred thousand dollars ($300,000) in any one accident or occurrence arising out of any occurrence wherein two (2) or more persons sustain such injury and/or death, unless the governmental entity has purchased applicable, valid, collectible liability insurance coverage in excess of said limits, in which event the controlling limit shall be the then remaining available proceeds of such insurance. If any judgment or judgments, including costs and attorney fees that may be awarded, are returned or entered, and in the aggregate total more than the applicable limit, whether in one or more cases, the court shall reduce the amount of the award or awards, verdict or verdicts, or judgment or judgments in any case or cases within its jurisdiction as to reduce said aggregate loss to said applicable statutory limit or the limits provided by said valid, collectible insurance, if any, whichever was greater.

Limits of liability above specified shall not be increased or altered by the fact that a decedent on account of whose death a wrongful death claim is asserted hereunder left surviving him or her more than one (1) person entitled to make claim therefor, nor shall the aggregate recovery exceed the single limit provided for injury or death to any one (1) person in those cases in which there is both an injury claim and a death claim arising out of the injury to one (1) person, the intent of this section being to limit such liabilities and recoveries in the aggregate to one (1) limit only.

The entire exposure of the entity and its employees hereunder shall not be enlarged by the number of liable employees or the theory of concurrent or consecutive torts or tort feasors or of a sequence of accidents or incidents if the injury or injuries or their consequences stem from one (1) occurrence or accident.

In no case shall any court enter judgment, or allow any judgment to stand, which results in the limit of liability herein provided to be exceeded in any manner or respect. If any court has jurisdiction of two (2) or more such claims in litigation in which the adjudication is simultaneous and, in the aggregate, exceeds the limits above provided, the reduction shall be pro rata in a proportion consistent with the relative amounts of loss of the claimants before the court;
otherwise, the reduction shall be determined and made in view of limits remaining after the prior settlement of any other such claims or the prior satisfaction of any other such judgments, and no consideration shall be given to other such outstanding claims, if any, which have not been settled or satisfied prior thereto.

The court shall reduce any judgment in excess of the limits provided by this act in any matter within its jurisdiction, whether by reason of the adjudication in said proceedings alone or of the total or aggregate of all such awards, judgments, settlements, voluntary payments or other such loss relevant to the limits above provided.

C. 273 '78

CHAPTER 273

(S.B. No. 1461, As Amended in the House)

AN ACT
RELATING TO REHABILITATION OF INJURED WORKERS; REPEALING SECTION 72-501A, IDAHO CODE; AND ADDING A NEW SECTION 72-501A, IDAHO CODE, TO ESTABLISH A REHABILITATION DIVISION UNDER THE INDUSTRIAL COMMISSION TO PROVIDE A REHABILITATION PROGRAM TO RESTORE AN INJURED WORKER TO GAINFUL EMPLOYMENT; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 72-501A, Idaho Code, be, and the same is hereby repealed.

SECTION 2. That Chapter 5, 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 72-501A, Idaho Code, and to read as follows:

72-501A. REHABILITATION DIVISION -- BUDGET AND EXPENSE -- COMPOSITION AND IMPLEMENTATION. (1) In order to assist in reducing the period of temporary disability resulting from an injury and to aid in restoring the injured employee to gainful employment with the least possible permanent physical impairment, the commission shall establish within the commission a rehabilitation division and adopt a program concerning itself with both physical and vocational rehabilitation, the latter of which shall include job placement.

(2) The commission is authorized to budget and expend for such rehabilitation program such funds as may be paid into the industrial administration fund or rehabilitation account thereof by a special premium tax provided by law for this purpose.

(3) The composition of the rehabilitation division and implementation of the rehabilitation program shall be in the discretion of the commission with the counsel, advice, cooperation and expertise of representatives of industry, labor, sureties and the legal and medical professions as well as institutions, hospitals and clinics having physical rehabilitation facilities and with the assistance of the state board of vocational rehabilitation.

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.

AN ACT
RELATING TO IRRIGATION DISTRICTS; AMENDING SECTION 43-727, IDAHO CODE, TO AUTHORIZE SEPARATE COLLECTION OF ASSESSMENTS ONLY AGAINST SUBDIVIDED LANDS IN PARCELS OF FOUR ACRES OR LESS BY COUNTY OFFICERS, PROVIDING FOR AN ADDITIONAL COLLECTION FEE, AND PROVIDING THAT LANDS BENEFITED TO THE SAME EXTENT SHALL BE IDENTIFIED IN SEPARATE CATEGORIES IN THE LIST SHOWING APPORTIONMENT OF BENEFITS.

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

SECTION 1. That Section 43-727, Idaho Code, be, and the same is hereby amended to read as follows:

43-727. COUNTY OFFICERS -- COLLECTION OF DISTRICT ASSESSMENTS. The board of directors of any irrigation district organized under the laws of this state desiring to provide for the collection of district assessments by the county officers instead of the district treasurer, may do so by adopting a resolution providing for such collection by the county officers, and furnishing a copy thereof to the county auditor of each county in which any of the district lands are located: provided, that the county commissioners of said county or counties, must first by unanimous vote concur in and agree to such resolution by a proper resolution made and entered upon the minutes of such board or boards of county commissioners. Such resolution may provide that only assessments against lands subdivided into tracts of four (4) acres or less shall be collected by the county officers. In addition to collection fees otherwise provided by law, the county commissioners may levy an additional fee against the irrigation district for the cost of transferring records and initiating the collection process. After the adoption of such resolution the board of directors of such district shall furnish the county auditor of each county in which any part of the district lands are located a duplicate or certified copy of any apportionment of benefits which has been made, and copy of the list or map showing said apportionment theretofore made in such district, and a notice of any district bond issue or district contract with the United States, stating clearly the amount thereof, the rate of interest, and the conditions of payment, and each year thereafter shall furnish the said auditor or auditors a certified copy, or duplicate, of any additional apportionment, including any annual apportionment for operation and maintenance purposes, and shall each year furnish such audi-
tor or auditors a certified copy, or duplicate of the levy or assessment made by the order of said board of directors for operation and maintenance purposes, including organization expenses and maintenance of the district organization. All tracts benefited to the same extent, on a proportionate basis, by the water rights and irrigation system of the district, and by the operation and maintenance thereof, shall be included in a separate category plainly identified in the list showing said apportionment of benefits. After the receipt of said copy of such resolution of the board of directors of any irrigation district, the county auditor shall each year enter upon the county assessment roll against the property therein described the levy so made by the board of directors of said district as shown upon the copy or duplicate thereof furnished to the said auditor as above provided, in manner similar to that in which other municipal school or road district assessments are entered by him on said assessment roll, except that the sum assessed and charged against each description of land therein contained for such irrigation district purposes shall be entered by the auditor as the operation and maintenance assessment of the ... irrigation district against the same. Such district operation and maintenance tax shall be collected and accounted for by the county officers in the same manner as other municipal taxes and paid over to the district treasurer together with any penalties or interest collected thereon, and the collection thereof shall be enforced in the same manner, and neglect to pay the same shall be subject to the same penalties as the other taxes of the county: provided, however, that the collection of such district assessments by such county officers, as herein provided, shall not make the bonds, contracts and interests due from such irrigation districts the obligation of such county or counties.

AN ACT
RELATING TO THE PRACTICE OF PHARMACY; REPEALING CHAPTER 22, TITLE 37, AND CHAPTER 17, TITLE 54, IDAHO CODE; AMENDING TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 17, TITLE 54, IDAHO CODE, TO PROVIDE FOR A SHORT TITLE, TO PROVIDE FOR A DECLARATION OF LEGISLATIVE INTENT, TO PROVIDE FOR A STATEMENT OF PURPOSE, TO PROVIDE A DEFINITION OF THE PRACTICE OF PHARMACY, TO PROVIDE FOR OTHER DEFINITIONS, TO ESTABLISH THE STATE BOARD OF PHARMACY, TO PROVIDE FOR MEMBERSHIP OF THE BOARD, TO PROVIDE FOR QUALIFICATIONS OF BOARD MEMBERS, TO PROVIDE FOR APPOINTMENT OF BOARD MEMBERS, TO PROVIDE FOR TERMS OF OFFICE, TO PROVIDE FOR VACANCIES IN OFFICE, TO PROVIDE FOR REMOVAL OF BOARD MEMBERS, TO PROVIDE FOR ORGANIZATION AND OFFICERS OF THE BOARD, TO PROVIDE FOR COMPENSATION OF BOARD MEMBERS, TO PROVIDE FOR MEETINGS OF THE BOARD, TO PROVIDE FOR EMPLOYEES OF THE BOARD, TO PROVIDE FOR RULES AND REGULATIONS OF THE BOARD, TO PROVIDE FOR LICENSURE AND DISCIPLINE, TO PROVIDE FOR RESPONSIBILITIES OF THE BOARD RELATING TO MEDICATION, DRUGS, DEVICES AND OTHER MATERIALS, TO PROVIDE FOR OTHER DUTIES, POWERS AND AUTHORITY OF THE BOARD, TO DESCRIBE CONDITIONS WHICH CONSTITUTE THE UNLAWFUL PRACTICE OF PHARMACY, TO PROVIDE FOR LICENSURE BY EXAMINATION, TO PROVIDE FOR LICENSURE BY RECIPROCY, TO PROVIDE FOR RENEWAL OF LICENSES, TO PROVIDE FOR A CONTINUING PHARMACY EDUCATION PROGRAM, TO PROVIDE FOR PROCEDURE IN CONTESTED ACTIONS BEFORE THE BOARD, TO PROVIDE FOR PENALTIES AND FOR REINSTATEMENT TO PRACTICE, TO PROVIDE FOR REGISTRATION OF FACILITIES, TO PROVIDE FOR APPLICATION FOR REGISTRATION OF FACILITIES, TO PROVIDE FOR NOTIFICATIONS TO THE BOARD, TO PROVIDE FOR VIOLATION FOR OPERATION OF A FACILITY WITHOUT REGISTRATION AND FOR PENALTIES, TO PROVIDE FOR THE VALIDITY OF PRESCRIPTION DRUG ORDERS, TO PROVIDE FOR EXCEPTIONS TO THE PROVISIONS OF THIS CHAPTER, TO PROVIDE FOR THE MAINTENANCE OF RECORDS OF MANUFACTURERS AND WHOLESALERS, TO PROVIDE FOR FACILITIES THAT CONSTITUTE A COMMON NUISANCE, TO PROVIDE FOR BURDEN OF PROOF, TO PROVIDE PROOF THAT A DRUG IS A PRESCRIPTION DRUG OR LEGEND DRUG, AND TO PROVIDE SEVERABILITY; AMENDING TITLE 9, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 17, TITLE 9, IDAHO CODE, TO PROVIDE FOR PROOF OF FACTS IN PUBLIC RECORDS, BY PROVIDING FOR PROOF OF LICENSURE, AND BY PROVIDING FOR PROOF OF PRESCRIPTION DRUG STATUS.
Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Chapter 22, Title 37, and Chapter 17, Title 54, Idaho Code, be, and the same are 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 17, Title 54, Idaho Code, and to read as follows:

CHAPTER 17
PHARMACISTS

54-1701. SHORT TITLE. This act shall be known as the "Idaho Pharmacy Act."

54-1702. LEGISLATIVE DECLARATION. The practice of pharmacy in the state of Idaho is declared a professional practice affecting the health, safety and welfare of the public and is subject to regulation and control in the public interest. It is further declared to be a matter of public interest and concern that the practice of pharmacy, as defined in this chapter, merits and receives the confidence of the public and that only qualified persons be permitted to engage in the practice of pharmacy in the state of Idaho. This act shall be liberally construed to carry out these objects and purposes.

54-1703. STATEMENT OF PURPOSE. It is the purpose of this act to promote, preserve and protect the health, safety and welfare of the public by and through the effective control and regulation of the practice of pharmacy and of the registration of drug outlets engaged in the manufacture, production, sale and distribution of drugs, medications, devices and such other materials as may be used in the diagnosis and treatment of injury, illness and disease.

54-1704. PRACTICE OF PHARMACY. The "practice of pharmacy" shall mean the interpretation and evaluation of prescription orders; the compounding, dispensing, labeling of drugs and devices, except labeling by a manufacturer, packer or distributor of nonprescription drugs and commercially packaged legend drugs and devices; the participation in drug selection and drug utilization reviews and the proper records therefor; the responsibility for advising, where necessary or where regulated, of therapeutic values, content, hazards, and use of drugs and devices; and the offer-
ing or performing of those acts, services, operations or transactions necessary to the conduct, operation, management and control of pharmacy.

54-1705. DEFINITIONS. (1) "Board of pharmacy" or "board" means the Idaho state board of pharmacy.

(2) "Deliver" or "delivery" means the actual, constructive or attempted transfer of a drug or device from one person to another, whether or not for a consideration.

(3) "Device" means an instrument, apparatus, implement, machine, contrivance, implant, invitro reagent or other similar related article including any component part or accessory which is:

(a) Recognized in the official United States Pharmacopeia or official National Formulary, other drug compendia or any supplement to them;

(b) Intended for use in the diagnosis of disease or other conditions, or the cure, mitigation, treatment or prevention of disease in man or other animal;

(c) Intended to effect the structure or any function of the body of man or other animal, and which does not achieve any of its principal intended purposes through chemical action within or on the body of man or other animal, and which is not dependent upon being metabolized for the achievement of any of its principal intended purposes.

(4) "Dispense" or "dispensing" means the preparation and delivery of a prescription drug pursuant to a lawful order of a practitioner in a suitable container appropriately labeled for subsequent administration to or use by a patient or other individual entitled to receive the prescription drug.

(5) "Distribute" means the delivery of a drug other than by administering or dispensing.

(6) "Drug" means:

(a) Articles recognized as drugs in the official United States Pharmacopeia, official National Formulary, official Homeopathic Pharmacopoeia, other drug compendia or any supplement to any of them;

(b) Articles intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in man or other animal;

(c) Articles, other than food, intended to affect the structure or any function of the body of man or other animals; and

(d) Articles intended for use as a component of any articles specified in paragraph (a), (b) or (c) of this subsection.
(7) "Drug order" means a written order, in a hospital or other health care institution, for an ultimate user of any drug or device issued and signed by a practitioner, or an order transmitted by other means of communication from a practitioner, which is immediately reduced to writing by a pharmacist, registered nurse or other licensed health care practitioner authorized by the hospital or institution. The order shall contain the name and bed number of the patient, the name and strength or size of the drug or device, unless specified by individual institution policy or guideline, the amount to be dispensed, either in quantity or days, adequate directions for the proper use of the drug or device when it is administered to the patient, and the name of the prescriber.

(8) "Drug outlet" means all pharmacies, nursing homes, shelter homes, convalescent homes, extended care facilities, drug abuse treatment centers, penal institutions, hospitals, family planning clinics, retail stores, wholesalers, manufacturers and mail order vendors with facilities located in this state which are engaged in dispensing, delivery or distribution of drugs and drug manufacturers and wholesalers with facilities located outside the state, but doing business within this state.

(9) "Extern" means a bona fide student enrolled in an approved college of pharmacy who has not received his first professional degree in pharmacy.

(10) "Externship" means a structured practical experience program in pharmacy, approved by the board and administered by a college of pharmacy.

(11) "Intern" means any person who has completed a course of study at an approved college of pharmacy, received the first professional degree in pharmacy and is registered with the board as an intern. Interns must register with the board prior to commencement of an internship program.

(12) "Internship" means a postgraduate practical experience program under the supervision of a licensed pharmacist registered as a preceptor.

(13) "Investigational or new drug" means any drug which is limited by state or federal law to use under professional supervision of a practitioner authorized by law to prescribe or administer such drug.

(14) "Labeling" means the process of preparing and affixing of a label to any drug container, exclusive however, of the labeling by a manufacturer, packer or distributor of a nonprescription drug or commercially packaged legend drug or device. Any such label shall include all information required by federal and state law or regulation.

(15) "Manufacture" means the production, preparation,
propagation, compounding, conversion or processing of a device or a drug, either directly or indirectly by extraction from substances of natural origin or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis and includes any packaging or repackaging of the substance or labeling or relabeling of its container, except that this term does not include the preparation or compounding of a drug by an individual for his own use or the preparation, compounding, packaging or labeling of a drug:

(a) By a pharmacist or practitioner as an incident to his administering or dispensing of a drug in the course of his professional practice; or

(b) By a practitioner or by his authorization under his supervision for the purpose of or as an incident to research, teaching or chemical analysis and not for sale.

(16) "Manufacturer" means a person who by compounding, cultivating, harvesting, mixing or other process, produces or prepares legend drugs, and includes persons who prepare such drugs in dosage forms by mixing, compounding, encapsulating, entableting, or other process, or who packages or repackages such drugs, but does not include pharmacists or practitioners in the practice of their profession.

(17) "Precursor" means a substance, other than a legend drug which is an immediate chemical intermediate that can be processed or synthesized into a legend drug, and is used or produced primarily for use in the manufacture of a legend drug by persons other than persons licensed to manufacture such legend drugs by the Idaho board of pharmacy, registered by the state board of health and welfare, or licensed to practice pharmacy by the Idaho board of pharmacy.

(18) "Person" means an individual, corporation, partnership, association or any other legal entity.

(19) "Pharmacist" means an individual licensed by this state to engage in the practice of pharmacy.

(20) "Pharmacy" means any facility, department or other place where prescriptions are filled or compounded and are sold, dispensed, offered or displayed for sale, which has, as its principal purpose, the dispensing of drug and health supplies intended for the general health, welfare and safety of the public.

(21) "Practitioner" shall mean a physician, dentist, veterinarian, scientific investigator or other person (other than a pharmacist) licensed in this state and permitted by such license to dispense, conduct research with respect to or administer drugs in the course of professional practice or research in this state.
(22) "Preceptor" means a pharmacist licensed in the state and in good standing, who supervises the internship training of a registered intern. The preceptor must be registered as a preceptor and shall be actively engaged on a full-time employment basis in the approved training area.

(23) "Prescription drug or legend drug" means a drug which, under federal law is required, prior to being dispensed or delivered, to be labeled with either of the following statements.

(a) "Caution: Federal law prohibits dispensing without a prescription;" or

(b) "Caution: Federal law restricts this drug to use by or on the order of a licensed veterinarian;"
or a drug which is required by any applicable federal or state law or regulation to be dispensed on prescription only or is restricted to use by practitioners only.

(24) "Prescription drug order" means a lawful written or verbal order of a practitioner for a drug.

(25) "Nonprescription drugs" mean medicines or drugs which may be sold without a prescription and which are prepackaged for use by the consumer and labeled in accordance with the requirements of the statutes and regulations of this state and the federal government.

(26) "Record" means all papers, letters, memorandum, notes, prescriptions, drug orders, invoices, statements, patient medication charts or files, computerized records or other written indicia, documents or objects which are used in any way in connection with the purchase, sale or handling of any drug or device.

(27) "Sale" means every sale and includes:

(a) Manufacturing, processing, transporting, handling, packaging or any other production, preparation or repackaging;

(b) Exposure, offer, or any other proffer;

(c) Holding, storing or any other possession

(d) Dispensing, giving, delivering or any other supplying; and

(e) Applying, administering or any other usage.

(28) "Warehouseman" means a person who stores legend drugs for others and who has no control over the disposition of such drugs except for the purpose of such storage.

(29) "Wholesaler" means a person engaged in the business of distributing legend drugs that he himself has not produced or prepared, to persons included in any of the classes named in subsection (2) (a) through (f) of section 54-1734, Idaho Code.

54-1706. STATE BOARD OF PHARMACY ESTABLISHED. There is
hereby established in the department of self-governing agencies a state board of pharmacy whose responsibilities shall be to enforce the provisions of this act. The board shall have all of the duties, powers and authority specifically granted by and necessary to the enforcement of this act, as well as such other duties, powers and authority as it may be granted from time to time by appropriate statute.

54-1707. MEMBERSHIP. The board of pharmacy shall consist of five (5) members. One (1) member shall be a representative of the public, and four (4) members shall be licensed pharmacists who possess the qualifications specified in section 54-1708, Idaho Code.

54-1708. QUALIFICATIONS OF BOARD MEMBERS. (1) The public member of the board of pharmacy shall be a resident of the state of Idaho who has attained the age of majority and shall not be nor shall he ever have been a member of the profession of pharmacy, the spouse of a member of the profession of pharmacy, or a person who has or has had a material financial interest in providing pharmacy service or any other activity directly related to the practice of pharmacy.

(2) The pharmacist members of the board of pharmacy shall at the time of their appointment and at all times thereafter:

(a) Be residents of the state of Idaho;
(b) Be licensed and in good standing to engage in the practice of pharmacy in the state of Idaho;
(c) Be engaged in the practice of pharmacy in the state of Idaho;
(d) Have five (5) years of experience in the practice of pharmacy in the state of Idaho after licensure.

54-1709. APPOINTMENT OF BOARD MEMBERS -- NOTICE OF VACANCY -- NOMINEES. Prior to the expiration of the regular term of a member of the board or upon the occurrence of declaration of a vacancy in the membership of the board, the governor shall notify in writing the Idaho State Pharmaceutical Association, Inc. thereof, and the association shall, within thirty (30) days thereafter, nominate three (3) qualified persons to fill such vacancy and shall forthwith forward the nominations to the governor, who may thereupon appoint from such nominees, the person to be a member of the board to fill such vacancy. If the association shall fail to furnish to the governor the names of nominees to fill a vacancy within the time herein provided, the governor may appoint any person otherwise qualified to fill said
54-1710. TERMS OF OFFICE. (1) Except as provided in subsection (2) of this section, members of the board of pharmacy shall be appointed for a term of five (5) years, except that members of the board who are appointed to fill vacancies which occur prior to the expiration of a former member's full term shall serve the unexpired portion of such term.

(2) The terms of the members of the board shall be staggered, so that the terms of no more than one (1) member shall expire in any year. The present members of the board shall serve the balance of their terms. Any present board member appointed initially for a term of less than five (5) years shall be eligible to serve for two (2) additional full terms.

(3) No member of the board shall serve more than (2) consecutive full terms. The completion of the unexpired portion of a full term shall not constitute a full term for purposes of this section.

(4) An appointee to a full term on the board shall be appointed by the governor as provided in section 54-1709, Idaho Code, and be effective on July 1 of the year of appointment. Appointees to unexpired portions of full terms shall become members of the board upon appointment.

(5) In order to provide for the appointment of the public member of the board, the term expiring on June 30, 1978, is hereby designated as the term of the public member, who shall be appointed to a term commencing July 1, 1978.

54-1711. VACANCIES. Any vacancy which occurs in the membership of the board for any reason, including expiration of term, removal, resignation, death, disability or disqualification, shall be filled by the governor in the manner prescribed in section 54-1709, Idaho Code. The governor shall fill vacancies which occur by expiration of full terms within thirty (30) days prior to each date of expiration, and shall fill vacancies which occur for any other reason within sixty (60) days after such vacancy occurs.

54-1712. REMOVAL OF BOARD MEMBERS. The governor may remove any member of the board from membership on the board who is found by the governor to be mentally or physically incapable of acting, or to be neglecting or refusing to act, or who ceases to have the qualifications of a member as provided in this act.

54-1713. ORGANIZATION OF THE BOARD. (1) The board of
pharmacy shall elect from its members a chairman and such other officers as it deems appropriate and necessary to the conduct of its business. The chairman of the board of pharmacy shall preside at all meetings of the board and shall be responsible for the performance of all of the duties and functions of the board required or permitted by this act. Each additional officer elected by the board shall perform those duties normally associated with his position and such other duties assigned to him from time to time by the board.

(2) Officers elected by the board shall serve terms of one (1) year commencing with the day of their election, and ending upon election of their successors and shall serve no more than one (1) consecutive full term in each office to which they are elected.

(3) The board shall employ a licensed pharmacist who shall be an ex officio member of the board without vote to serve as a full-time employee of the board in the position of executive director. The executive director shall be responsible for the performance of the regular administrative functions of the board and such other duties as the board may direct.

54-1714. COMPENSATION OF BOARD MEMBERS. (1) Each member of the board of pharmacy shall receive, as compensation, the sum of thirty-five dollars ($35.00) per day for each day on which the member is engaged in performance of the official duties of the board, and reimbursement for all expenses incurred in connection with the discharge of such official duties.

(2) The executive director of the board of pharmacy shall be a nonclassified officer and shall receive, as compensation, an annual salary payable on regular pay periods, the amount of which shall be determined by the board, and reimbursement for all expenses incurred in connection with performance of his official duties.

54-1715. MEETINGS OF THE BOARD. (1) The board of pharmacy shall meet at least once every six (6) months to transact its business. One such meeting held during each fiscal year of the state shall be designated as the annual meeting and shall be for the purpose of electing officers and for the reorganization of the board. The board shall meet at such additional times as it may determine. Such additional meetings may be called by the chairman of the board or by three (3) of the members of the board.

(2) The board shall meet at such place as it may from time to time determine. The place for each meeting shall be determined prior to giving notice of such meeting and shall
not be changed after such notice is given without adequate subsequent notice.

(3) Notice of all meetings of the board shall be given in the manner and pursuant to requirements prescribed by the state's applicable statutes, rules and regulations.

(4) A majority of the members of the board shall constitute a quorum for the conduct of a board meeting and, except where a greater number is required by the act, or by any rule or regulation of the board, all actions of the board shall be by a majority of a quorum.

(5) All meetings and hearings of the board shall be conducted in compliance with the provisions of sections 67-2340 through 67-2347, Idaho Code.

54-1716. EMPLOYEES. (1) The board of pharmacy may, in its discretion, employ persons in addition to the executive director in such other positions or capacities as it deems necessary to the proper conduct of board business and to the fulfillment of the board's responsibilities as defined by this act.

(2) The employees of the board other than the executive director shall be classified employees and shall receive, as compensation, an annual salary payable on regular pay periods, the amount of which shall be determined by the personnel commission classification and compensation plan set forth in section 67-5309, Idaho Code, and reimbursement for all expenses incurred in connection with performance of their official duties.

54-1717. RULES AND REGULATIONS. The board of pharmacy shall make, adopt, amend and repeal such rules and regulations as may be deemed necessary by the board, from time to time, for the proper administration and enforcement of this act. Such rules and regulations shall be promulgated in accordance with the procedures specified in chapter 52, title 67, Idaho Code, the administrative procedures act.

54-1718. LICENSURE AND DISCIPLINE. (1) The board of pharmacy shall be responsible for the control and regulation of the practice of pharmacy in this state including, but not limited to, the following:

(a) The licensing by examination or by reciprocity of applicants who are qualified to engage in the practice of pharmacy under the provisions of this act;
(b) The renewal of licenses to engage in the practice of pharmacy;
(c) The determination and issuance of standards for recognition and approval of schools and colleges of
pharmacy whose graduates shall be eligible for licensure in this state, and the specification and enforcement of requirements for practical training, including internship;
(d) The enforcement of the provisions of this act relating to the conduct or competence of pharmacists practicing in this state, and the suspension, revocation or restriction of licenses to practice pharmacy;
(e) The regulation of the training, qualifications and employment of pharmacy interns.

54-1719. MEDICATIONS -- DRUGS -- DEVICES -- OTHER MATERIALS. The board of pharmacy shall also have the following responsibilities in regard to medications, drugs, devices and other materials used in this state in the diagnosis, mitigation and treatment or prevention of injury, illness and disease:
(1) The regulation of the sale at retail and the dispensing of medications, drugs, devices and other materials including the right to seize such drugs, devices and other materials found to be detrimental to the public health and welfare by the board after appropriate hearing as required under the administrative procedures act;
(2) The specifications of minimum professional and technical equipment, environment, supplies and procedures for the compounding and/or dispensing of such medications, drugs, devices and other materials within the practice of pharmacy;
(3) The control of the purity and quality of such medications, drugs, devices and other materials within the practice of pharmacy;
(4) The issuance and renewal of certificates of registration of drug outlets for purposes of ascertaining those persons engaged in the manufacture and distribution of drugs.

54-1720. OTHER DUTIES -- POWERS -- AUTHORITY. The board of pharmacy shall have such other duties, powers, and authority as may be necessary to the enforcement of this act and to the enforcement of board rules and regulations made pursuant thereto, which shall include, but are not limited to, the following:
(1) The board may join such professional organizations and associations organized exclusively to promote the improvement of the standards of the practice of pharmacy for the protection of the health and welfare of the public and whose activities assist and facilitate the work of the board.
(2) In addition to any statutory requirements, the board may require such surety bonds as it deems necessary to guarantee the performance and discharge of the duties of any officer or employee receiving and disbursing funds.

(3) The executive director of the board shall keep the seal of the board and shall affix it only in such manner as may be prescribed by the board.

(4) On or before the 60th day after the last day of each state fiscal year, the board shall submit to the governor a report summarizing its proceedings and activities during that fiscal year, together with a report of all monies received and disbursed by the board. Such reports or comprehensive summaries or abstracts thereof, as determined by the board shall be made available to the public.

(5) (a) The board shall determine within thirty (30) days prior to the beginning of each state fiscal year the fees to be collected for:

1. Examinations and reexaminations, which fee shall not exceed two hundred fifty dollars ($250);
2. The issuance of licenses, which fee shall not exceed two hundred fifty dollars ($250);
3. The issuance of certificates of registration and renewal certificates of registration, which fee shall not exceed one hundred dollars ($100); and
4. The certification of approved providers of continuing education courses, which fee shall not exceed three hundred dollars ($300).

(b) All fees which shall be paid under the provisions of this act shall be paid over by the board to the treasurer of the state of Idaho, and shall be held by the state treasurer in the pharmacy account, which shall be paid out by the state treasurer upon warrant drawn by the state auditor against said account. The state auditor is hereby authorized, upon presentation of the proper vouchers of claims against the state, approved by the said board and the state board of examiners, as provided by law, to draw his warrant upon said account.

(6) The board may receive and expend monies in addition to its annual appropriations, from parties other than the state, provided:

(a) such monies are awarded for the pursuit of a specific objective which the board is authorized to accomplish by this act, or which the board is qualified to accomplish by reason of its jurisdiction or professional expertise;
(b) Such monies are expended for the pursuit of the objective for which they are awarded;
(c) Activities connected with or occasioned by the
expenditures of such monies do not interfere with or impair the performance of the board's duties and responsibilities and do not conflict with the exercise of the board's powers as specified by this act;
(d) Such monies are kept in a separate, special state account; and
(e) Periodic reports are made to the administrator, division of budget, policy planning and coordination, concerning the board's receipt and expenditure of such monies.

(7) The board shall assign to each drug outlet under its jurisdiction, a uniform state number, coordinated where possible with all other states which adopt the same uniform numbering system.

(8) The board or its authorized representatives shall also have power to investigate and gather evidence concerning alleged violations of the provisions of this act or of the rules and regulations of the board.

(9) (a) Notwithstanding anything in this act to the contrary, whenever a duly authorized representative of the board finds or has probable cause to believe that any drug, or device is adulterated or misbranded within the meaning of the Idaho food, drug and cosmetic act, he shall affix to such drug or device a tag or other appropriate marking giving notice that such article is or is suspected of being adulterated or misbranded, has been detained or embargoed and warning all persons not to remove or dispose of such article by sale or otherwise until provision for removal or disposal is given by the board, its agent or the court. No person shall remove or dispose of such embargoed drug or device by sale or otherwise without the permission of the board or its agent or, after summary proceedings have been instituted, without permission from the court.
(b) When a drug or device detained or embargoed under paragraph (a) of this subsection (9) has been declared by such representative to be adulterated or misbranded, the board shall, as soon as practical thereafter, petition the judge of the district court in whose jurisdiction the article is detained or embargoed for an order for condemnation of such article. If the judge determines that the drug or device so detained or embargoed is not adulterated or misbranded, the board shall direct the immediate removal of the tag or other marking.
(c) If the court finds the detained or embargoed drug or device is adulterated or misbranded, such drug or device, after entry of the decree, shall be destroyed at the expense of the owner under the supervision of a
board representative and all court costs and fees, storage and other proper expense shall be borne by the owner of such drug or device. When the adulteration or misbranding can be corrected by proper labeling or processing of the drug or device, the court, after entry of the decree and after such costs, fees and expenses have been paid and a good and sufficient bond has been posted, may direct that such drug or device be delivered to the owner thereof for such labeling or processing under the supervision of a board representative. Expense of such supervision shall be paid by the owner. Such bond shall be returned to the owner of the drug or device on representation to the court by the board that the drug or device is no longer in violation of the embargo and the expense of supervision has been paid.

(d) It is the duty of the attorney general to whom the board reports any violation of this subsection to cause appropriate proceedings to be instituted in the proper court without delay and to be prosecuted in the manner required by law. Nothing in this subsection (9) shall be construed to require the board to report violations whenever the board believes the public's interest will be adequately served in the circumstances by a suitable written notice or warning.

(10) Except as otherwise provided to the contrary, the board shall exercise all of its duties, powers and authority in accordance with the administrative procedures act.

54-1721. UNLAWFUL PRACTICE. (1) It shall be unlawful for any person to engage in the practice of pharmacy unless licensed to so practice under the provisions of this act; provided, however, physicians, dentists, veterinarians, osteopaths or other practitioners of the healing arts who are licensed under the laws of this state may deliver and administer prescription drugs to their patients in the practice of their respective professions where specifically authorized to do so by statute of this state.

(2) It shall be unlawful for any person, not legally licensed as a pharmacist, to take, use or exhibit the title of pharmacist or the title of druggist or apothecary, or any other title or description of like import.

(3) Any person who shall be found to have unlawfully engaged in the practice of pharmacy shall be subject to a fine not to exceed three thousand dollars ($3,000) for each offense. Each such violation of this act or the rules and regulations promulgated hereunder pertaining to unlawfully engaging in the practice of pharmacy shall also constitute a misdemeanor punishable upon conviction as provided in the
54-1722. QUALIFICATIONS FOR LICENSURE BY EXAMINATION. (1) To obtain a license to engage in the practice of pharmacy, an applicant for licensure by examination shall:

(a) Have submitted a written application in the form prescribed by the board of pharmacy.
(b) Have attained the age of majority.
(c) Be of good moral character and temperate habits.
(d) Have graduated and received the first professional undergraduate degree from a school or college of pharmacy which has been approved by the board of pharmacy.
(e) Have completed an internship or other program which has been approved by the board of pharmacy, or demonstrated to the board's satisfaction experience in the practice of pharmacy which meets or exceeds the minimum internship requirements of the board.
(f) Have successfully passed an examination given by the board of pharmacy.
(g) Paid the fees specified by the board of pharmacy for examination and issuance of license.

(2) Examinations.
(a) The examination for licensure required under Section 54-1722(1)(f), Idaho Code, shall be given by the board at least two (2) times during each fiscal year of the state. The board shall determine the content and subject matter of each examination, the place, time and date of administration of the examination, and those persons who shall have successfully passed the examination.
(b) The examination shall be prepared to measure the competence of the applicant to engage in the practice of pharmacy. The board may employ and cooperate with any organization or consultant in the preparation and grading of an appropriate examination, but shall retain the sole discretion and responsibility of determining which applicants have successfully passed such an examination.

(3) Internship and other training programs.
(a) All applicants for licensure by examination shall obtain practical experience in the practice of pharmacy concurrent with or after college attendance, or both, under such terms and conditions as the board shall determine.
(b) The board shall establish standards for internship or any other program necessary to qualify an applicant for the licensure examination and shall also determine the necessary qualifications of any preceptors used in any internship or other program.
54-1723. QUALIFICATIONS FOR LICENSURE BY RECIPROCITY. 
(1) To obtain a license as a pharmacist by reciprocity, an 
applicant for licensure shall:

(a) Have submitted a written application in the form 
prescribed by the board of pharmacy.

(b) Have attained the age of majority.

(c) Have good moral character and temperate habits.

(d) Have possessed at the time of initial licensure as 
a pharmacist such other qualifications necessary to have 
been eligible for licensure at that time in this state.

(e) Have engaged in the practice of pharmacy for a 
period of at least one (1) year or have met the intern­
ship requirements of this state within the one (1) year 
immediately previous to the date of such application.

(f) Have presented to the board proof of initial 
licensure by examination and proof that such license and 
any other license or licenses granted to the applicant 
by any other state or states have not been suspended, 
revoked, cancelled or otherwise restricted for any 
reason except nonrenewal or the failure to obtain 
required continuing education credits in any state where 
the applicant is licensed but not engaged in the prac­
tice of pharmacy.

(g) Have paid the fees specified by the board of phar­
macy for issuance of a license.

(2) Eligibility. No applicant shall be eligible for 
licensure by reciprocity unless the state in which the 
applicant was initially licensed as a pharmacist also grants 
reciprocal licensure to pharmacists duly licensed by exami­
nation in this state, under like circumstances and condi­
tions.

54-1724. RENEWAL OF LICENSES. (1) Each pharmacist shall 
apply for renewal of his license annually no later than the 
first day of June. The board shall renew the license of each 
pharmacist who is qualified to engage in the practice of 
pharmacy.

(2) The board shall specify by rule or regulation the 
procedures to be followed and the fees to be paid for 
renewal of licenses.

54-1725. CONTINUING PHARMACY EDUCATION. (1) The legis­
lature makes the following findings and declarations:

(a) Because of the continuous introduction of new 
therapeutic and diagnostic agents and the changing con­
cepts in the delivery of health-care services in the 
practice of pharmacy, it is essential that a pharmacist
undertake a continuing education program in order to maintain his professional competency and improve his professional skills; and

(b) To assure the continued competency of the pharmacist and to maintain uniform qualifications for registration and licensure in the profession for the protection of the health and welfare of its citizens, the legislature of this state deems it in the public interest to adopt a continuing professional education program.

(2) Commencing July 1, 1980, no annual renewal license shall be issued to a pharmacist until such pharmacist shall have submitted proof to the board that he has satisfactorily completed an accredited program of continuing professional education during the previous year to help assure his continued competence to engage in the practice of pharmacy. The board shall from time to time determine the amount of continuing education to be required.

(3) The board shall adopt rules and regulations necessary to carry out the stated objectives and purposes and to enforce the provisions of this section, which shall include the methods of determining accredited programs, any fees and such other rules and regulations consistent with this section as the board shall determine.

(4) The board may grant to a pharmacist who meets all of the necessary requirements for renewal of licensure, except the continuing education requirements, alternate methods of obtaining continuing education through home-study courses, correspondence courses, audiovisual aids, or other such programs, examination or the like, substantially equivalent in scope and content to the continuing professional education programs regularly scheduled; provided, however, only those pharmacists shall be eligible for the alternative programs who, upon written application to the board and for good cause shown, demonstrate that they are unable to attend a sufficient number of regularly scheduled continuing professional education programs for licensure. This section and all rules and regulations promulgated hereunder shall be uniformly applied by the board.

54-1726. GROUNDS FOR DISCIPLINE. (1) The board of pharmacy may refuse to issue or renew, or may suspend, revoke or restrict the licenses of any person, pursuant to the procedures set forth in section 54-1727, Idaho Code, upon one or more of the following grounds:

(a) Unprofessional conduct as that term is defined by the rules and regulations of the board;

(b) Incapacity of a nature that prevents a pharmacist
from engaging in the practice of pharmacy with reasonable skill, competence and safety to the public;
(c) Being found guilty by a court of competent jurisdiction of one or more of the following:
   1. A felony as defined by the statutes of this state;
   2. Any act involving moral turpitude or gross immorality; or
   3. Violations of the pharmacy or drug laws of this state or rules and regulations pertaining thereto, or of statutes, rules or regulations of any other state, or of the federal government;
(d) Fraud or intentional misrepresentation by a licensee in securing the issuance or renewal of a license.
(e) Engaging or aiding and abetting an individual to engage in the practice of pharmacy without a license, or falsely using the title of pharmacist.
(f) Being found by the board to be in violation of any of the provisions of this act or rules and regulations adopted pursuant to this act.

54-1727. PROCEDURE -- CONTESTED CASES -- NOTICE -- HEARING RECORDS. (1) In a contested case, all parties shall be afforded an opportunity for hearing after reasonable notice.
(2) The notice shall include:
(a) A statement of the time, place, and nature of the hearing;
(b) A statement of the legal authority and jurisdiction under which the hearing is to be held;
(c) A reference to the particular sections of the statutes and rules involved;
(d) A short and plain statement of the matters asserted. If the agency or other party is unable to state the matters in detail at the time the notice is served, the initial notice may be limited to a statement of the issues involved. Thereafter upon application a more definite and detailed statement shall be furnished.
(3) Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved.
(4) Unless precluded by law, informal disposition may be made of any contested case by stipulation, agreed settlement, consent order, or default.
(5) The record in a contested case shall include:
(a) All pleadings, motions, and intermediate rulings;
(b) Evidence received or considered;
(c) A statement of matters officially noticed;
(d) Questions and offers of proof, objections, and rulings thereon;
(e) Proposed findings and exceptions;
(f) Any decision, opinion, or report by the officer presiding at the hearing;
(g) All staff memoranda or data submitted to the hearing officer or members of the agency in connection with their consideration of the case.
(6) Any party may request in writing five (5) days before any hearing in a contested case that the oral proceedings thereof be taken in the form of stenographic notes. Any party may have such stenographic notes of the oral proceedings, or any part thereof, transcribed at his own expense.
(7) Findings of fact shall be based exclusively on the evidence and on matters officially noticed.

54-1728. PENALTIES AND REINSTATEMENT. (1) Upon the finding of the existence of grounds for discipline of any person holding a license, seeking a license, or a renewal license under the provisions of this act, the board of pharmacy may impose one or more of the following penalties:
(a) Suspension of the offender's license for a term to be determined by the board;
(b) Revocation of the offender's license;
(c) Restriction of the offender's license to prohibit the offenders from performing certain acts or from engaging in the practice of pharmacy in a particular manner for a term to be determined by the board;
(d) Refusal to renew offender's license;
(e) Placement of the offender on probation and supervision by the board for a period to be determined by the board.
(2) Any person whose license to practice pharmacy in this state has been suspended, revoked or restricted pursuant to this act, or any drug outlet whose certificate of registration has been suspended, revoked or restricted pursuant to this act, whether voluntarily or by action of the board, shall have the right, at reasonable intervals, to petition the board for reinstatement of such license. Such petition shall be made in writing and in the form prescribed by the board. Upon investigation and hearing, the board may in its discretion grant or deny such petition, or it may modify its original finding to reflect any circumstances which have changed sufficiently to warrant such modifications.
(3) Nothing herein shall be construed as barring criminal prosecutions for violations of the act where such
violations are deemed as criminal offenses in other statutes of this state or of the United States.

(4) All final decisions by the board shall be subject to judicial review pursuant to the procedures of the administrative procedures act.

54-1729. REGISTRATION OF FACILITIES. (1) All drug outlets shall annually register with the board of pharmacy.
   (2)(a) Each drug outlet shall apply for a certificate of registration in one of the following classifications:
   1. Retail drug outlet;
   2. Institutional drug outlet;
   3. Manufacturing drug outlet;
   (b) No individual who is employed by a corporation which is registered under any classification listed above need register under the provisions of this act.
   (3) The board shall establish by rule or regulation under the powers granted to it under sections 54-1718 and 54-1719, Idaho Code, the criteria which each drug outlet, that has employees or personnel engaged in the practice of pharmacy, must meet to qualify for registration in each classification designated above. The board may issue various types of certificates with varying restrictions to such outlets referred to in this subsection (3) where the board deems it necessary by reason of the type drug outlet requesting a certificate.
   (4) It shall be lawful for a drug outlet registered under this section to sell and distribute nonprescription drugs. Drug outlets engaging in the sale and distribution of such items shall not be deemed to be improperly engaged in the practice of pharmacy. No rule or regulation will be adopted by the board under this act which shall require the sale of nonprescription drugs by a licensed pharmacist or under the supervision of a licensed pharmacist or otherwise apply to or interfere with the sale and distribution of such medicines.

54-1730. APPLICATION PROCEDURES. (1) The board shall specify by rule or regulation the registration procedures to be followed, including but not limited to specification of forms for use in applying for such certificates of registration and times, places and fees for filing such application; provided, however, the annual fee for an original or renewal certificate shall not exceed one hundred dollars ($100).
   (2) Applications for certificates of registration shall include the following information about the proposed drug outlet:
(a) Ownership;
(b) Location;
(c) Identity of pharmacist licensed to practice in the
state, who shall be the pharmacist in charge of the drug
outlet, where one is required by this act, and such fur­
ther information as the board may deem necessary.
(3) Certificates of registration issued by the board
pursuant to this act shall not be transferable or assigna­
ble.
(4) The board shall specify by rule and regulation
minimum standards for the professional responsibility in the
conduct of any drug outlet that has employees or personnel
engaged in the practice of pharmacy. The board is specifi­
cally authorized to require that the portion of the facility
to which such certificate of registration applies be oper­
ated only under the direct supervision of no less than one
(1) pharmacist licensed to practice in this state and not
otherwise, and to provide such other special requirements as
deemed necessary.

54-1731. NOTIFICATIONS. (1) All registered drug out­
lets shall report to the board of pharmacy the occurrence of
any of the following changes:
(a) Permanent closing;
(b) Change of ownership, management, location or
pharmacist in charge;
(c) Any and all other matters and occurrences as the
board may require by rules and regulations.
(2) Disasters, accidents and emergencies which may
affect the strength, purity or labeling of drugs,
medications, devices or other materials used in the diag­
nosis or the treatment of injury, illness and disease shall
be immediately reported to the board.

54-1732. VIOLATIONS AND PENALTIES. (1) No drug outlet
designated in section 54-1729, Idaho Code, shall be operated
until a certificate of registration has been issued to said
facility by the board. Upon the finding of a violation of
this section, the board may impose one or more of the pen­
alties enumerated in section 54-1728, Idaho Code.
(2) Reinstatement of a certificate that has been sus­
pended, revoked or restricted by the board may be granted in
accordance with the procedures specified by section
54-1728(2), Idaho Code.
(3) The following acts, or the failure to act, and the
causing of any such act or failure are unlawful;
(a) The sale, delivery or administration of any pre­
scription drug or legend drug unless:
1. Such legend drug is dispensed or delivered by a pharmacist upon an original prescription, drug order or prescription drug order by a practitioner in good faith in the course of his practice. Any person violating the provisions of this subsection shall be guilty of a felony, and on conviction thereof shall be imprisoned in the state penitentiary for a term not to exceed three (3) years, or punished by a fine of not more than five thousand dollars ($5,000) or by both such fine and imprisonment.

2. There is affixed, in the case of a legend drug dispensed or delivered by a pharmacist, to the immediate container in which such drug is delivered a label bearing the name, address, and phone number of the establishment from which such drug was dispensed; the date on which the prescription for such drug was filled; the number of such prescription as filed in the prescription files of the pharmacist who filled the prescription; the name of the practitioner who prescribed such drug; the name of the patient, and if such drugs were prescribed for an animal, a statement of the species of the animal; and the directions for the use of the drug as contained in the prescription; or in the case of a legend drug delivered or administered by a practitioner in the course of his practice, the immediate container in which such drug is delivered bears a label on which appears the directions for use of such drug; the name and address of such practitioner; the name of the patient; and if such drug is prescribed for an animal, a statement of the species of the animal. Any person violating this subsection shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than five hundred dollars ($500). Nothing in this paragraph prohibits a practitioner from delivering professional samples of legend drugs in their original containers in the course of his practice when oral directions for use are given at the time of such delivery.

(b) The refilling of any prescription or drug order for a legend drug except as designated on the prescription or drug order, or by the authorization of the practitioner. Any person guilty of violating this section shall be guilty of a misdemeanor and upon conviction thereof shall be incarcerated in the county jail for a term not to exceed one (1) year, or punished by a fine
of not more than one thousand dollars ($1,000) or by both such fine and incarceration.

(c) The possession or use of a legend drug or a precursor by any person unless such person obtains such drug on the prescription or drug order of a practitioner. Any person guilty of violating this section shall be guilty of a misdemeanor and upon conviction thereof shall be incarcerated in the county jail for a term not to exceed one (1) year, or punished by a fine of not more than one thousand dollars ($1,000) or by both such fine and incarceration.

(d) The failure to keep records as required by the board. Any person guilty of violating this section shall be guilty of a misdemeanor and upon conviction thereof shall be incarcerated in the county jail for a term not to exceed one (1) year, or punished by a fine of not more than one thousand dollars ($1,000) or by both such fine and incarceration.

(e) The refusal to make available and to accord full opportunity to check any record, as required by the board. Any person guilty of violating this section shall be guilty of a misdemeanor and upon conviction thereof shall be incarcerated in the county jail for a term not to exceed one (1) year, or punished by a fine of not more than one thousand dollars ($1,000) or by both such fine and incarceration.

(f) It is unlawful to:

1. Obtain or attempt to obtain a legend drug or procure or attempt to procure the administration of a legend drug by fraud, deceit, misrepresentation or subterfuge; by the forgery or alteration of a prescription, drug order, or of any written order; by the concealment of a material fact; or by the use of a false name or the giving of a false address.

2. Communicate information to a physician in an effort unlawfully to procure a legend drug, or unlawfully to procure the administration of any such drug. Any such communication shall not be deemed a privileged communication.

3. Intentionally make a false statement in any prescription, drug order, order, report or record required by this chapter.

4. For the purpose of obtaining a legend drug to falsely assume the title of, or represent himself to be, a manufacturer, wholesaler, pharmacist, physician, dentist, veterinarian or other person.

5. Make or utter any false or forged prescription
or false drug order or forged written order.
6. Affix any false or forged label to a package or receptacle containing legend drugs. This paragraph does not apply to law enforcement agencies or their representatives while engaged in enforcing state and federal drug laws.
7. To wholesale or retail any prescription or legend drug to any person in this state not entitled by law to deliver such drug to another.

Every violation of subsections 1, 2, 3, 4, 5 and 6 of subsection (f) shall be a misdemeanor and any person convicted thereof shall be incarcerated in the county jail for a term not to exceed one (1) year, or fined not more than one thousand dollars ($1,000), or punished by both such fine and imprisonment. Any person violating subsection 7 of subsection (f) is guilty of a felony, and on conviction thereof shall be imprisoned in the state penitentiary for a term not to exceed three (3) years, or punished by a fine of not more than five thousand dollars ($5,000), or by both such fine and imprisonment.

54-1733. VALIDITY OF PRESCRIPTION DRUG ORDERS. (1) A prescription or drug order for a legend drug is not valid unless it is issued for a legitimate medical purpose by a practitioner acting in the usual course of his profession.
(2) It is unlawful for a practitioner to knowingly issue an invalid prescription or drug order for a legend drug.
(3) It is unlawful for a pharmacist to knowingly fill an invalid prescription or drug order for a legend drug.

54-1734. EXCEPTIONS. The provisions of this chapter pertaining to the sale of prescription drugs are not applicable.
(1) To the sale of legend drugs to persons included in any of the classes named in clauses (a) through (f) in subsection (2) of this section, or to the agents or employees of such persons, for use in the usual and lawful course of their business or practice or in the performance of their lawful official duties, as the case may be; or
(2) To the possession of legend drugs by such persons or their agents or employees for such use:
(a) Pharmacists;
(b) Practitioners;
(c) Persons who procure legend drugs for handling by or under the supervision of pharmacists or practitioners employed by them, or for the purpose of lawful research, teaching, or testing, and not for resale;
(d) Hospitals and other institutions which procure legend drugs for lawful administration by practitioners;
(e) Manufacturers and wholesalers;
(f) Carriers and warehousemen.

54-1735. MAINTENANCE OF RECORDS -- MANUFACTURERS AND WHOLESALERS. Manufacturers and wholesalers shall maintain records of the movement in commerce of legend drugs for two (2) years immediately following the date of the last entry on such record and shall make such records available, at reasonable times, to law enforcement agencies and their representatives in the enforcement of this act. Evidence obtained under this section may not be used in a criminal prosecution of the person from whom obtained.

54-1736. DECLARATION OF COMMON NUISANCE. Any store, shop, warehouse, dwelling house, apartment, building, vehicle, boat, aircraft, or any place whatever, which is used by any person for the purpose of unlawfully using any legend drug, or which is used for the unlawful keeping or selling of the same, is a common nuisance. No person shall keep, or maintain such a common nuisance, nor frequent or visit such place knowing it to be used for any said purposes.

54-1737. BURDEN OF PROOF. (a) In any complaint, information, affidavit or indictment, and in any action or proceeding brought for the enforcement of any provision of this chapter, proviso, or exemption contained in this chapter, the burden of proof is upon the party claiming any such exception, excuse, proviso or exemption.

(b) Anyone wholesaling or retailing prescription or legend drugs shall bear the burden of ascertaining that the receiver of such drugs is entitled by law to administer, dispense or deliver such drugs and proof that one has sold such drugs at wholesale or retail to an unauthorized person shall be prima facie evidence of illegality.

54-1738 PROOF THAT A DRUG IS A PRESCRIPTION DRUG OR LEGEND DRUG. The following shall constitute prima facie evidence in any criminal or civil proceeding in this state that a drug is a prescription drug or legend drug:

(1) In the case of a drug for which a new drug application was submitted to the United States food and drug administration, the affidavit of an officer having legal custody of the official records of the United States food and drug administration stating that such record show that the new drug application was approved, setting forth the date of approval, and further stating that the records show that
proposed labeling for the drug which includes the legend "Caution: federal law prohibits dispensing without prescription" was approved. The affidavit shall be accompanied by a certificate that such officer has the custody.

(2) In the case of a drug for which the United States food and drug administration does not require an approved new drug application as a condition for marketing the drug, the affidavit of an officer having legal custody of the official records of the United States food and drug administration stating that such records reflect that the drug meets the criteria of federal law to be regarded as a prescription drug and is required to bear the legend "Caution: federal law prohibits dispensing without prescription." The affidavit shall be accompanied by a certificate that such officer has the custody.

(3) In the case of drug designated a prescription drug by action of the state board of pharmacy, independently of federal law, the affidavit of an officer having legal custody of the records of the state board of pharmacy stating that such records show that the drug has been denominated a prescription drug, to which shall be attached a copy of the official document evidencing such action. The affidavit shall be accompanied by a certificate that such officer has the custody.

(4) This section does not prevent proof that a drug is a prescription or legend drug by any method authorized by any applicable state, rule of procedure or rule of evidence.

54-1739. SEVERABILITY. If any provision of this act is declared unconstitutional or illegal, or the applicability of this act to any person or circumstances is held invalid by a court of competent jurisdiction, the constitutionality of legality of the remaining provisions of this act and the application of this act to other persons and circumstances shall not be affected and shall remain in full force and effect without the invalid provision or application.

SECTION 3. That Title 9, 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 9, Idaho Code, and to read as as follows:

CHAPTER 17
PROOF OF FACTS CONTAINED IN PUBLIC RECORDS

9-1701. LICENSURE OR NONLICENSURE. (1) The existence or nonexistence of licensure by any public authority in this state, the United States, or any state of the United States
may be proved, prima facie, in any criminal or civil action, 
by the affidavit of the custodian of the records of the
licensing authority, or one acting with the authorization of
the custodian, stating that the conclusion given was based
on a diligent search of the records, and accompanied by a
certificate that such person has the custody.

(2) In cases where public licensing functions performed
by more than one licensing authority in this state relate to
the same subject matter, the bureau of occupational licenses
may, by regulation, designate a single custodian to maintain
a master list of licensees, and the affidavit of such
person, or one acting with his authority, may be used as
evidence in the manner and with the effect set forth in sub­
section (1) of this section.

(3) This section does not prevent the proof of official
records or of entry or lack of entry therein by any method
authorized by any applicable statute, rule of criminal or
civil procedure or rule of evidence recognized by the courts
of this state.

9-1702. PROOF OF PRESCRIPTION DRUG STATUS. Proof that a
drug is a prescription or legend drug may be made as pro­
vided by section 54-1738, Idaho Code.


House Bill No. 480, As Amended in the Senate, and signed by the Governor,
was incorrectly engrossed. House Bill No. 480, as set out here in Chapter 275,
is the correctly engrossed instrument, and is included here by the authority of
the Attorney General’s Opinion No. 78-18.
CHAPTER 276
(H.B. No. 484)

AN ACT
RELATING TO AUDITORIUM DISTRICTS; AMENDING SECTION 67-4901, IDAHO CODE, TO INCLUDE COMMUNITY CENTERS WITHIN THE DECLARATION OF PUBLIC NEED; AMENDING SECTION 67-4902, IDAHO CODE, TO FURTHER DEFINE THE SCOPE AND AUTHORITY OF AN AUDITORIUM OR COMMUNITY CENTER DISTRICT AND DEFINE QUALIFIED ELECTORS; AMENDING SECTION 67-4904, IDAHO CODE, TO PROVIDE THAT A PETITION FOR ORGANIZATION OF A DISTRICT SHALL BE SIGNED BY NOT LESS THAN TEN PERCENT OF THE QUALIFIED VOTERS RESIDING WITHIN THE PROPOSED DISTRICT AND TO PERMIT THE NAME AUDITORIUM DISTRICT TO REFER TO A COMMUNITY CENTER OR OTHERWISE; AMENDING SECTION 67-4912, IDAHO CODE, TO PROVIDE FOR THE BUILDING, ERECTION, OR CONSTRUCTION OF COMMUNITY CENTER BUILDINGS OTHER THAN AND IN ADDITION TO AUDITORIUMS WITHIN THE DISTRICT, AND ENLARGING THE LANGUAGE TO INCLUDE COMMUNITY CENTERS AS WELL AS AUDITORIUMS; AMENDING SECTION 67-4916, IDAHO CODE, TO PERMIT THE COUNTY TO CHARGE FOR COLLECTING THE DISTRICT'S AD VALOREM TAX; AMENDING SECTION 67-4921, IDAHO CODE, TO INCREASE THE TERMS OF A DISTRICT'S BONDS; AMENDING CHAPTER 49, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-4922A, IDAHO CODE, TO PROVIDE FOR THE AUTHORITY OF THE BOARD TO ENTER INTO A LEASE OF IMPROVEMENTS ON REAL PROPERTY FOR A PERIOD NOT TO EXCEED THIRTY YEARS, AND PROVIDE FOR THE CONTRACTING OF LEASES OF IMPROVEMENTS, PROVIDING THAT UPON THE EXPIRATION OF ANY SUCH LEASE THE IMPROVEMENT AS LEASED MAY BECOME THE PROPERTY OF THE DISTRICT; AMENDING SECTION 67-4925, IDAHO CODE, TO MAKE THE PERCENTAGE OF VOTES NECESSARY FOR APPROVAL COINCIDE WITH THE IDAHO CONSTITUTION AS NOW ENACTED OR AS IT MAY BE AMENDED; AND PROVIDING THAT EXISTING DISTRICTS SHALL NOT BE INVALIDATED AND PROVIDE A METHOD OF CHANGING THEIR NAMES.

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

SECTION 1. That Section 67-4901, Idaho Code, be, and the same is hereby amended to read as follows:

67-4901. PURPOSE OF ACT. It is hereby declared that the organization of auditorium or community center districts, having the purposes and powers provided in this act, will serve the public need and use and will promote the prosperity, security and general welfare of the inhabitants of said districts.
SECTION 2. That Section 67-4902, Idaho Code, be, and the same is hereby amended to read as follows:

67-4902. DEFINITIONS. An auditorium or community center district is one to build, operate, maintain and manage for public, commercial and/or industrial purposes by any available means public auditoriums, exhibition halls, convention centers, sports arenas and facilities of a similar nature, and for that purpose any such district shall have the power to construct, maintain, manage and operate such auditoriums facilities.

A district may be entirely within or entirely without, or partly within and partly without one or more municipalities or counties, and the district may consist of noncontiguous tracts or parcels of property.

The word "board" as used in this act shall mean the board of directors of a district.

A "qualified elector" of a district, within the meaning of and entitled to vote under this act, unless otherwise specifically provided herein, is a person who resides in the district and is otherwise qualified under section 34-401, Idaho Code, except no registration shall be required at any election held pursuant to this act, but each voter shall be required to execute an oath of election attesting his qualifications.

Wherever the term "publication" is used in this act and no manner specified therefor, it shall be taken to mean once a week for three (3) consecutive weeks in at least one (1) newspaper of general circulation in the district. It shall not be necessary that publication be made on the same day of the week in each of the three (3) weeks, but not less than fourteen (14) days (excluding the day of first publication), shall intervene between the first publication and the last publication, and publication shall be complete on the date of the last publication.

SECTION 3. That Section 67-4904, Idaho Code, be, and the same is hereby amended to read as follows:

67-4904. PETITION -- CONTENTS -- AMENDMENTS. The organization of a district shall be initiated by a petition filed in the office of the clerk of the court vested with jurisdiction, in a county in which the major part of the real property in the proposed district is situated. The petition shall be signed by not less than ten (10) of the qualified electors who reside within the boundaries of the proposed district, who pay general tax on real property owned by him or her within the district, and not less than ten (10) of whom shall reside in each election precinct which is wholly or partially within the boundaries of any such proposed district.
The petition shall set forth:

(1) The name of the proposed district consisting of a chosen name preceding the words, "auditorium or community center district".

(2) A general description of the improvements facilities to be constructed or installed within and for the district.

(3) The estimated cost of the proposed improvements facilities.

(4) A general description of the boundaries of the district or the territory to be included therein, with such certainty as to enable a property owner to determine whether or not his property is within the district.

(5) A prayer for the organization of the district.

No petition with the requisite signatures shall be declared null and void on account of alleged defects, but the court may at any time permit the petition to be amended to conform to the facts by correcting any errors in the description of the territory, or in any other particular. Similar petitions or duplicate copies of the same petition for the organization of the same district may be filed and shall together be regarded as one petition. All such petitions filed prior to the hearing on the first petition filed, shall be considered by the court the same as though filed with the first petition placed on file.

SECTION 4. That Section 67-4912, Idaho Code, be, and the same is hereby amended to read as follows:

67-4912. GENERAL POWERS OF BOARD. For and on behalf of the district the board shall have the following powers:

(a) To have perpetual existence;

(b) To have and use a corporate seal;

(c) To sue and be sued, and be a party to suits, actions, and proceedings;

(d) Except as otherwise provided in this act, to enter into contracts and agreements, cooperative and otherwise, affecting the affairs of the district, including contracts with the United States of America and any of its agencies or instrumentalities, and contracts with corporations, public or private, municipalities, or governmental subdivisions, and to cooperate with any one or more of them in building, erecting or constructing auditorium facilities within the district. Except in cases in which a district will receive aid from a governmental agency, a notice shall be published for bids on all construction contracts for work or material, or both, involving an expense of five thousand dollars ($5,000) or more. The district may reject any and all bids, and if it shall appear that the district can perform the work or secure material for less than the lowest bid, it may proceed so to do;
(e) To borrow money and incur indebtedness and evidence the same by certificate, notes or debentures, and to issue bonds, in accordance with the provisions of this act;

(f) To acquire, dispose of and encumber real and personal property, and any interest therein, including leases and easements within said district;

(g) To refund any bonded indebtedness of the district without any election; provided, however, that the obligations of the district shall not be increased by any refund of bonded indebtedness. Otherwise the terms and conditions of refunding bonds shall be substantially the same as those of an original issue of bonds;

(h) To have the management, control and supervision of all the business and affairs of the district, and the construction, installation, operation and maintenance of district improvements facilities therein or therefor;

(i) To hire and retain agents, employees, engineers and attorneys;

(j) To construct and maintain works and establish and maintain facilities across or along any public street or highway, and in, upon or over any vacant public lands, which public lands are now, or may become, the property of the state of Idaho, and to construct works and establish and maintain facilities across any stream of water or water course; provided, however, that the district shall promptly restore any such street or highway to its former state of usefulness as nearly as may be, and shall not use the same in such manner as to completely or unnecessarily impair the usefulness thereof;

(k) To fix and from time to time to increase or decrease rates, tolls or charges for services or facilities furnished by the district, and to pledge such revenue for the payment of any indebtedness of the district. The board shall fix rates, tolls and charges.

(l) To petition to enlarge the district by obtaining the consent of not less than ten per cent (10%) of the tax-paying qualified electors of any area to be so included, and then to follow the procedure set forth herein for creating said district;

(m) To promote any functions for said auditorium district, provided that said board shall not engage in operations that are inconsistent with the purpose of said auditorium district; and it shall be the policy of the board not to compete with existing facilities and services in the district, wherever practicable.

(n) To adopt and amend by-laws not in conflict with the constitution and laws of the state for carrying on the business, objects and affairs of the board and of the districts;

(o) To have and exercise all rights and powers necessary or incidental to or implied from the specific powers granted herein. Such specific powers shall not be considered as a limitation upon any power necessary or appropriate to carry out the purposes and intent of this act.
SECTION 5. That Section 67-4916, Idaho Code, be, and the same is hereby amended to read as follows:

67-4916. OFFICERS TO LEVY AND COLLECT TAXES. It shall be the duty of the body having authority to levy taxes within each county, to levy the taxes provided in this act and it shall be the duty of all officials charged with the duty of collecting taxes to collect such taxes at the time and in the form and manner and with like interest and penalties as other taxes are collected and when collected to pay the same to the district ordering its levy and collection, and the payment of such collections shall be made monthly to the treasurer of the district and paid into the depository thereof to the credit of the district.

SECTION 6. That Section 67-4921, Idaho Code, be, and the same is hereby amended to read as follows:

67-4921. ISSUANCE OF NEGOTIABLE COUPON BONDS -- FORM AND TERMS. To carry out the purposes of this act, and to pay the necessary and ordinary expenses of the district, the board is hereby authorized to issue negotiable coupon bonds of the district. Bonds shall bear interest at a rate not exceeding that provided by law payable semi-annually, and shall be due and payable serially, either annually or semi-annually, commencing not later than three (3) years and extending not more than twenty (20) thirty (30) years from date. The form and terms of said bonds, including provisions for their payment and redemption, shall be determined by the board. If the board so determines, such bonds may be redeemable prior to maturity upon payment of a premium, not exceeding three five per centum (3%) (5%) of the principal thereof. Said bonds shall be executed in the name of and on behalf of the district and signed by the chairman of the board with the seal of the district affixed thereto and attested by the secretary of the board. Said bonds shall be in such denominations as the board shall determine and the bonds and coupons thereto attached shall be payable to bearer. Interest coupons shall bear the original or facsimile signature of the chairman of the board.

SECTION 7. That Chapter 49, Title 67, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 67-4922A, Idaho Code, and to read as follows:

67-4922A. LEASING OF LAND AND IMPROVEMENTS. Provided no provision of the foregoing section or any other section of chapter 49, title 67, Idaho Code, shall be construed to prevent the board from entering into a lease for improvements
and for real estate for any period in their discretion, not to exceed thirty (30) years, and the board may contract for the leasing of improvements to be constructed upon premises owned by the district or otherwise, and the contract may also provide that at the expiration of the term of the lease, upon full performance of such lease by the district, the improvements and/or real estate, or so much thereof as is leased, may become the property of the district.

SECTION 8. That Section 67-4925, Idaho Code, be, and the same is hereby amended to read as follows:

67-4925. EFFECT OF ELECTION -- SUBSEQUENT ELECTIONS. In the event that it shall appear from said returns that two-thirds-(2/3) the necessary percentage (as now specified by the constitution of the state of Idaho or as the same may hereafter be amended) of said qualified electors who are taxpayers of the district who shall have voted on any proposition submitted hereunder at such election voted in favor of such proposition, the district shall thereupon be authorized to incur such indebtedness or obligations, enter into such contract, or issue and sell such bonds of the district, as the case may be, all for the purpose or purposes and object or objects provided for in the proposition submitted hereunder and in the resolution therefor, and in the amount so provided and at a rate of interest not exceeding the rate of interest recited in such resolution. Submission of the proposition of incurring such obligation or bonded or other indebtedness at such an election shall not prevent or prohibit submission of the same or other propositions at subsequent election or elections called for such purpose.

SECTION 9. Nothing contained herein shall invalidate or affect districts heretofore created by authority of chapter 49, title 67, Idaho Code, but any such existing district may by resolution of its board of directors change its existing name to a name authorized by this act, a copy of which resolution shall be filed with the clerk of the district court which approved the organization of such district.

AN ACT
RELATING TO THE AUDITORIUM DISTRICT LAW; AMENDING CHAPTER 49, TITLE 67, BY THE ADDITION OF A NEW SECTION 67-4917A, IDAHO CODE, TO DECLARE THE LEGISLATIVE PURPOSE FOR AUTHORIZATION FOR AUDITORIUM DISTRICTS TO LEVY AND COLLECT A HOTEL/MOTEL ROOM SALES TAX; AMENDING CHAPTER 49, TITLE 67, BY THE ADDITION OF A NEW SECTION 67-4917B, IDAHO CODE, TO AUTHORIZE AUDITORIUM DISTRICTS IN ADDITION TO THE COLLECTION OF AD VALOREM TAXES TO PROVIDE REVENUE FOR SUCH DISTRICTS BY THE LEVY OF A SALES TAX NOT EXCEEDING FIVE PER CENT ON RECEIPTS OF HOTELS AND MOTELS FROM FURNISHING ROOMS; AMENDING CHAPTER 49, TITLE 67, BY THE ADDITION OF A NEW SECTION 67-4917C, IDAHO CODE, PROVIDING FOR THE METHOD AND MANNER OF THE COLLECTION, ADMINISTRATION AND DISTRIBUTION OF SUCH TAX BY THE STATE TAX COMMISSION.

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

SECTION 1. That Chapter 49, Title 67, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 67-4917A, Idaho Code, and to read as follows:

67-4917A. PURPOSES. The purposes of this act are to provide authority to auditorium or community center districts organized under chapter 49, title 67, Idaho Code, to levy and collect a "hotel/motel room sales tax" on the receipts derived by hotels and motels within the district from the furnishing of hotel and motel rooms, except no tax shall be imposed where residence therein is maintained continuously under the terms of a lease or similar agreement for a period in excess of seven (7) days; and to provide for the levy of such sales tax in addition to the levy by a district of ad valorem taxes; and to provide for the collection, administration and remittance of said taxes by the state tax commission on behalf of an auditorium or community center district.

SECTION 2. That Chapter 49, Title 67, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 67-4917B, Idaho Code, and to read as follows:
67-4917B. HOTEL/MOTEL ROOM SALES TAX. In addition to the ad valorem taxes and other means of providing revenue for such districts as provided by chapter 49, title 67, Idaho Code, the board shall have power and authority to levy a sales tax of not to exceed five per cent (5%) of the receipts derived by hotels and motels within the district from the furnishing of hotel and motel rooms, except no tax shall be imposed where residence therein is maintained continuously under the terms of a lease or similar agreement for a period in excess of seven (7) days. The levy and collection of said sales tax shall not be subject to the limitations or other provisions of sections 67-4913, 67-4914, 67-4915 and 67-4916, Idaho Code. The revenues received by the district from such sales tax shall be deposited in the depository of the district. Promptly following the adoption by the board of the resolution to levy such tax, the secretary of the board shall certify to the state tax commission that such levy has been adopted and shall state the effective date thereof and shall transmit to the commission a certified copy of such resolution. The effective date of any such levy shall not be earlier than the first day of the month not less than sixty (60) days following certification of such levy to the commission.

SECTION 3. That Chapter 49, Title 67, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 67-4917C, Idaho Code, and to read as follows:

67-4917C. COLLECTION AND ADMINISTRATION OF HOTEL/MOTEL ROOM SALES TAX BY STATE TAX COMMISSION. A sales tax levied by a district pursuant to section 67-4917B, Idaho Code, shall be collected and administered by the state tax commission in like manner, and under the definitions, rules and regulations of said commission for the collection and administration of the state sales tax under chapter 36, title 63, Idaho Code, on receipts from the furnishing of hotel and motel rooms. Monthly, following receipt by the state tax commission of revenues from such district hotel/motel room sales tax, the state tax commission shall remit the same to the auditorium district levying such tax, less a deduction for the commission's direct actual cost for the collection and administration thereof, or such fee as may be agreed upon between the commission and the board of such district, which deduction shall not exceed one per cent (1%) of the amount of the tax revenues collected for such monthly period. A district which levies such tax shall have the right to review and audit the records of collection thereof maintained by the commission and the returns of hotel and motel owners and operators; and such district shall have authority to enforce the collection of such tax.

AN ACT
RELATING TO THE LEGISLATIVE ACCOUNT; AMENDING SECTION 67-451, IDAHO CODE, TO PROVIDE FOR INTERAGENCY BILLING CREDIT AUTHORITY IN 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 ACCOUNT CREATED -- DUTIES OF AUDITOR -- DISBURSEMENTS FROM ACCOUNT -- REPORT OF DISBURSEMENTS. (1) There is hereby created in the state operating fund in the state treasury the legislative account. The legislative account shall consist of such moneys as are placed into it by other appropriations, by receipts paid into the legislative 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 account, and the state auditor is authorized and directed to make such transfers in the amounts shown on each of the following dates in each year:

- March 1 $500,000
- June 1 $200,000
- September 1 $200,000
- December 1 $500,000

(3) During each fiscal year, the sum of fifty thousand dollars ($50,000) of interagency billing credits may be accumulated in the legislative account. At the end of each fiscal year, any unexpended and unencumbered balance in this interagency billing credit subaccount shall be transferred to and become a part of the legislative account.

(4) The presiding officers of each house of the legislature are hereby authorized to make expenditures out of the legislative account for any necessary expenses of the legislature and the legislative 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 personnel, 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.

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 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 account, the unexpended balance in the 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.

AN ACT

RELATING TO THE LAVA HOT SPRINGS FOUNDATION; AMENDING SECTION 67-4401, IDAHO CODE, TO INCREASE THE PER DIEM OF FOUNDATION MEMBERS TO THIRTY-FIVE DOLLARS; AND AMENDING SECTION 67-4402, IDAHO CODE, TO PROVIDE FOR AN ANNUAL MEETING OF THE FOUNDATION ANY TIME DURING THE MONTH OF JANUARY.

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

SECTION 1. That Section 67-4401, Idaho Code, be, and the same is hereby amended to read as follows:

67-4401. MANAGEMENT AND CONTROL. All right to the operation, management and control, and to the maintenance and improvement of the lands and property belonging to the state of Idaho situated within and near the city of Lava Hot Springs, in Bannock County, state of Idaho, hereinafter more particularly described is hereby vested in the Lava Hot Springs Foundation which shall be an agency within the department of parks and recreation. Said foundation shall consist of three (3) members who shall be appointed by the governor and who shall hold office for a term of six (6) years, save and except the first members who shall be appointed by the governor as follows: one (1) to be appointed for a term of six (6) years, one (1) to be appointed for a term of four (4) years and one (1) to be appointed for a term of two (2) years, and thereafter as their terms expire the governor to appoint their successors for terms of six (6) years. The said members to receive their actual expenses while traveling to or meeting for the purposes of the foundation and a per diem of ten--dollars ($10.00) thirty-five dollars ($35.00) while actually engaged in the business of the foundation. The said foundation shall not receive any property from, nor operate any school, college or institution of learning.

SECTION 2. That Section 67-4402, Idaho Code, be, and the same is hereby amended to read as follows:

67-4402. POWERS AND DUTIES OF FOUNDATION -- ANNUAL MEETING. The said foundation is hereby authorized and it is made its duty to take charge of all personal property and
the lands and property of the state of Idaho situated within and near the village of Lava Hot Springs and hereinafter more fully described, to have a general supervision and control of all buildings, improvements, and property appertaining thereto. Said foundation shall have the authority to lease any real or personal property not used or needed by the foundation, to an individual or company, subject to approval by the board of examiners of the state of Idaho, for a period not exceeding ninety-nine (99) years, as the purposes of the corporation or individual may require, subject to such limitations as may be prescribed by law; to enter into contracts with federal, state, and local governmental agencies for flood control projects and measures, for multiple use water resource development, and for any other project or measure incidental or conducive to the attainment of the purposes of the foundation; and, in general, to exercise such powers as are incidental or conducive to the attainment of the purposes of the foundation. The said members of the said foundation shall meet annually during the month of January in each year and, in addition thereto, at such other times as the said members may prescribe. Any lease or leases made pursuant to the provisions of this section shall be exempt from the limitations as to term of lease set forth in section 58-307, Idaho Code.

THE LEGISLATURE OF THE STATE OF IDAHO

AN ACT

RELATING TO COMPENSATION OF SUPERVISORS OF SOIL CONSERVATION DISTRICTS; AMENDING SECTION 22-2721, IDAHO CODE, TO PROVIDE THAT SUPERVISORS OF SOIL CONSERVATION DISTRICTS SHALL BE ENTITLED TO EXPENSES INCURRED IN THE NECESSARY DISCHARGE OF THEIR DUTY BUT THAT NO SUPERVISOR SHALL RECEIVE COMPENSATION FOR SERVICES UNLESS THE DISTRICT HAS A SPECIAL PROJECT IN WHICH AVAILABLE FUNDS MAY BE USED TO COMPENSATE THE SUPERVISOR; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 22-2721, Idaho Code, be, and the same is hereby amended to read as follows:

22-2721. ELECTION, APPOINTMENT, QUALIFICATIONS AND TENURE OF SUPERVISORS. The governing body of the district shall consist of five (5) supervisors, elected or appointed as provided in this act. If at any time the supervisors of a district deem it necessary, they may request permission from the state soil conservation commission to increase the number of supervisors to seven (7). Upon receipt of such a request in writing, signed by all five (5) supervisors, stating a valid reason for such need, the commission shall grant permission. The additional supervisors shall then be appointed as outlined in subparagraph C of this section until such time as regular district elections for two (2) supervisors in each district. At that time those districts having seven (7) supervisors shall then elect four (4) supervisors for four (4) year terms. The two (2) supervisors appointed by the commission shall be persons who are by training and experience qualified to perform the specialized services which will be required of them in the performance of their duties. All supervisors shall be landowners or farmers of the district where they are elected or appointed.

A. Within thirty (30) days after the date of issuance by the secretary of state of a certificate of organization of a soil conservation district, nominating petitions may be filed with the state soil conservation commission to nominate candidates for supervisors of each district. The commission shall have authority to extend the time within which nominating petitions may be filed. No such nominating peti-
tion shall be accepted by the commission unless it shall be subscribed by ten (10) or more persons who are qualified electors owning land or residing within the boundaries of the district. The commission shall give due notice of an election to be held for the election of three (3) supervisors for the district. The names of all nominees on behalf of whom such nominating petitions have been filed within the time herein designated, shall appear arranged in the alphabetical order of the surnames, upon ballots, with a square before each name and directions to insert an mark in the square before any three (3) names to indicate the voter's preference. The three (3) candidates who shall receive the largest number, respectively, of the votes cast in such election shall be the elected supervisors for such district. The commission shall pay all the expenses of such election, shall supervise the conduct thereof, shall prescribe regulations governing the conduct of such election and the determination of the eligibility of voters therein, and shall publish the results thereof.

B. All elections in districts, excluding the first election as provided in subparagraph A hereof, shall be conducted by the district supervisors of the districts involved. Such election shall be held during a period prescribed or approved by the state soil conservation commission. Such elections shall be held after due notice has been given by the district supervisors and the elections shall be conducted under such rules and regulations as may be prescribed by the state soil conservation commission. The cost of conducting such elections shall be borne by the district involved. The board of supervisors shall certify to the state soil conservation commission the names of the elected supervisors. The state soil conservation commission shall issue certificates of election to each elected supervisor so certified.

C. The supervisors shall designate a chairman and may, from time to time, change such designation. The term of office of each supervisor shall be four (4) years except that the two (2) supervisors who are first appointed shall be designated to serve for terms of two (2) years. A supervisor shall hold office until his successor has been elected or appointed and has qualified except as otherwise provided in subparagraph D hereof. Vacancies shall be filled for the unexpired term. The selection of successors to fill an unexpired term, or for a full term shall be made by a vote of the majority of the supervisors duly qualified and acting at the time the vacancy shall arise and the supervisors shall certify the name of the appointed supervisor to the state soil conservation commission who shall issue a certificate of such appointment.
D. The term and tenure of office of all supervisors of presently existing soil conservation districts shall terminate at 12 o'clock noon on the fifteenth (15th) day of December, 1957. All presently existing soil conservation districts shall, between November 15, 1957, and December 15, 1957, hold an election for the election of a board of supervisors of such soil conservation district. Such election shall be conducted by the then qualified and acting board of supervisors pursuant to regulations and rules as may be prescribed by the state soil conservation commission. Three (3) of said supervisors to be elected shall be designated as being elected for a term of four (4) years. Two (2) of said supervisors to be elected shall be designated as being elected for a term of two (2) years. The names of the candidates receiving the largest number of votes for the respective offices shall be the board of supervisors of such district and their names, together with the term of office for which they were elected, shall be certified to the state soil conservation commission which shall issue certificates of election to each elected supervisor.

A majority of the supervisors shall constitute a quorum and the concurrence of a majority in any matter within their duties shall be required for its determination. A supervisor shall receive no compensation for services, but he shall be entitled to expenses, including traveling expenses, necessarily incurred in the discharge of his duties be entitled to expenses, including travel expense, necessarily incurred in the discharge of duties. A supervisor shall receive no compensation for services from regular district funds, county funds authorized in section 22-2726, Idaho Code, or state funds authorized in section 22-2727, Idaho Code.

In the event the district has a special project, approved by the state soil conservation commission, making project funds available from federal or other sources, a supervisor may receive compensation not to exceed thirty-five dollars ($35.00) per day plus actual and necessary expenses from project funds for services directly related to the project.

The supervisors may employ a secretary, technical experts, and such other officers, agents, and employees, permanent and temporary as they may require, and shall determine their qualifications, duties and compensation. The supervisors may call upon the attorney general of the state for such legal services as they may require, or may employ their own counsel and legal staff. The supervisors may delegate to their chairman, to one or more supervisors, or to one or more agents, or employees, such powers and duties as they may deem proper. The supervisors shall furnish to the state soil conservation commission, upon request, copies of
such ordinances, rules, regulations, orders, contracts, forms and other documents as they shall adopt or employ, and such other information concerning their activities as it may require in the performance of its duties under this act.

The supervisors shall provide for the execution of surety bonds for all employees and officers who shall be entrusted with funds or property; they shall provide for the keeping of a full and accurate record of all proceedings and of all resolutions, regulations, and orders issued or adopted; and shall provide for an annual audit of the accounts of receipts and disbursements. Any supervisor may be removed by the state soil conservation commission upon notice and hearing, for neglect of duty or malfeasance in office, but for no other reason.

The supervisors may invite the legislative body of a municipality or county located near the territory comprised within the district to designate a representative to advise and consult with the supervisors of the district on all questions of program and policy which may affect the property, water supply, or other interests of such municipality or county.

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

CHAPTER 281
(H.B. No. 511)

AN ACT
RELATING TO HIGHWAY DISTRICT ANNEXATIONS; AMENDING SECTION 40-2121, IDAHO CODE, TO STRIKE THE REQUIREMENT AS TO PERCENTAGE OF UNITED STATES GOVERNMENT HOMESTEAD LANDS; AND AMENDING SECTION 40-2122, IDAHO CODE, TO PROVIDE FOR INITIATION OF ANNEXATION BY HIGHWAY COMMISSIONERS UNDER CERTAIN CIRCUMSTANCES.

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

SECTION 1. That Section 40-2121, Idaho Code, be, and the same is hereby amended to read as follows:

40-2121. TERRITORY DISANNEXED FROM ANOTHER COUNTY OR ADJACENT TO AN EXISTING HIGHWAY DISTRICT AND WITHIN THE COUNTY. Any area not within a highway district, but within a territory heretofore detached from a county and annexed to another county, and adjacent to a highway district organized before such annexation and situate wholly within the county to which such territory has been annexed, and any area not within a highway district, which is adjacent to an existing highway district and situate wholly within the county within which such highway is located, and which area is not less than 60% United States government homestead land, may be added to, and included in, such highway district upon the approval of its board of highway commissioners and the order of the board of county commissioners of the county in which such highway district is situated.

SECTION 2. That Section 40-2122, Idaho Code, be, and the same is hereby amended to read as follows:

40-2122. PETITION FOR ANNEXATION. The proceedings for such inclusion shall be initiated by petition of a majority in number of the qualified electors who are holders of title or evidence of title to lands in the area proposed to be annexed to and included within the highway district. Such petition shall accurately describe the boundaries of the area to be annexed, and shall state the name and identify the highway district to which the annexation is sought, and shall be accompanied by a map showing and distinguishing the boundaries of the highway district and the boundaries of the area proposed to be annexed to the highway district. Proposals, however, for the annexation of territory consisting entirely of public lands, or of a combination of public lands and privately held lands but which have no qualified electors to initiate a petition, may be initiated by petition of the board of highway commissioners of the district to which the proposed annexation is to be made.

CHAPTER 282
(H.B. No. 574)

AN ACT
RELATING TO THE POWERS AND DUTIES OF THE IDAHO TRANSPORTATION BOARD; AMENDING SECTION 40-120, IDAHO CODE, TO EXTEND THE POWERS OF THE TRANSPORTATION BOARD TO THE PLANNING, DEVELOPMENT AND DESIGNING OF OTHER TRANSPORTATION SYSTEMS IN ADDITION TO STATE HIGHWAYS, AND TO CO-OPERATE WITH AND TO RECEIVE AND EXPEND AID FROM THE FEDERAL GOVERNMENT.

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

SECTION 1. That Section 40-120, Idaho Code, be, and the same is hereby amended to read as follows:

40-120. DUTIES AND POWERS OF THE BOARD. The Idaho transportation board, subject to the right of protest hereinafter provided for, shall be vested with the functions, powers and duties relating to the administration of this act and shall have power to:

(1) Contract fully, in the name of the state of Idaho, with respect to the rights, powers and duties vested in the board by this act.

(2) Determine which highways in the state, or sections thereof, the public interest requires shall be designated and accepted for the purpose of this act as a part of the state highway system.

(3) Abandon the maintenance of any highway and remove it from the state highway system, when such action is determined by the unanimous consent of the board, to be in the public interest.

(4) Locate, design, construct, reconstruct, alter, extend, repair and maintain state highways, and plan, design and develop statewide transportation systems when determined by the board to be in the public interest.

(5) Establish standards for the location, design, construction, reconstruction, alteration, extension, repair and maintenance of state highways, provided that standards of state highways through cities shall be coordinated with the standards in use for the street systems of the respective cities.

(6) Cause to be made and kept, surveys, studies, maps, plans, specifications and estimates for the alteration, extension, repair and maintenance of state highways, and so
far as practicable, of all highways in the state, and for that purpose to demand and to receive reports and copies of records from the commissioners of highway districts, county commissioners, county surveyors and road overseers, super­visors, superintendents and all other highway officials within the state.

(7) Approve and determine the final plans, specifica­tions and estimates for state highways and cause contracts for state highway work to be let by contract in the manner provided by law.

(8) Make annually on or before the first day of Decem­ber of each year, and such other times as the governor may require, reports in writing to the governor concerning the condition, management and financial transactions of the department.

(9) Purchase, condemn or otherwise acquire (including exchange), any real property, either in fee or in any lesser estate or interest, rights of way, easements and other rights and rights of direct access from the property abut­ting highways with controlled access, deemed necessary by the board for present or future state highway purposes. The order of the board that the land sought is necessary for such use shall be prima facie evidence of such fact.

(10) Cooperate with, and receive and expend aid and donations from the federal government for transportation purposes, and to receive and expend donations from other sources for the construction and improvement of any state highway or transportation project or any project on the federal-aid primary or secondary systems or on the inter­state system, including extensions thereof within urban areas; and, when authorized or directed by any act of con­gress or any rule or regulation of any agency of the federal government, to expend funds donated or granted to the state of Idaho by the federal government for such purpose, upon roads and/or bridges not upon the state highway system.

(11) Contract jointly with counties, municipalities and highway and good roads districts for the improvement and construction of state highways.

(12) Expend funds appropriated for the construction, maintenance and improvement of the state highways.

(13) Prescribe rules and regulations affecting state highways, and to enforce compliance with such rules and regulations.

(14) Cooperate with the federal government, counties, highway districts, good road districts, and municipalities for the construction, improvement, and maintenance of secondary or feeder roads not upon the state highway system.

(15) Cooperate financially or otherwise with any other state or any county, city or town of any other state, or
with any foreign country or any province or district of any foreign country, or with the government of the United States, or any agency thereof, or private agencies or persons, or with any or all thereof for the erecting, constructing, reconstructing, and maintaining of any bridge, trestle, or other structure for the continuation or connection of any state highway across any stream, body of water, gulch, navigable water, swamp or other topographical formation requiring any such structure and forming a boundary between the state of Idaho and any other state or foreign country, and for the purchase or condemnation or other acquisition of right of way therefor.

(16) Designate state highways, or parts thereof, as controlled-access facilities and regulate, restrict or prohibit access to such highways so as best to serve the traffic for which such facility is intended.

(17) Furnish, erect and maintain, whenever necessary for public safety and convenience, suitable signs, markers, signals and other devices to control, guide and warn pedestrians and vehicular traffic entering or traveling upon the state highway system.

(18) Forbid, restrict or limit the erection of unauthorized signs, billboards or structures on the right of way of any state highway, and remove therefrom and destroy any unauthorized signs now or hereafter existing thereon.

(19) Close or restrict the use of any state highway whenever such closing or restricting of use is deemed by the board to be necessary for the protection of the public or for the protection of the highway or any section thereof from damage.

(20) Serve as the state's representative in the designation of forest highways within the state.

(21) Establish such departmental internal structures as are deemed necessary for the full and efficient administration of this act.

(22) Exercise exclusive control over the employment, promotion, reduction or dismissal of all employees of the department, and fixing their compensation.

(23) Purchase, lease or otherwise acquire and to develop lands for the purpose of securing therefrom road making materials. Purchase, lease or otherwise acquire mill and factory sites and to construct, equip and operate thereon mills and factories for the reduction and manufacture of road making materials.

(24) Sell, exchange, or otherwise dispose of and convey, in accordance with law, any real property, other than public lands which by the constitution and laws of the state of Idaho are placed under the jurisdiction of the state land board, or parts thereof, together with appurte-
nances, when in the opinion of the board, said real property and/or appurtenances are no longer needed for state highway purposes, and also dispose of any surplus materials and by-products from such real property and appurtenances.

(25) Establish rules and regulations, consistent with the laws of Idaho, for the expenditure of all moneys appropriated and/or allotted by law to the Idaho transportation department or the Idaho transportation board.

(26) Exercise such other powers and duties, including the adoption of by-laws, rules and regulations, deemed necessary to fully implement and carry out the provisions of this act and the control of the financial affairs of the board and the Idaho transportation department.

(27) Make reasonable regulations for the installation, construction, maintenance, repair, renewal and relocation of tracks, pipes, mains, conduits, cables, wires, towers, poles and other equipment and appliances (herein called "facilities") of any utility, in, on, along, over, across, through or under any project on the federal-aid primary or secondary systems or on the interstate system, including extensions thereof within urban areas. Whenever the board shall determine, after notice and opportunity for hearing, that it is necessary that any such facilities which now are, or hereafter may be, located in, on, along, over, across, through or under any such federal-aid primary or secondary system or on the interstate system, including extensions thereof within urban areas, should be relocated, the utility owning or operating such facilities shall relocate the same in accordance with the order of the board. In case of any such relocation of facilities, as aforesaid, the utility owning or operating the same, its successors or assigns, may thereafter maintain and operate such facilities, with the necessary appurtenances, in the new location or new locations. For the purposes of this subsection the following definitions shall be applied:

(a) Utility defined. -- The term "utility" shall include publicly, privately and cooperatively owned utilities.
(b) Interstate system defined. -- The term "interstate system" shall include any highway which now is or shall hereafter be a part of the national system of interstate and defense highways, as provided in the Federal-Aid Highway Act of 1956 and any acts supplemental thereto or amendatory thereof.

(28) When irrigable lands, served or to be served by the irrigation works and system of an organization, whether incorporated or unincorporated, existing for the purpose of furnishing water for irrigation to its members, landowners, water users, or shareholders, are acquired by the board,
including all such lands acquired by the board after January 1, 1958, the board, as part of the cost and expense of the acquisition of such lands for highway purposes and with funds available for such acquisition, shall make a lump sum payment to such organization in an amount sufficient to pay the pro rata share of the organization's indebtedness, if any, including but not limited to the organization's indebtedness to the United States or any public or private lending agency, allocable to such lands acquired by the board, together with interest on such pro rata share of such indebtedness in the event such indebtedness shall not be callable in advance of maturity, and if the lands acquired by the board and the construction of a highway thereon shall intersect the irrigation works and system of such organization, then a further sum sufficient to pay and reimburse such organization, the value of the property of such organization acquired by the board, and the severance damage to the irrigation works and system, including the damage resulting from the interference and impairment of the operation of such works and system.

CHAPTER 283
(H.B. No. 585)

AN ACT
RELATING TO THE LEASE OF STATE LANDS; AMENDING SECTION 58-305, IDAHO CODE, BY PROVIDING A PROCEDURE FOR THE ADJUSTMENT OF CONFLICT BID RENTAL RATES; AMENDING SECTION 58-310, IDAHO CODE, BY PROVIDING FOR A PREMIUM BID AND THE ESTABLISHMENT OF THE ANNUAL RENTAL BY THE BOARD OF LAND COMMISSIONERS; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 58-305, Idaho Code, be, and the same is hereby amended to read as follows:

58-305. PAYMENT OF RENTAL IN ADVANCE -- EXTENSION OF TIME -- ADJUSTMENT OF CONFLICT BID RENTAL RATES. All leases of state land, except mineral leases, shall be conditional upon the payment of rental annually, in advance, and a violation of this condition shall work a forfeiture of the lease, at the option of the state board of land commissioners, after thirty (30) days' notice to the lessee, such notice being sent to the post-office of the lessee, as given by himself to the director of the department of lands when the lease is issued: provided, however, that upon the application of any person, firm, corporation or association from whom such rent is or will be owing, the state board of land commissioners is hereby given authority and power to, in its discretion, extend the time of payment of such moneys for said leases for not to exceed two (2) successive years: provided, that the applicant enters into an agreement with the said state board of land commissioners to pay the interest on said amount of rent money from January first of the year which the same is otherwise due, to the date of payment, at the rate of six per cent (6%) per annum; that this authority shall extend to amounts due on outstanding leases, leases renewed and new applications for leases. Lease rental rates established by competitive bidding may not be adjusted during the term of a lease, except that the state board of land commissioners upon a finding of a material change of circumstances from those existing at the time of auction, may, after a majority vote of those present, reduce the rental to no less than fair market value.

SECTION 2. That Section 58-310, Idaho Code, be, and the
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same is hereby amended to read as follows:

58-310. TWO OR MORE APPLICANTS FOR SAME LAND -- AUCTION OF LEASE. When two (2) or more persons apply to lease the same land, then in such cases, the director of the department of lands, or his agent, shall, at a stated time, at his office in the capitol building, or at such other place as he may designate, auction off and lease said land to the applicant who will pay the highest annual rental premium bid therefore, the annual rental to be established by the state board of land commissioners; provided, that in case such auction is held in any other place than the capitol building, the state board of land commissioners may require the expenses thereof to be paid by the successful bidder; provided further, that the state land commissioners shall give notice by letter, mailed at Boise, at least fourteen (14) days prior to the date of such auction, which notice shall be sent in the course of regular mail, to each of the applicants, notifying them of the time and place such auction is to be held; and the notice shall be sent to the name and address exactly as it is given in the application. If any applicants fail to appear in person or by proxy at the time and place so designated in said notice, the director may proceed to auction and lease any part or all of the lands applied for; provided that said state board of land commissioners shall have power to reject any and all bids made at such auction sales, when in their judgment there has been fraud or collusion, or for any other reason, which in the judgment of said state board of land commissioners justified the rejection of said bids. If the amount of the annual rental bid be not paid forthwith by the highest bidder, together with the expenses of such sale, if the state board of land commissioners shall require the same to be paid as hereinbefore provided, or if for any reason the successful bidder does not accept the lease on the terms offered, the said lease may be immediately reoffered in the same manner at public auction, without further notice: provided further, that only those persons who have filed applications in the manner and at the time provided for by statute shall be permitted to bid at any such auction for the lease of state lands.

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.

AN ACT
RELATING TO RECEIVING STOLEN PROPERTY; REPEALING SECTION 18-4612, IDAHO CODE; ADDING A NEW SECTION 18-4612, IDAHO CODE, TO PROHIBIT RECEIVING AND KNOWING POSSESSION OF STOLEN OR EMBEZZLED PROPERTY, AND TO PRESCRIBE THE PENALTIES FOR VIOLATION.

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

SECTION 1. That Section 18-4612, Idaho Code, be, and the same is hereby repealed.

SECTION 2. That Chapter 46, Title 18, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 18-4612, Idaho Code, and to read as follows:

18-4612. RECEIVING STOLEN PROPERTY. Any person who receives, retains, conceals, possesses or disposes of personal property of another and knowing or having reason to believe the property has been stolen or embezzled, shall be deemed guilty of a crime and upon conviction shall be punished as follows: by imprisonment in the state prison for not more than fourteen (14) years where the value or description of the personal property is the same as that for grand larceny; all other cases shall be punishable as a misdemeanor.

AN ACT

RELATING TO MONEYS AVAILABLE FOR SEARCH AND RESCUE OPERATIONS; AMENDING SECTION 19-4705, IDAHO CODE, TO REDUCE THE PERCENTAGE OF FINES FROM FISH AND GAME LAW VIOLATIONS THAT IS APPORTIONED TO THE STATE GENERAL ACCOUNT, TO PROVIDE THAT FIVE PER CENT OF FINES IMPOSED FOR VIOLATION OF FISH AND GAME LAWS SHALL BE APPORTIONED TO THE SEARCH AND RESCUE ACCOUNT, AND TO PROVIDE NAME CHANGES; AMENDING SECTION 49-221, IDAHO CODE, TO PROVIDE THAT THE BOARD OF COUNTY COMMISSIONERS MAY SET ASIDE A LIMITED AMOUNT OF FEES COLLECTED FROM THE LICENSING OF PLEASURE BOATS FOR SEARCH AND RESCUE OPERATIONS, AND PROVIDING NAME CHANGES; AND AMENDING SECTION 49-2608, IDAHO CODE, TO PROVIDE NAME CHANGES.

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

SECTION 1. That Section 19-4705, Idaho Code, be, and the same is hereby amended to read as follows:

19-4705. PAYMENT OF FINES AND FORFEITURES -- SATISFACTION OF JUDGMENT -- DISPOSITION -- APPORTIONMENT. (a) All fines and forfeitures collected pursuant to the judgment of any court of the state shall be remitted to the court in which such judgment was rendered. Such judgment shall then be satisfied by entry in the docket of the court. The clerk of the court shall daily remit all fines and forfeitures to the county auditor who shall at the end of each month apportion the proceeds according to the provisions of this act. Every other existing law regarding the disposition of fines and forfeitures is hereby repealed to the extent such law is inconsistent with the provisions of this act.

(b) (1) Fines and forfeitures remitted for violations of fish and game laws shall be apportioned ten five per cent (10%) (5%) to the state treasurer for deposit in the state general fund account, five per cent (5%) to the search and rescue account, twenty-two and one-half per cent (22 1/2%) to the district court fund and twenty-two and one-half per cent (22 1/2%) to the general school fund of the county in which the violation occurred.

(2) The remaining forty-five per cent (45%) of said fish and game fines and forfeitures shall be remitted to the state treasurer for distribution annually to the general
school fund of those counties of the state wherein there are fish and game department lands, with each of said counties to receive a share proportional to the portion of the statewide total acreage of fish and game department owned lands situated therein. Such annual distribution shall be made by the state treasurer beginning March 15, 1973, for the preceding calendar year. The director of the fish and game department shall provide the state treasurer with county by county listings of all lands owned by said department within each county of the state. Said ownership list for the previous calendar year shall be provided by the director commencing January 20, 1973, and annually thereafter.

The allocation of a percentage of fines and forfeitures remitted for violations of fish and game laws to the various counties is not in lieu of taxes but rather is to provide revenues for the schools.

(c) Fines and forfeitures remitted for violation of state motor vehicle laws shall be apportioned ten per cent (10%) to the state treasurer for deposit in the state general fund account, forty-five per cent (45%) to the state treasurer for deposit in the state highway fund account, twenty-two and one-half per cent (22 1/2%) to the district court fund and twenty-two and one-half per cent (22 1/2%) to the general school fund of the county in which the violation occurred; provided, however, that fines and forfeitures remitted for violation of state motor vehicle laws, where an arrest is made or a citation is issued by a city law enforcement official, shall be apportioned ten per cent (10%) to the state treasurer for deposit in the state general fund account and ninety per cent (90%) to the city whose officer made the arrest or issued the citation.

(d) Fines and forfeitures remitted for violation of any state law not involving fish and game or motor vehicles laws shall be apportioned ten per cent (10%) to the state treasurer for deposit in the state general fund account and ninety per cent (90%) to the district court fund of the county in which the violation occurred.

(e) Fines and forfeitures remitted for violation of county ordinances shall be apportioned ten per cent (10%) to the state treasurer for deposit in the state general fund account and ninety per cent (90%) to the district court fund of the county whose ordinance was violated.

(f) Fines and forfeitures remitted for violation of city ordinances shall be apportioned ten per cent (10%) to the state treasurer for deposit in the state general fund account and ninety per cent (90%) to the city whose ordinance was violated.

(g) Fines and forfeitures remitted for violations not specified in this act shall be apportioned ten per cent
(10%) to the state treasurer for deposit in the state general fund account and ninety per cent (90%) to the district court fund of the county in which the violation occurred except in cases where a duly designated officer of any city police department shall have made the arrest for any such violation, in which case ninety per cent (90%) shall be apportioned to the city whose officer made the arrest.

SECTION 2. That 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 percent (25%) of which said funds shall be placed in and be credited to the general fund of the county and the remaining seventy-five, to be distributed as follows: (1) seventy-five percent (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 current expense fund of such county; and (2) twenty-five percent (25%) of said fees shall, at the sole discretion of the board of county commissioners, be set aside for search and rescue purposes under the direction of the sheriff, or be placed in the current expense fund of the county. Moneys set aside for search and rescue purposes may be expended to acquire and maintain special equipment needed for such purposes, or may be used to train personnel for search and rescue operations.
SECTION 3. That Section 49-2608, Idaho Code, be, and the same is hereby amended to read as follows:

49-2608. DISTRIBUTION OF MONEYS COLLECTED -- COUNTY SNOWMOBILE FUND -- SEARCH AND RESCUE FUND -- MOTOR VEHICLE FUND. The county treasurer shall, not later than the fifteenth day of each month, distribute all moneys collected under this act as follows:

(1) Eighty per cent (80%) shall be retained by the county for credit to the "county snowmobile fund" which is hereby established in each county treasury. Moneys in such fund shall be used by the board of county commissioners of such county only for the development of snowmobile activities benefiting all snowmobilers, including the establishment and maintenance of parking and unloading areas on public and private property. Such funds shall not be expended for uses not directly beneficial to or related to actual snowmobile facilities for all snowmobilers.

(2) Five per cent (5%) shall be remitted to the state treasurer for credit to the "search and rescue fund" which is hereby established as a continuing fund in the state treasury. Moneys in the search and rescue fund are hereby appropriated to and shall be used by the department for the purpose of defraying costs of search and rescue missions conducted by state and/or local authorities; provided that in no event shall more than one thousand dollars ($1,000) be expended from such fund for any single search and rescue mission.

(3) Fifteen per cent (15%) shall be remitted to the state treasurer for credit to the motor vehicle fund.

CHAPTER 286
(H.B. No. 527)

AN ACT
RELATING TO RESTRICTIONS ON CHARITABLE DEVISES; AMENDING SECTION 15-2-615, IDAHO CODE, TO PROVIDE THAT NO BEQUESTS OR DEVISES TO CHARITABLE OR BENEVOLENT CORPORATIONS OR SOCIETIES OR IN TRUST FOR CHARITABLE USES SHALL BE VALID UNLESS THE WILL CONTAINING SUCH BEQUEST OR DEVISE SHALL BE EXECUTED AT LEAST ONE HUNDRED TWENTY DAYS PRIOR TO THE DEATH OF THE TESTATOR, PROVIDING AN EXCEPTION WHERE THE TESTATOR MEETS DEATH BY ACCIDENTAL MEANS; AND STRIKING CERTAIN PROVISIONS LIMITING CHARITABLE DEVISES.

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

SECTION 1. That Section 15-2-615, Idaho Code, be, and the same is hereby amended to read as follows:

15-2-615. RESTRICTION ON CHARITABLE DEVISES. (a) No estate, real or personal, shall be bequeathed or devised to any charitable or benevolent society or corporation, or to any person or persons in trust for charitable uses, except the same be done by will duly executed at least thirty-(30) one hundred twenty (120) days before the decease death of the testator; and if so made at least thirty-(30) one hundred twenty (120) days prior to such death, such devise or legacy, and each of them, shall be valid; provided, however, that the foregoing limitation shall not apply to wills of persons whose death is caused by accidental means and whose wills are executed prior to the accident which results in death. That--except-as--hereinafter-provided-for,-no-such--devises-or-bequests--shall--collectively--exceed--one-third-
{1/3}--of-the-estate-of-the-testator-leaving-lineal-descend-
ants--and-in-such-case--subject-to--the--limitation--herein-
after--provided--for,--a-pro-rata-deduction-from-such-devises-
or-bequests-shall-be-made-so--as--to-reduce--the--aggregate-
thereof--to--one-third-(1/3)--of-such-estate--and--all-disposi-
tions-of-property-made-contrary-hereto-shall-be-void--except-
as--hereinafter-otherwise-provided,-and-go-to--the--residuary-
legatee-or-devisee,-next-of-kin,-or-heirs,-according-to-law.

(b) In any case where property, wherever situated, having an aggregate appraised value of one hundred thousand dollars ($100,000), or more, shall be distributable to any lineal descendant--or-descendants--of-a-testator-pursuant-to
any specific or residuary devise or bequest to any such descendant or descendants, then bequests or devises, in any amount, made by such testator to any charitable or beneficent society or corporation, or to any person or persons in trust for charitable uses contained in a will executed at least thirty (30) days before his death shall be valid without regard to the one-third (1/3) limitation herein otherwise imposed.

(c) And in any case where as the result of making any pro rata deduction from such devises or bequests as herein required property, wherever situated, having an aggregate appraised value of one hundred thousand dollars ($100,000) shall thereby become distributable to a residuary legatee or devisee, next of kin, or heirs according to law, no further deduction shall be required and the remainder of such devises or bequests to any charitable or beneficent society or corporation or to any person or persons in trust for charitable uses, in any amount, shall be valid without regard to the one-third (1/3) limitation herein otherwise imposed.

(d)(b) This section shall in no way limit or affect the surviving spouse's election provided by sections 15-2-201 through 15-2-207 of this code.

CHAPTER 287
(H.B. No. 647, As Amended in the Senate)

AN ACT
RELATING TO THE SALARIES OF PROSECUTING ATTORNEYS; AMENDING SECTION 31-3113, IDAHO CODE, TO INCREASE THE SALARIES OF CERTAIN PROSECUTING ATTORNEYS, AND MAKING THE BONNEVILLE PROSECUTING ATTORNEY FULL TIME; DECLARING AN EMERGENCY AND GIVING RETROACTIVE APPLICATION FOR POWER COUNTY, AND PROVIDING EFFECTIVE DATES FOR ALL OTHER COUNTIES.

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 salaries of the prosecuting attorneys in the various counties shall be as set forth as follows:

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<th>January 1, 1977</th>
<th>October 1 to September 30</th>
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</tr>
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</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, Bonneville, 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 therefore, 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, 1978, for Power County only. For Bonneville County only, this act shall be in full force and effect January 1, 1979. For all other counties, this act shall be in full force and effect on and after October 1, 1978.

CHAPTER 288  
(H.B. No. 587)

AN ACT
RELATING TO THE IDAHO HOUSING AGENCY; AMENDING SECTION 67-6210, IDAHO CODE, TO REQUIRE THE AGENCY TO APPLY REVENUES FIRST TO THE PAYMENT OF PRINCIPAL AND INTEREST ON ITS BONDS; AMENDING SECTION 67-6211, IDAHO CODE, TO CLARIFY LIMITATIONS ON THE AGENCY'S FUNDING OF A CAPITAL RESERVE FUND; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 67-6210, Idaho Code, be, and the same is hereby amended to read as follows:

67-6210. POWER TO ISSUE BONDS. The agency shall have power and is hereby authorized to issue, from time to time, its negotiable notes and bonds in conformity with the applicable provisions of the uniform commercial code in such principal amount as the agency shall determine to be necessary for sufficient funds for achieving any of its corporate purposes, including the payment of interest on notes and bonds of the agency, establishment of reserves to secure such notes and bonds, and all other expenditures of the agency incidental and necessary or convenient to carry out its corporate purposes and powers; provided, however, that the agency shall provide in its resolution authorizing such bonds that all revenues received by the agency as a result of the issuance of such bonds shall be pledged first to the payment of principal and interest on such bonds.

(a) The agency shall have the power, from time to time, to issue:
(1) notes to renew notes and
(2) bonds to pay notes, including the interest thereon, and
(3) whenever it deems refunding expedient, to refund any bonds by the issuance of new bonds, whether the bonds to be refunded have or have not matured, and to issue bonds partly to refund bonds then outstanding and partly for any of its corporate purposes.

The refunding bonds may be:
(1) exchanged for the bonds to be refunded or
(2) sold and the proceeds applied to the purchase, redemption or payment of such bonds.
(b) Except as may otherwise be expressly provided by
the agency, every issue of its notes and bonds shall be pay-
able exclusively from the revenues or income of the agency, in-
cluding grants and contributions from the United States of
America, subject only to any agreements with the holders of
particular notes or bonds pledging any particular revenues.

(c) The notes and bonds shall be authorized by resolu-
tion or resolutions of the agency, shall bear such date or
dates and shall mature at such time or times as such resolu-
tion or resolutions may provide. The bonds may be issued as
serial bonds payable in annual installments or as term bonds
or as a combination thereof. The notes and bonds shall bear
interest at such rate or rates, be in such denominations, be
in such form, either coupon or registered, carry such regis-
tration privileges, be executed in such manner, be payable
in such medium of payment, at such place or places, and be
subject to such terms of redemption as such resolution or
resolutions may provide. The notes and bonds of the agency
may be sold by the agency, at public or private sale, at
such price or prices as the agency shall determine.

(d) Any resolution or resolutions authorizing any notes
or bonds or any issue thereof may contain provisions, which
shall be a part of the contract or contracts with the hold-
ers thereof, as to:

(1) pledging all or any part of the revenues to secure
the payment of the notes or bonds or of any issue
thereof, subject to such agreements with noteholders or
bondholders as may then exist;
(2) pledging all or any part of the assets of the
agency including mortgages and obligations securing the
same, to secure the payment of the notes or bonds or of
any issue of notes or bonds, subject to such agreements
with noteholders or bondholders as may then exist;
(3) the use and disposition of the gross income from
mortgages owned by the agency and payment of principal
of mortgages owned by the agency;
(4) the setting aside of reserves or sinking funds and
the regulation and disposition thereof;
(5) limitations on the purpose to which the proceeds of
sale of notes or bonds may be applied and pledging such
proceeds to secure the payment of the notes or bonds or
of any issue thereof;
(6) limitations on the issuance of additional notes or
bonds; the terms upon which additional notes or bonds
may be issued and secured; and the refunding of out-
standing or other notes or bonds;
(7) the procedure, if any, by which the terms of any
contract with noteholders or bondholders may be amended
or abrogated, the amount of notes or bonds the holders
of which must consent thereto; and the manner in which
such consent may be given;
(8) limitations on the amount of moneys to be expended by the agency for operating expenses of the agency;
(9) vesting in a trustee or trustees such property, rights, powers and duties in trust as the agency may determine, which may include any or all of the rights, powers and duties of the trustee appointed by the bondholders pursuant to this act; and limiting or abrogating the right of the bondholders to appoint a trustee under this act, or limiting the rights, powers and duties of such trustee;
(10) defining the acts or omissions to act which shall constitute a default in the obligations and duties of the agency to the holders of the notes or bonds and providing for the rights and remedies of the holders of the notes or bonds in the event of such default, including as a matter of right the appointment of a receiver; provided, however, that such rights and remedies shall not be inconsistent with the general laws of the state and the other provisions of this act;
(11) any other matters, of like or different character, which in any way affect the security or protection of the holders of the notes or bonds.
(e) Any pledge made by the agency shall be valid and binding from the time when the pledge is made; the revenues, moneys or property so pledged and thereafter received by the agency shall immediately be subject to the lien of such pledge without any physical delivery thereof or further act, and the lien of any such pledge shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the agency, irrespective of whether such parties have notice thereof. Neither the resolution nor any other instrument by which a pledge is created need be recorded.
(f) Neither the commissioners of the agency nor any other person executing such notes or bonds shall be subject to any personal liability or accountability by reason of the issuance thereof.
(g) The agency, subject to such agreements with noteholders or bondholders as may then exist, shall have power out of any funds available therefor to purchase notes or bonds of the agency, which shall thereupon be canceled, at a price not exceeding:
(1) if the notes or bonds are then redeemable, the redemption price then applicable plus accrued interest to the next interest payment thereon, or
(2) if the notes or bonds are not then redeemable, the redemption price applicable on the first date after such purchase upon which the notes or bonds become subject to
redemption plus accrued interest to such date.

(h) In the discretion of the agency, the bonds may be secured by a trust indenture by and between the agency and a corporate trustee, which may be any trust company or bank having the power of a trust company in the state. Such trust indenture may contain such provisions for protecting and enforcing the rights and remedies of the bondholders as may be reasonable and proper and not in violation of law, including covenants setting forth the duties of the agency in relation to the exercise of its corporate powers and the custody, safeguarding and application of all moneys. The agency may provide by such trust indenture for the payment of the proceeds of the bonds and the revenues to the trustee under such trust indenture or other depository, and for the method of disbursement thereof, with such safeguards and restrictions as it may determine. All expenses incurred in carrying out such trust indenture may be treated as a part of the operating expenses of the agency. If the bonds shall be secured by a trust indenture, the bondholders shall have no authority to appoint a separate trustee to represent them.

(i) Whether or not the notes and bonds are of such form and character as to be negotiable instruments under the terms of the uniform commercial code, the notes and bonds are hereby made negotiable instruments within the meaning of and for all the purposes of the uniform commercial code, subject only to the provisions of the notes and bonds for registration.

(j) In case any of the commissioners or officers of the agency whose signatures appear on any notes or bonds or coupons shall cease to be such commissioners or officers before the delivery of such notes or bonds, such signatures shall, nevertheless, be valid and sufficient for all purposes, the same as if such commissioners or officers had remained in office until such delivery.

SECTION 2. 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 there will be created a capital reserve fund and 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 other than the state sales tax fund, 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 of 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.

(k) In the event of the dissolution of the agency, any funds or assets of the agency remaining after paying its bonds, notes or other obligations shall revert to the state.

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.

CHAPTER 289
(H.B. No. 632)

AN ACT
RELATING TO AID TO DEPENDENT CHILDREN; REPEALING SECTION 56-209, IDAHO CODE; AMENDING CHAPTER 2, TITLE 56, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 56-209, IDAHO CODE, TO PROVIDE FOR THE AWARD OF AID TO DEPENDENT CHILDREN, TO REQUIRE ALL EMPLOYABLE PERSONS RECEIVING AID TO REGISTER FOR EMPLOYMENT AND TRAINING WITH THE DEPARTMENT OF EMPLOYMENT AND PRESENT CERTIFICATION THEREOF TO THE DEPARTMENT OF HEALTH AND WELFARE, TO PROVIDE THAT ANY EMPLOYABLE PERSON FAILING TO REGISTER FOR OR ACCEPT EMPLOYMENT SHALL BE INELIGIBLE TO RECEIVE OR CONTINUE RECEIVING AID, TO PROVIDE THAT PERSONS DEEMED UNEMPLOYABLE BY REASON OF PHYSICAL OR MENTAL INCAPACITY SHALL PARTICIPATE IN VOCATIONAL REHABILITATION PROGRAMS OFFERED BY THE DEPARTMENT OF EDUCATION AS A CONDITION OF ELIGIBILITY, TO PROVIDE THAT THE DEPARTMENT OF HEALTH AND WELFARE SHALL ESTABLISH AND ADMINISTER A WORK EXPERIENCE AND TRAINING PROGRAM DESIGNED TO PROVIDE EMPLOYMENT FOR EMPLOYABLE PERSONS FOR WHOM POSITIONS ARE UNAVAILABLE UNDER THE WORK INCENTIVE PROGRAM, AND TO DIRECT THE DIRECTOR OF HEALTH AND WELFARE TO PROMULGATE RULES AND REGULATIONS FOR THE ADMINISTRATION OF THE PROGRAM.

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

SECTION 1. That Section 56-209, Idaho Code, be, and the same is hereby repealed.

SECTION 2. That Chapter 2, Title 56, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 56-209, Idaho Code, and to read as follows:

56-209. AID TO DEPENDENT CHILDREN. (1) Financial assistance under the aid to dependent children program shall be awarded on behalf of needy children who are residents of the state, and who are deprived of parental care or support by reason of the death, continued absence from the home, or physical or mental incapacity of a parent. Such aid shall be awarded in accordance with department regulations which shall be consistent with the applicable titles of the social security act or other federal legislation affecting federal
financial participation in the administration or award of such assistance.

(2) Each employable person applying for or receiving financial assistance under the provisions of subsection (1) of this section shall be required to register for employment and training with the Idaho department of employment and to present to the department of health and welfare certification from the department of employment stating that he or she has registered for employment and has not refused to report for or accept offered employment or training; provided, however, that no registrant shall be required to accept employment which does not meet the Idaho minimum wage, health and safety standards.

(3) The department of employment shall provide job market information and referral services when appropriate to both applicants and recipients of financial assistance under this section, and shall consider such persons as preferred candidates for job placement and training. The department of employment shall report to the department of health and welfare any failure of an employable person to cooperate with the referral services or the failure to accept available employment or to participate in training programs.

(4) Any employable person who fails to comply with the requirements of subsection (2) of this section or who fails or refuses to accept available employment or training shall not be eligible to receive or to continue receiving payments under the aid to dependent children program.

(5) Any person determined to be unemployable solely because of a physical or mental incapacity shall be referred to the department of education for vocational rehabilitation services; and as a condition of eligibility for financial assistance under this section shall be required to participate in any program of rehabilitation the department of education offers.

(6) The department of education shall consider applicants and recipients of financial assistance under this section as preferred candidates for vocational rehabilitation services and shall report to the department of health and welfare any failure of such applicant or recipient to cooperate or accept any program of rehabilitation.

(7) The department of health and welfare shall be responsible for establishment and administration of a work experience and training component of the aid to dependent children program, which component shall supplement the work incentive program established under the provisions of titles IV-A and IV-C of the social security act, and shall be designed to provide training or employment for employable persons for whom positions are unavailable under the work incentive program. Such work experience and training compo-
ment shall make use of other employment and training programs administered by the department of employment or other agencies. The department of health and welfare may cooperate with any governmental unit or agency or with private entities for purposes of providing employment or training for employable persons. The department of health and welfare shall also provide necessary social services to remove or reduce barriers to employment or employability of applicants and recipients of assistance under this section.

(8) The director of the department of health and welfare shall promulgate rules and regulations for the administration of the aid to dependent children programs, including regulations defining "employable person" and "available employment". Such definitions shall take into consideration the health and age of the registrant, the physical distance from the registrant to the employment, the availability of child care, the availability of transportation, the skills and ability of the registrant, and the number and ages of the minor children of the registrant.

CHAPTER 290
(H.B. No. 488)

AN ACT
RELATING TO LIVESTOCK DEALER LICENSING; AMENDING CHAPTER 25, IDAHO CODE, BY THE ADDITION THEREOF OF A NEW CHAPTER 33, TITLE 25, IDAHO CODE, TO PROVIDE THE IDAHO LIVESTOCK DEALER LICENSING ACT, TO DEFINE TERMS, TO PROVIDE ADDITIONAL DUTIES FOR THE STATE BRAND BOARD, TO REQUIRE LICENSURE OF A PERSON DOING BUSINESS AS A LIVESTOCK DEALER, TO PROVIDE FOR LICENSE REVOCAITON OR SUSPENSION, TO CREATE THE LIVESTOCK DEALERS LICENSING ACCOUNT, TO SPECIFY PROHIBITED ACTS, TO PROVIDE EXEMPTIONS, TO PROVIDE FOR INJUNCTION, TO PROVIDE PENALTIES; AND TO PROVIDE SEVERABILITY.

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

SECTION 1. That Title 25, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 33, Title 25, Idaho Code, and to read as follows:

CHAPTER 33  
IDAHO LIVESTOCK DEALER LICENSING

25-3301. DEFINITIONS. As used in this chapter, the following terms have the following meanings:

(1) "Board" means the state brand board created in chapter 11, title 25, Idaho Code.
(2) "Director" means the director of the department of agriculture, state of Idaho, or his appointee.
(3) "Person" means an individual, partnership, corporation, broker, order buyer, association or other legal entity.
(4) "Livestock" means cattle, swine or horses.
(5) "Livestock dealer" means any person who buys, receives or assembles livestock for resale, either for his own account or that of another person.
(6) "Livestock producer" means any person who sells only livestock which he has raised or which he has owned and had in his possession for a minimum of sixty (60) days.

25-3302. STATE BRAND BOARD -- ADDITIONAL DUTIES. The state brand board, in addition to other duties provided by law, shall administer the provisions of this chapter relating to livestock dealer licensing. The board shall meet annually, and more frequently if deemed necessary, for the purposes of administration of this chapter. Members of the board shall receive twenty-five dollars ($25.00) per day and actual expenses incurred while in the discharge of the duties imposed by this chapter.
The director of the department of agriculture shall have and exercise all of the powers herein vested in the board, subject to the supervision of the board. The board shall exercise the following powers and duties:

(1) Promulgate such rules and regulations as deemed necessary to implement and supplement the provisions of this chapter and provide for its orderly administration, pursuant to the provisions of chapter 52, title 67, Idaho Code;

(2) Prescribe necessary information to be provided by applicants for licenses to determine if the requirements of this chapter have been met;

(3) Issue licenses to qualified applicants and collect appropriate fees;

(4) Revoke or suspend the license of, or refuse to issue a license to any person, licensee or applicant who violates any provision of this chapter; and

(5) Require the necessary record keeping by licensees and submission of written reports as warranted in order to carry out the provision and intent of this chapter.

25-3303. LICENSE REQUIRED. Any person doing business as a livestock dealer in the state of Idaho must secure an annual license from the board. A fee of forty dollars ($40.00) shall accompany any such application for initial issuance or renewal. Such fees so received are not returnable and shall be deposited in the livestock dealers licensing account created in section 25-3305, Idaho Code. Upon determination that the applicant is qualified, the board shall issue a license to the applicant and all annual licenses shall terminate and become void each successive June 30th.

25-3304. LICENSE REVOCATION OR SUSPENSION. In the event the board has reason to believe a licensee is guilty of violating any of the provisions of this chapter, including the rules and regulations promulgated hereunder, the board shall conduct a hearing to determine if the license shall be suspended or revoked. Hearings conducted pursuant to this section shall comply with the provisions governing contested cases, chapter 52, title 67, Idaho Code. Following the hearing, the board may (1) permanently revoke the license, (2) temporarily suspend the license, or (3) suspend the license for a definite time period.

25-3305. LIVESTOCK DEALERS LICENSING ACCOUNT. There is hereby created in the dedicated fund the livestock dealers licensing account. Fees collected pursuant to this chapter shall be deposited in the account and monies in the account shall be used for the administration of the provisions of this chapter. The board shall audit all bills for salaries and expenses incurred by it that may be payable from the
account which claims shall be audited and allowed and paid as other claims against the state.

25-3306. PROHIBITED ACTS. The following actions are prohibited:
   (1) Any person acting as a livestock dealer without a valid license issued by the board;
   (2) Failure to maintain records as required by the board, especially the names and addresses of sellers and buyers of livestock;
   (3) Failure to provide access to all records required of such licensee by the board;
   (4) Buying or selling livestock under an assumed name or address. All livestock sales shall be evidenced by a written bona fide name and address of buyer and seller; and
   (5) Violation of any valid rule, regulation or statute governing livestock disease control.

25-3307. EXEMPTIONS. This chapter shall not apply to livestock producers. Neither shall this chapter apply to any farmer who may occasionally buy or sell livestock in connection with his farming operations and who is not primarily engaged in the business of buying and selling livestock, as determined by the board.

25-3308. INJUNCTION. The board, on determining that any person may have violated any provision of this chapter, may petition for injunctive relief from further violation. Such petition shall be addressed to the district court in the county in which the offense occurred or in which the offender has his principal place of business or is doing business or resides. The district court, on determining that probable cause of a violation of this chapter exists, shall issue appropriate injunctive relief.

25-3309. PENALTY. To operate as a livestock dealer without a valid license, or otherwise violate the provisions of this chapter, shall be a misdemeanor punishable by a fine of not less than one hundred dollars ($100) nor more than five hundred dollars ($500) or by imprisonment for not less than thirty (30) days nor more than one (1) year; or by both such fine and imprisonment.

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.

AN ACT
RELATING TO PROPERTY TAX RELIEF; AMENDING SECTION 33-904, IDAHO CODE, TO CORRECT CODE CITATIONS; AMENDING SECTION 33-1002, IDAHO CODE, TO STRIKE REFERENCES TO AN EIGHT MILL COUNTY SCHOOL LEVY AND TO PROVIDE FOR A FOUR MILL COUNTY SCHOOL LEVY; AMENDING SECTION 33-1015, IDAHO CODE, TO CORRECT CODE CITATIONS, TO STRIKE REFERENCES TO EIGHT-TENTHS OF ONE PERCENT OF ADJUSTED ASSESSED VALUE AND TO PROVIDE FOR FOUR-TENTHS OF ONE PERCENT OF ADJUSTED ASSESSED VALUE AS A COUNTY SCHOOL TAX REQUIREMENT; AMENDING SECTION 63-3638, IDAHO CODE, TO PROVIDE FOR DISTRIBUTION OF SALES TAX MONEYS TO THE COUNTY SCHOOL FUND; APPROPRIATING MONEYS OUT OF THE GENERAL ACCOUNT TO THE STATE AUDITOR TO BE APPORTIONED TO THE VARIOUS COUNTIES FOR DEPOSIT IN THE COUNTY SCHOOL FUND, AND PROVIDING DUTIES FOR THE COUNTY AUDITOR; APPROPRIATING SURPLUS MONEYS EXISTING ON JUNE 30, 1978, OUT OF THE GENERAL ACCOUNT TO THE STATE AUDITOR TO BE APPORTIONED TO THE VARIOUS COUNTIES FOR DEPOSIT IN THE COUNTY SCHOOL FUND, PROVIDING DUTIES FOR THE COUNTY AUDITOR, AND PROVIDING REQUIREMENTS FOR BOARDS OF COUNTY COMMISSIONERS IN FIXING MILL LEVIES FOR TAX YEAR 1978; DECLARING AN EMERGENCY AND PROVIDING FOR RETROACTIVE APPLICATION OF SECTIONS 1, 2, 3 AND 4, AND PROVIDING AN EFFECTIVE DATE FOR SECTIONS 5 AND 6.

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

SECTION 1. That Section 33-904, Idaho Code, be, and the same is hereby amended to read as follows:

33-904. COUNTY SCHOOL FUND. The county school fund is that fund in the treasury of each county in the state to which are credited the proceeds of the county school levy specified in section 33-1009(a), Idaho Code; moneys collected from fines, forfeitures or breaches of the penal laws of the state when other disposition is not provided by law; and such other proceeds and avails as may be required by law to be credited thereto.

SECTION 2. That Section 33-1002, Idaho Code, be, and the same is hereby amended to read as follows:
33-1002. FOUNDATION PROGRAM. The foundation educational program is arrived at as follows:

(1) State Equalization Levy. --- The state equalization levy shall be equal to twenty-two (22) mills times the total state adjusted assessed valuation and twenty-two (22) mills times the equivalent valuation as defined in section 33-1014, Idaho Code.

(2) Total Distribution Funds. --- Add to the state equalization levy the eight (8) four (4) mill county levy and state appropriation including the moneys available in the public school income fund, together with all miscellaneous revenues and any balance or deficit in the county school fund, to secure total distribution funds.

(3) Foundation Transportation Program. --- Determine the foundation transportation program for the state as provided in section 33-1006, Idaho Code, and deduct said foundation transportation program for the state from total distribution funds before determining state average cost factor per student under paragraph (5) of this section.

(4) a. Weighted State Average Daily Attendance and Sparsity Factors. --- The total weighted state average daily attendance shall be determined by using the tables set out hereafter called the Elementary Grades Sparsity Factor, the Secondary Grades Sparsity Factor, the Exceptional Child Sparsity Factor, the Kindergarten Sparsity Factor, and the Secondary School Cost Factor provided for in paragraph (4)b of this section. The sum of all of the total weighted average daily attendance of all the school districts of the state as computed under the provisions of paragraph (6)b of this section shall be the total weighted state average daily attendance.

### ELEMENTARY GRADES SPARSITY FACTOR

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To count as 25

### SECONDARY GRADES SPARSITY FACTOR

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<tr>
<td>400 to 499</td>
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<tr>
<td>300 to 399</td>
<td>1.25</td>
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<tr>
<td>200 to 299</td>
<td>1.40</td>
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<tr>
<td>100 to 199</td>
<td>1.50</td>
</tr>
<tr>
<td>0 to 99</td>
<td>1.70</td>
</tr>
</tbody>
</table>

### EXCEPTIONAL CHILD SPARSITY FACTOR
In applying these tables to any given separate attendance unit as defined in this act, no school district shall receive less total money than it would receive if it had a lesser average daily attendance in such separate attendance unit. In applying the kindergarten sparsity factor to any summer kindergarten program or to a kindergarten program of less than a school year, the weighting shall be in ratio to the number of days of a full school year.

b. Secondary School Cost Factor. -- In addition to the Secondary Grades Sparsity Factor provided in paragraph (4)a in this section, the actual unweighted average daily attendance of every separate attendance unit of secondary grade pupils shall be multiplied by a factor of .30 to be called the Secondary School Cost Factor.

(5) State Average Cost Factor per Student. -- Divide total distribution funds, after subtracting the foundation transportation program as provided in paragraph (3) of this section and ancillary personnel allowances as provided in chapter 20, title 33, Idaho Code, by total weighted state average daily attendance to secure state average cost factor per student. On or before the fifteenth day of February of each school year, the state board of education shall certify to the individual school districts the state average cost factor per student as herein determined, adjusting said average cost factor per student as necessary to reflect the provisions of paragraph (7)a, b, c of this section.

(6) District Share of State and County Funds. -- Ascertain a district's share to state and county funds other than the foundation transportation program as follows:

a. District Equalization Levy. -- Multiply district's adjusted assessed valuation plus the equivalent valuation as defined in section 33-1014, Idaho Code, by twenty-two (22) mills.

b. District Weighted Average Daily Attendance. -- The weighted average daily attendance of each school district in the state shall be determined as follows:

(1) Multiply the actual unweighted average daily attendance of each elementary grade separate attendance unit of the district as defined in this
act, excluding the average daily attendance of exceptional elementary grade pupils, by the appropriate elementary grades sparsity factor in paragraph (4)a of this section; then add the products of the weighted average daily attendance of each such elementary grades separate attendance unit to obtain the district's total elementary grades weighted average daily attendance.

(2) Multiply the actual unweighted average daily attendance of each secondary grade separate attendance unit of the district as defined in this act, excluding the average daily attendance of exceptional secondary grade pupils, by the appropriate secondary grades sparsity factor in paragraph (4)a of this section; then multiply the actual unweighted average daily attendance of each secondary grade's attendance unit by the secondary school cost factor as provided in paragraph (4)b; then add the products obtained by applying the secondary grades sparsity factor and the secondary school cost factor; this sum is the district's total secondary weighted average daily attendance.

(3) Multiply the combined total of the actual unweighted averaged daily attendance of all the elementary and secondary grades exceptional pupils of the district by the exceptional child sparsity factor provided in paragraph (4)a of this section, to obtain the total exceptional weighted average daily attendance of the district.

(4) Multiply the actual unweighted average daily attendance of the kindergarten students by the appropriate kindergarten sparsity factor in paragraph (4)a of this section to obtain the total kindergarten weighted average daily attendance of the district.

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

(6) The total weighted average daily attendance of the district shall be the sum of products of the district's total elementary weighted average daily attendance, subparagraph (1) herein, and the total
secondary weighted average daily attendance, subparagraph (2) herein, the total exceptional child weighted average daily attendance, subparagraph (3) herein, the total kindergarten weighted average daily attendance, subparagraph (4), herein, and total border students weighted average daily attendance, subparagraph (5) herein.

c. Total District Cost. -- Multiply total district weighted average daily attendance by the state average cost factor per student to secure total district education cost.

d. District Share. -- To secure district's share of state and county apportionment, subtract the amount of the local district equalization levy (6)a, from the amount of the total district cost (6)c. The contract salary of every noncertificated teacher shall be subtracted from the district's share unless otherwise approved by the state board of education.

(7) a. Every school district which has levied taxes for the maintenance and operation of public schools for the 1972-73 school year and any subsequent school year of at least twenty-two (22) mills on the actual assessed valuation of the home county or a mill levy which produces revenue at least equal to that which would have accrued from a levy of twenty-two (22) mills on the adjusted assessed valuation in the home county of the district, shall receive at least as much state and county aid, under the foundation educational program, for each pupil in average daily attendance as it did for the 1968-69 school year.

b. Those districts which do not levy at least twenty-two (22) mills, on the actual assessed valuation of the home county for maintenance and operation of public schools in any school year, or a mill levy which produces revenue at least equal to that which would have accrued from a levy of twenty-two (22) mills on the adjusted assessed valuation of the district, shall not participate in the state or county foundation program provided for by this chapter for any such school year.

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

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

SECTION 3. That Section 33-1015, Idaho Code, be, and the same is hereby amended to read as follows:

33-1015. APPORTIONMENT -- MINIMUM LEVIES DEFINED. For the purposes of equalizing the apportionments authorized in
section 33-1009, Idaho Code, the state board of education shall apportion such moneys under the following conditions:

a. The minimum requirements for any county school tax prescribed by subsection 3a. of section 33-1009, Idaho Code, shall be deemed to have been met only if a levy in that number of mills has been made by the board of county commissioners as will produce an amount of money equal to eight four-tenths of one per cent (8% .4%) of the adjusted assessed value of taxable property in the county, except when such eight four-tenths of one per cent (8% .4%) will provide more than the full requirements of such county school tax:

b. In apportioning money for any school district, the state board of education shall compute the minimum requirements of the foundation program to be supplied by the district to be that amount of money equal to two and one fifth per cent (2 1/5%) of the equivalent valuation for each district as computed and certified under the provisions of section 33-1014, Idaho Code, as amended, and of the adjusted assessed value of the taxable property of the district for the next preceding year, computed by applying the ratio for each county, as ascertained by the state tax commission to the assessed valuation of the school district's taxable property situated in each such county.

SECTION 4. That Section 63-3638, Idaho Code, be, and the same is hereby amended to read as follows:

63-3638. SALES TAX FUND ACCOUNT -- CREATION -- SALES TAX REFUND FUND ACCOUNT -- APPROPRIATIONS. (a) There is hereby created in the office of the state treasurer and subject to his control and custody a in the state operating fund an account to be known and designated as the "Sales Tax Fund Account."

(b) All moneys collected under this act shall be paid by the tax collector into the sales tax fund account.

(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 account to the permanent building fund account, 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 account to the social security trust fund account 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
The 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 account 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 account, 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 account 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 account 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 account 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. For the purposes of this section, the county school fund shall be considered a taxing district, and shall receive a portion of the distribution equal to a levy of eight (8) mills on the assessed valuation of the county, whether or not a levy is actually made.

(2) The moneys set aside and appropriated to the county treasurer out of the sales tax fund account 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.

(i) 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.

(j) An amount equal to five per centum (5%) of the amount deposited in the sales tax fund account, but not in excess of fifty thousand dollars ($50,000), shall be retained in this fund account as a "Sales Tax Refund Fund Account" 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 account so much thereof as may be necessary for the payment of the refunds herein provided for. The balance of the sales tax refund fund account in excess of fifty thousand dollars ($50,000) shall be transferred to the general fund account.

(k) Any moneys remaining in the sales tax fund account over and above those necessary to meet and reserve for payments under subsections (c), (d), (e) and (j) of this section shall be paid periodically, but no less frequently than quarterly, to the general fund account.

(l) The appropriations herein provided shall not be subject to the provisions of the "Standard Appropriations Act of 1945."

SECTION 5. (1) There is hereby appropriated to the state auditor out of the general account the sum of $9,300,000, to be transferred and apportioned by the state auditor as soon as possible after July 1, 1978, to the various counties for deposit in the county school fund. Each
county school fund shall be entitled to an amount from such
apportionment equal to the number of mills determined by
dividing the total apportionment by the total adjusted
assessed valuation of the state for 1978 applied to the 1978
adjusted assessed valuation of the county.

(2) Each county auditor shall, upon receipt of the
moneys into the county school fund as appropriated by this
section, order the distribution of such moneys to the school
district or school districts as directed by the state board
of education.

SECTION 6. (1) The balance of any surplus or unexpended
and unencumbered balance in the general account as of June
30, 1978, as determined by the state auditor, is hereby
appropriated to the state auditor out of the general
account, to be transferred and apportioned by the state
auditor as soon as possible after July 1, 1978, to the vari­
ous counties for deposit in the county school fund. Each
county school fund shall be entitled to an amount from such
apportionment equal to the number of mills determined by
dividing the total apportionment by the total adjusted
assessed valuation of the state for 1978 applied to the 1978
adjusted assessed valuation of the county; and upon receipt
of such appropriation, the levy for the county school tax
for taxable year 1978 shall be reduced by the appropriate
number of mills.

(2) Each county auditor shall, upon receipt of the
moneys into the county school fund as appropriated by this
section, order the distribution of such moneys to the school
district or school districts as directed by the state board
of education.

(3) Each board of county commissioners shall be bound
by the provisions of this section in fixing mill levies for
tax year 1978 for the minimum county school fund levies.

SECTION 7. An emergency existing therefor, which emer­
gency is hereby declared to exist, sections 1, 2, 3 and 4 of
this act shall be in full force and effect on and after
their passage and approval, and retroactively to January 1,
1978. Sections 5 and 6 of this act shall be in full force
and effect on and after July 1, 1978.

This bill became law without the signature of the Governor.
AN ACT
AMENDING SECTION 1, CHAPTER 319, LAWS OF 1977, RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE AIR QUALITY PROGRAM, BY INCREASING THE APPROPRIATION FROM THE GENERAL ACCOUNT BY $158,900; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 1, Chapter 319, Laws of 1977, 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 program, from the listed accounts, according to the designated standard expense classes for the period July 1, 1977, through June 30, 1978:

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<tr>
<th>PROGRAM</th>
<th>FOR PERSONNEL COSTS</th>
<th>FOR OPERATING EXPENDITURES</th>
<th>FOR CAPITAL OUTLAY</th>
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<tr>
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<tr>
<td>A. AIR QUALITY:</td>
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<td>FROM:</td>
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<td>General Acct.</td>
<td>$ 173,700</td>
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<td>Cooperative Welfare</td>
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<td>Account</td>
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<tr>
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<td></td>
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<td>160,700</td>
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</table>

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

CHAPTER 293
(H.B. No. 474, As Amended, As Amended in the Senate)

AN ACT
RELATING TO RECHARGE OF GROUND WATER BASINS IN JEROME, LINCOLN AND GOODING COUNTIES; AMENDING TITLE 42, IDAHO CODE, BY THE ADDITION THERETO OF A NEW CHAPTER 42, TITLE 42, IDAHO CODE, TO PROVIDE A STATEMENT OF LEGISLATIVE APPROVAL OF THE PROPOSED PROJECT TO RECHARGE GROUND WATER BASINS IN JEROME, LINCOLN AND GOODING COUNTIES, TO DECLARE THE APPROPRIATION AND UNDERGROUND STORAGE OF WATER BY THE AQUIFER RECHARGE DISTRICT FOR PURPOSES OF GROUND WATER RECHARGE A BENEFICIAL USE, TO AUTHORIZE THE DEPARTMENT OF WATER RESOURCES TO ISSUE A PERMIT FOR THE APPROPRIATION AND UNDERGROUND STORAGE OF WATER IN JEROME, LINCOLN, GOODING AND TWIN FALLS COUNTIES, TO PROVIDE FOR REDUCTION OF THE AMOUNT OF WATER WHICH MAY BE APPROPRIATED UNDER CERTAIN CONDITIONS, TO AUTHORIZE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES TO APPROVE, DISAPPROVE OR REQUIRE ALTERATIONS IN THE METHODS EMPLOYED BY THE DISTRICT TO ACHIEVE GROUND WATER RECHARGE AND TO ORDER CESSATION OF OPERATIONS IN THE EVENT OTHER WATER RIGHTS ARE BEING ADVERSELY AFFECTED, TO SPECIFY THE PROCEDURE FOR FORMATION OF THE AQUIFER RECHARGE DISTRICT, TO DESCRIBE THOSE WATER USERS WHO SHALL BE ELIGIBLE TO SIGN THE PETITION FOR FORMATION AND TO BECOME MEMBERS OF THE DISTRICT, TO PROVIDE FOR A HEARING UPON THE PETITION FOR FORMATION AND TO PROVIDE FOR THE ENTRY OF AN ORDER DECLARING OR DENYING THE FORMATION OF THE DISTRICT BY THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES, TO PRESCRIBE THE NUMBER, QUALIFICATIONS AND TERMS OF OFFICE OF THE MEMBERS OF THE BOARD OF DIRECTORS OF THE DISTRICT, TO PROVIDE FOR THE APPOINTMENT OF THE FIRST BOARD BY THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES AND THE ELECTION OF SUBSEQUENT BOARDS, TO PRESCRIBE THE MANNER IN WHICH MUNICIPALITIES INCLUDED WITHIN THE DISTRICT SHALL VOTE FOR DIRECTORS, TO PRESCRIBE THE QUALIFICATIONS FOR VOTING REQUIRED OF MEMBER WATER USERS OTHER THAN MUNICIPALITIES, TO PROVIDE THAT REGISTRATION OF VOTERS SHALL NOT BE REQUIRED, TO PROVIDE FOR NOTICE OF ELECTIONS, TO PROVIDE FOR THE CONDUCT OF ELECTIONS, TO PROVIDE FOR THE CANVASS OF ELECTION RETURNS BY THE BOARD OF DIRECTORS AND THE DECLARATION OF WINNERS, TO PROVIDE FOR OFFICERS, MEETINGS AND COMPENSATION OF THE BOARD OF DIRECTORS AND THE MANNER OF FILLING VACANCIES ON THE BOARD, TO SPECIFY
THE POWERS AND DUTIES OF THE BOARD OF DIRECTORS, TO PROVIDE FOR THE VESTING OF LEGAL TITLE TO PROPERTY ACQUIRED UNDER THE PROVISIONS OF THIS CHAPTER IN THE ACQUIFER RECHARGE DISTRICT, TO EMPOWER THE BOARD OF DIRECTORS TO TAKE CONVEYANCE OF PROPERTY ACQUIRED UNDER THE PROVISIONS OF THIS CHAPTER IN THE NAME OF THE DISTRICT AND TO SUE AND BE SUED, TO PROVIDE FOR LEVY OF ASSESSMENTS, TO EMPOWER THE BOARD OF DIRECTORS TO INCUR INDEBTEDNESS ON BEHALF OF THE DISTRICT AND TO LEVY ASSESSMENTS FOR THE REPAYMENT THEREOF, TO ESTABLISH CERTAIN LEGAL REMEDIES FOR LENDING INSTITUTIONS TO WHICH THE DISTRICT IS INDEBTED, TO PROVIDE THAT ASSESSMENTS SHALL BE LIENS AGAINST THE PROPERTY OF WATER USERS, TO SPECIFY THE DATE BY WHICH ASSESSMENTS MUST BE PAID AND TO PROVIDE FOR THE COLLECTION OF INTEREST AND PENALTIES ON DELINQUENT ASSESSMENTS, TO PROVIDE FOR THE ENTRY OF DELINQUENT ASSESSMENTS UPON THE ASSESSMENT BOOK AND THE FILING OF THE DELINQUENCY LIST WITH THE COUNTY RECORDER, TO PROVIDE FOR REDEMPTION AND SALE OF PROPERTY SUBJECT TO DELINQUENT ASSESSMENTS, TO REQUIRE EACH MUNICIPALITY INCLUDED WITHIN THE DISTRICT TO LEVY A SPECIAL TAX ON TAXABLE PROPERTY WITHIN ITS BOUNDARIES TO PROCURE FUNDS FOR THE PAYMENT OF ASSESSMENTS LEVIED AGAINST IT AND TO EXEMPT MUNICIPALITIES FROM CERTAIN PROVISIONS OF THE CHAPTER, TO EMPOWER THE BOARD OF DIRECTORS TO ENTER INTO CONTRACT WITH CERTAIN INDIVIDUALS AND ENTITIES WHO WISH TO RECEIVE BENEFITS FROM THE DISTRICT, TO SPECIFY THOSE WATER USERS SUBJECT TO INCLUSION WITHIN AND ASSESSMENT BY THE DISTRICT, TO ESTABLISH THE PROCEDURE AND GROUNDS FOR EXCLUSION FROM THE DISTRICT, TO PROVIDE FOR A HEARING ON PETITIONS FOR EXCLUSION AND THE ENTRY OF ORDERS OF EXCLUSION, TO PROVIDE FOR AN APPEAL FROM AN ADVERSE DECISION OF THE BOARD ON A PETITION FOR EXCLUSION, TO DESCRIBE THE EFFECT OF EXCLUSION ON LIABILITY FOR ASSESSMENTS, TO PROVIDE FOR THE TAXATION OF COSTS, TO REQUIRE THE RECORDING OF ANY ORDER OF EXCLUSION, TO PROVIDE SEVERABILITY; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Title 42, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 42, title 42, Idaho Code, and to read as follows:

CHAPTER 42
GROUND WATER RECHARGE

42-4201. JEROME, LINCOLN, GOODING AND TWIN FALLS COUN-
TIES -- PROJECT TO RECHARGE GROUND WATER BASINS --
DIRECTOR'S AUTHORITY TO ISSUE PERMIT -- LIMITATIONS. (1) The
welfare of the people of the state of Idaho is dependent
upon the conservation, development, augmentation and optimum
use of the water resources of this state. The legislature
deems it essential therefore that every effort be made to
foster and encourage water projects designed to promote
these objectives. The legislature hereby acknowledges that
the proposed project to recharge ground water basins in
Jerome, Lincoln and Gooding counties by means of the storage
of unappropriated waters of the Snake River and its tribu-
taries in underground lava beds within that vicinity repre-
sents a unique and innovative endeavor to further water
conservation and increase the water available for beneficial
use. The legislature approves this undertaking as a pilot
effort to bring about maximum realization of our water
resource potential and finds, in particular, that this
project shall serve the interests of the public and advance
the multiple use water policy of this state by:
(a) sustaining and increasing the flow of springs in
the general vicinity of the Hagerman Valley;
(b) increasing the water available for withdrawal from
ground water basins located in Jerome, Gooding and Lin-
coln counties;
(c) supplementing the supply of water available for
irrigation downstream from the Hagerman Valley;
(d) providing additional aquatic habitats for migratory
fowl and wildlife; and
(e) increasing and sustaining the flow of the Snake
River during the summer months and in times of drought
when additional flow is needed for the generation of
hydroelectric power and the maintenance of water recrea-
tion facilities.
(2) In view of the public betterment to be achieved by
the completion of this water project, the legislature hereby
declares that the appropriation and underground storage of
water by the aquifer recharge district hereinafter created
for purposes of ground water recharge shall constitute a
beneficial use and hereby authorizes the department of water
resources to issue to the aquifer recharge district a
permit, pursuant to section 42-203, Idaho Code, for the
appropriation and underground storage of the unappropriated
waters of the Snake River in Jerome, Lincoln and Gooding
counties and its tributaries in Gooding and Lincoln coun-
ties. The department of water resources is further author-
ized to issue to the aquifer recharge district a license
confirming the right to appropriate such waters for the ben-
eficial use herein established upon compliance by the dis-
trict with the requirements specified in chapter 2, title
42, Idaho Code. The rights acquired by the aquifer recharge district pursuant to any permit and license obtained as herein authorized shall be secondary to all prior perfected water rights, including those held by any privately-owned electrical generating company to appropriate waters in the reaches of the Snake River downstream from the Milner diversion for purposes of hydroelectric power generation.

(3) The director of the department of water resources may regulate the amount of water which the aquifer recharge district may appropriate from the Snake River and may reduce such amount, even though there is sufficient water to supply the entire amount originally authorized, but only if the following conditions are met:

(a) the amount of water available for appropriation by the district at the time the reduction is sought exceeds two hundred thousand (200,000) acre feet per year and the reduction, if granted, will not operate to deplete that amount to less than two hundred thousand (200,000) acre feet per year;
(b) the persons or entities seeking the reduction propose to use the water for purposes of surface reservoir storage and appropriation by the district of the entire amount originally authorized will prevent or adversely affect accomplishment of those purposes;
(c) the persons or entities seeking the reduction present substantial and compelling evidence to show that the accomplishment of such purposes will be prevented or adversely affected and the director finds on the basis of such evidence that sufficient justification for the reduction exists.

Even if the foregoing conditions are satisfied and a reduction is granted, such a reduction shall remain in effect only so long as the amount of water available for appropriation by the district exceeds two hundred thousand (200,000) acre feet per year.

The provisions of this subsection shall not apply to appropriation of water by the district from the Big Wood River or the Little Wood River.

(4) To insure that other water rights are not injured by the operations of the aquifer recharge district, the director of the department of water resources shall have the authority to approve, disapprove, or require alterations in the methods employed by the district to achieve ground water recharge. In the event that the director determines that the district's methods of operation are adversely affecting existing water rights or are creating conditions adverse to the beneficial use of water under existing water rights, the director shall order the cessation of operations until such alterations as may be ordered by the director have been
accomplished or such adverse effects otherwise have been corrected.

42-4202. AQUIFER RECHARGE DISTRICT -- FORMATION. For purposes of formation of the aquifer recharge district, a petition shall be presented to the department of water resources which shall set forth the object of the organization of the district and the benefits to be provided by the district. The petition shall be accompanied by a map of the proposed district which shall indicate the proposed boundaries of the district, the nature and location of the proposed diversion works and other facilities by means of which water is to be diverted into the recharge area, shall delineate the underground water basin or basins to be affected by the recharge, and shall designate the location of any streams or springs which shall be affected by the recharge. The petition and map shall be accompanied by plans showing the contemplated mode of construction of the diversion works and facilities and an estimate of the cost of constructing such works and facilities, which plans and estimates shall be certified to by an engineer licensed by the state of Idaho.

The petition shall be signed by no less than fifty (50) percent of the water users located within the proposed boundaries of the district. For purposes of this act, "water users" shall include the following:

(1) Individuals, or entities, exclusive of privately owned electrical generating companies, who are the holders of title or evidence of title to property within Jerome, Lincoln, Gooding and Twin Falls counties, but without the boundaries of a municipality, who are the current holders of a right, acquired in accordance with the provisions of chapter 2, title 42, Idaho Code, to appropriate water in an amount equal to or in excess of one (1) cubic foot per second, and who divert water from underground basins within the area of recharge by means of a well or wells, or who divert water from springs or other water courses emerging from such underground basins, or both.

(2) Municipalities located within Jerome, Lincoln, Gooding and Twin Falls counties which obtain water from underground basins in the area of recharge. A municipality may elect to be included within the proposed district by a majority vote of the members of its city council. The mayor of any municipality so electing may sign the petition on behalf of the municipality, and such municipality shall constitute one water user for purposes of securing the minimum number of signatures required for the petition.

42-4203. FORMATION OF DISTRICT -- DECLARATION BY DIREC-
TOR. After receipt of the petition, map and plans, the director shall review and examine the same and may require the submission of such additional or revised data concerning the boundaries of the proposed district, the location and nature of the diversion works and facilities to be constructed, the costs of construction or any other matter relevant to the formation of the district as he may deem necessary. The director shall conduct a hearing on the petition and supporting documents. Notice of the time and place of the hearing shall be published by the director in a newspaper or newspapers published in each of the counties or a newspaper of general circulation therein at least three (3) weeks before the date of the hearing.

Within ninety (90) days after the hearing has been concluded, the director after due consideration of all relevant data and testimony, shall determine whether the proposed district will provide the benefits described, whether the boundaries proposed are proper with respect to the benefits to be provided, and whether the formation of the district will serve the interests of the water users proposed to be benefited. On the basis of his determination, the director shall enter an order either establishing the aquifer recharge district and defining the boundaries thereof to reflect the area to be benefited, or denying the formation of the district. If the director orders formation of the district, he shall cause copies of the order, duly certified, to be filed with the secretary of state and board of county commissioners, county recorder, county assessor and county treasurer of each county in which any part of the district is situated.

42-4204. BOARD OF DIRECTORS -- COMPOSITION -- APPOINTMENT OF FIRST BOARD -- ELECTION OF SUBSEQUENT BOARDS. (1) The board of directors of the aquifer recharge district shall consist of five (5) members. Each member shall reside within the district and shall be a water user, or representative of a water user within the district. The members of the board shall be as follows:

(a) one (1) member shall be a member of a lateral ditch water user's association;
(b) one (1) member shall be an owner or operator of a commercial fish hatchery licensed in accordance with the provisions of section 36-702, Idaho Code;
(c) one (1) member shall be a farmer or rancher who is an appropriator of ground water and whose diversion thereof is accomplished primarily through the operation of a well or wells;
(d) one (1) member shall be a member of the city council of a municipality within the district;
(e) one (1) member shall be generally representative of the interests of water users within the district.

(2) The first board of directors shall be appointed by the director of the department of water resources. Water users within the district, or groups thereof, may submit to the director, or the director may solicit therefrom, the names of qualified individuals to be considered for appointment to the board.

(3) The term of office of the directors shall be determined by lot so that three (3) members shall serve for a term of two (2) years and two (2) members shall serve for a term of one (1) year. Thereafter, members shall serve two (2) year terms and shall be elected as hereinafter provided.

(4) On the last Monday in March following the expiration of the term of those members serving for one (1) year, and on the last Monday in March of each year thereafter, an election shall be held at which directors to succeed those whose terms have expired will be elected. Each director so elected shall possess the qualifications required of all members of the board and in addition shall possess the qualifications of the director whom he is to succeed in office.

42-4205. MUNICIPALITIES -- MANNER OF VOTING FOR DIRECTORS. Each municipality which has elected to be and is included within the district shall be entitled to one (1) vote for each director to be elected and the vote of the majority of the members of the city council of each such municipality shall constitute the vote of the municipality for each director to be elected. The voting shall be conducted at a regular meeting of the city council or a special meeting called by the mayor for that purpose to be held on or within a week prior to the date set for election. The voting results shall be certified to by the mayor and forwarded to the secretary of the district prior to the date set for canvassing of election returns by the board of directors. The provisions of section 42-4209, Idaho Code, shall not apply to municipalities.

42-4206. WATER USERS OTHER THAN MUNICIPALITIES -- QUALIFICATIONS FOR VOTING. Any water user, as defined in section 42-4202(1), Idaho Code, or a representative thereof, within the district who possesses the qualifications required of electors under the general laws of the state and who resides within a county or portion thereof situated within the district shall be entitled to vote at any election held under the provisions of this chapter.

42-4207. REGISTRATION NOT REQUIRED. No registration shall be required of qualified electors, as defined in
section 42-4206, Idaho Code, in any election held in the aquifer recharge district, but in lieu thereof the judges of election shall require every such elector to subscribe to an elector's oath as prerequisite to casting his vote, which oath shall contain the following words: "I am a resident of county, which county or a portion thereof is situated within the aquifer recharge district, and a water user, as defined in section 42-4202(1), Idaho Code, or a representative of such a water user, within the district."

42-4208. NOTICE OF ELECTION. The secretary of the district shall give notice of all elections in the district by posting the same in three (3) public places in each county in which a part of the district is situated and in the office of the board of directors at least four (4) weeks before the day of such election, or by publication of the notice once a week for four (4) successive weeks in a newspaper or newspapers published in each of said counties or in a newspaper of general circulation therein. Notices shall state the time of said election and the location of polling places within the district and the directors to be elected or other question to be voted upon, as the case may be.

42-4209. CONDUCT OF ELECTIONS. The election shall be conducted as nearly as practicable in accordance with the general laws of the state; provided that no particular form of ballot shall be required and the provisions of the election laws as to the form and distribution of ballots shall not apply.

The board of directors shall designate polling places in such number as it may deem necessary. At least ten (10) days before the holding of any election, the board shall appoint three (3) electors to serve as judges of election at each polling place. The judges shall perform the same duties as near as may be, as judges of election under the general laws of the state. Immediately after the election, the judges of election shall forward the official results to the secretary of the district.

42-4210. CANVASS OF RETURNS -- DECLARATION OF WINNERS. On the first Monday after each election, or at a time designated by the board of directors, the board shall meet at its usual place of meeting and proceed to canvass the returns. By order entered on its minutes, the board shall declare elected the person or persons having the highest number of votes for each office.

42-4211. BOARD OF DIRECTORS -- OFFICERS -- MEETINGS -- COMPENSATION -- VACANCIES. (1) The board of directors annu-
ally shall elect a chairman from their number and shall appoint a secretary and a treasurer, each of whom shall reside within the district, to hold office during the pleasure of the board. The treasurer shall on his appointment execute and file with the secretary an official bond in such amount as may be fixed by the board of directors, and shall thereafter from time to time execute and file such further bonds as may be required by the board in amounts fixed by it, which amounts shall be at least fifty percent (50%) of the maximum probable amount of money in the treasurer's hands at any one time. All such official bonds shall be executed by a lawfully qualified surety company.

(2) The board of directors shall hold a regular annual meeting and may hold such special meetings as may be necessary for the proper transaction of business. Special meetings may be held on seventy-two (72) hours' notice of the chairman or a majority of the members. A majority shall constitute a quorum for the transaction of business and the concurrence of a majority of the members shall be necessary to constitute the action of the board. All meetings of the board shall be public and all records of the board shall be open to the inspection of any member water user, or representative thereof during business hours.

(3) The members of the board shall each receive not more than twenty-five ($25.00) nor less than five dollars ($5.00) per day for each day spent attending the meetings or while engaged in official business of the board, and actual and necessary travel expenses. The term "actual and necessary expenses" shall include all traveling and lodging expenses necessarily incurred by any director when absent from his residence in the performance of the duties of his office. The board shall fix the compensation to be paid to the other officers of the district.

(4) In case of a vacancy in the office of director occurring otherwise than by the expiration of a term, the remaining members of the board of directors shall fill such vacancy by appointing thereto a qualified water user, member of the district, or representative thereof, possessing the qualifications of the director whose office has become vacant to serve the remainder of the term.

42-4212. POWERS AND DUTIES OF THE BOARD OF DIRECTORS. The board shall have the following powers and duties:

(1) to manage and conduct the business and affairs of the districts;

(2) to employ and appoint such agents, officers and employees as may be required and prescribe their duties;

(3) to make and execute all necessary contracts, including contracts for the construction of diversion works
and other facilities, contracts for the transportation of water through existing canals or other diversion works owned or operated by a canal company or companies or other entity or entities, and contracts with those persons and/or entities designated in section 42-4223, Idaho Code, for the purposes therein specified;

(4) to construct and operate diversion works, recharge ponding areas and injection wells, subject to such standards and specifications as the director of the department of water resources shall determine;

(5) to obtain from the federal government such permits as may be required for the accomplishment of the purposes of the district;

(6) to enter upon any land and make surveys for purposes of determining the best location for the diversion works and other facilities necessary to accomplish the purposes of the district;

(7) to acquire, either by purchase, condemnation or other legal means, all lands and other property necessary for the construction, use and supply, maintenance, repair and improvement of diversion works and facilities. The power of condemnation shall be limited to the acquisition of land and/or easements for right-of-way purposes only. The appropriation and storage underground of waters of the Snake River and its tributaries by the aquifer recharge district, together with the acquisition of such rights-of-way for the construction, maintenance and improvement of such diversion works and facilities as are necessary to the accomplishment of the purposes of the district is hereby declared to be a public use, subject to the regulation and control of the state in the manner prescribed by law.

(8) to levy assessments for the maintenance and operation of the diversion works and facilities of the district, as well as assessments for the payment of such fees as are charged to the district by any canal company or companies or other entity or entities owning or operating canals or other diversion works used by the district;

(9) to levy assessments for the retirement of indebtedness incurred for purposes of financing construction of the diversion works and facilities of the district and the construction of such capital improvements thereto as are deemed necessary by the board;

(10) to incur indebtedness, the term of which shall not exceed ten (10) years, by contract with a money-lending institution;

(11) to do any and every lawful act necessary to be done that the provisions of this chapter may be carried out.

(12) At such intervals as the director of the department of water resources shall establish, the board of direc-
tors shall report to the director, in the form and manner prescribed by him, concerning the operations of the district. The report shall indicate the amount of water being diverted by the district for purposes of recharge, the locations of the points of recharge, the flow of water at those discharge points affected by the recharge and such other information as the director may require.

(13) The board of directors annually shall submit to the director of the department of water resources a financial report setting forth the financial condition of the district. The report shall be in the form prescribed by the director and shall specify the amount of the assessments levied by the district for that year, the outstanding obligations of the district, and such other information as the director may require. The director shall have the authority to conduct an audit of the financial transactions and operations of the district.

42-4213. LEGAL TITLE TO PROPERTY. The legal title to all property acquired under the provisions of this chapter shall immediately, and by operation of law, vest in the aquifer recharge district and shall be held by the district in trust for, and is hereby dedicated and set apart to, the uses and purposes set forth in this chapter. The board of directors is hereby authorized and empowered to hold, use, acquire, manage, occupy and possess said property as herein provided.

42-4214. CONVEYANCE OF PROPERTY -- ACTIONS. The board is hereby authorized and empowered to take conveyance of or other assurances for all property acquired by it under the provisions of this chapter in the name of the district for the purposes herein expressed. The board may institute and maintain any and all actions and proceedings, and suits at law and in equity necessary or proper to order to carry out the provisions of this chapter, or to enforce, maintain, protect or preserve any and all rights created by this chapter or acquired in pursuance thereof. In all courts, actions, suits or proceedings the board may sue, appear and defend, in person or by attorneys and in the name of the aquifer recharge district.

42-4215. LEVY OF ASSESSMENTS. The secretary of the board of directors shall be the assessor of the district, and on or before August 1 of each year shall prepare an assessment book containing a full and accurate list of all water users within the district.

At a regular meeting of the board between August 1 and November 1 of each year, the board of directors shall deter-
mine the amount necessary to be raised for the maintenance and operation of the works and facilities of the district and the payment of such fees as may be charged to the district for the use of canals or other diversion works owned or operated by a canal company or companies or other entity or entities, and shall levy assessments against the water users in the district sufficient to raise such amount. Moneys received in payment of such assessments shall be deposited in a separate fund to be known as the maintenance and operation fund. The board also may levy assessments against the water users in the district for the repayment of indebtedness incurred by the board on behalf of the district, as provided in section 42-4216, Idaho Code. Money received in payment of such assessments shall be deposited in a separate fund to be known as the debt retirement fund. The board of directors may, in addition, determine the amount necessary to pay the expenses of making the assessment book, giving notice of assessments and making collections thereof and may levy assessments against the water users in the district sufficient to raise such amount. Moneys received in payment of such assessments shall be deposited in a separate fund to be known as the assessment expense fund.

Each water user shall pay a proportionate share of the total of all amounts to be raised for the purposes aforementioned, which share shall be based on the ratio which the quantity of water such water user is authorized to appropriate under his water right or rights bears to the total quantity of water authorized for appropriation under the water rights of all water users in the district; provided, however, that the combined annual assessment against each water user shall not exceed ten dollars ($10.00) per second foot of water the water user is entitled to appropriate under his water right or rights.

42-4216. POWER TO INCUR INDEBTEDNESS -- ASSESSMENTS TO SECURE REPAYMENT. In order to secure funds for the construction of diversion works and facilities of the district, or the construction of any capital improvements thereto, the board of directors may, by resolution duly adopted and entered upon the minutes, incur indebtedness by contract with a money-lending institution; provided, however, that the term of such indebtedness shall not exceed ten (10) years. To secure the repayment of any indebtedness so incurred, the board shall levy assessments over the term of the indebtedness in amounts sufficient to repay the interest and principal as it falls due. Such assessments shall be levied in the manner and shall be subject to the limitations set forth in section 42-4215, Idaho Code.
42-4217. LENDING INSTITUTIONS -- RIGHT TO COMPEL ASSESSMENTS -- ALTERNATIVE REMEDY. If in any year the board of directors fails to levy assessments for the repayment of indebtedness in amounts sufficient to meet a payment or payments falling due, the lender may bring an action in the district court of any county in which the district is situated to compel the board to levy assessments in amounts sufficient to insure the payment thereof; provided, however, that the board may not be compelled to increase assessments for the repayment of indebtedness if the maximum annual assessment limitation specified in section 42-4215, Idaho Code, will be exceeded thereby. In the event that the maximum annual assessment limitation has been reached and the assessments for repayment of indebtedness nevertheless will be insufficient to meet a payment of payments falling due, the lender may, in the alternative, seek an order requiring that moneys received by the district in payment of assessments for all purposes be first expended for the repayment of that portion of the indebtedness falling due.

42-4218. LIEN OF ASSESSMENT. From and after January 1 of any year, all assessments, other than those levied against municipalities, shall be liens against the property of water users to which the water rights used to determine assessments are appurtenant. Such liens shall not be removed until the assessments are paid or the property is sold for the payment thereof.

42-4219. PAYMENT OF ASSESSMENTS -- WHEN DELINQUENT -- INTEREST AND PENALTIES. Assessments shall be due and payable on or before December 31 of each year. On or before the first day of December, the treasurer of the district shall publish a notice for a period of not less than two (2) weeks in a newspaper published or having general circulation in each of the counties in which any part of the district is situated setting forth the date by which assessments must be paid and the times and places at which payment may be made. Assessments unpaid on December 31 shall be delinquent and shall bear interest at the rate of eight percent (8%) per annum until paid. Delinquent assessments, in addition, shall be subject to a penalty in the amount of fifty cents ($.50) per second foot of water the water user is entitled to appropriate under the water right or rights forming the basis of his assessment.

The maximum annual assessment limitation specified in section 42-4215, Idaho Code, shall apply only to the amount of the assessment itself, and the interest and penalty herein prescribed shall be collectible along with the amount
of the delinquent assessment, notwithstanding that the assessment itself is at the maximum specified in that section.

42-4220. ENTRY OF DELINQUENT ASSESSMENTS -- FILING OF DELINQUENCY LIST. On or before the 15th day of January of each year the treasurer shall enter the amount of all delinquent assessments upon the assessment book, which entry shall be considered to be dated as of the first day of January. Such entry shall have the force and effect of a sale to the treasurer of the district as grantee in trust for the district of all property to which a lien has attached as a result of such unpaid assessments.

The treasurer shall compile a list of such delinquency entries which shall contain the names of the persons or entities to whom the assessments were directed and the amount of such delinquent assessments together with the amount of the penalties to be added thereto. A certified copy of the delinquency list shall be filed with the county recorder of each county in which the properties affected by such delinquent assessments are located.

42-4221. REDEMPTION AND SALE OF PROPERTY SUBJECT TO DELINQUENT ASSESSMENTS. The manner in which property subject to a lien for nonpayment of assessments may be redeemed, and if not redeemed, shall be sold as provided in sections 43-712, 43-715 through 43-721, 43-724 and 43-726, Idaho Code, to the extent that the provisions thereof are in keeping with the provisions of this chapter.

42-4222. MUNICIPALITIES -- SPECIAL TAX TO PROCURE FUNDS FOR PAYMENT OF ASSESSMENTS. Municipalities shall be solely liable for payment of the assessments levied against them, but in order that sufficient funds shall be available therefor, municipalities within the district are hereby empowered and directed to levy a special tax upon all the taxable property within the municipality in an amount equal to the assessment.

Assessments against municipalities unpaid on the date specified in section 42-4219, Idaho Code, shall become delinquent, shall bear interest and shall be subject to the penalty as therein provided, but the provisions of sections 42-4220 and 42-4221, Idaho Code, shall not apply thereto. The board of directors may proceed in any other manner authorized by law for the collection of any such delinquent assessments.

42-4223. CONTRACTS TO RECEIVE BENEFITS. Any privately owned electrical generating company, or any person or entity
who has acquired or is in the process of acquiring a right to appropriate water downstream from the boundaries of the district may enter into a contract with the board of directors of the aquifer recharge district for the receipt of benefits from the district. The consideration to be paid by any company, person or entity so contracting shall be as specified in the contract. Approval of any such contract by the director of the department of water resources shall be required before the contract shall become effective.

A contract executed and approved as herein provided may be used by the department of water resources as the basis for issuance of a permit to the electrical generating company or downstream appropriator for the appropriation and storage of such water as shall become available thereto as a result of the functioning of the district. Water appropriated under any such permit shall be deemed to be stored water and the use and manner of appropriation thereof shall be subject to all applicable limitations and restrictions imposed by law, including the provisions of subsection (3) of section 42-4201, Idaho Code.

Prior to the formation of the aquifer recharge district, any such electrical generating company or downstream appropriator may file with the director of the department of water resources a letter of intent to enter into such a contract.

42-4224. WATER USERS SUBJECT TO INCLUSION WITHIN THE DISTRICT. (1) All water users, as defined in section 42-4202(1), Idaho Code, included within the district and who have not obtained exclusion as hereinafter provided, shall remain within and be subject to assessment by the district, notwithstanding the absence of their signatures on the petition for formation of the district, and notwithstanding any change in the ownership or control of the property of the water user, whether by way of transfer, exchange, conveyance, assignment, lease, or otherwise, to which the water right or rights used to determine assessments are appurtenant. Municipal water users, as defined in section 42-4202(2), Idaho Code, included within the district shall remain at their election, within and be subject to assessment by the district unless excluded in the manner hereinafter provided.

(2) Any water user, as defined in section 42-4202(1), Idaho Code, who has obtained exclusion from the district, but who nevertheless is benefited by the district, shall remain excluded; provided, however, that any person or entity succeeding the water user in the ownership or control of property, whether by way of transfer, exchange, conveyance, assignment, lease, or otherwise, to which is appurtenant,
nant a water right that, barring the exclusion, would have been used to determine assessments, shall be deemed included within and subject to assessment by the district.

(3) Any individual or entity whose permit to appropriate water was acquired after the formation of the district, but who qualifies as a water user under section 42-4202(1), Idaho Code, in all other respects, shall be deemed included within and subject to assessment by the district if benefited either directly or indirectly by the district.

42-4225. EXCLUSION FROM THE DISTRICT -- PROCEDURE -- GROUNDS FOR EXCLUSION. After the formation of the district, any water user included within the district may file with the board of directors a petition in writing praying for exclusion from the district. All water users seeking exclusion as are united in interest or to which the same state of facts apply may unite in the same petition. The grounds for exclusion and the time limitations for filing any petition hereunder shall be as follows:

(1) The water user will not be benefited by the functioning of the district. A petition alleging this ground for exclusion must be filed within ninety (90) days after the formal appointment of the first board of directors by the department of water resources. Any such petition filed after the ninety (90) day period has elapsed shall not be accepted or considered.

(2) The water user has not benefited by the functioning of the district. A petition alleging this ground for exclusion shall be filed no earlier than five (5) years after the declaration of the formation of the district by the director of the department of water resources.

A petition alleging either of the foregoing grounds for exclusion shall be acknowledged by all the petitioners and shall state in detail the reasons why it is claimed that the petitioners should be excluded from the district.

Immediately after their formal appointment, the board of directors shall cause notice of the deadline for filing petitions under the provisions of subsection (1) of this section and a copy of the order of formation of the district and a map indicating the boundaries of the district to be posted in three (3) public places in each county in which a part of the district is situated. In addition, the board shall publish notice of the deadline and the locations at which the order of formation and map of the district may be inspected for at least four (4) successive weeks in a newspaper published or having general circulation in each of the counties in which any part of the district is situated.

42-4226. HEARING -- NOTICE -- ENTRY OF ORDER. (1) The
petition shall be heard by the board of directors within sixty (60) days of filing of the petition and if no hearing is held within that time the petitioner or petitioners shall be deemed excluded from the district. If, prior to the date set for the hearing, the board issues an order excluding the petitioner or petitioners, no hearing need be held. The board shall give each petitioner notice of the time and place of the hearing in writing not less than fifteen (15) days prior to the hearing. It shall be sufficient to mail such notice by certified or registered mail to each petitioner's mailing address as indicated on the petition.

(2) At the hearing, if any, the petitioner or petitioners must establish by competent evidence the allegations of the petition. The chairman of the board is hereby empowered to administer oaths for the purpose of the hearing. If the allegations of the petition are established the board shall enter an order excluding the petitioner or petitioners, or any of them, from the district, which order shall reflect the nature of any outstanding and/or continuing liabilities to which the petitioner so excluded shall remain subject under the provisions of section 42-4228, Idaho Code.

42-4227. APPEAL. An appeal shall lie from a decision of the board of directors denying the petition or any part thereof to the district court of the county where the water user or water users are located. The appeal shall be taken in the same manner as appeals are taken from the board of county commissioners. If the district court excludes the water user or water users, or any of them, the time of exclusion shall date from the time of the hearing before the board of directors. The order of the district court excluding a water user or water users shall reflect the nature of any outstanding and/or continuing liabilities to which each water user so excluded shall remain subject under the provisions of section 42-4228, Idaho Code.

42-4228. EFFECT OF EXCLUSION ON LIABILITY FOR ASSESSMENTS. Any water user excluded from the district on the grounds specified in section 42-4225(1), Idaho Code, shall not be subject to assessment by the district for any purpose. Any water user excluded from the district on the grounds specified in section 42-4225(2), Idaho Code, shall not be subject to assessment for maintenance and operation of the works and facilities of the district or for assessment expenses after the entry of the order of exclusion, or in case of appeal, the effective date of exclusion, but shall remain subject to the following liabilities until discharged:

(1) Such excluded water user shall remain liable for
payment of assessments previously levied and unpaid at the
time of the entry of the order of exclusion, or in case of
appeal, the effective date of exclusion;

(2) Such excluded water user, notwithstanding his
exclusion, shall remain liable to pay his proportionate
share, such share to be computed as specified in section
42-4215, Idaho Code, of any indebtedness of the district
already incurred and outstanding at the time of the entry
of the order of exclusion, or in case of appeal, the effective
date of exclusion, but such water user shall not be liable
upon any indebtedness incurred thereafter.

Any water user, as defined in section 42-4202(1), Idaho
Code, who, after exclusion, remains subject to either or
both of the liabilities specified herein shall, in addition,
remain subject to the provisions of sections 42-4218,
42-4219, 42-4220 and 42-4221, Idaho Code, until such liabil-
ities have been discharged. Any municipal water user, as
defined in section 42-4202(2), Idaho Code, who, after exclu-
sion, remains subject to either or both of the liabilities
specified herein, shall, in addition, remain subject to the
provisions of section 42-4222, Idaho Code, until such
liabilities have been discharged.

Upon the discharge of any liability, the district shall
issue to the water user its certificate of full payment exe-
cuted by the chairman of the board and the secretary of the
district, and acknowledged so that the certificate may be
recorded in the records of the county wherein the property
of the water user affected by such liability and the dis-
charge thereof is situate.

42-4229. COSTS. On appeal, costs shall be taxed as in
other civil cases. Costs of recording the order of exclusion
shall be borne by petitioners when the order is entered by
the board of directors and by the aquifer recharge district
when entered by the district court.

42-4230. EXCLUSION TO BE RECORDED. The decision and
order of the board of directors, or of the district court in
case of appeal, excluding the petitioner or petitioners from
the district shall be filed for record in the recorder's
office of the counties within which the district is situ-
ated.

42-4231. 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 por-
tions of this act.

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.

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CHAPTER 294
(H.B. No. 333)

AN ACT
RELATING TO THE CREATION OF SOLAR EASEMENTS; AMENDING
CHAPTER 6, TITLE 55, IDAHO CODE, BY THE ADDITION OF A
NEW SECTION 55-615, IDAHO CODE, TO PROVIDE FOR THE CRE-
ATION OF A SOLAR EASEMENT, TO PROVIDE THE REQUIREMENTS
FOR AN INSTRUMENT CREATING A SOLAR EASEMENT, AND TO PRO-
VIDE FOR THE TRANSFER OF A SOLAR EASEMENT UPON THE SALE
OF PROPERTY ENCUMBERED WITH THE EASEMENT; AND DECLARING
AN EMERGENCY.

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

SECTION 1. That Chapter 6, Title 55, Idaho Code, be,
and the same is hereby amended by the addition thereto of a
NEW SECTION, to be known and designated as Section 55-615,
Idaho Code, and to read as follows:

55-615. SOLAR EASEMENTS. (1) An easement, as defined
in section 50-1301, Idaho Code, may be obtained for the pur-
pose of exposure of a solar energy device to sunlight. Such
easement shall be known as a solar easement, shall be
created in writing, and shall be subject to the same convey-
ancing and instrument recording requirements as other ease-
ments.

(2) Any instrument creating a solar easement shall
include, but the contents shall not be limited to:
(a) The vertical and horizontal angles, expressed in
degrees, at which the solar easement extends over the
real property subject to the solar easement;
(b) Any terms or conditions or both under which the
solar easement is granted or will be terminated;
(c) Any provisions for compensation of the owner of the
property benefiting from the solar easement in the event
of interference with the enjoyment of the solar easement
or compensation of the owner of the property subject to
the solar easement for maintaining the solar easement.

(3) A solar easement shall be presumed to be attached
to the real property on which it was first created, and
shall be deemed to pass with the property when title is
transferred to another owner as prescribed in section
55-603, Idaho 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.

CHAPTER 295
(H.B. No. 410, As Amended)

AN ACT
RELATING TO THE SPECIAL FUEL TAX ACT; AMENDING SECTION 49-1229, IDAHO CODE, TO REFER TO CHAPTER 24, TITLE 63, RATHER THAN CHAPTER 12, TITLE 49, IDAHO CODE, WITH REGARD TO MOTOR FUELS; AMENDING SECTION 49-1230, IDAHO CODE, TO MODIFY DEFINITIONS OF COLLECTOR AND SPECIAL FUEL AND EXCLUDING OFF ROAD AGRICULTURAL AND OTHER OFF ROAD USE; AMENDING 49-1231, IDAHO CODE, TO PROVIDE FOR A TAX OF NINE AND ONE-HALF CENTS PER GALLON; AMENDING SECTION 49-1231A, IDAHO CODE, TO PROVIDE FOR ALLOCATION OF EXCISE TAX FUNDS; AMENDING SECTION 49-1233, IDAHO CODE, TO APPLY LICENSE REQUIREMENTS TO ONLY THOSE SPECIAL FUEL USERS WHO ARE SPECIAL FUEL DEALERS, AND TO REQUIRE SPECIAL FUEL VEHICLE PERMITS ONLY FOR THOSE VEHICLES USING SPECIAL FUEL WHICH ARE OWNED OR CONTROLLED BY SPECIAL FUEL DEALERS; AMENDING SECTION 49-1234, IDAHO CODE, TO REQUIRE LICENSED SPECIAL FUEL USERS TO PREPARE AND RETAIN RECORDS; AMENDING SECTION 49-1235, IDAHO CODE, TO REQUIRE SPECIAL FUEL DEALERS AND SPECIAL FUEL USERS WHO ARE ALSO SPECIAL FUEL DEALERS, TO FILE QUARTERLY RETURNS, TO REQUIRE THE RETURN TO BE FILED NOT LATER THAN THE LAST DAY OF THE NEXT SUCCEEDING CALENDAR MONTH FOLLOWING THE QUARTER TO WHICH IT RELATES, TO CLARIFY REFERENCES TO SPECIAL FUEL USER, TO STRIKE REFERENCE TO SECTION 8 AND EXTEND ASSESSMENT OF DEFICIENCY TO WITHIN TWO YEARS OF THE LAST DAY OF THE NEXT SUCCEEDING CALENDAR MONTH FOLLOWING THE QUARTERLY PERIOD FOR WHICH THE AMOUNT IS PROPOSED TO BE DETERMINED; REPEALING SECTION 49-1237, IDAHO CODE, RELATING TO PROCEDURES FOR CLAIMING REFUNDS OR CREDITS; AMENDING SECTION 49-1239, IDAHO CODE, TO QUALIFY REFERENCE TO SPECIAL FUEL USER; REPEALING SECTION 49-1241, IDAHO CODE; AMENDING SECTION 49-1242, IDAHO CODE, TO PROVIDE A CODE CITATION FOR APPEALS PROCEDURE AND TO PROVIDE FOR BOND COVERAGE; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 49-1229, Idaho Code, be, and the same is hereby amended to read as follows:

49-1229. STATEMENT OF PURPOSE. The purpose of this act is to supplement chapter 12, title 49, Idaho Code as
amended, by imposing a tax upon the use, receipt, delivery, or placing into the fuel supply tanks of motor vehicles which are within this state, of all fuels not taxed under said chapter 12, title 49, Idaho Code as amended.

SECTION 2. That Section 49-1230, Idaho Code, be, and the same is hereby amended to read as follows:

49-1230. DEFINITIONS. As hereinafter used in this act:
(a) "Person" includes every natural person, fiduciary, association or corporation. Whenever used in any clause prescribing and imposing a fine or imprisonment, or both, the term "person" as applied to an association means and includes the partners or members thereof, and as applied to corporations, the officers thereof.
(b) "Collector" means the director of the department of law-enforcement state tax commission of the state of Idaho.
(c) "Highway" means every way or place of whatever nature open to the use of the public as a matter of right for the purpose of vehicular travel which is maintained by the state of Idaho or some taxing subdivision or unit thereof or the federal government or agency thereof.
(d) "Motor vehicle" means any self-propelled vehicle licensed for operation and operated upon the highways as herein defined or permitted to operate upon such highways by agreement between the state of Idaho and any foreign state, country or territory.
(e) "Special fuel" means and includes all combustible gases and liquids suitable for the generation of power for propulsion of motor vehicles, except that it does not include motor fuel as defined in section 49-1201, Idaho Code; nor does it include fuel used in motor vehicles paying a use fee under schedule "B" of subsection 6 of subdivision (d) of section 49-127, Idaho Code. Nor does it include fuel used in privately owned automobiles not used for commercial purposes using diesel or propane fuel only and registered under subsection 4 of section 49-126, Idaho Code, nor does it include special fuel for off road agricultural use, domestic heating or other nonhighway use.
(f) "Use" means either the receipt, delivery or placing of special fuels by a special fuel dealer into the fuel supply tank or tanks of any motor vehicle not owned or controlled by him while such vehicle is within this state, or the consumption by a special fuel user of special fuels in propulsion of a motor vehicle on the highways of this state.
(g) "Special fuel dealer" means any person in the business of handling special fuel who delivers any part thereof into the fuel supply tank or tanks of a motor vehicle not then owned or controlled by him. For this purpose the term
"fuel supply tank or tanks" does not include cargo tanks even though fuel is withdrawn directly therefrom for propulsion of the vehicle.

(h) "Special fuel user" means any person who consumes in this state special fuel for the propulsion of motor vehicles owned or controlled by him upon the highways of this state.

(i) "Bond" means:

(1) A bond duly executed by such fuel dealer or special fuel user as principal with a corporate surety qualified under the provisions of chapter 27-1426, title 41, Idaho Code, which bond shall be payable to the state of Idaho conditioned upon faithful performance of all requirements of this act, including the payment of all taxes, penalties and other obligations of such special fuel dealer or special fuel user, arising out of this act; or

(2) A deposit with the collector by the special fuel dealer or special fuel user, under such terms and conditions as the collector may prescribe, of a like amount of lawful money of the United States or bonds or other obligations of the United States, the state of Idaho, or any county of said state, of an actual market value not less than the amount so fixed by said collector.

SECTION 3. That Section 49-1231, Idaho Code, be, and the same is hereby amended to read as follows:

49-1231. TAX IMPOSED. There is hereby levied and imposed an excise tax of eight nine and one-half cents (8-1/2¢ 9 1/2¢) per gallon on the use of special fuel in any motor vehicle while operated upon the highway, as herein defined. Said tax, with respect to all special fuel delivered by a special fuel dealer into supply tanks of motor vehicles in this state, shall attach at the time of such delivery and shall be collected by such special fuel dealer from the special fuel user and shall be paid over to the collector as hereinafter provided. Said tax, with respect to special fuel acquired by any special fuel user in any manner other than by delivery by a special fuel dealer into a fuel supply tank of a motor vehicle, shall attach at the time of the consumption of such fuel in the propulsion of a motor vehicle upon the highways of the state and shall be paid over to the collector by a special fuel user as hereinafter provided.

SECTION 4. That Section 49-1231A, Idaho Code, be, and the same is hereby amended to read as follows:

49-1231A. PARTIAL ALLOCATION OF EXCISE TAX FUNDS
DISTRIBUTION OF TAX REVENUES. An amount equal to one-sixth (1/6) of the excise-tax moneys received by the state treasurer under section 49-1241, prior to making the allocations to the state highway fund, the park fund and waterways improvement fund required by said section, shall be distributed by the state treasurer as follows:

(a) One per cent (1%) to the credit of the waterways improvement fund, one per cent (1%) to the credit of the park fund, and ninety-eight per cent (98%) shall be divided among incorporated and specially chartered cities of the state, which construct and maintain roads and streets, in the same proportion as the population of said incorporated or specially chartered city bears to the total population of all such incorporated and specially chartered cities of the state, as shown by the last regular or special federal census.

(b) There is hereby appropriated and allocated out of said excise-tax revenues accruing between January 1 and December 31 of each year, the sum equal to one-sixth (1/6) of said excise revenues, as provided above, to be distributed by the above formula (1). The revenues received from the tax imposed by section 49-1231, Idaho Code, any penalties, interest, or deficiency additions, shall be paid over to the state treasurer by the collector, to be distributed as follows:

(a) An amount of money equal to the actual cost of collecting, administering and enforcing the special fuel use tax act by the collector, as determined by the collector and certified quarterly to the state auditor, shall be transferred back to the collector; provided, that the amount so transferred back to the collector shall not exceed the amount authorized to be expended by regular appropriation authorization.

(b) An amount of money shall be transferred to the special fuel refund account, which is hereby created, sufficient to pay current refund claims. All refunds authorized to be paid by this act shall be paid from the special fuel refund account.

(c) From the balance remaining with the state treasurer after transferring the amounts in subsections (a) and (b) of this section:

1. Sixteen and two-thirds per cent (16.67%) shall be divided among incorporated and specially chartered cities, in the same proportion as the population of said incorporated or specially chartered city bears to the total population of all such incorporated or specially chartered cities as shown by the last regular or special federal census; and

2. Eighty-one and one-third per cent (81.33%)
shall be transferred to the state highway account, as created in section 40-2210, Idaho Code.

(2) The distribution and transfers required by subsections (1) and (2) of this section shall be made as frequently as required, and the state auditor and state treasurer shall take all necessary actions to achieve such transfers and distributions.

SECTION 5. That Section 49-1233, Idaho Code, be, and the same is hereby amended to read as follows:

49-1233. SPECIAL FUEL DEALERS' AND SPECIAL FUEL USERS' LICENSES AND SPECIAL FUEL VEHICLE PERMITS. (a) Required: It shall be unlawful for any person to act as a special fuel dealer in this state unless such person is the holder of an uncanceled special fuel dealer's license issued to him by the collector. Except for special fuel which is delivered by a special fuel dealer into a fuel supply tank of any motor vehicle in this state, it shall be unlawful for any person to consume special fuel for the propulsion of a motor vehicle upon the highways of this state unless such person is the holder of an uncanceled special fuel user's license issued to him by the collector, except for privately owned automobiles not used for commercial purposes or, the special fuel is delivered by a special fuel dealer into a fuel supply tank of any motor vehicle in this state, which is not owned or controlled by him.

Every special fuel user dealer shall obtain prior to the use of special fuel for the propulsion of a motor vehicle or vehicles in this state a special fuel vehicle permit for such vehicle or vehicles operated by him upon the highways as herein defined prior to the use of special fuel for the propulsion of a motor vehicle or vehicles in this state.

(b) Application: Application for a special fuel dealer's license, a special fuel user's license, or a special fuel vehicle permit shall be made to the collector except for privately owned automobiles not used for commercial purposes.

(c) Form of application: The application shall be filed upon a form prepared and furnished by the collector. The application shall contain such information as the collector deems necessary.

(d) Bond: No special fuel dealer's license or special fuel user's license shall be issued to any person or continued in force unless such person has furnished bond, as defined in section 49-1230 (i), Idaho Code, in such form as the collector may require to secure his compliance with this act, and the payment of any and all taxes, interest and penalties due and to become due hereunder.
The total amount of the bond or bonds required of any special fuel dealer or special fuel user shall be equivalent to twice his estimated monthly tax payments as hereinafter provided, determined in such manner as said collector may deem proper; provided, however, that the total amount of the bond or bonds shall never be less than five hundred dollars ($500).

(e) Issuance: Upon receipt of the application and bond in proper form, the collector shall issue to the applicant a license to act as a special fuel dealer or a special fuel user or a special fuel vehicle permit; provided, however, the collector may refuse to issue a special fuel dealer's license, a special fuel user's license or a special fuel vehicle permit to any person: (1) who formerly held either type of license or permit which, prior to the time of filing application has been revoked for cause; or (2) who is not the real party in interest and where the license or permit of the real party in interest has been revoked for cause prior to the time of filing such application; or (3) upon other sufficient cause being shown. Before such refusal, the collector shall grant the applicant a hearing and shall grant him at least ten (10) days written notice of the time and place thereof.

(f) Expiration of license or permit: Each dealer's license, special fuel user's license and special fuel vehicle permit shall be valid until revoked for cause or otherwise canceled.

(g) Assignment forbidden: No special fuel dealer's license, special fuel user's license or special fuel vehicle permit shall be transferable.

(h) Revocation, cancelation, and surrender of license, permit and bond: The collector may revoke the license of any special fuel dealer or special fuel user or a special fuel vehicle permit for reasonable cause. Before revoking such license or permit the collector shall notify the licensee or permittee to show cause within thirty (30) days of the date of the notice why the license or permit should not be revoked; provided, however, that at any time prior to and pending such hearing the collector may, in the exercise of reasonable discretion, suspend such license or permit.

The collector shall cancel any license to act as a special fuel dealer or a special fuel user or any special fuel vehicle permit immediately upon surrender thereof by the holder.

(i) Release of surety: Any surety on a bond furnished by a special fuel dealer or special fuel user as provided herein shall be released and discharged from any and all liability to the state accruing on such bond after the expiration of thirty (30) days from the date upon which such
surety shall have lodged with the collector a written request to be released and discharged, but this provision shall not operate to relieve, release, or discharge the surety from any liability already accrued or which shall accrue before the expiration of the thirty (30)-day period. The collector shall promptly upon receiving any such request, notify the special fuel dealer or special fuel user who furnished the bond, and unless the special fuel dealer or special fuel user shall, on or before the expiration of the thirty (30)-day period, file a new bond, in accordance with the requirements of this section, or make a deposit in lieu thereof as provided in section 49-1230 (i), Idaho Code, the collector forthwith shall cancel the special fuel dealer's or special fuel user's license.

(j) Additional bond or deposit: The collector may require a special fuel dealer or special fuel user to give a new or additional surety bond or to deposit additional securities of the character specified in section 49-1230 (i), Idaho Code, if, in his opinion, the security of the surety bond therefor filed by such special fuel dealer or special fuel user, or the market value of the properties deposited as security by such special fuel dealer or special fuel user, shall become impaired or inadequate; and upon failure of the special fuel dealer or special fuel user to give such new additional surety bond or to deposit additional securities within thirty (30) days after being requested so to do by the collector, said collector forthwith shall cancel his license.

SECTION 6. That Section 49-1234, Idaho Code, be, and the same is hereby amended to read as follows:

49-1234. SPECIAL FUEL DEALERS' AND LICENSED SPECIAL FUEL USERS' RECORDS. (a) Preparation of records: Every special fuel dealer, licensed special fuel user and every person importing, manufacturing, refining, dealing in, transporting or storing, special fuel in this state shall keep such records, receipts and invoices and other pertinent papers with respect thereto as the collector may require. The records, receipts, invoices and other pertinent papers shall be available at all times during the business hours of the day, to the collector.

(b) Retention of records: Said records, receipts, invoices and other pertinent papers shall not be required to be kept for a period beyond three (3) years from the date on which the return to which they relate was required to have been made.

SECTION 7. That Section 49-1235, Idaho Code, be, and
the same is hereby amended to read as follows:

49-1235. QUARTERLY RETURNS. (a) Returns: For the purpose of determining the amount of his liability for the tax herein imposed each special fuel dealer and each special fuel user who is also a special fuel dealer shall file with the collector, on forms prescribed by said collector, a quarterly tax return. Such return shall contain a declaration by the person making the same, to the effect that the statements contained therein are true and are made under penalties of perjury, which declaration shall have the same force and effect as a verification of the return and shall be in lieu of such verification. The return shall show such information as the collector may reasonably require for the proper administration and enforcement of this act; provided, however, that if a special fuel dealer or user is also a wholesale distributor of special fuel at a location where special fuel is delivered in the supply tank of a motor vehicle, and if separate storage is provided thereat from which special fuel is delivered or placed into fuel supply tanks of motor vehicles, the quarterly return to the administrator need not include inventory control data covering bulk storage from which wholesale distribution of special fuel is made. No return need be made by any special fuel user, not licensed as a special fuel dealer, whose entire use of special fuels in this state is limited solely to special fuels delivered into the fuel supply tank of such user's motor vehicle by special fuel dealers. The special fuel dealer or special fuel user who is also a special fuel dealer shall file the return on or before the 25th last day of the next succeeding calendar month following the quarterly period to which it relates; provided, however, that for good cause the collector may grant a taxpayer a reasonable extension of time for filing but not to exceed 30 days.

If the final filing date falls on Saturday, Sunday or legal holiday the next secular or business day shall be the final filing date. Such reports shall be considered filed or received on the date shown by the post-office cancelation mark stamped upon an envelope containing such report properly addressed to the collector, or on the date it was mailed if proof satisfactory to the collector establishes the date it was mailed.

(b) Computation: The tax imposed by this act shall be computed as follows: (1) with respect to special fuel used by the seller thereof as a special fuel dealer, by multiplying the tax rate per gallon provided in this act by the number of gallons of special fuel delivered or placed by him into the supply tank or tanks of a motor vehicle, (2) with respect to special fuel as to which the tax has not been
paid to a special fuel dealer in this state and which has been consumed by the purchaser thereof as a special fuel user, by multiplying the tax rate per gallon provided in this act by the number of gallons of special fuel consumed by him in the propulsion of motor vehicle on the highways of this state.

(c) Payments: The quarterly tax return shall be accompanied by remittance covering the tax due hereunder on account of the use as defined in section 49-1230 (f), Idaho Code, of special fuels during the preceding quarter.

(d) Refusal or failure to file return or pay tax when due: In case of any special fuel dealer or special fuel user who is also a special fuel dealer who refuses or fails to file a return required by this act within the time prescribed by subsection (a) of this section, there is hereby imposed a penalty of one hundred dollars ($100) or a sum equal to twenty-five per cent (25%) of the tax due, whichever is greater, together with interest at the rate of one-half (1/2) of one per cent (1%) on the tax due, for each calendar month or fraction thereof during which such refusal or failure continues; provided, however, that if any such special fuel dealer or special fuel user who is also a special fuel dealer shall establish to the satisfaction of the collector that his failure to file a return within the time prescribed was due to reasonable cause and was not intentional or wilful, the collector shall waive the penalty provided by this subsection.

(e) Failure to pay tax: Where a special fuel dealer or a special fuel user who is also a special fuel dealer files a return, but fails to pay in whole or in part the tax due hereunder, there shall be added to the amount due and unpaid interest at the rate of one-half (1/2) of one per cent (1%) per month or fraction thereof from the date such tax was due to the date of payment in full thereof.

(f) Deficiency: If it be determined by the collector that the tax reported by any special fuel dealer or special fuel user who is also a special fuel dealer is deficient he shall proceed to assess the deficiency on the basis of information available to him and there shall be added to this deficiency interest at the rate of one-half (1/2) of one per cent (1%) per month or fraction thereof from the date the return was due.

(g) Determination if no return made: If any special fuel dealer or special fuel user, who is also a special fuel dealer, whether or not he is licensed as such, fails, neglects, or refuses to file a special fuel tax return when due, the collector shall on the basis of information available to him, determine the tax liability of the special fuel dealer or the special fuel user who is also a special fuel
dealer for the period during which no return was filed, and
to the tax as thus determined the collector shall add the
penalty and interest provided in subsection (d) of (this
section).

An assessment made by the collector pursuant to this
subsection or to subsection (f) of this section shall be
presumed to be correct, and in any case where the validity
of the assessment is drawn in question, the burden shall be
on the person who challenges the assessment to establish by
a fair preponderance of the evidence that it is erroneous or
excessive as the case may be.

(h) Fraudulent return: If any special fuel dealer or
special fuel user who is also a special fuel dealer shall
file a false or fraudulent return with intent to evade the
tax imposed by this act, there shall be added to the amount
of deficiency determined by the collector a penalty equal to
twenty-five per cent (25%) of the deficiency together with
interest at one-half (1/2) of one per cent (1%) per month,
or fraction thereof, on such deficiency from the date such
tax was due to the date of payment, in addition to all other
penalties prescribed by law.

(i) Limitation: Except in the case of a fraudulent
return or of neglect, or refusal to make a return, every
deficiency shall be assessed under subsection (f) of (this
section) within two (2) years after the 25th last
day of the next succeeding calendar month following the
quarterly period for which the amount is proposed to be
determined or within two (2) years after the return is
filed, whichever period expires the later.

(j) No tax return need be filed by any special fuel
dealer or special fuel user who is also a special fuel
dealer for any quarter in which no tax liability has been
accrued; provided, however, such dealer or user must file,
in lieu thereof, an affidavit, under oath, stating that no
such tax liability has accrued for the quarter covered by
the affidavit and declaring that the statements contained
therein are made under penalties of perjury.

SECTION 8. That Section 49-1237, Idaho Code, be, and
the same is hereby repealed.

SECTION 9. That Section 49-1239, Idaho Code, be, and
the same is hereby amended to read as follows:

49-1239. ADMINISTRATION. (a) Rules and regulations: The
collector shall enforce the provisions of this act, and may
prescribe, adopt, and enforce reasonable rules and regula-
tions relating to the administration and enforcement
thereof.

(b) Examination of records: The collector or his
authorized representative is hereby empowered to examine the
books, papers, records and equipment of any special fuel
dealer or special fuel user who is also a special fuel
dealer or any person dealing in, transporting, or storing special fuel as defined in this act and to investigate the character of the disposition which any person makes of such special fuel in order to ascertain and determine whether all excise taxes due hereunder are being properly reported and paid. The fact that such books, papers, records and equipment are not maintained in this state at the time of demand shall not cause the collector to lose any right of such examination under this act when and where such records become available.

(c) Evidence: For the purpose of enforcing the provisions of this act, the fact that a special fuel dealer or a special fuel user who is also a special fuel dealer has placed or received special fuel into storage or dispensing equipment designed to fuel motor vehicles shall be prima facie evidence that all of such special fuel has been delivered by the special fuel dealer or special fuel user who is also a special fuel dealer into the fuel supply tanks of motor vehicles and consumed in the propulsion of motor vehicles upon the highway as herein defined unless the contrary shall be established by satisfactory evidence.

(d) Reciprocal exchange of data: The collector shall, upon request from the officials to whom are entrusted the enforcement of the special fuel tax law of any other state, the District of Columbia, the United States, its territories and possessions, the provinces or the Dominion of Canada, forward to such officials any information which he may have relative to the receipt, storage, delivery, sale, use, or other disposition of special fuel by any special fuel dealer or special fuel user, provided such other state or states furnish like information to this state.

SECTION 10. That Section 49-1241, Idaho Code, be, and the same is hereby repealed.

SECTION 11. That Section 49-1242, Idaho Code, be, and the same is hereby amended to read as follows:

49-1242. JUDICIAL REVIEW AND APPEALS. Any determination of the collector hereunder may be reviewed by the district court and an appeal may be taken from the judgment of the district court to the Supreme Court. The procedure for such review and appeal shall be the same as provided for appeals under the motor fuels tax as provided by section 49-1209 63-2419, Idaho Code, with the exception that provision for bonding in section 49-1233, Idaho Code, shall apply.

SECTION 12. This act shall be in full force and effect on and after July 1, 1978.

CHAPTER 296
(H.B. No. 451, As Amended)

AN ACT

RELATING TO HEARINGS BEFORE THE PROFESSIONAL STANDARDS COMMISSION; AMENDING SECTION 33-1255, IDAHO CODE, AMENDING PROVISIONS RELATIVE TO HEARING AUTHORITY OF THE COMMISSION.

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

SECTION 1. That Section 33-1255, Idaho Code, be, and the same is hereby amended to read as follows:

33-1255. HEARINGS UPON REQUEST -- PLACE -- OBJECT AND PROCEDURES -- REPORT. Whenever requested or by any board of school district trustees, or by any school teachers association, or by any local teachers association, or by any state teachers association, or by the Idaho association of school superintendents, or by the Idaho association of secondary school principals, or by the Idaho association of elementary school principals, the commission may hold hearings on any allegation of unethical or unprofessional practice, or incompetence of any teacher brought by an individual, except a student in an Idaho public school, with a substantial interest in the matter, or by a local board of trustees, provided there shall be a prior determination by an executive committee of the commission that probable cause exists to warrant a hearing. Before assuming jurisdiction in a complaint the executive committee shall determine that efforts have been exhausted to resolve the dispute at the school district level. No commission member who participated in the probable cause determination process in a given case shall serve on the committee appointed to hear the complaint.

Any such hearing shall be informal and shall be held within the school district in which any teacher complained of shall reside, or at such other place which the commission shall deem most convenient for all parties.

All hearings shall be held with the object of ascertaining the truth. Any person complained against may appear in person and may be represented by legal counsel, and may produce, examine and cross-examine witnesses; and, if he chooses so to do, may submit for the consideration of the commission a statement in writing in lieu of oral testimony, but any such statement shall be under oath and the affiant shall be subject to cross-examination.

Any such hearing may be conducted by three (3) or more panel members appointed by the chairman of the commission or by a panel of certificated school employees of the state of Idaho, but a majority of whom shall hold a position of employment the same as the person complained against. The report of such hearing shall be submitted to the commission for its consideration and disposition.

CHAPTER 297
(H.B. No. 518)

AN ACT
RELATING TO MOTOR VEHICLES; AMENDING CHAPTER 8, TITLE 49, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 49-820A, IDAHO CODE, TO PROVIDE FOR THE OPTIONAL USE OF A REAR MOUNTED ACCELERATION AND DECELERATION LIGHTING SYSTEM.

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

SECTION 1. That Chapter 6, Title 49, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 49-820A, Idaho Code, and to read as follows:

49-820A. OPTIONAL USE OF REAR MOUNTED ACCELERATION AND DECELERATION LIGHTING SYSTEM. (a) Every motor vehicle, trailer, semitrailer, truck tractor, and pole trailer used in the state of Idaho may be equipped with an auxiliary lighting system consisting of:

(1) One (1) green light to be activated when the accelerator of the motor vehicle is depressed;
(2) Not more than two (2) amber lights to be activated when the motor vehicle is moving forward, or standing and idling, but is not under the power of the engine.

(b) Such auxiliary system shall not interfere with the operation of vehicle tail lamps as required by section 49-805, Idaho Code, and shall not interfere with the operation of vehicle signal lamps and signal devices as required by section 49-819, Idaho Code. Such system, however, may operate in conjunction with such tail lamps or signal lamps and signal devices.

(c) Only one (1) color of the system may be illuminated at any one time, and at all times either the green light, or amber light or lights shall be illuminated when the tail lamps of the vehicle are not illuminated.

(d) The green light and the amber light or lights, when illuminated, shall be plainly visible at a distance of five hundred (500) feet to the rear.

(e) Only one (1) system may be mounted on a motor vehicle, trailer, semitrailer, truck tractor, or pole trailer; and such system shall be rear mounted in a horizontal fashion, at a height of not more than seventy-two (72) inches, nor less than twenty (20) inches, as provided by section 49-805(b), Idaho Code.

(f) On a combination of vehicles, only the lights of the rearmost vehicle need actually be seen and distinguished as provided in subsection (d) of this section.

(g) Each manufacturer's model of such a system as described in this section shall be approved by the director as provided for in sections 49-825 and 49-826, Idaho Code, before it may be sold or offered for sale in the state of Idaho.

Approved March 29, 1978
C. 298 '78  IDAHO SESSION LAWS  755

CHAPTER 298
(H.B. No. 546, As Amended)

AN ACT
RELATING TO UNLICENSED DOGS; AMENDING SECTION 25-2804, IDAHO CODE, TO PROVIDE FOR TEMPORARY IMPOUNDMENT OF UNLICENSED DOGS, TO PROVIDE THE GEOGRAPHIC BOUNDARIES OF THE DUTY OF THE SHERIFF, AND TO PROVIDE FOR HUMANE PROCEDURES FOR THE KILLING OF DOGS.

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

SECTION 1. That Section 25-2804, Idaho Code, be, and the same is hereby amended to read as follows:

25-2804. TAKING UP DOGS WITHOUT COLLAR AND TAG. After sixty (60) days from the date of the board's meeting at which this measure is adopted, it shall be the duty of the sheriff of the county to seize and impound any and all dogs other than those belonging to residents of a municipality within the county which has enacted and is enforcing a dog license law, whenever and wherever found at large without a collar with such license tag or disc as prescribed in section 25-2803, Idaho Code. No dog which is impounded pursuant to this section shall be killed before five (5) days, excluding weekends and holidays, have elapsed from the time of the taking up of the dog. After the five (5) days, excluding weekends and holidays, have elapsed and a reasonable effort has failed to locate the owner, the sheriff or his delegate may kill the dog in a humane manner. It shall be the duty of the sheriff of the county or his delegate also to seize and impound any and all such dogs at large wearing collars with such license tags or discs, whenever and wherever found, on which the owner has failed to obtain or renew the annual license; provided, that when a dog wearing a collar with a license attached has been taken up, the sheriff shall notify the owner, if known, who may thereupon recover possession of the dog on payment of the license fee and costs, and any pertinent county fine.

CHAPTER 299
(H.B. No. 547)

AN ACT
RELATING TO DOG LICENSE TAGS; AMENDING SECTION 25-2802, IDAHO CODE, TO STRIKE REFERENCES TO DOGS IN KENNELS, TO PROVIDE THAT THE COUNTY ASSESSOR FURNISH DUPLICATE TAGS AT A REASONABLE COST, TO ABOLISH THE REQUIREMENT OF ENUMERATION OF DOGS, AND TO ABOLISH THE REQUIREMENT THAT THE BOARD OF CORRECTION SUPPLY LICENSE TAGS.

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

SECTION 1. That Section 25-2802, Idaho Code, be, and the same is hereby amended to read as follows:

25-2802. LICENSE TAGS ---DOGS-IN-KENNELS --- PROCEEDS OF TAX ---ENUMERATION-OF-DOGS. Said license shall be paid in accordance with provisions of section 25-2801, Idaho Code, to the assessor of said county, who shall thereupon give to the person paying it a receipt reciting the owner's name and the number of the license, and also a metal tag or disc bearing the year of issue, the name of the county, and a license number corresponding with that mentioned in the receipt. In the case of an owner of a kennel, the sheriff shall give the owner a metal tag or disc to be placed on each dog of the kennel, but only to the number of dogs actually owned at the time. The proceeds thereof shall be paid into the general fund of the county. In the event of loss of license tag, a duplicate, so stamped, shall be provided the owner by the assessor, at a reasonable cost for each duplicate tag. In the event the owner of a kennel increases the number of dogs in his ownership, he shall be required to secure a license tag for each new dog. As an aid in checking the dogs within the county, it shall be the duty of the county assessor, when making the annual assessment, to make a list of the names of all persons who own or keep a dog, or dogs, and set opposite the name of such owner or keeper the number of dogs he or she has in his or her possession or that is or are kept on his or her premises, stating whether male or sterilized or unsterilized female which list shall contain the names of all owners or keepers of a dog or dogs in the county.

It shall be the duty of the state board of correction to manufacture and make available to the counties, at material
CHAPTER 300
(H.B. No. 577)

AN ACT
RELATING TO THE SALARY OF CERTAINPROSECUTING ATTORNEYS;
PROVIDING AN EXCEPTION FOR THE SALARY OF THE PROSECUTING
ATTORNEY OF BOISE COUNTY; DECLARING AN EMERGENCY AND
PROVIDING FOR RETROACTIVE APPLICATION.

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

SECTION 1. The provisions of section 31-3113, Idaho
Code, notwithstanding, the annual salary of the prosecuting
attorney for Boise County for the fiscal year commencing
October 1, 1977, shall be seven thousand two hundred dollars
($7,200).

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 October 1, 1977.

CHAPTER 301
(H.B. No. 580)

AN ACT
RELATING TO PRETRIAL NOTICE OF DEFENSE OF ALIBI; AMENDING CHAPTER 5, TITLE 19, IDAHO CODE, BY ADDING A NEW SECTION 19-519, IDAHO CODE, REQUIRING A PERSON ACCUSED OF A CRIME TO FILE AND SERVE NOTICE OF DEFENSE OF ALIBI UPON THE PROSECUTING ATTORNEY DEMANDING IT AND REQUIRING THE PROSECUTING ATTORNEY TO NOTIFY THE ACCUSED OF NAMES AND ADDRESSES OF WITNESSES REBUTTING HIS DEFENSE OF ALIBI.

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

SECTION 1. That Chapter 5, 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 19-519, Idaho Code, and to read as follows:

19-519. NOTICE OF DEFENSE OF ALIBI. (1) At any time after arraignment before a magistrate upon a complaint and upon written demand of the prosecuting attorney, the defendant shall serve, within ten (10) days or at such different time as the court may direct, upon the prosecuting attorney, a written notice of his intention to offer a defense of alibi. Such notice by the defendant shall state the specific place or places at which the defendant claims to have been at the time of the alleged offense and the names and addresses of the witnesses upon whom he intends to rely to establish such alibi.

(2) Within ten (10) days after receipt of the defendant's notice of alibi but in no event less than ten (10) days before trial, unless the court otherwise directs, the prosecuting attorney shall serve upon the defendant or his attorney a written notice stating the names and addresses of the witnesses upon whom the prosecution intends to rely to establish the defendant's presence at the scene of the alleged offense and any other witnesses to be relied on to rebut testimony of any of the defendant's alibi witnesses.

(3) If prior to or during trial a party learns of an additional witness whose identity, if known, should have been included in the information furnished under subsection (1) or subsection (2) of this section, the party shall promptly notify the other party or his attorney of the existence and identity of such additional witness.

(4) Upon the failure of either party to comply with the requirements of this section, the court may exclude the testimony of any undisclosed witness offered by such party as to the defendant's absence from or presence at, the scene of the alleged offense. This section shall not limit the right of the defendant to testify in his own behalf.

(5) For good cause shown the court may grant an exception to any of the requirements of subsections (1) through (4) of this section.

CHAPTER 302
(H.B. No. 582)
AN ACT
RELATING TO REQUIREMENTS FOR OPEN MEETINGS; AMENDING SECTION 67-2345, IDAHO CODE, TO PROVIDE THAT EXECUTIVE SESSIONS MAY BE HELD TO CONSIDER AND ADVISE ON MATTERS OF LITIGATION.

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

SECTION 1. That Section 67-2345, Idaho Code, be, and the same is hereby amended to read as follows:

67-2345. EXECUTIVE SESSIONS -- WHEN AUTHORIZED. (1) Nothing contained in this act shall be construed to prevent, upon a two-thirds (2/3) vote recorded in the minutes of the meeting by individual vote, a governing body of a public agency from holding an executive session during any meeting, after the presiding officer has identified the authorization under this act for the holding of such executive session. An executive session may be held:

(a) to consider 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 and advise its legal representatives in pending litigation or where there is a general public awareness of probable litigation.

(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.

AN ACT
RELATING TO THE IDAHO COMMISSION ON THE ARTS AND HUMANITIES;
AMENDING SECTION 67-5602, IDAHO CODE, TO STRIKE REFERENCE TO THE HUMANITIES FROM THE COMMISSION; AMENDING SECTION 67-5603, IDAHO CODE; TO PROVIDE FOUR YEAR TERMS FOR MEMBERS OF THE COMMISSION; AND AMENDING SECTION 67-5604, IDAHO CODE, TO PROVIDE FOR THE HIRING OF AN EXECUTIVE DIRECTOR WHO SHALL HIRE, SUBJECT TO APPROVAL, THE BALANCE OF EMPLOYEES OF THE COMMISSION.

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

SECTION 1. That Section 67-5602, Idaho Code, be, and the same is hereby amended to read as follows:

67-5602. COMMISSION ON ARTS AND HUMANITIES---CREATION---MEMBERSHIP. There is hereby created and established within the office of the secretary of state a state commission, to be known as the Idaho commission on the arts and humanities, to consist of thirteen (13) members, representative of the public, the various fields of the performing and fine arts, and all geographic areas of our state. Each member shall be appointed by the governor from among citizens of the state who are widely known for their interest, competence, and experience in the performing and fine arts. In making such appointments, due consideration shall be given to the recommendations made by representative civic, educational and professional associations and groups concerned with or engaged in production or presentation of the performing and fine arts generally.

SECTION 2. That Section 67-5603, Idaho Code, be, and the same is hereby amended to read as follows:

67-5603. TERMS OF MEMBERS--APPOINTMENT OF OFFICERS--SERVICE OF MEMBERS WITHOUT PAY--EXPENSES. The term of office of each member shall be two (2) years; provided, however, that of the members appointed March, 1979, six (6) shall be appointed for terms of two (2) years, and seven (7) for terms of four (4) years. The governor shall designate a chairman and a vice-chairman from the members of the commission to serve as such at the pleasure of the governor.
of the commission. All vacancies shall be filled for the balance of the unexpired term in the same manner as original appointments. The members of the commission shall not receive any compensation for their services, but shall be reimbursed for their actual and necessary expenses incurred in the performance of their duties as members of the commission at the rate allowed by law for state employees.

SECTION 3. That Section 67-5604, Idaho Code, be, and the same is hereby amended to read as follows:

67-5604. EMPLOYEES. Subject to the approval of the commission, the chairman may employ, and at pleasure remove, such officers, experts, and other employees as may be needed, and fix their compensation within the amounts made available for such purposes, an executive director. The executive director shall be the chief executive officer of the commission. The director may, subject to the approval of the commission, employ and remove any consultants, experts or other employees as may be needed. The chairman shall, subject to the approval of the commission, set the compensation for all exempt employees, within the amounts made available for such purposes.

CHAPTER 304
(H.B. No. 616)

AN ACT
RELATING TO LICENSES TO SELL BEER AT RETAIL; AMENDING SECTION 23-1010, IDAHO CODE, BY PROVIDING AUTHORITY TO SUSPEND FOR DISQUALIFICATION UNDER SUBSECTION (2)(i), AND TO REVOKE LICENSE FOR A SECOND OR SUBSEQUENT DISQUALIFICATION UNDER SUBSECTION (2)(i).

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

SECTION 1. That Section 23-1010, Idaho Code, be, and the same is hereby amended to read as follows:

23-1010. LICENSE TO SELL BEER AT RETAIL -- APPLICATION PROCEDURE AND FORM -- SHOWING OF ELIGIBILITY FOR LICENSE AND DISQUALIFICATIONS. (1) Every person who shall apply for a state license to sell beer at retail shall tender the license fee to, and file written application for license with, the director. The application shall be on a form prescribed by the director which shall require such information concerning the applicant, the premises for which license is sought and the business to be conducted thereon by the applicant as the director may deem necessary or advisable, and which shall enable the director to determine that the applicant is eligible and has none of the disqualifications for license, as provided for in this section. Such information shall include the following:

(a) The name and place of residence of the applicant and length of his residence within the state of Idaho, and if the applicant is a partnership, the names, places of residence and lengths of residence within the state of Idaho of each partner, and, if the applicant is a corporation or association, the date and place of incorporation or organization, the location of its principal place of business in Idaho and the names and places of residence of its officers, directors or members of its governing board, and of the person who manages or will manage the business of selling beer at retail;

(b) The particular place for which the license is desired, designating the same by a street and number, if practicable, or by such other apt description as defi-
nity locates such place, and the name of the owner of
the premises for which license is sought;
(2) The application shall affirmatively show:
(a) That the applicant is the bona fide owner of the
business which will be engaged in the sale of beer at
retail and with respect to which license is sought;
(b) That the condition of the place or building wherein
it is proposed to sell beer at retail conforms to all
laws and regulations of the state of Idaho and to the
ordinances of the county and municipality applicable
thereto relating to public health and safety and to the
zoning ordinances of the municipality applicable
thereto;
(c) That there is no stamp or permit outstanding and in
force which has been issued to any person by the United
States government for the premises for which license to
sell beer at retail is sought which stamp or permit
denotes payment of any special tax imposed by the United
States government on a retail dealer in liquor or wines,
unless said premises are premises for which a retail li-
cense for sale of liquor by the drink, issued under the
provisions of chapter 9, title 23, Idaho Code, is in
force and effect;
(d) That the individual applicant, or each partner of a
partnership applicant, is a citizen of the United
States; or, with respect to a corporation or associa-
tion, that it is qualified to do business within the
state of Idaho and that the person who is or will be the
manager of the corporation's or association's business
of selling beer at retail is a citizen; further, that
such individual applicant, at least one (1) of the part-
ners of the partnership applicant, and said manager of
the corporation or association applicant, shall have
been a bona fide resident of the state of Idaho for at
least thirty (30) days prior to the date of application;
(e) That the applicant, if an individual, is not less
than nineteen (19) years of age;
(f) That within three (3) years immediately preceding
the date of filing the application the applicant has not
been convicted of the violation of any law of the state
of Idaho, any other state, or of the United States,
regulating, governing or prohibiting the sale, manufac-
ture, transportation or possession of alcoholic bever-
ages or intoxicating liquors, or, within said time, suf-
fered the forfeiture of a bond for failure to appear in
answer to charges of any such violation;
(g) That within five (5) years immediately preceding
the date of filing the application the applicant has not been convicted of any felony or paid any fine or completed any sentence of confinement therefor within said time;

(h) That within three (3) years next preceding the date of filing said application the applicant has not had any license provided for herein, or any license or permit issued to the applicant pursuant to the law of this state, or any other state, or of the United States, to sell, manufacture, transport or possess alcoholic beverages or intoxicating liquors, revoked.

(i) That no person, partnership, association or corporation conducts or knowingly permits in or upon the licensed premise:

1. Employment or use of any person in the sale or services of beer, wine or alcoholic liquor in or upon the licensed premises which such person is unclothed or in such attire, costume or clothing as to expose to view any portion of the female breast below the top of the areola or of any portion of the pubic hair, anus, cleft of the buttocks, vulva or genitals.

2. Employment or use of the services of any hostess or other person to mingle with patrons while such hostess or other person is unclothed or in such attire, costume or clothing as described in paragraph (i) subsection (1).

3. Encouragement or permits any person on the licensed premises to touch, caress or fondle the breast, buttocks, anus or genitals or any other person.

4. Any employee or person to wear or use any device or covering, exposed to view, which simulates the breast, genitals, anus, pubic hair or any portion thereof.

5. Any person to perform acts of or acts which simulates: sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts which are prohibited by law; the touching, caressing or fondling of the breast, buttocks, anus or genitals; the displaying of the pubic hair, anus, vulva or genitals.

6. Any person to use artificial devices or inanimate objects to depict any of the prohibited activities described in paragraph (i) subsection (5).

7. Any person to remain in or upon the licensed
premises who exposes to public view any portion of his or her genitals or anus.

(8) The showing of films, still pictures, electronic reproductions, or other visual reproductions depicting:

(a) Acts or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts which are prohibited by law.
(b) Any person being touched, caressed or fondled on the breast, buttocks, anus or genitals.
(c) Scenes wherein a person displays the vulva or the anus or the genitals.
(d) Scenes wherein artificial devices or inanimate objects are employed to portray any of the prohibited activities described in paragraph (i) subsection (8) (a), (b), or (c).

(3) The affirmative showing required with respect to an applicant under (e), (f), (g), and (h) of subsection (2) of this section shall also be required to be made with respect to each partner of a partnership applicant and to each incumbent officer, director or member of the governing board of a corporation or association applicant, and to each person then employed by an applicant whose duties include the serving or dispensing of beer.

(4) The application must be subscribed and sworn to by the individual applicant, or by a partner of a partnership applicant, or by an officer or manager of a corporation or association applicant, before a notary public or other person authorized by law to administer oaths.

(5) If an applicant shall be unable to make any affirmative showing required in this section or if an application shall contain a false material statement, knowingly made, the same shall constitute a disqualification for license and license shall be refused. If license is received on any application containing a false material statement, knowingly made, such license shall be revoked. If at any time during the period for which license is issued a licensee becomes unable to make the affirmative showings required by this section license shall be revoked, or, if disqualification can be removed, the license shall be suspended until the same shall be removed, or, if disqualification occurs under subsection (2)(i) the license shall be suspended, and if a second or subsequent disqualification occurs under subsection (2)(i) license shall be revoked. The procedure to be followed upon refusal, revocation or suspension of license
as herein provided for shall be in accordance with the procedure set forth in this act.

(6) All licenses issued hereunder shall expire at 1:00 o'clock A.M. on January 1 of the following year and shall be subject to renewal upon proper reapplication.


AN ACT
RELATING TO SALARIES OF CERTAIN STATE OFFICIALS; AMENDING SECTION 61-212, IDAHO CODE, TO STRIKE REFERENCES TO SALARIES OF COMMISSIONERS OF THE PUBLIC UTILITIES COMMISSION; AND REPEALING SECTION 72-503, IDAHO CODE, RELATING TO SALARIES OF THE COMMISSIONERS OF INDUSTRIAL COMMISSION.

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

SECTION 1. That Section 61-212, Idaho Code, be, and the same is hereby amended to read as follows:

61-212. SALARIES OF COMMISSIONERS---- COMPENSATION OF EMPLOYEES. The annual salary of each commissioner shall be twenty-five thousand dollars ($25,000), notwithstanding the provisions of section 59-510, Idaho Code. Such annual salary shall be paid from whatever source or sources as set by the legislature. All officers, experts, engineers, statisticians, accountants, inspectors, clerks and employees of the commission shall receive such compensation as may be fixed by the commission. The salary or compensation of every person holding office or employment under this act shall be paid 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 2. That Section 72-503, Idaho Code, be, and the same is hereby repealed.

CHAPTER 306
(H.B. No. 620)

AN ACT
RELATING TO PERMITS FOR THE APPROPRIATION OF WATER; AMENDING SECTION 42-203, IDAHO CODE, TO INCLUDE LOCAL PUBLIC INTEREST AS A CRITERIA FOR APPROVING OR DISAPPROVING APPLICATIONS TO APPROPRIATE WATER; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 42-203, Idaho Code, be, and the same is hereby amended to read as follows:

42-203. NOTICE UPON RECEIPT OF APPLICATION -- PROTEST -- HEARING AND FINDINGS -- APPEALS. On and after the passage, approval and effective date of this section, upon receipt of an application to appropriate the waters of this state, the department of water resources, shall prepare a notice in such form as the department may prescribe, specifying the number of the application and the date of filing thereof, the name and post-office address of the applicant, the source of the water supply, the amount of water to be appropriated, in general the nature of the proposed use, the approximate location of the point of diversion, and the point of use, stating in said notice that any protest against the approval of such application, in form prescribed by the department, shall be filed with the department within ten (10) days from the last date of publication of such notice. The director of the department of water resources shall cause the notice to be published in a newspaper printed within the county wherein the point of diversion lies, or in the event no newspaper is printed in said county, then in a newspaper of general circulation therein. This notice shall be published at least once each week for two (2) successive weeks.

Any person, firm, association or corporation concerned in any such application may, within the time allowed in the notice of application, file with said director of the department of water resources a written protest against the approval of such application, which protest shall state the name and address of protestant and shall be signed by him or by his agent or attorney and shall clearly set forth his objections to the approval of such application. Hearing upon the protest so filed shall be held within sixty (60) days
from the date such protest is received. Notice of this hear-
ing shall be given by mailing notice not less than ten (10) days before the date of hearing and shall be forwarded to both the applicant and the protestant, or protestants, by certified mail. Such notice shall state the names of the applicant and protestant, or protestants, the time and place fixed for the hearing and such other information as the director of the department of water resources may deem advisable. In the event that no protest is filed, then the director of the department of water resources may forthwith approve the application, providing the same in all respects conforms with the requirements of this chapter, and with the regulations of the department of water resources.

Such hearing shall be conducted before the director of the department of water resources under rules and regulations to be promulgated by the department of water resources under the provisions of chapter 52, title 67, Idaho Code. The director of the department of water resources shall find and determine from the evidence presented to what use or uses the water sought to be appropriated can be and are intended to be applied and. In all applications whether protested or not protested, where such the proposed use is such (1) that it will reduce the quantity of water under existing water rights, or (2) that the water supply itself is insufficient for the purpose for which it is sought to be appropriated, or (3) where it appears to the satisfaction of the department that such application is not made in good faith, is made for delay or speculative purposes, or (4) that the applicant has not sufficient financial resources with which to complete the work involved therein, or (5) that it will conflict with the local public interest, where the local public interest is defined as the affairs of the people in the area directly affected by the proposed use.

The director of the department of water resources may reject such application and refuse issuance of permit therefore, or may partially approve and grant permit for a less quantity of water than applied for, or may grant permit upon conditions. The provisions of this section shall apply to any boundary stream between this and any other state in all cases where the water sought to be appropriated has its source largely within the state, irrespective of the location of any proposed power generating plant.

Any person or corporation who has formally appeared at the hearing, feeling aggrieved by the judgment of the director of the department of water resources may appeal therefrom to the district court of the county in which the point of diversion of the proposed appropriation shall be situated. Such appeal shall be taken within sixty (60) days from
the ruling or action of the director of the department of water resources and shall be perfected when the appellant shall have filed in the office of the clerk of such district court a copy of the application, certified by the director of the department of water resources as a true copy, together with the petition to such court setting forth the appellant's reason for appeal. A copy of such petition shall be served upon all persons or corporations adversely affected who appeared at the hearing. Such appeal shall be heard and determined upon such competent proof as shall be adduced or offered by the department of water resources or some person duly authorized in its behalf. Upon hearing of said cause, the district court shall have jurisdiction to reverse and remand said cause for further hearing before the director of the department of water resources or dismiss said cause, or may affirm the ruling of the director of the department of water resources, or may modify the decision appealed from in any manner which the said district judge shall deem to comport with equity and justice.

A copy of said judgment shall be transmitted to the director of the department of water resources within five (5) days after its rendition.

An appeal by any party aggrieved lies from a final judgment of the district court in said cause to the Supreme Court of the state of Idaho and the practice and procedure that now obtains or that may be enacted hereafter by law and the rules of the Supreme Court of the state shall apply in all appeals from any final judgment of the district court as aforesaid.

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 APPLICATION OF THE MINIMUM WAGE LAW; AMENDING SECTION 44-1504, IDAHO CODE, TO EXEMPT FROM PROVISIONS OF THE MINIMUM WAGE LAW, SEASONAL EMPLOYEES OF A NON-PROFIT CAMPING PROGRAM.

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

SECTION 1. That Section 44-1504, Idaho Code, be, and the same is hereby amended to read as follows:

44-1504. EMPLOYEES EXCEPTED FROM PROVISIONS OF ACT. The provisions of this act shall not apply to any employee employed in a bona fide executive, administrative, or professional capacity, to agricultural labor as that term is defined in section 72-1304, Idaho Code, to anyone engaged in domestic service, to any individual employed as an outside salesman, to seasonal employees of a nonprofit camping program, or to any child under the age of sixteen (16) years working part time or at odd jobs not exceeding a total of four (4) hours per day with any one (1) employer.

AN ACT
RELATING TO CORPORATIONS; AMENDING SECTION 22-2626, IDAHO CODE, TO INCORPORATE BY REFERENCE PROVISIONS OF THE GENERAL CORPORATION LAW RELATING TO NONPROFIT CORPORATIONS; REPEALING SECTIONS 22-2627 AND 22-2628, IDAHO CODE; AMENDING SECTION 30-101, IDAHO CODE, TO DEFINE "REGISTERED AGENT" AND "NONPRODUCTIVE MINING CORPORATION"; AMENDING SECTION 30-103, IDAHO CODE, TO REQUIRE INFORMATION ON REGISTERED AGENT AND INITIAL DIRECTORS IN ARTICLES OF INCORPORATION; REPEALING SECTION 30-107, IDAHO CODE; AMENDING CHAPTER 1, TITLE 30, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 30-107, IDAHO CODE, TO SET FORTH NEW STANDARDS RELATING TO CORPORATION NAMES; AMENDING SECTION 30-141, IDAHO CODE, TO REDUCE LIMITATIONS ON HOLDING CORPORATE OFFICES; AMENDING SECTION 30-146, IDAHO CODE, TO PROVIDE FOR AMENDMENT OF ARTICLES OF INCORPORATION BY INCORPORATORS OR INITIAL DIRECTORS; AMENDING SECTION 30-147, IDAHO CODE, TO ALLOW FOR SIGNING OF ARTICLES OF AMENDMENT BY SHAREHOLDERS OR INCORPORATORS OR INITIAL DIRECTORS; AMENDING SECTION 30-152, IDAHO CODE, TO PROVIDE FOR ADOPTION OF MERGER OR CONSOLIDATION AGREEMENTS BY FOREIGN CORPORATIONS IN ACCORDANCE WITH THE LAWS OF THEIR JURISDICTIONS OF DOMESTICATION AND TO PROVIDE FOR ALTERNATES FOR EXECUTION OF AGREEMENTS OF MERGER OR CONSOLIDATION; AMENDING SECTION 30-501, IDAHO CODE, TO MAKE LANGUAGE AGREE WITH THE NEW SECTION 30-107, IDAHO CODE; AMENDING CHAPTER 5, TITLE 30, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 30-521, IDAHO CODE, TO DEFINE "DOING BUSINESS"; AMENDING SECTION 30-602, IDAHO CODE, TO DELETE SURPLUS LANGUAGE; REPEALING SECTION 30-1001, IDAHO CODE; AMENDING CHAPTER 10, TITLE 30, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 30-1001, IDAHO CODE, PROVIDING FOR FORMATION OF GENERAL NONPROFIT CORPORATIONS; AMENDING SECTION 30-1002, IDAHO CODE, TO APPLY TO NONPROFIT CORPORATIONS; AMENDING SECTION 30-1003, IDAHO CODE, TO APPLY TO NONPROFIT CORPORATIONS; AMENDING SECTION 30-1004, IDAHO CODE, TO APPLY TO NONPROFIT CORPORATIONS; AMENDING SECTION 30-1005, IDAHO CODE, TO APPLY TO NONPROFIT CORPORATIONS; AMENDING SECTION 30-1006, IDAHO CODE, TO APPLY TO NONPROFIT CORPORATIONS; AMENDING SECTION 30-1309, IDAHO CODE, TO DELETE LIMITATION ON HOLDING PUBLIC OFFICE; AMENDING SECTION 30-1311, IDAHO CODE, TO
REMOVE RESTRICTIONS ON THE CORPORATE NAME; AND REPEALING SECTION 30-1314, IDAHO CODE.

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

SECTION 1. That Section 22-2626, Idaho Code, be, and the same is hereby amended to read as follows:

22-2626. APPLICATION OF GENERAL CORPORATION LAWS. The provisions of the general corporation laws of this state as they apply to nonprofit corporations, and all powers and rights thereunder, shall apply to the associations organized hereunder, except where such provisions are in conflict with or inconsistent with the express provisions of this chapter.

SECTION 2. That Section 22-2627 and 22-2628, Idaho Code, be, and the same is hereby repealed.

SECTION 3. That Section 30-101, Idaho Code, be, and the same is hereby amended to read as follows:

30-101. CORPORATIONS CLASSIFIED -- TERMS DEFINED. 1. Corporations are either public or private. Public corporations are formed or organized for the government of a portion of the state; all other corporations are private. The word "corporation" as used in this act shall be held and construed to include all associations and joint stock companies having or exercising any of the powers or privileges of corporations not possessed by individuals or partnerships.

2. "Domestic corporations" means a corporation formed under the laws of this state, and the term "foreign corporation" includes every other corporation.

3. "Articles of incorporation" includes both the original articles of incorporation and any and all amendments thereto, except in those instances where the context expressly refers to the original articles of incorporation only.

4. An "incorporator" is one of the signers of the original articles of incorporation.

5. A "subscriber" is one who subscribes for shares in a corporation, whether before or after incorporation.

6. "Shares" are the units into which the shareholders' rights to participate in the control of the corporation, in its profits or in the distribution of corporate assets, are divided.

7. A "shareholder" is one who owns one or more shares. A subscriber becomes a shareholder upon the allotment of shares to him.

8. A "certificate of stock" is a written instrument
signed by the proper corporate officers, as required by this act, and evidencing the fact that the person therein named is the registered owner of the share or shares therein described.

9. "Allotment" means the apportioning of a certain number of shares to a subscriber in response to the application contained in his subscription, or to a shareholder pursuant to the declaration of a stock dividend. The allotment of shares to the incorporators, or to persons whose subscriptions were approved by the incorporators before incorporation and were unrevoked at the time of incorporation, shall be considered automatically coincident with incorporation.

10. The "capital stock" of a corporation at any time is:
   a. The aggregate amount of the par value of all allotted shares having a par value, including such shares allotted as stock dividends; and,
   b. The aggregate of the cash, and the value of any consideration other than cash, determined as provided in this act, agreed to be given or rendered as payment other than paid in surplus, for all allotted shares having no par value, plus such amounts as may have been transferred from surplus upon the allotment of stock dividends in shares having no par value.

11. The "assets" of a corporation include all its property and rights of every kind.

12. The "capital" of a corporation is the portion of its assets acquired as consideration for shares allotted and that portion of its assets which has been treated as payment for shares allotted as stock dividends.

13. The term "registered office" means that office maintained by the corporation in this state, as the place where the corporation's minute and stock books are kept, and the address of which is kept on file in the office of the secretary of state in the manner required by the provisions of this act.

14. The term "unincorporated association" means any group of two (2) or more persons united to carry on a business for profit except when such group is formed into a corporation under the laws of any state, territory, nation or sovereignty. Without hereby restricting the meaning of the term, it is declared to include partnerships, limited partnerships, limited partnership associations, joint stock companies and business trusts, except as defined in subdivision 1, of this section.

15. "The court" as used in this act means any court of competent jurisdiction where the registered office of the corporation is located.
16. The "registered agent" is that person who can be found at the registered office and upon whom judicial process for the corporation can be served.

17. A "nonproductive mining corporation" is a corporation whose specific purposes or objects are limited to mining, although its generally stated powers may extend beyond mining. To be classified as nonproductive in any one fiscal year, the corporation must neither be actually engaged in any business other than mining nor own any producing mines at any time during the entire fiscal year.

SECTION 4. 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 and the name of the registered agent at that address;
   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;
   g. The name and post-office address of each of the initial directors named by the organizers or incorporators to serve until the first election of directors.

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 5. That Section 30-107, Idaho Code, be, and the same is hereby repealed.

SECTION 6. That Chapter 1, Title 30, Idaho Code, be, and the same is hereby amended by the addition thereto of a
NEW SECTION, to be known and designated as Section 30-107, Idaho Code, and to read as follows:

30-107. CORPORATE NAME. 1. The corporate name shall conform to the following requirements:
   a. It shall contain the word "corporation," "company" or "incorporated," or shall contain an abbreviation of one of such words; provided that if the word "company" or its abbreviation is used, it shall not be immediately preceded by the word "and" or the abbreviation "&".
   b. It shall not contain any word or phrase which indicates or implies that the corporation is organized for any purpose other than one or more of the purposes contained in its articles of incorporation.
   c. It shall not be the same as, or deceptively similar to, the name of any domestic corporation existing under the laws of this state, or the name of any foreign corporation authorized to transact business in this state, or a name the exclusive right to which is, at the time, reserved in the manner provided in paragraph three (3) of this section; provided that a name may be similar if written consent is obtained from the existing corporation having the name deemed to be similar or from the person or corporation for whom the name deemed to be similar is reserved in the office of the secretary of state.

2. The secretary of state shall adopt rules setting forth standards for corporate name availability.

3. Reserved name.
   a. The exclusive right to the use of a corporate name may be reserved by:
      (1) Any person intending to organize a corporation under the laws of this state.
      (2) Any foreign corporation intending to qualify to do business in this state.
      (3) Any domestic or qualified foreign corporation intending to change its name.
      (4) Any person intending to organize a foreign corporation and intending to have such corporation qualify to do business in this state.
   b. The reservation shall be made by filing with the secretary of state an application to reserve a specified corporate name, executed by the applicant or the attorney or agent thereof. If the secretary of state finds that the name is available for corporate use, he shall reserve the same for the exclusive use of the applicant for a period of four (4) months. A reservation may be renewed in accordance with rules adopted by the secretary of state.
4. 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.

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 7. That Section 30-141, Idaho Code, be, and the same is hereby amended to read as follows:

30-141. OFFICERS AND AGENTS. 1. The board of directors shall elect a president, a secretary and a treasurer, and may elect one or more vice-presidents. No one of said officers--except the president--need to be a director;--but--a vice-president--who--is--not--a--director--cannot--succeed--to--or fill the office of president. Any two (2) of the offices of vice-president, secretary and treasurer may be combined in one (1) person. If the board of directors consists of less than three (3) persons, any of the offices of that corporation may be combined in one (1) person.

2. Such officers and agents as may be necessary for the business of the corporation may be appointed by the board of directors or in the manner provided in the by-laws.

3. All officers and agents shall respectively have authority and perform such duties in the management of the property and affairs of the corporation, subject to the control of the board of directors, as may be prescribed in the by-laws, or, in the absence of controlling provisions in the by-laws, as may be determined by the board of directors.

4. Any officer or agent may be removed by the board of directors whenever in their judgment the best interests of the corporation will be served thereby; such removal, however, shall be without prejudice to the contract rights of the person so removed.

SECTION 8. That Section 30-146, Idaho Code, be, and the same is hereby amended to read as follows:

30-146. AMENDMENTS OF ARTICLES OF INCORPORATION. 1. A corporation may, at a meeting of the shareholders duly
called upon notice of the specific purpose, amend in the manner herein provided, its articles in any respect so as to include any provision authorized by this act.

2. An amendment changing the name of the corporation may be adopted by the vote of the holders of a majority of the voting power of all shareholders, or by such vote as the articles of incorporation require.

3. An amendment altering the articles of incorporation in any other respect may be adopted by vote of the holders of two-thirds (2/3) of the voting power of all shareholders, or by such vote as the articles of incorporation require.

4. If an amendment would make any change in the rights of the holders of shares of any class, or would authorize shares with preferences in any respect superior to those of allotted shares of any class, or would restrict the preemptive rights of any shareholders, then the holders of each class of shares so affected by the amendment shall be entitled to vote as a class upon such amendment, and in addition to the vote required by subdivision 3 of this section, the vote of the holders of two-thirds (2/3) of the shares of each class so affected by the amendment shall be necessary to the adoption thereof.

5. Any amendment which might be adopted at a meeting of shareholders as provided in this section, may be adopted without such a meeting being held if written consent to the amendment has been given by all shareholders entitled to vote thereon as provided in this section, or, if no shares have been issued, any such amendment may be adopted by all the incorporators or initial directors.

6. The stock of corporations shall not be increased except at a meeting of shareholders held after at least thirty (30) days' notice given in the manner provided in subdivision 4 of section 30-133, Idaho Code.

SECTION 9. That Section 30-147, Idaho Code, be, and the same is hereby amended to read as follows:

30-147. ARTICLES OF AMENDMENT -- CONTENTS -- SUBSCRIPTIONS -- FILING AND RECORDING. 1. After an amendment has been adopted, articles of amendment shall be prepared in triplicate originals, setting forth the amendment and the adoption thereof, and shall be signed and sworn to by the president or vice-president and the treasurer or secretary or assistant secretary, or by all of the shareholders or, if no shares have been issued, all of the incorporators or initial directors.

2. The triplicate originals of the articles of amendment shall be delivered to the secretary of state. If the secretary of state finds that the articles of amendment con-
form to law, he shall put an indorsement of his approval upon each set, and when all taxes, fees and charges therefor have been paid as required by law, he shall file one (1) of such sets in his office and record the same and shall issue and record a certificate of amendment. Thereupon the amendment shall become effective.

3. The certificate of amendment together with the two (2) remaining sets of the articles of amendment bearing the indorsement of the fact and time of filing in the office of the secretary of state shall be returned to the corporation. One (1) of the sets of the articles of amendment shall then be filed for record in the office of the county recorder of the county in which the registered office of the corporation is located, and the other shall be retained by the corporation. A copy of said articles of amendment certified by the secretary of state shall be filed in the office of the county recorder of any other county in which the corporation owns or holds real property.

SECTION 10. That Section 30-152, Idaho Code, be, and the same is hereby amended to read as follows:

30-152. MERGER OR CONSOLIDATION -- JOINT AGREEMENT FOR. The merger or consolidation of corporations can be effected only as a result of a joint agreement entered into and filed as follows:

1. The board of directors of each ef-said domestic corporations as which desires to merge or consolidate may, by majority vote, enter into a joint agreement signed by such directors and prescribing the terms and conditions of merger or consolidation, the mode of carrying the same into effect, with such other details and provisions as are deemed necessary.

2. The agreement shall be submitted to the shareholders of each ef-said merging or consolidating domestic corporations, at a meeting thereof, duly called separately in the manner provided in section 30-133, Idaho Code, for calling shareholders' meetings, and if, at such meetings the holders of two-thirds (2/3) of the voting power of all shareholders of each domestic corporation shall vote for the adoption of said agreement, then that fact shall be certified on said agreement by the secretary or assistant secretary of each corporation, and the agreement so adopted and certified shall be signed by the president or vice-president and secretary or assistant secretary of each ef-said domestic corporations and acknowledged by the president or vice-president of each ef-said domestic corporations.

3. The adoption and approval of the agreement by any foreign corporation shall be verified or authenticated as
SECTION 11. That Section 30-501, Idaho Code, be, and the same is hereby amended to read as follows:

30-501. FILING OF EVIDENCE OF INCORPORATION -- PRE­
REQUISITE TO DOING BUSINESS. Every corporation not created
under the laws of this state or of the United States must, before doing business in this state, file for record with
the secretary of state a copy of the articles of incorpo­
ration of said corporation, duly certified to by the secre­
tary of state of the state jurisdiction in which said corpo­
ration was organized, or such other legal custodian of the
corporation records of said state jurisdiction as is quali­
fied under its laws to make such certified copy, and file
for record a copy of such articles of incorporation, duly
certified by the secretary of state of this state and bear­
ing the indorsement of the fact and time of filing for
record in his office, in the office of the county recorder
of the county in this state in which is designated its prin­
cipal place of business in this state. The secretary of
state shall not file the articles of incorporation of any
such corporation whose corporate name does not conform to
the requirements set forth for the names of domestic cor­
porations in paragraph 1-3-a Be-4 l.b and c of section
30-107, Idaho Code. The provisions of paragraph 5 of said
section-30-107 shall also be applicable. The use of a name
in violation of this section shall not affect the privileges
accorded a foreign corporation complying with the provisions
of this chapter, 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 used in violation of this section,
although its articles of incorporation may have been filed
by the secretary of state. If pursuant to the laws of the
state jurisdiction in which a corporation was organized, any
papers, documents or instruments have been filed therein to
restate, supersede, consolidate or replace the articles of
incorporation of such corporation, then copies thereof certified as hereinabove provided for may be filed for record as hereinabove required in lieu of the articles of incorporation of such corporation.

SECTION 12. 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 30-521, Idaho Code, and to read as follows:

30-521. DOING BUSINESS -- DEFINED. A foreign corporation shall be deemed to be doing business in this state for the purpose of this chapter only, upon performance in this state of an act or acts which are indicative of an intent to engage in the corporation's business. Any act or acts which are within the ordinary course of the business for which the corporation was created are sufficient.

The following actions do not by themselves establish the fact of doing business:
1. Maintenance of bank accounts and stock transfer offices.
2. Acquisition of realty by gift or devise, or in connection with satisfaction of a judgment.
3. Acts of or incidental to purely interstate commerce.
4. Dealing with independent contractors other than franchisees.
5. Transactions internal to the corporation, i.e. with stockholders.
6. Prosecution or defense of suits in the courts of this state.

SECTION 13. That Section 30-602, Idaho Code, be, and the same is hereby amended to read as follows:

30-602. ANNUAL LICENSE -- EXEMPTIONS. No corporation herefore 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, all-mining-corporations-which-do-not-own productive-mines,-telephone--and--irrigation-corporations,- incorporated-vegetable-lateral-and-drainage-ditches,-operated on-the-cooperative-plan-solely-and-net-conducted--and--oper-
section 14. That Section 30-1001, 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 30-1001, Idaho Code, and to read as follows:

30-1001. NONPROFIT CORPORATIONS AUTHORIZED. A corporation may be formed under this chapter if pecuniary profit is not its objective, provided that there is no other more specific statute under which it can organize.

section 16. That Section 30-1002, Idaho Code, be, and the same is hereby amended to read as follows:

30-1002. APPLICATION OF GENERAL CORPORATION LAW. Every such cooperative-association nonprofit corporation shall be governed by the laws of this state relating to the organization and conduct of private corporations, except such as are inconsistent with the provisions of this chapter.

section 17. 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 nonprofit corporation, 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 18. That Section 30-1004, Idaho Code, be, and the same is hereby amended to read as follows:

30-1004. ORGANIZATION -- SHARES OF STOCK OR MEMBERSHIP CERTIFICATES. A cooperative-association nonprofit corporation may be formed under this chapter with or without capi-
tal 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 corporation 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 corporation, 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 19. That Section 30-1005, Idaho Code, be, and the same is hereby amended to read as follows:

30-1005. BY-LAWS. The by-laws of such association corporation may, in addition to other provisions prescribed by law, provide for:

1. The number and qualification of members and the terms and conditions of admission.

2. The time, mode, conditions and effect of expulsion or withdrawal from and of restoration to membership.

3. The assignment or transfer of the interest of members, the manner of determining the value, if any, of such interest, and the purchase by the association corporation, at its option, of such interest, upon the death, withdrawal or expulsion of a member.

4. Fees for admission, assessments or dues to carry on the business of the association corporation and reimbursement for services rendered and expenses incurred by the association corporation for its members, the time of payment and manner of collecting amounts due and for forfeiture of the interest of a member in the association corporation for nonpayment thereof.

5. Contracting, securing, paying and limiting the
indebtedness of the association corporation; and,

6. Other regulations not repugnant to the laws of the state and consonant with the objects of the association corporation.

SECTION 20. That Section 30-1006, Idaho Code, be, and the same is hereby amended to read as follows:

30-1006. AMENDMENT OR ALTERATION OF BY-LAWS -- ADOPTION OF ADDITIONAL PROVISIONS. The by-laws of any nonprofit association corporation incorporated under this chapter may be altered, amended or new by-laws adopted at any regular meeting or at any special meeting of the members thereof, called for that purpose, by the affirmative vote of two-thirds (2/3) of the members present at such meeting; provided, that a quorum as specified in the by-laws of the association corporation or the laws of the state of Idaho be present.

SECTION 21. That Section 30-1309, Idaho Code, be, and the same is hereby amended to read as follows:

30-1309. DISQUALIFICATION TO RENDER PROFESSIONAL SERVICE -- SEVERANCE OF RELATIONSHIP WITH CORPORATION -- EFFECT OF VIOLATION. If any officer, shareholder, agent or employee of a corporation organized under this act who has been rendering professional service to the public becomes legally disqualified to render such professional services within this state or accepts employment that, pursuant to existing law, places restrictions or limitations upon his continued rendering of such professional services, he shall sever all employment with, and financial interests in, such corporation forthwith. A corporation's failure to require compliance with this provision shall constitute a ground for forfeiture of its articles of incorporation and its dissolution. When a corporation's failure to comply with this provision is brought to the attention of the office of the secretary of state, the secretary of state forthwith shall certify that fact to the attorney general for appropriate action to dissolve the corporation.

SECTION 22. That Section 30-1311, Idaho Code, be, and the same is hereby amended to read as follows:

30-1311. CORPORATE NAME. The corporate name of a corporation organized under this act shall contain the last names of some or all of the shareholders except that an assumed corporate name may be adopted which does not include any of
The names of the stockholders of the corporation, if the corporation records a certificate with the county recorder of the county in which its principal office is located, setting forth the assumed name and the names of each of its stockholders. The corporate name shall end with the word "chartered" or "professional association" or the abbreviation "P.A.", but the name need not contain the word "company," "corporation" or "incorporated" or any abbreviation of any such word. It shall be permissible, however, for the corporation to render professional services and to exercise its authorized powers under a name which is identical to its corporate name except that the word "chartered" or "professional association" or the abbreviation "P.A." may be omitted provided that the corporation record a certificate of such name and the names of its shareholders in the office of the county recorder of the county in which its principal office is located.

SECTION 23. That Section 30-1314, Idaho Code, be, and the same is hereby repealed.

CHAPTER 309
(H.B. No. 628)

AN ACT
RELATING TO MINE TAILINGS IMPOUNDMENT STRUCTURES; AMENDING SECTION 42-1709, IDAHO CODE, TO PROVIDE THAT MINE TAILINGS IMPOUNDMENT STRUCTURES BE INCLUDED IN INSPECTION ON COMPLAINT BY THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES; AMENDING SECTION 42-1710, IDAHO CODE, TO PROVIDE THAT LEGISLATIVE INTENT REQUIRES THE DEPARTMENT OF WATER RESOURCES TO BE RESPONSIBLE FOR THE CONSTRUCTION, MAINTENANCE AND OPERATION OF MINE TAILINGS IMPOUNDMENT STRUCTURES; AMENDING SECTION 42-1711, IDAHO CODE, TO PROVIDE A DEFINITION OF TERMS RELATING TO MINE TAILING IMPOUNDMENT STRUCTURES; AMENDING SECTION 42-1713, IDAHO CODE, TO PROVIDE THAT FEES BE ASSESSED AGAINST THE CONSTRUCTION OF MINE TAILINGS IMPOUNDMENT STRUCTURES; AMENDING SECTION 42-1714, IDAHO CODE, TO PROVIDE THAT RULES AND REGULATIONS BE PREPARED COVERING DESIGN AND CONSTRUCTION OF MINE TAILINGS IMPOUNDMENT STRUCTURES; AMENDING SECTION 42-1715, IDAHO CODE, TO PROVIDE THAT THE DEPARTMENT OF WATER RESOURCES MAKES INSPECTIONS DURING CONSTRUCTION OF MINE TAILINGS IMPOUNDMENT STRUCTURES; AMENDING SECTION 42-1716, IDAHO CODE, TO PROVIDE FOR FILING OF DRAWINGS WITH THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES UPON COMPLETION OF A MINE TAILINGS IMPOUNDMENT STRUCTURE; AMENDING SECTION 42-1717, IDAHO CODE, TO PROVIDE THAT THE DEPARTMENT OF WATER RESOURCES HAS JURISDICTION OVER THE MAINTENANCE, OPERATION, AND INSPECTION OF MINE TAILINGS IMPOUNDMENT STRUCTURES; AMENDING SECTION 42-1718, IDAHO CODE, TO PROVIDE THAT THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES EMPLOYS REMEDIAL MEANS TO PROTECT LIFE AND PROPERTY IN THE EVENT OF EMERGENCIES INVOLVING MINE TAILINGS IMPOUNDMENT STRUCTURES; AMENDING SECTION 42-1719, IDAHO CODE, TO PROVIDE FOR THE ISSUANCE OF A CERTIFICATE OF APPROVAL BEFORE CONSTRUCTION OF MINE TAILINGS IMPOUNDMENT STRUCTURES MAY COMMENCE; AMENDING SECTION 42-1720, IDAHO CODE, TO PROVIDE PENALTIES; AND AMENDING CHAPTER 17, TITLE 42, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 42-1721, IDAHO CODE, TO PROVIDE FOR THE SUBMISSION OF DUPLICATE PLANS, DRAWINGS, AND SPECIFICATIONS TO THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES PRIOR TO THE CONSTRUCTION OF MINE TAILINGS IMPOUNDMENT STRUCTURES.
Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 42-1709, Idaho Code, be, and the same is hereby amended to read as follows:

42-1709. INSPECTION ON COMPLAINT. If any person or persons shall report in writing to the director that any dam or embankment, used for holding water, or mine tailings impoundment structure used for storing tailings slurry is unsafe and endangering life or property, then it shall be the duty of the director to inspect, or cause to be inspected, such dam, embankment or mine tailings impoundment structure as soon as possible, and, if he considers it unsafe, to proceed as provided in the following sections.

SECTION 2. That Section 42-1710, Idaho Code, be, and the same is hereby amended to read as follows:

42-1710. INTENT OF LEGISLATURE -- CONSTRUCTION, MAINTENANCE AND OPERATION OF DAMS AND MINE TAILINGS IMPOUNDMENT STRUCTURES. It is the intent of the legislature by this act to provide for the regulation of construction, maintenance and operation of all dams, and reservoirs and mine tailings impoundment structures exclusively by the state to the extent required for the protection of public safety. All dams, and reservoirs and mine tailings impoundment structures in the state are under jurisdiction of the department of water resources. The department of water resources, under the police power of the state, shall supervise the construction, enlargement, alteration, repair, maintenance, operation and removal of dams, and reservoirs and mine tailings impoundment structures for the protection of life and property.

SECTION 3. That Section 42-1711, Idaho Code, be, and the same is hereby amended to read as follows:

42-1711. DEFINITIONS. Unless the context otherwise requires, the following definitions govern the construction of this act.

(a) "Department" means the department of water resources.

(b) "Dam" means any artificial barrier, together with appurtenant works, constructed for the purpose of storing water or that stores water, which is ten (10) feet or more in height from the natural bed of the stream or watercourse at the downstream toe of the barrier, as determined by the department, or from the lowest elevation of the outside limit of the barrier, if it is not across a stream channel
or watercourse, to the maximum water storage elevation, or has or will have an impounding capacity at maximum storage elevation of fifty (50) acre feet or more. No obstruction in a canal used to raise or lower water therein or divert water therefrom and no fill or structure determined by the department to be designed primarily for highway or railroad traffic shall be considered a dam.

(c) "Reservoir" means any basin which contains or will contain the water impounded by a dam.

(d) "Owner" includes any of the following who own, control, operate, maintain, manage, or propose to construct a dam, or reservoir or mine tailings impoundment structure:

1. The state of Idaho and its departments, agencies, institutions and political subdivisions;
2. The United States of America and any of its departments, bureaus, agencies and institutions; provided that the United States of America shall not be required to pay any of the fees required by section 42-1713, Idaho Code, and shall submit plans, drawings and specifications as required by section 42-1712, Idaho Code, for information purposes only;
3. Every municipal or quasi-municipal corporation;
4. Every public utility;
5. Every person, firm, association, organization, partnership, business trust, corporation or company;
6. The duly authorized agents, lessees, or trustees of any of the foregoing; or
7. Receivers or trustees appointed by any court for any of the foregoing.

(e) "Alterations," "repairs," or either of them, mean only such alterations or repairs as may directly affect the safety of the dam, or reservoir or mine tailings impoundment structure, as determined by the department.

(f) "Enlargement" means any change in or addition to an existing dam, or reservoir or mine tailings impoundment structure, which raises or may raise the water storage elevation of the water impounded by the dam or mine tailings slurry impounded by the mine tailings impoundment structure.

(g) "Water storage elevation" means the maximum elevation of water surface which can be obtained by the dam or reservoir.

(h) "Storage capacity" means the total storage at the maximum storage elevation.

(i) "Days" used in establishing deadlines means calendar days including Sundays and holidays.

(j) "Certificate of approval" means a certificate issued by the director for all dams or mine tailings impoundment structures listing restrictions imposed by the director, and without which no new dams shall be allowed to impound water or mine tailings impoundment structures shall
be allowed to impound mine tailings slurry.

(k) "Mine tailings impoundment structure" means any artificial embankment which is or will be more than thirty (30) feet in height measured from the lowest elevation of the toe to the maximum crest elevation constructed for the purpose of storing mine tailings slurry.

(l) "Lift construction" means mine tailings impoundment structure enlargement by raising the elevation of the structure on a continuous or recurring basis. Such practice will be considered under construction until the structure reaches its final crest elevation.

(m) "Mine tailings impoundment elevation" means the maximum elevation of stored mine tailings which can be obtained by the impounding structure.

(n) "Mine tailings slurry" means all slurry wastes from a mineral processing or mining operation.

(o) "Mine tailings storage capacity" means the total storage volume of the impounding area when filled with tailings to the maximum designed storage elevation.

SECTION 4. That Section 42-1713, Idaho Code, be, and the same is hereby amended to read as follows:

42-1713. FEES. Fees provided for in this act shall be required of all enumerated in the definition of owner. Fees for an enlargement to an existing dam or mine tailings impoundment structure shall be based upon the increase in storage capacity or tailings storage capacity. Fees for alterations or repairs of an existing dam or mine tailings impoundment structure shall be based on an estimate, made by the director, of costs of inspections to be made, however, in no case shall such fees exceed that which would be required by the fee schedule for construction of the dam or mine tailings impoundment structure.

(a) For one thousand (1,000) acre-feet capacity or less, five dollars ($5.00) for each ten (10) acre-feet or part thereof.

(b) For over one thousand (1,000) acre-feet capacity but not exceeding ten thousand (10,000) acre-feet capacity, five hundred dollars ($500) plus fifty cents (50¢) for each ten (10) acre-feet or part thereof over the first one thousand (1,000) acre-feet capacity.

(c) For storage in excess of ten thousand (10,000) acre-feet, nine hundred fifty dollars ($950) plus ten cents (10¢) for each ten (10) acre-feet or part thereof over the first ten thousand (10,000) acre-feet capacity. In no case, however, shall the fee be more than three thousand dollars ($3,000).

All plans, drawings and specifications shall not be
considered by the department until the filing fee is received. All moneys received by the department under the provisions of this chapter shall be deposited in the water administration fund created under section 42-238a, Idaho Code, and shall be available to the department in carrying out provisions of this act. Fees submitted shall not be refunded.

SECTION 5. That Section 42-1714, Idaho Code, be, and the same is hereby amended to read as follows:

42-1714. RULES AND REGULATIONS. The water resource board shall adopt and revise from time to time such rules and regulations and issue general orders as may be necessary for carrying out the provisions of sections 42-1710 through 42-1720, 42-1721, Idaho Code. Rules and regulations governing mine tailings slurry impoundment structures will be prepared within a period not to exceed two (2) years by a committee composed of department of water resources personnel and, in an advisory capacity, representatives of owners of such impoundments.

SECTION 6. That Section 42-1715, Idaho Code, be, and the same is hereby amended to read as follows:

42-1715. INSPECTION DURING CONSTRUCTION, ENLARGEMENT, ALTERATION, REPAIR OR REMOVAL OF DAMS AND MINE TAILINGS IMPOUNDMENT STRUCTURES -- EFFECT OF NONCOMPLIANCE. During the construction, enlargement, repair, alteration, or removal of any dam, reservoir or mine tailings impoundment structure, the director shall make or cause to have made continuous or periodical inspections at state expense for the purpose of securing conformity with the approved plans and specifications, but shall require the owner to perform at his expense such work or tests as necessary to disclose information sufficient to enable him to determine that conformity with the approved plans and specifications is being secured, which shall include adequate inspection, at owner's expense, to satisfy the director of verify compliance with approved plans, drawings and specifications.

The work of construction, enlargement, repair, alteration or removal of a dam, reservoir or mine tailings impoundment structure, for which approved plans, drawings and specifications are required, shall be under the responsible charge of a registered professional engineer who is registered according to Idaho law or by such other person as provided in section 54-1223, Idaho Code, and who shall certify that such construction, enlargement, repair, alteration
or removal was done in accordance with approved plans, drawings and specifications. If, after any inspections, investigations or examinations, or at any time as the work progresses, or at any time prior to issuance of a certificate of approval, it is found by the director that amendment, modifications or changes are necessary to insure safety, the director may order the owner to revise the plans and specifications. If conditions are revealed which will not permit the construction of a safe dam, reservoir or mine tailings impoundment structure, the approval may be revoked. If conditions imposed may be waived or made less burdensome without sacrificing a proper margin of safety, the director may authorize an owner to revise the plans and specifications accordingly. If at any time during construction, enlargement, repair or alterations of any dam, reservoir or mine tailings impoundment structure the director finds that the work is not being done in accordance with the provision of the approval and the approved plans and specifications, he shall give a written notice and order by certified mail or by personal service to the owner. The notice and order shall state the particulars in which the approval and approved plans and specifications or the approval and approved plans and specifications as revised are not being or have not been complied with and shall order the immediate compliance with the approval and approved revised plans and specifications as the case may be. The director may order that no further work be done until such compliance has been effected and approved by him. A failure to comply with the approval and approved plans and specifications as originally approved or as revised shall render the approval subject to revocation by the director, if compliance is not made in accordance therewith after notice and order from him as provided in this chapter.

SECTION 7. That Section 42-1716, Idaho Code, be, and the same is hereby amended to read as follows:

42-1716. NOTICE OF COMPLETION -- FILING OF SUPPLEMENTARY DRAWINGS OR DESCRIPTIVE MATTER. Immediately upon completion of a new dam, reservoir or mine tailings impoundment structure or enlargement or repair of a dam, reservoir or mine tailings impoundment structure the owner shall give notice of completion to the director, and as soon thereafter as possible file with the director supplementary drawings or descriptive matter showing or describing the dam, reservoir or mine tailings impoundment structure as actually constructed, including the following:

(a) A record of all grout holes and grouting.
(b) A record of permanent location points and bench
marks.

(c) A record of tests of concrete or other material used in the construction of the dam, reservoir or mine tailings impoundment structure.

(d) Any other items which may be of permanent value and have a bearing on the safety and performances of the dam, reservoir or mine tailings impoundment structure.

In connection with the enlargement or repair of a dam, reservoir or mine tailings impoundment structure, the supplementary drawings and descriptive matter need apply only to the new work.

SECTION 8. That Section 42-1717, Idaho Code, be, and the same is hereby amended to read as follows:

42-1717. JURISDICTION OVER SUPERVISION OF MAINTENANCE, OPERATION AND INSPECTION OF DAMS AND MINE TAILINGS IMPOUNDMENT STRUCTURES. Supervision over the maintenance and operation of dams, reservoirs and mine tailings impoundment structures insofar as necessary to safeguard life and property from injury by reason of the failure thereof is vested in the director of the department of water resources. The director shall at state expense inspect or cause to be inspected, as often as he thinks advisable, every dam used for holding water and mine tailings impoundment structure used for holding tailings slurry in this state; however, all dams twenty (20) feet or more in height or mine tailings impoundment structures more than thirty (30) feet in height shall be inspected at least once every two (2) years, and if after any such inspection such dam or mine tailings impoundment structure, in the opinion of the director, is unsafe, and life or property liable to be endangered by reason thereof, the director shall give written notice and order by certified mail or by personal service upon the owner or owners to remove or repair the same so as to make it safe. If such owner or owners shall neglect or refuse to remove or repair the same after notice to that effect has been given in writing by the director, the director may draw off all or part of such water from behind such dam, embankment or mine tailings slurry from behind mine tailings impoundment structure and keep said water or mine tailings slurry drawn off until such time as the orders shall be complied with. In determining whether or not a dam, reservoir or mine tailings impoundment structure or proposed dam, reservoir or mine tailings impoundment structure constitutes or would constitute a danger to life or property, the director shall take into consideration the possibility that the dam, reservoir or mine tailings impoundment structure might be endangered by overtopping, seepage, settlement, erosion,
cracking, earth movement or other conditions which exist or
might occur in any area in the vicinity of the dam, reservoir or mine tailings impoundment structure.

No action shall be brought against the state, the director, or the department or its agents or employees for the
recovery of damages caused by the partial or total failure of any dam, reservoir or mine tailings impoundment structure or through the operation of any dam, reservoir or mine tailings impoundment structure upon the ground that
such defendant is liable by virtue of any of the following:

(a) The approval of the dam, reservoir or mine tailings impoundment structure.
(b) The issuance or enforcement of orders relative to
maintenance or operation of the dam, reservoir or mine tailings impoundment structure.
(c) Control and regulation of the dam, reservoir or mine tailings impoundment structure.
(d) Measures taken to protect against failure during an
emergency.
(e) The use of design and construction criteria prepared by the department.

No action shall be brought by the state against the
owner for pollution which may occur in the event that the
director orders emergency dumping or bypassing.

Nothing in this part shall be construed to relieve an
owner or operator of a dam, reservoir or mine tailings
impoundment structure of the legal duties, obligations or
liabilities incident to the ownership or operation of the
dam, reservoir or mine tailings impoundment structure.

The findings and orders of the director and the certificate of approval of any dam, reservoir or mine tailings
impoundment structure issued by the director are final and
conclusive and binding upon all state agencies, regulatory
or otherwise, as to the safety of design, construction, maintenance and operation of any dam, reservoir or mine
tailings impoundment structure.

The director may require owners to keep records of, and
to report on, maintenance, operation, staffing and engineer-
ing and geologic investigations, and the water resource
board shall issue such rules and regulations as necessary to
secure maintenance and operation and to require staffing and
engineering and geologic investigations which will safeguard
life and property. In addition, the owner of a dam, reservoir or mine tailings impoundment structure or his
agent shall fully and promptly advise the department of any
sudden or unprecedented flood or unusual or alarming circum-
stance or occurrence affecting the safety of the dam, reservoir or mine tailings impoundment structure. The direc-
tor, from time to time, shall make inspections of dams,
reservoirs and mine tailings impoundment structures at state expense for the purpose of determining their safety, but shall require owners to perform at their expense such work as necessary to disclose information sufficient to enable the director to determine conditions of dams, reservoirs, and mine tailings impoundment structures in regard to their safety and to perform at their expense other work necessary to secure maintenance and operation which will safeguard life and property.

SECTION 9. That Section 42-1718, Idaho Code, be, and the same is hereby amended to read as follows:

42-1718. REMEDIAL MEANS FOR PROTECTION OF LIFE AND PROPERTY. The director shall immediately employ any remedial means necessary to protect life and property if either:

(a) The condition of any dam, reservoir or mine tailings impoundment structure is so dangerous to the safety of life or property as not to permit time for the issuance and enforcement of an order relative to maintenance or operation.

(b) Passing or imminent floods threaten the safety of any dam, reservoir or mine tailings impoundment structure.

In applying the remedial means provided for in this act, the department may in emergency do any of the following:

(a) Lower the water level by releasing water from the reservoir or lower mine tailings slurry level by releasing slurry from the mine tailings impoundment structure.

(b) Completely empty the reservoir.

(c) Take such other steps as may be essential to safeguard life and property.

The director shall continue in full charge and control of such dam or reservoir, or both, or mine tailings impoundment structure, or all, and its appurtenances, until they are rendered safe or the emergency occasioning the action has ceased.

The cost and expenses of the remedial means provided in this act, including cost of any work done to render a dam, reservoir or mine tailings impoundment structure or its appurtenances safe, shall be recoverable by the state from the owner by. If not paid within sixty (60) days of invoice, action may be brought by the director in the district court of the district wherein the dam, reservoir or mine tailings impoundment structure or any part thereof is situated.

No action shall be brought by the state against the owner for pollution which may occur in the event that the director orders emergency dumping or bypassing.
SECTION 10. That Section 42-1719, Idaho Code, be, and the same is hereby amended to read as follows:

42-1719. ISSUANCE OF CERTIFICATES OF APPROVAL -- REVOCATION -- APPEAL. A certificate of approval shall be issued for all dams and mine tailings impoundment structures, new or existing, upon a finding that the dam or reservoir is safe to impound water or the mine tailings impoundment structure is safe to impound mine tailings slurry within the limitations prescribed in the certificate. Upon written request by an owner for a certificate of approval, the director shall within fourteen (14) days inspect or cause to be inspected and issue a certificate if he finds that the dam, reservoir or mine tailings impoundment structure is safe to impound water or tailings slurry within the limitations prescribed in the certificate. Pending the issuance of a certificate of approval, the owner of a new dam, reservoir or mine tailings impoundment structure shall not, through action or inaction, cause the dam or reservoir to impound water or mine tailings impoundment structure to impound mine tailings slurry.

Each certificate of approval issued may contain such terms and conditions as the director may prescribe. The director may revoke any certificate of approval whenever he determines that the dam, reservoir or mine tailings impoundment structure constitutes a danger to life and property. Whenever he deems such action necessary to safeguard life and property, the director may also amend the terms and conditions of any such certificate by issuing a new certificate containing the revised terms and conditions. The owner of a dam, reservoir or mine tailings impoundment structure for which a certificate of approval has been issued shall not, through action or inaction, cause the dam or reservoir to impound water or mine tailings impoundment structure to impound mine tailings slurry after the certificate terminates unless a new certificate is issued for the dam, reservoir or mine tailings impoundment structure. Those inflows that cannot be diverted may still be allowed to enter the structure, but the lowest possible level must be maintained until safety of the structure is assured. A new certificate shall be issued upon a finding by the director that the dam or reservoir is safe to impound water or mine tailings impoundment structure is safe to impound tailings slurry within the limits prescribed in the certificate.

No action shall be brought by the state against the owner for pollution which may occur in the event that the director orders emergency dumping or bypassing.

With respect to written consent for use of a dam which has been issued and which is in effect prior to the effec-
tive date \{May--26--1969\} of this act or mine tailings impoundment structure which has been issued and which is in effect prior to the effective date of amendment, the director shall issue a new certificate of approval, which shall supersede the previous written consent for use, or shall contain such terms and conditions as the director may prescribe or shall revoke the existing written consent for use if he finds that the dam or reservoir is not safe to impound water or that the mine tailings impoundment structure is not safe to impound mine tailings slurry.

Before any certificate of approval is revoked, the director shall hold a hearing. Written notice of the time and place of the hearing shall be mailed, at least twenty (20) days prior to the date set for the hearing, to the holder of the certificate. Any interested persons may appear at the hearing and present their views and objections to the proposed action. Any petition for a writ of mandate to inquire into the validity of action of the director revoking a certificate of approval shall be commenced within thirty (30) days after service of notice of the revocation on the holder of the certificate.

SECTION 11. That Section 42-1720, Idaho Code, be, and the same is hereby amended to read as follows:

42-1720. VIOLATIONS OF ACT -- PENALTIES. Every person who violates any of the provisions of this act, or of any order of the director, or of any rule or regulation of the water resource board where a copy of the order, rule or regulation has been served upon said person by certified mail as herein provided, and said person fails to comply therewith within the time herein provided, or within ten (10) days of such service if not otherwise provided, shall be guilty of a misdemeanor. In the event of a continuing violation, each day that the violation continues constitutes a separate and distinct offense.

Any person who wilfully obstructs, hinders, or prevents the director, the department or its agents or employees from performing the duties imposed by this act or who wilfully resists the exercise of the control and supervision conferred by this act upon the director, the department or its agents or employees is guilty of a misdemeanor.

Any owner or any person acting as a director, officer, agent or employee of an owner, or any contractor or agent or employee of a contractor who engages in the construction, enlargement, repair, alteration, maintenance or removal of any dam, or reservoir, or mine tailings impoundment structure, who knowingly does work or permits work to be executed on the dam, or reservoir or mine tailings impoundment struc-
ture without an approval or in violation of or contrary to any approval as provided for in this act, or any inspector, agent or employee of the department who has knowledge of such work being done and who fails to immediately notify the director thereof, is guilty of a misdemeanor.

Whenever any party or parties feel themselves aggrieved by the determination of the director in refusing to approve any plan or specification as mentioned in this act, or by any order of the director, or of any regulation or ruling of the water resource board, then such party or parties may have an appeal to the district court of the county in which the dam or mine tailings impoundment structure is situated within the time and so far as applicable under the proceedings prescribed in section 42-222, Idaho Code.

SECTION 12. 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 42-1721, Idaho Code, and to read as follows:

42-1721. INITIAL CONSTRUCTION, LIFT CONSTRUCTION, ENLARGEMENT, OR ALTERATION OF TAILINGS IMPOUNDMENT STRUCTURES -- SUBMISSION OF DUPLICATE PLANS, DRAWINGS AND SPECIFICATIONS. Owners who shall desire to construct, or enlarge, or alter or repair, meaning only such alterations or repairs as may affect the safety of the structure, any mine tailings impoundment structure for the purpose of storing mine tailings slurry when the same is to be more than thirty (30) feet in height shall submit duplicate plans, drawings and specifications of the proposed work to the director, and construction of the new mine tailings impoundment structure, alteration or repair shall not be commenced until the owner has applied for and obtained written approval of the plans, drawings and specifications.

Owners of mine tailings impoundment structures upon which construction, lift construction, enlargement or alteration is under way on July 1, 1978, and for which plans, drawings and specifications would be required if such work had commenced subsequent to July 1, 1978, shall submit plans, drawings and specifications with respect to that portion of the work to be performed subsequent to July 1, 1978, as are required, together with the fee established hereinafter. In the event that the owner fails to submit such plans, drawings and specifications contemplated by this paragraph within sixty (60) days, the director shall give notice to owners to submit plans, drawings and specifications, and failure to submit plans, drawings and specifications within thirty (30) days of the date of mailing the notice shall be punishable as provided in this chapter. Con-
struction, lift construction, enlargement, or alteration which is under way on July 1, 1978 may he stopped upon issuance of an order by the director for good cause shown, as determined by the director. The notice and/or order provided for in this paragraph shall state the good cause for stopping determined by the director and shall be given by personal service or certified mail and a return receipt signed by the owner or responsible company shall constitute prima facie evidence of service.

Upon receipt of the plans, drawings and specifications, the director shall give consideration thereto and shall approve or disapprove the same within the time provided in this section, and if approved, the director shall affix his approval thereto and return one (1) copy of such plans, drawings and specifications, with his approval, to the party or parties proposing to construct the works.

Plans, drawings and specifications submitted to the director complete with fees shall be approved or disapproved in no more than sixty (60) days and in no less than fourteen (14) days after receipt. Defective plans, drawings and specifications made in a bona fide attempt to conform to the law and rules and regulations of the water resource board shall not be rejected but notice of defect stating in detail the defect or defects found in the plans, drawings or specifications shall be sent to the owner by certified mail. If within thirty (30) days of the date of mailing the notice the owner does not file amended plans, drawings and specifications, the plans, drawings and specifications shall be rejected and cancelled unless, for good cause shown, the director allows the owner further time.

The construction of all mine tailings impoundment structures under plans, drawings and specifications approved by the director shall be pursued with reasonable diligence to completion, taking into consideration the nature of and purpose for which said construction, lift construction, enlargement or alteration is made.

The plans, drawings and specifications shall include the following information:

(a) The name and address of the owner.
(b) The location, type, size and height of the proposed mine tailings impoundment structure and appurtenant works.
(c) The storage capacity of the impoundment area.
(d) Such other pertinent information as the director may require consistent with good engineering practice including the following:

(1) Data concerning subsoil and foundation conditions and materials entering into construction of the mine tailings impoundment structure.
(2) Investigations of, and reports on subsurface condi-
tions involving such matters as exploratory pits, trenches, and adits, drilling, coring, geophysical surveys, tests to determine leakage rates, and physical tests to measure in place the property and behavior of foundation materials at the impoundment structure site.

(3) Investigation of and reports on the geology of the impoundment structure site and its vicinity, possible geological hazards, availability and quality of construction materials, and other pertinent factors.

The plans, drawings and specifications shall be of such character and size setting forth such pertinent details and dimensions and in such form as the director requires consistent with good engineering practice. Plans, drawings and specifications which are submitted to the department shall be prepared by or under the direction of a professional engineer who is entitled to practice the profession of engineering pursuant to chapter 12, title 54, Idaho Code.

Where said mine tailings impoundment structure is, in the opinion of the director, not of sufficient importance to have the provisions of the section apply to such structure, then the director shall have power, upon written application, to suspend the provisions of this section in regard to such structure.

AN ACT
AMENDING SECTION 2, CHAPTER 81, LAWS OF 1977, RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF WATER RESOURCES, BY INCREASING THE APPROPRIATION FOR THE REGIONAL OFFICES PROGRAM BY $65,000 FROM THE RECEIPTS TO APPROPRIATION ACCOUNT; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 2, Chapter 81, Laws of 1977, be, and the same is hereby amended to read as follows:

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>
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<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
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<td></td>
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</tr>
<tr>
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<td>$318,000</td>
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<td>B. TECHNICAL STUDIES:</td>
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</tr>
<tr>
<td>FROM:</td>
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<td>C. STATE WATER PLANNING:</td>
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<td>FROM:</td>
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<td>FROM:</td>
<td>FOR PERSONNEL COSTS</td>
<td>FOR OPERATING EXPENDITURES</td>
<td>FOR TRUSTEE AND PERSONNEL OPERATING CAPITAL COSTS EXPENDITURES</td>
<td>FOR TRUSTEE AND PERSONNEL OPERATING CAPITAL BENEFIT OUTLAY</td>
<td>FOR TRUSTEE AND PERSONNEL OPERATING CAPITAL BENEFIT PAYMENTS</td>
</tr>
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<tr>
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<td>F. REGIONAL OFFICES:</td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
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<td>Account</td>
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<tr>
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<td>$594,400</td>
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<tr>
<td>536,000</td>
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<td>$669,400</td>
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<td>GRAND TOTAL</td>
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<td>$394,700</td>
<td>$2,065,600</td>
<td>$264,100</td>
<td></td>
</tr>
</tbody>
</table>

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

AN ACT

EXPRESSING LEGISLATIVE INTENT WITH RESPECT TO EXPENDITURES FOR THE PUBLIC UTILITIES COMMISSION; AND APPROPRIATING MONEYS 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, 1978, THROUGH JUNE 30, 1979.

It Enacted by the Legislature of the State of Idaho:

SECTION 1. It is legislative intent that the expenditures or the Public Utilities Commission not exceed the following amounts for the period July 1, 1978, through June 30, 1979:

<table>
<thead>
<tr>
<th>Expenditure Type</th>
<th>Public Utilities Commission Account</th>
<th>General Account</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel Costs</td>
<td>$1,744,100</td>
<td>$162,100</td>
</tr>
<tr>
<td>Operating Expenditures</td>
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</tr>
<tr>
<td>Capital Outlay</td>
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</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$2,475,400</strong></td>
<td><strong>$2,475,400</strong></td>
</tr>
</tbody>
</table>

SECTION 2. There is hereby appropriated to the Public Utilities Commission the following amounts, to be expended for designated programs, according to expense classes designated therein from the listed accounts for the period July 1, 1978, through June 30, 1979:

<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>UTILITIES REGULATION:</td>
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<td>ROM: Public Utilities Commission Account</td>
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<tr>
<td>REGULATED CARRIERS:</td>
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<td>ROM: Public Utilities Commission Account</td>
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<td>$555,700</td>
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</table>
C. ADMINISTRATION:
FROM:
General Account
$ 162,100
Public Utilities
Commission Account
359,800
TOTAL $ 521,900
86,200
12,600
458,600
GRAND TOTAL $1,744,100
680,100
51,200
$2,475,400

AN ACT

RELATING TO EXCLUSION OF LANDS FROM IRRIGATION DISTRICTS; AMENDING SECTION 43-1101, IDAHO CODE, TO PROVIDE FOR EXCLUSION FEES IN ADDITION TO THE FILING FEE; AMENDING SECTION 43-1101A, IDAHO CODE, TO STRIKE THE PROVISION FOR EXCLUSION OF URBAN LANDS, TO PROVIDE THAT EXCLUSION MUST NOT INJURE OTHERS SHARING A DITCH WITH THE PETITIONER, TO PROVIDE FOR THE PETITIONER'S INABILITY TO RECEIVE WATER ON HIS PROPERTY, AND TO PROVIDE FOR RETENTION IN THE IRRIGATION DISTRICT FOR DRAINAGE BENEFITS; AMENDING SECTION 43-1101B, IDAHO CODE, TO PROVIDE FOR EVIDENCE OF OWNERSHIP OF LAND BY THE PETITIONER AND TO PROVIDE FOR RETURN OF THE PETITION TO PETITIONER; AND AMENDING SECTION 43-1103, IDAHO CODE, TO PROVIDE FOR RETENTION IN THE DISTRICT FOR THE PURPOSE OF DISCHARGING CONTRACT INDEBTEDNESS.

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

SECTION 1. That Section 43-1101, Idaho Code, be, and the same is hereby amended to read as follows:

43-1101. PETITION. Any person or persons owning land within any irrigation district and forming a part thereof may file with the board of directors of such irrigation district a petition in writing praying for the exclusion of the land or lands owned by them and described in such petition from such irrigation district. The petition shall be acknowledged by all of the petitioners. A filing fee in the amount of five dollars ($5.00) per each parcel of land described in the petition shall accompany the filing of each petition, plus an exclusion fee in the amount of twenty-five dollars ($25.00) for each lot containing less than one (1) acre which is in a subdivision as defined in section 50-1301, Idaho Code, or an exclusion of fifty dollars ($50.00) for each acre or portion thereof in all other parcels of property, for which the district shall provide a suitable receipt evidencing payment. Any petition not accompanied by the required filing fee shall be summarily rejected. All other costs of the exclusion proceeding shall be assessed as provided in section 43-1105, Idaho Code.

SECTION 2. That Section 43-1101A, Idaho Code, be, and the same is hereby amended to read as follows:

43-1101A. GROUNDS FOR EXCLUSION. (a) The grounds and reasons for exclusion of lands from an irrigation district
are listed as follows:
1. The lands are too high to be watered from water owned or controlled by the irrigation district;
2. The owners of the lands have installed a good and sufficient water system independent of the water system of such irrigation district for the irrigation of the lands because of the district not owning a sufficient water right to furnish an adequate water supply therefor;
3. The lands are not agricultural or farming lands;
4. The lands are urban lands and no longer susceptible of irrigation from the water rights and system of the district; and if such lands are served by a lateral ditch water users' association, other landowners served by such association will not be injured by the exclusion of the lands described in the petition; and, if such lands are served by a community ditch, or by a lateral ditch water users' association, or other like irrigation entity, other landowners served by such association or irrigation entity will not be injured by the exclusion of the lands described in the petition; or
4. Prior to acquisition of the land by the petitioning owner, and without his knowledge or consent, the ditch or other transmission facility extending from the delivery point of the district to the lands has been rendered permanently incapable of carrying water to the lands, but this ground for exclusion shall only apply until July 1, 1980.
(b) If the lands sought to be excluded from an irrigation district under section 43-1101A, Idaho Code, are benefited by surface drainage facilities of the irrigation district pursuant to sections 43-306 to 43-312, Idaho Code, but otherwise would qualify for exclusion, the lands shall be excluded for purposes of irrigation but shall remain a part of the district for purposes of drainage and shall continue to be assessable for drainage, but shall not be assessed for irrigation water.

SECTION 3. That Section 43-1101B, Idaho Code, be, and the same is hereby amended to read as follows:

43-1101B. CONTENTS OF PETITION. A petition for exclusion shall set forth all of the following:
1. A description of the land of each petitioner which is proposed to be excluded;
2. The reasons why it is claimed the tract or tracts should be excluded and that the lands sought to be excluded are not benefited by the water rights, or by the irrigation in, or drainage by the district, or from subterranean waters
in the district; and

3. The exclusion will be for the best interests of the owner of the land proposed to be excluded and of the district. The petition shall be accompanied by the filing fee required by section 43-1101, Idaho Code, and by evidence of ownership of the land, as is satisfactory to the board of directors of the district, and by a deposit or bond for costs in the amount established by the directors of the district as provided in section 43-1105, Idaho Code. The board of directors of the district shall return to the petitioner any petition not accompanied by both such proof of ownership and the filing fee, and no further action shall be required of the board with respect to such petition.

SECTION 4. That Section 43-1103, Idaho Code, be, and the same is hereby amended to read as follows:

43-1103. HEARING ON PETITION -- ORDER OF EXCLUSION. Such petition must be heard by the board of directors of such irrigation district within one hundred eighty (180) days of filing of the petition. If no hearing is held within one hundred eighty (180) days, the land described in the petition is excluded from the district. As many parties owning separate tracts or parcels of lands in any irrigation district or are united in interest to which the same state of facts apply, may unite in the same petition. Upon the hearing, the petitioner or petitioners must establish by competent evidence the allegations of the petition, and the chairman or presiding member of the board is hereby empowered to administer oaths for the purpose of such hearing.

When the allegations of such petition are established, the board must make an order forthwith changing the boundaries of such district so as to exclude the lands described in such petition which the proof has established to be entitled to exclusion, and thereafter the lands so excluded shall not form a part of such irrigation district for any purpose except as hereinafter provided: provided, however, that the lands so ordered excluded shall not be relieved of their obligation to pay their proportionate share already created and existing of any bonded or contract indebtedness of such irrigation district, and such lands shall remain a part of such irrigation district for the purpose of discharging such bonded or contract indebtedness.

No hearing shall be held when, prior to the date set for the hearing, the board issues an order excluding the land described in the petition from the district.

AN ACT

RELATING TO REMOVAL OF PERSONS FROM DWELLING BECAUSE OF FEDERALLY-ASSISTED HOUSING PROJECTS; AMENDING CHAPTER 29, TITLE 40, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 40-2906A, IDAHO CODE, TO PERMIT AN ACQUIRING AGENCY TO PROVIDE COMPARABLE REPLACEMENT HOUSING FOR PERSONS DISPLACED FROM DWELLINGS DUE TO FEDERALLY-ASSISTED PROJECTS REGARDLESS OF THE EXISTING $15,000 LIMITATION ABOVE ACQUISITION COST AND TO PROVIDE THAT DISPLACED PERSONS SHALL NOT BE REQUIRED TO MOVE UNTIL REPLACEMENT HOUSING IS MADE AVAILABLE; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Chapter 29, 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 40-2906A, Idaho Code, and to read as follows:

40-2906A. HOUSING REPLACEMENT AS LAST RESORT. (1) If any federally-assisted program or project cannot proceed to actual construction because comparable replacement sale or rental housing is not available, and the agency determines that such housing cannot otherwise be made available, it may take such action as is necessary or appropriate to provide such housing by use of funds authorized for such project.

(2) No displaced person shall be required to move from his dwelling on or after the date of this act, on account of any federally-assisted program or project, unless the agency is satisfied that replacement housing, is available to such person, within a reasonable period of time, prior to displacement in areas not generally less desirable in regard to public utilities and public and commercial facilities and at rents or prices within the financial means of the families and individuals displaced, decent, safe and sanitary dwellings, equal in number to the number of and available to such displaced persons who require such dwellings and reasonably accessible to their places of employment.

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

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 for the Emergency Medical Services Program the following amounts, to be expended from the listed accounts, according to the designated expense classes for the period July 1, 1978, through June 30, 1979:

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

| FROM: | | | |
|-------| | | |
| General Account | $193,300 | $226,100 | $500 | $419,900 |
| Miscellaneous Receipts Account | 290,000 | 290,000 |
| Cooperative Welfare Account | 127,400 | 108,200 | 800,000 | 1,035,600 |
| TOTAL | $320,700 | $334,300 | $500 | $1,090,000 | $1,745,500 |

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.

AN ACT
APPROPRIATING MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE ELIGIBILITY SERVICES
PROGRAM, TO BE EXPENDED ACCORDING TO THE DESIGNATED EXPENSE CLASSES FROM THE LISTED
ACCOUNTS FOR THE PERIOD JULY 1, 1978, THROUGH JUNE 30, 1979; 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 for the
Eligibility Services Program the following amounts, to be expended from the listed accounts,
according to the designated expense classes for the period July 1, 1978, through June 30,
1979:

<table>
<thead>
<tr>
<th></th>
<th>FOR PERSONNEL COSTS</th>
<th>FOR OPERATING EXPENDITURES</th>
<th>FOR CAPITAL OUTLAY</th>
<th>FOR TRUSTEE AND BENEFIT PAYMENTS</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Account</td>
<td>$2,678,700</td>
<td>$579,400</td>
<td>$7,400</td>
<td>$1,200</td>
<td>$3,268,700</td>
</tr>
<tr>
<td>Miscellaneous Receipts</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Account</td>
<td>160,100</td>
<td>189,900</td>
<td></td>
<td></td>
<td>350,000</td>
</tr>
<tr>
<td>Cooperative Welfare</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Account</td>
<td>2,738,600</td>
<td>1,278,100</td>
<td>7,500</td>
<td>50,500</td>
<td>4,074,700</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$5,577,400</td>
<td>$2,047,400</td>
<td>$14,900</td>
<td>$53,700</td>
<td>$7,693,400</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.

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 for the State Youth Services Center the following amounts, to be expended from the listed accounts, according to the designated expense classes for the period July 1, 1978, through June 30, 1979:

<table>
<thead>
<tr>
<th>FROM:</th>
<th>FOR PERSONNEL COSTS</th>
<th>FOR OPERATING EXPENDITURES</th>
<th>FOR CAPITAL OUTLAY</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Acct.</td>
<td>$856,900</td>
<td>$28,300</td>
<td>$92,900</td>
<td>$978,100</td>
</tr>
<tr>
<td>Miscellaneous Receipts Account</td>
<td>14,800</td>
<td>9,200</td>
<td></td>
<td>24,000</td>
</tr>
<tr>
<td>Cooperative Welfare Account</td>
<td>1,271,600</td>
<td>226,300</td>
<td>1,500</td>
<td>1,499,400</td>
</tr>
<tr>
<td>State Youth Training Center Income Account</td>
<td>182,600</td>
<td>182,600</td>
<td></td>
<td>182,600</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$2,143,300</td>
<td>$446,400</td>
<td>$94,400</td>
<td>$2,684,100</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.

§ 317 '78

CHAPTER 317
(H.B. No. 641)

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 for the Adult and A.F.D.C. Assistance Payments Program the following amounts, to be expended from the listed accounts, according to the designated expense class for the period July 1, 1978, through June 30, 1979:

FOR:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Trustee and Benefit Payments</td>
<td>$26,839,400</td>
</tr>
</tbody>
</table>

FROM:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Account</td>
<td>$10,804,000</td>
</tr>
<tr>
<td>Cooperative Welfare Account</td>
<td>13,578,500</td>
</tr>
<tr>
<td>Miscellaneous Receipts Account</td>
<td>2,456,900</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$26,839,400</strong></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.

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 for the Veterans Services Program the following amounts, to be expended from the listed accounts, according to the designated expense classes for the period July 1, 1978, through June 30, 1979:

<table>
<thead>
<tr>
<th>FROM:</th>
<th>FOR PERSONNEL COSTS</th>
<th>FOR OPERATING EXPENDITURES</th>
<th>FOR CAPITAL OUTLAY</th>
<th>FOR TRUSTEE AND BENEFIT PAYMENTS</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Account</td>
<td>$ 96,000</td>
<td>$ 7,300</td>
<td>$ 75,800</td>
<td>$ 179,100</td>
<td>$ 179,100</td>
</tr>
<tr>
<td>Miscellaneous Receipts Account</td>
<td>40,200</td>
<td>49,100</td>
<td>$ 10,000</td>
<td></td>
<td>99,300</td>
</tr>
<tr>
<td>Cooperative Welfare Account</td>
<td>212,200</td>
<td></td>
<td></td>
<td></td>
<td>212,200</td>
</tr>
<tr>
<td>Idaho Veterans Home Income Account</td>
<td>114,500</td>
<td></td>
<td></td>
<td></td>
<td>114,500</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$ 348,400</td>
<td>$ 170,900</td>
<td>$ 10,000</td>
<td>$ 75,800</td>
<td>$ 605,100</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 29, 1973
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, 1978, THROUGH JUNE 30, 1979.

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, 1978, through June 30, 1979:

<table>
<thead>
<tr>
<th>FOR:</th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel Costs</td>
<td>$1,965,700</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Operating Expenditures</td>
<td>513,400</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>79,800</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Trustee &amp; Benefit Payments</td>
<td>301,100</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>$2,860,000</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

FROM:

| General Account     | $2,320,200 |            |            |            |
| Water Admin. Account| 177,200    |            |            |            |
| Corps of Engineers Account | 128,100 |            |            |            |
| Cooperative State River Basin Account | 34,500 |            |            |            |
| Watermaster Service Account | 200,000 |            |            |            |
| TOTAL               | $2,860,000 |            |            |            |

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, 1978, through June 30, 1979.

<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>$ 267,600</td>
<td>$ 159,200</td>
<td>$ 3,600</td>
<td>$ 430,400</td>
<td></td>
</tr>
<tr>
<td>Water Admin. Account</td>
<td>39,100</td>
<td>8,000</td>
<td>47,100</td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>$ 306,700</td>
<td>$ 167,200</td>
<td>$ 3,600</td>
<td>$ 477,500</td>
<td></td>
</tr>
<tr>
<td>PROGRAM</td>
<td>FOR PERSONNEL COSTS</td>
<td>FOR OPERATING EXPENDITURES</td>
<td>FOR CAPITAL OUTLAY</td>
<td>FOR TRUSTEE AND BENEFIT PAYMENTS</td>
<td>TOTAL</td>
</tr>
<tr>
<td>--------------------------</td>
<td>---------------------</td>
<td>----------------------------</td>
<td>--------------------</td>
<td>----------------------------------</td>
<td>--------</td>
</tr>
<tr>
<td><strong>B. TECHNICAL SERVICES:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Account</td>
<td>$245,900</td>
<td>$52,200</td>
<td>$1,500</td>
<td>$301,100</td>
<td>$600,700</td>
</tr>
<tr>
<td>Water Admin. Account</td>
<td>18,000</td>
<td>14,500</td>
<td></td>
<td></td>
<td>32,500</td>
</tr>
<tr>
<td>Corps of Engineers Acct.</td>
<td>104,700</td>
<td>23,400</td>
<td></td>
<td></td>
<td>128,100</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$368,600</td>
<td>$90,100</td>
<td>$1,500</td>
<td>$301,100</td>
<td>$761,300</td>
</tr>
<tr>
<td><strong>C. PROJECT STUDIES:</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>$283,900</td>
<td>$25,300</td>
<td>$500</td>
<td>$309,700</td>
<td></td>
</tr>
<tr>
<td>Water Admin. Account</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Coop. State River Basin Account</td>
<td>34,500</td>
<td></td>
<td></td>
<td></td>
<td>34,500</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$318,400</td>
<td>$28,800</td>
<td>$500</td>
<td></td>
<td>$347,700</td>
</tr>
<tr>
<td><strong>D. OPERATIONS BUREAU:</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>$288,200</td>
<td>$43,300</td>
<td>$2,300</td>
<td>$333,800</td>
<td></td>
</tr>
<tr>
<td>Water Admin. Account</td>
<td>9,300</td>
<td>5,900</td>
<td></td>
<td></td>
<td>15,200</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$297,500</td>
<td>$49,200</td>
<td>$2,300</td>
<td></td>
<td>$349,000</td>
</tr>
<tr>
<td><strong>E. REGIONAL OFFICES:</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>$484,600</td>
<td>$89,100</td>
<td>$71,900</td>
<td>$645,600</td>
<td></td>
</tr>
<tr>
<td>Water Admin. Account</td>
<td>64,900</td>
<td>14,000</td>
<td></td>
<td></td>
<td>78,900</td>
</tr>
<tr>
<td>Watermaster Service Account</td>
<td>125,000</td>
<td>75,000</td>
<td></td>
<td></td>
<td>200,000</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$674,500</td>
<td>$178,100</td>
<td>$71,900</td>
<td></td>
<td>$924,500</td>
</tr>
<tr>
<td>GRAND TOTAL</td>
<td>$1,965,700</td>
<td>$513,400</td>
<td>$79,800</td>
<td>$301,100</td>
<td>$2,860,000</td>
</tr>
</tbody>
</table>

Approved March 29, 1973
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 for the Institutional Developmental Disabilities Program the following amounts to be expended from the listed accounts, according to the designated expense classes for the period July 1, 1978, through June 30, 1979:

<table>
<thead>
<tr>
<th>FROM:</th>
<th>FOR PERSONNEL COSTS</th>
<th>FOR OPERATING EXPENDITURES</th>
<th>FOR CAPITAL OUTLAY</th>
<th>FOR TRUSTEE AND BENEFIT PAYMENTS</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Account</td>
<td>$ 942,200</td>
<td>$ 227,900</td>
<td></td>
<td>$ 30,700</td>
<td>$1,200,800</td>
</tr>
<tr>
<td>Miscellaneous Receipts</td>
<td>7,146,200</td>
<td>1,382,500</td>
<td></td>
<td></td>
<td>8,686,900</td>
</tr>
<tr>
<td>Cooperative Welfare</td>
<td>69,900</td>
<td>30,300</td>
<td></td>
<td></td>
<td>100,200</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$8,158,300</td>
<td>$1,640,700</td>
<td></td>
<td></td>
<td>$9,987,900</td>
</tr>
</tbody>
</table>

SECTION 2. There is hereby appropriated to the Department of Health and Welfare for the Institutional Developmental Disabilities Program the amount of $102,000 from fiscal year 1978 general account to be expended for capital outlay for the period from effective date of this section through June 30, 1979.

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.

SECTION 4. This act shall be in full force and effect on and after July 1, 1978, except for Section 2 hereof. An emergency existing therefore, 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 through June 30, 1979.

CHAPTER 321
(H.B. No. 645)

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, 1978, THROUGH JUNE 30, 1979; EXPRESSING LEGISLATIVE INTENT WITH RESPECT TO CERTAIN EXPENDITURES; APPROPRIATING MONEYS FROM FISCAL YEAR 1978 GENERAL ACCOUNT TO THE ATTORNEY GENERAL, TO BE EXPENDED FOR THE DESIGNATED EXPENSE CLASS FOR THE SPECIAL SERVICES LITIGATION PROGRAM 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 for the Attorney General not exceed the following amounts for the period July 1, 1978, through June 30, 1979:

<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>$1,733,600</td>
<td>$330,600</td>
<td>$8,000</td>
<td>$2,072,200</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, 1978, through June 30, 1979:

<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></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Acct.</td>
<td>$364,400</td>
<td>$123,400</td>
<td>$8,000</td>
<td>$495,800</td>
</tr>
<tr>
<td>B. LEGAL-CIVIL:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Acct.</td>
<td>$320,400</td>
<td>$58,500</td>
<td></td>
<td>$378,900</td>
</tr>
<tr>
<td>General Interaccount Account</td>
<td></td>
<td></td>
<td></td>
<td>$882,700</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$1,173,100</td>
<td>$88,500</td>
<td></td>
<td>$1,261,600</td>
</tr>
<tr>
<td>C. LEGAL-CRIMINAL:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
General Acct. $150,100 $ 57,200 $ 207,300
General Interaccount
Account 46,000 11,500 57,500
TOTAL $196,100 $68,700 $264,800
GRAND TOTAL $1,733,600 $280,600 $8,000 $2,022,200

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.

SECTION 4. There is hereby appropriated to the Attorney General from the general account the following amount, to be expended for the Special Services Litigation Program, according to the designated expense class, for the period from the effective date of this section through June 30, 1979.

FOR: Operating Expenditures $50,000
FROM: Fiscal Year 1978 General Account $50,000

SECTION 5. This act shall be in full force and effect on and after July 1, 1978, except for Section 4 hereof. An emergency existing therefor, which emergency is hereby declared to exist, Section 4 shall be in full force and effect on and after passage and approval of this act through June 30, 1979.

AN ACT
APPROPRIATING MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE HEALTH PLANNING AND
RESOURCE DEVELOPMENT PROGRAM, TO BE EXPENDED ACCORDING TO THE DESIGNATED EXPENSE CLASSES
FROM THE LISTED ACCOUNTS FOR THE PERIOD JULY 1, 1978, THROUGH JUNE 30, 1979; AND PROVID-
ING 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 EXAM-
INERS.

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

SECTION 1. There is hereby appropriated to the Department of Health and Welfare for the
Health Planning and Resource Development Program the following amounts, to be expen-
ded according to the designated expense classes from the listed accounts for the period July 1,
1978, through June 30, 1979:

<table>
<thead>
<tr>
<th>FOR</th>
<th>FOR</th>
<th>FOR</th>
<th>FOR</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>PERSONNEL COSTS</td>
<td>OPERATING EXPENDITURES</td>
<td>CAPITAL OUTLAY</td>
<td>TRUSTEE AND BENEFIT PAYMENTS</td>
<td>TOTAL</td>
</tr>
<tr>
<td>FROM:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Account</td>
<td>$420,100</td>
<td>$174,700</td>
<td>$1,400</td>
<td>$596,200</td>
</tr>
<tr>
<td>Miscellaneous Receipts Account</td>
<td>92,000</td>
<td>10,400</td>
<td>800</td>
<td>103,200</td>
</tr>
<tr>
<td>Cooperative Welfare Account</td>
<td>710,400</td>
<td>331,200</td>
<td>600</td>
<td>750,000</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$1,222,500</td>
<td>$516,300</td>
<td>$2,800</td>
<td>$2,491,600</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.

CHAPTER 323
(S.B. No. 1397)

AN ACT
RELATING TO MOTORCYCLE SAFETY HELMETS; AMENDING SECTION 49-761A, IDAHO CODE, TO PROVIDE THAT HELMETS MUST ONLY BE WORN BY MOTORCYCLE RIDERS UNDER EIGHTEEN YEARS OF AGE; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 49-761A, Idaho Code, be, and the same is hereby amended to read as follows:

49-761A. MOTORCYCLE SAFETY HELMETS -- REQUIREMENTS AND STANDARDS. (a) No person under eighteen (18) years of age shall ride upon a motorcycle as operator or passenger, upon any public road or highway, unless at all times when so operating or riding upon said vehicle he is wearing, as part of his motorcycle equipment, a protective safety helmet of a type and quality equal to or better than the standards established for such helmets by the director.

(b) "Motorcycle" as used in this section shall mean every motor vehicle designed to travel on not more than three (3) wheels in contact with the ground, except any such motor vehicle as may be included within the term "tractor" as defined by chapter 1, title 49, Idaho Code.

(c) The director is hereby authorized to adopt and publish rules and regulations establishing reasonable standards for such safety helmets.

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 DOMESTIC WELL REGULATIONS; AMENDING SECTION 42-227, IDAHO CODE, TO CLARIFY THAT DOMESTIC WELLS ARE EXEMPT FROM THE PROVISIONS OF SECTION 42-229, IDAHO CODE.

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

SECTION 1. That Section 42-227, Idaho Code, be, and the same is hereby amended to read as follows:

42-227. DRILLING AND USE OF WELLS FOR DOMESTIC PURPOSES EXCEPTED. The excavation and opening of wells and the withdrawal of water therefrom for domestic purposes shall not be in any way affected by this act subject to the permit requirement under section 42-229, Idaho Code; providing such wells and withdrawal devices are subject to inspection by the department of water resources and the department of health and welfare and providing further that the drilling of such wells shall be subject to the licensing provisions of section 42-238, Idaho Code. Rights to ground water for such domestic purposes may be acquired by withdrawal and use.

CHAPTER 325
(S.B. No. 1576)

AN ACT
RELATING TO COMPILING ENACTMENTS OF THE LEGISLATURE; AMENDING SECTION 73-102, IDAHO CODE, TO PROVIDE THAT MULTIPLE AMENDMENTS TO A SINGLE SECTION OF THE IDAHO CODE SHALL BE COMPILED.

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

SECTION 1. That Section 73-102, Idaho Code, be, and the same is hereby amended to read as follows:

73-102. CODES LIBERALLY CONSTRUED -- MULTIPLE AMENDMENTS TO BE COMPiled. (1) The rule of the common law that statutes in derogation thereof are to be strictly construed, has no application to these compiled laws. The compiled laws establish the law of this state respecting the subjects to which they relate, and their provisions and all proceedings under them are to be liberally construed, with a view to effect their objects and to promote justice.

(2) If multiple amendments to a single section of the Idaho Code have been or are made during a legislative session, and if the amendments can be read into the section without conflict, such amendments shall all be effective and shall be compiled as if made by a single enactment.

CHAPTER 326
(S.B. No. 1428)

AN ACT
RELATING TO THE UNIFORM CONSUMER CREDIT CODE; AMENDING SECTION 28-31-109, IDAHO CODE, BY PROVIDING THAT THE PARTIES TO A TRANSACTION INVOLVING REAL ESTATE MAY, BY AGREEMENT, MAKE THE SAME SUBJECT TO THE UNIFORM CONSUMER CREDIT CODE.

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

SECTION 1. That Section 28-31-109, Idaho Code, be, and the same is hereby amended to read as follows:

28-31-109. UNIFORM CONSUMER CREDIT CODE CONTROLS. Except with respect to a loan which, when made, is used to purchase real property and is secured by a first lien upon the same 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.

CHAPTER 327
(S.B. No. 1448)

AN ACT
RELATING TO THE ENFORCEMENT OF THE STREAM CHANNEL PROTECTION
ACT; AMENDING SECTION 42-3809, IDAHO CODE, TO ELIMINATE
THE NECESSITY OF MAILING BY CERTIFIED MAIL CONDITIONS OF
APPROVAL.

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

SECTION 1. That Section 42-3809, Idaho Code, be, and
the same is hereby amended to read as follows:

42-3809. PENALTY FOR VIOLATION -- INJUNCTIVE RELIEF.
Any applicant who violates any of the provisions of this
act, any regulation, rule, order or standard of the board
promulgated pursuant to section 42-3803, Idaho Code, or of
any order or condition of approval of the director issued
pursuant thereto, where a copy of the order or condition of
approval has been served upon said applicant by certified
mail and said applicant fails to comply therewith within the
time therein provided, or within ten (10) days of such ser-
vice if not otherwise provided, shall be guilty of a mis-
demeanor and upon conviction shall be punished by a fine of
not less than one hundred fifty dollars ($150) nor more than
five hundred dollars ($500); provided further, that each day
such violation of an order or condition of approval has
taken place shall constitute a separate offense punishable
by a fine of not less than one hundred fifty dollars ($150)
for each day until such activity is abated or voluntarily
ceased. Any stream channel alteration engaged in by any
applicant without approval having been obtained therefor as
prescribed in this act is hereby declared to be a public
nuisance and shall be subject to proceedings for immediate
abatement. The director shall have authority and it shall
be his duty to seek a temporary injunction from the appro-
priate district court to restrain an applicant from altering
a stream channel until approval therefor has been obtained
by the applicant as provided in this act.

CHAPTER 328
(S.B. No. 1413)

AN ACT
RELATING TO WATER RIGHT ADJUDICATION PROCEDURES; AMENDING SECTION 42-1410, IDAHO CODE, TO PROVIDE FOR MAILING OF PERTINENT FINDINGS ONLY TO EACH CLAIMANT.

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

SECTION 1. That Section 42-1410, Idaho Code, be, and the same is hereby amended to read as follows:

42-1410. REPORT -- OBJECTIONS -- HEARING -- DECREES. The director of the department of water resources shall examine the claims filed and conduct such further investigation as is necessary to evaluate and ascertain the extent and nature of each water right existing within the system. Upon completion of his investigation he shall prepare a report in the nature of a proposed finding of water rights. The director of the department of water resources shall then file the report, together with each claim filed in his office under the preceding section with the district court and a copy of the report or that portion deemed pertinent by the director shall be sent to each claimant or his attorney at his last known post-office address. The report of the director of the department of water resources shall constitute prima facie evidence of the nature of the rights existing within the water system. Any claimant who desires to object to the report shall file his objections with the court within sixty (60) days of the date of mailing of such report by the director of the department of water resources and shall also send a copy of such objection to the director of the department of water resources. The director of the department of water resources shall, within twenty (20) days of receipt of a notice of objection, file his response thereto with the district court. Hearing shall be had by the district judge, without a jury, on each objection to the report of the director of the department of water resources. The report of the director of the department of water resources, the statements of claims or claimants and the notice of objections made to the report of the director of the department of water resources shall constitute the pleadings. The court may allow such additional or amended pleadings as may be
necessary for a final determination of the proceedings. All proceedings on the hearing shall be held in accordance with the rules governing civil actions. The district court may take additional evidence on any issue and may, if necessary, defer the case for such further evidence to be taken by the director of the department of water resources as the court may direct, and may require a further determination by the director of the department of water resources. Upon conclusion of the hearing the district judge shall determine the nature of each right where a notice of objection has been filed and enter a decree accordingly. Where no objection is filed with regard to any right found to exist by the director of the department of water resources as evidenced by his report, the district judge shall affirm the right as therein found. The decree shall in every case declare as to the water rights adjudged to each party, the priority, amount, season of use, purpose of use, point of diversion and place of use of the water and acreage of the tract of land to which the water right is appurtenant, together with such other facts as may be necessary to define the right.

CHAPTER 329
(S.B. No. 1460, As Amended)

AN ACT
RELATING TO MUNICIPAL ELECTIONS; REPEALING CHAPTER 4, TITLE 50, IDAHO CODE; AMENDING TITLE 50, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 4, TITLE 50, IDAHO CODE, TO PROVIDE THE IDAHO MUNICIPAL ELECTION LAW; PROVIDING A SHORT TITLE; PROVIDING DEFINITIONS; PROVIDING SUPERVISION OF ELECTION LAWS BY THE CITY CLERK; PROVIDING POWERS OF THE CITY CLERK; REQUIRING OFFICE OF THE CITY CLERK TO BE OPEN SO LONG AS THE POLLS ARE OPEN; PROVIDING APPEALS BY AGGRIEVED PERSONS; PROVIDING FOR ESTABLISHMENT OF ELECTION PRECINCTS; PROVIDING FOR DESIGNATION OF POLLING PLACES; PROVIDING FOR APPOINTMENT AND COMPENSATION OF ELECTION JUDGES AND CLERKS; PROVIDING FOR CHALLENGERS AND WATCHERS; PROVIDING THAT ELECTORS ARE PRIVILEGED FROM ARREST DURING ATTENDANCE AT POLLING PLACES WITH EXCEPTIONS PROVIDED; SPECIFYING CERTAIN PERSONS DISQUALIFIED FROM VOTING; SPECIFYING QUALIFICATIONS OF ELECTORS; REQUIRING REGISTRATION OF ELECTORS; PROVIDING CONDITIONS FOR GAIN OR LOSS OF RESIDENCE; PROVIDING THAT THE CITY CLERK IS REGISTRAR; PROVIDING TIME LIMIT FOR CLOSING OF REGISTER; REQUIRING CITY CLERK'S OFFICE TO REMAIN OPEN CERTAIN HOURS ON FINAL DAY FOR REGISTRATION; PROVIDING FOR ABSENTEE REGISTRATION; PROVIDING APPLICATION FOR REGISTRATION; PROVIDING QUALIFICATION FOR REGISTRATION; PROVIDING FOR REREGISTRATION OF ELECTOR WHO CHANGES RESIDENCE; PROVIDING REGISTRATION CARDS; PROVIDING CONDITIONS UNDER WHICH REREGISTRATION IS REQUIRED; PROVIDING TRANSFER OF REGISTRATION; PROVIDING FOR CHANGE OF NAME AFTER REGISTER IS CLOSED; PROVIDING CHALLENGES TO THE ENTRIES IN ELECTION REGISTER; PROVIDING THE CONTENTS OF THE COMBINATION ELECTION REGISTER AND POLL BOOK; PROVIDING FOR THE ELECTION RECORD AND POLL BOOK; PROVIDING DATES FOR THE GENERAL AND SPECIAL CITY ELECTIONS; PROVIDING METHOD OF NOMINATION; PROVIDING FORM OF PETITION FOR DECLARATION OF CANDIDACY; PROVIDING THE TIME AND MANNER OF FILING THE PETITION; PROHIBITING SIGNATURES ON MORE THAN ONE NOMINATING PETITION; PROVIDING FOR REVOCATION OF SIGNATURE; PROVIDING PRESERVATION OF NOMINATING FORMS; PROVIDING NOTICE OF ELECTION AND SPECIFYING CONTENT; SPECIFYING THE OFFICIAL ELECTION STAMP; REQUIRING BALLOTS AND ELECTION SUPPLIES TO BE PROVIDED; PROVIDING FOR PREPARATION AND CONTENTS OF THE BALLOT; PROVIDING FOR SAMPLE BALLOTS; PROVIDING
PROCEDURE FOR CORRECTION OF BALLOTS AFTER PRINTING; PROVIDING FOR ABSENTEE BALLOTS; PROVIDING APPLICATION FOR ABSENTEE BALLOTS; PROVIDING CLASSIFICATIONS OF ABSENTEE ELECTOR'S BALLOT; PROVIDING ISSUANCE OF ABSENTEE BALLOT; SPECIFYING MARKING AND FOLDING OF ABSENTEE BALLOT; PROVIDING RETURN OF ABSENTEE BALLOT; REQUIRING ABSENTEE ELECTOR'S VOTING PLACE; PROVIDING TRANSMISSION OF ABSENTEE BALLOTS TO POLLS; PROVIDING DEPOSIT OF ABSENTEE BALLOTS; PROVIDING RECORD OF APPLICATIONS FOR ABSENTEE BALLOTS; PROVIDING DUTIES OF CITY CLERK ON ELECTION DAY; PROVIDING TIME FOR OPENING AND CLOSING POLLS; PROVIDING FOR CHANGING POLLING PLACE; PROVIDING FOR OPENING BALLOT BOXES; AUTHORIZING JUDGES TO ADMINISTER OATHS OR CHALLENGE AN ELECTOR; PROVIDING DUTIES OF CONSTABLE; PROVIDING PROCEDURE FOR SIGNING COMBINATION ELECTION RECORD AND POLL BOOK; SPECIFYING MANNER OF VOTING; SPECIFYING METHOD OF ASSISTING VOTER; PROVIDING DISPOSITION OF SPOiled BALLOTS; PROHIBITING OFFICERS FROM DIVULGING INFORMATION; PROVIDING CANVASS OF THE VOTE; PROVIDING COMPARISON OF POLL LISTS, BALLOTS AND REGISTRATION CARDS; PROVIDING COUNTING OF THE BALLOTS; PROVIDING TRANSMISSION OF SUPPLIES TO CITY CLERK; PROVIDING CANVASSING OF VOTE AND DETERMINATION OF RESULTS OF THE ELECTION; PROVIDING PROCEDURE IN THE EVENT OF A TIE VOTE; SPECIFYING PROCEDURE IN THE EVENT OF FAILURE TO QUALIFY FOR OFFICE; PROVIDING FOR CERTIFICATES OF ELECTION; PROVIDING FOR APPLICATION TO RECOUNT BALLOTS; PROVIDING APPLICATION OF CHAPTER 71, TITLE 34, IDAHO CODE, TO RECALL ELECTIONS; PROVIDING FOR INITIATIVE AND REFERENDUM ELECTIONS; PROVIDING FOR VOTING BY MACHINE OR VOTE TALLY SYSTEM; PROVIDING APPLICATION OF CRIMINAL PROVISIONS; PROVIDING FOR ADOPTION OF JOINT REGISTRATION PROCEDURES; AND PROVIDING SEVERABILITY.

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

SECTION 1. That Chapter 4, Title 50, Idaho Code, be, and the same is hereby repealed.

SECTION 2. That Title 50, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 4, Title 50, Idaho Code, and to read as follows:

50-401. SHORT TITLE. Chapter 4, Title 50, Idaho Code, shall be known and cited as the "Idaho Municipal Election Laws."

50-402. DEFINITIONS. The following words and phrases
when used in this chapter, have the meanings respectively
given herein.

(a) General election. "General election" means the
election held on the first Tuesday succeeding the first
Monday in November in each odd-numbered year at which there
shall be chosen all mayors and councilmen as are by law to
be elected in such years.

(b) Special election. "Special election" means any
election other than a general election held at any time for
any purpose provided by law.

(c) Qualified elector. A "qualified elector" is any
person who is eighteen (18) years of age, is a United States
citizen and who has become a bona fide resident of the city
prior to the election at which he desires to vote and who is
registered within the time period provided by law.

(d) Residence.
(1) "Residence" for voting purposes shall be the place
in which a qualified elector has fixed his habitation
and to which, whenever he is absent he has the intention
of returning.

(2) A qualified elector shall not be considered to have
gained residence in any city of this state into which he
comes for temporary purposes only without the intention
of making it his home but with the intention of leaving
it when he has accomplished the purpose that brought him
there.

(3) A qualified elector who has
left his home and gone
to another area outside the city, for a temporary pur­
pose only shall not be considered to have lost his resi­
dence.

(4) If a qualified elector moves outside the city, with
the intentions of making it his permanent home, he shall
be considered to have lost his residence in the city.

(e) Election official. "Election official" means the
city clerk, registrar, judge of election, clerk of election,
constable engaged in the performance of election duties as
required by this act.

(f) Election register. The "election register" means
the voter registration cards of all electors who are quali­
fied to appear and vote at the designated polling places.

(g) Combination election record and poll book. "Combi­
nation election register and poll book" is the book contain­
ing a listing of registered electors who are qualified to
appear and vote at the designated polling places.

(h) Tally book. The "tally book" or "tally list" means
the forms in which the votes cast for any candidate or spe­
cial question are counted and totaled at the polling pre­
cinct.

(i) Reference to male. All references to the male elec-
tor and male city officials include the female elector and female city official and the masculine pronoun includes the feminine.

(j) Computation of time. Calendar days shall be used in all computations of time made under the provision of this act. In computing time for any act to be done before any election, the first day shall be included and the last, or election day, shall be excluded. Sundays and legal holidays shall be included, but if the time for any act to be done shall fall on Sunday or a legal holiday, such act shall be done upon the day following each Sunday or legal holiday.

50-403. SUPERVISION OF ADMINISTRATION OF ELECTION LAWS BY CITY CLERK. Each city clerk is the chief elections officer and shall exercise general supervision of the administration of the election laws in his city for the purpose of achieving and maintaining a maximum degree of correctness, impartiality, efficiency and uniformity. The city clerk shall meet with and issue instructions to election judges and clerks prior to the opening of the polls to insure uniformity in the application, operation and interpretation of the election laws during the election.

50-404. POWERS OF CITY CLERK. (1) The city clerk with consent of the council may employ such persons and procure such equipment, supplies, materials, and facilities of every kind he considers necessary to facilitate and assist in his carrying out his functions in connection with administering the election laws.

(2) The necessary expenses incurred in administering the election laws, including reasonable rental for polling places, shall be allowed by the city council and paid out of the city treasury.

(3) The city clerk may administer oaths and affirmations in connection with the performance of his functions in administering the election laws.

50-405. OFFICE OF CITY CLERK OPEN AS LONG AS POLLS OPEN. On the day of any general or special election held in the city, the city clerk shall keep his office open for the transaction of business pertaining to the election from the time the polls are opened continuously until the polls are closed.

50-406. APPEALS BY AGGRIEVED PERSONS. (1) Any person adversely affected by any act or failure to act by the city clerk under any election law, or by any order, rule, regulation, directive of instruction made under authority of the city clerk under any election law, may appeal therefrom to
the district court for the county in which the act or fail-
ure to act occurred or in which the order, rule, regulation,
directive or instruction was made or in which such person
raises.
(2) Any party to the appeal proceedings in the district
court under subsection (1) of this section may appeal from
the decision of the district court to the supreme court.
(3) The remedy provided in this section is cumulative
and does not exclude any other remedy provided by law
against any act or failure to act by the city clerk under
any election law or against any order, rule, regulation,
directive or instruction made under the authority of the
city clerk under any election law.

50-407. ESTABLISHMENT OF ELECTION PRECINCTS. The city
council shall establish a convenient number of election pre-
cincts within their city. Said precincts shall conform as
nearly as possible and practicable to the county election
precincts within the city.

50-408. DESIGNATION OF POLLING PLACES. The city council
shall, no later than September 15 in a general election year
and at least forty-five (45) days before any special elec-
tion, designate a suitable polling place for each election
precinct. The city council shall have the authority to con-
solidate established precincts within the boundaries of the
city. Insofar as possible the polling places shall be in the
same location as those provided for county and state elec-
tions. If there is no suitable polling place within the pre-
cinct, the city council may designate a polling place out-
side the precinct, but as close and convenient as possible
for the electors of the precinct.

50-409. APPOINTMENT AND COMPENSATION OF ELECTION JUDGES
AND CLERKS. The city council in each city, at a regular
meeting in the month preceding an election, shall appoint an
election judge and such clerks as may be necessary for each
voting precinct within the city. The election officials
shall be qualified city electors. The city clerk shall
notify the election officials of their appointment within
five (5) days following appointment. If any election judge
or clerk fails to report for duty on the day of election the
city clerk shall fill such vacancies from among the quali-
fied electors presenting themselves to vote. Compensation
for the election judges and clerks shall be determined by
the city council at time of appointment and shall be not
less than the minimum wage as prescribed by the laws of the
state of Idaho.
50-410. CHALLENGERS -- WATCHERS. The city clerk shall, upon receipt of a written request, such request to be received no later than five (5) days prior to day of election, direct that the election judges permit one (1) person authorized by each candidate to be at the polling place for the purpose of challenging voters, and shall if requested, permit any candidate, or one (1) person authorized by a candidate to be present to watch the receiving and counting of the votes. Such authorization shall be evidenced in writing, signed by the candidate, and filed with the city clerk. Persons who are authorized to serve as challengers or watchers shall wear a visible name tag which includes their respective titles. Persons permitted to be present to watch the counting of the votes shall not absent themselves until the polls are closed.

50-411. ELECTORS PRIVILEGED FROM ARREST DURING ATTENDANCE AT POLLING PLACE -- EXCEPTION. Electors are privileged from arrest, except for treason, a felony or breach of peace, during their attendance at a polling place.

50-412. DISQUALIFIED ELECTORS NOT PERMITTED TO VOTE. No elector shall be permitted to vote if he is disqualified as provided in article 6, section 2 and 3 of the Idaho constitution.

50-413. QUALIFICATIONS OF ELECTORS. Every male or female citizen of the United States, eighteen (18) years old, who has actually established a bona fide residence in the county and in the city where he or she offers to vote prior to the day of election, if registered within the time period provided by law, is a qualified elector.

50-414. REGISTRATION OF ELECTORS. All electors must register before being able to vote at any general or special election governed by the provisions of chapter 4, title 50, Idaho Code. When once so registered for the general city election the elector shall not be required to again register so long as he shall continue to reside at the same address, or within the same precinct in which he is registered, and votes at each biennial city election. After the vote taken at any general city election shall have been canvassed by the city council, the combination election record and poll book containing the signatures of the electors will be transmitted to the city clerk, and such clerk shall remove from the election register all names of electors who did not vote at such election, together with the date of such election. Whenever an elector shall have died his name shall be removed from the election register.
50-415. GAIN OR LOSS OF RESIDENCE BY REASON OF ABSENCE FROM CITY. For the purpose of voting, no person shall be deemed to have gained or lost a residence by reason of his absence while employed in the service of this state or the United States, while a student of any institution of learning, while kept at any state institution at public expense, nor absent from this state with the intent to have this state remain his residence. If a person is absent from this city but intends to maintain his residence for voting purposes here, he shall not register to vote in any other city during his absence.

50-416. CITY CLERK IS REGISTRAR. (1) The city clerk of every city in the state of Idaho shall be the registrar for registration of voters at all general and special city elections. The city council may designate such other persons as are necessary in the city clerk's office to assist with registration of voters and the preparation of election record and poll books.

(2) The city council may appoint one (1) deputy registrar for each election precinct to assist the city clerk in the registration of electors of such precinct.

(3) The city clerk or deputy registrars shall register without charge any elector who personally appears in the office of the city clerk and requests to be registered. Deputy registrars appointed to assist with precinct registration and providing a place of registration within the precinct shall be paid not to exceed fifty cents ($0.50) for each name registered.

(4) Upon receipt of a written application to the city clerk from an elector who, by reason of illness or physical incapacity is prevented from personally appearing in the office of the city clerk or before deputy precinct registrar, the city clerk or deputy registrar so directed by the city clerk shall register such elector at the place of abode of the elector.

50-417. CLOSING OF REGISTER -- TIME LIMIT. (1) No elector may register at the office of the city clerk or with a deputy registrar within three (3) days preceding any general or special city election for the purpose of voting at such election.

(2) Any elector who will complete his residence requirement or attain the requisite voting age during the period when the register of electors is closed may register prior to the closing of the register.

50-418. CITY CLERK'S OFFICE -- HOURS OPEN ON THE FINAL
DAY FOR REGISTRATION. On the last day for registration of electors, the city clerk shall keep his office open for registration of electors from the time the office is opened in the morning continuously until 8 p.m.

50-419. REGISTRATION BY AN ELECTOR WHILE ABSENT FROM HOME PRECINCT. An elector absent from his home precinct may register by mailing a request for registration to the city clerk of the city in which the elector resides, which request if received preceding an election shall cause the city clerk to send to the elector an official registration card. The elector shall complete the card before a notary public or an official with elector registration functions similar to those of a city clerk and shall return it to the city clerk on or before 6 p.m. the sixth day prior to the election.

50-420. APPLICATION FOR REGISTRATION. Every elector who requests registration shall swear under oath or affirmation that he is a citizen of the United States, of the age of eighteen (18) years; that he is a bona fide resident of the state of Idaho and actually resides in the city of ; that he has never been convicted of treason, felony, embezzlement of public funds, bartering or selling, or offering to barter or sell his vote, or purchase the vote of another, or other infamous crime, without thereafter being restored to the rights of citizenship; that he will not commit any act in violation of the provisions of this oath contained; that he is not now registered or entitled to vote at any other place in the state; that he regards the constitution of the United States thereof, and the constitution of the state of Idaho, as interpreted by the courts, as the supreme law of the land.

50-421. QUALIFICATIONS FOR REGISTRATION. (1) The qualifications of any person who requests to be registered shall be determined in the first instance by the registering official from the evidence before him. If the registering official determines that such person is not qualified, he shall refuse to register the person.

(2) A person refused registration under subsection (1) of this section may make application to the city clerk for a hearing on his qualifications. Not more than ten (10) days after the date he receives such application, the city clerk shall hold a hearing on the qualifications of the applicant and shall notify the applicant of the place and time of such hearing. At such hearing the applicant may present evidence as to his qualifications, provided that no hearing shall be held subsequent to any election which is held within said
ten (10) day period. If the city clerk determines that the applicant is qualified, the applicant shall be registered immediately upon the conclusion of the hearing.

50-422. REREGISTRATION OF ELECTOR WHO CHANGES RESIDENCE. An elector who changes his residence shall reregister; provided, that any elector who moves within a precinct, within thirty (30) days prior to any election shall be permitted to vote in the ensuing election.

50-423. REGISTRATION CARDS. (1) The city clerk or deputy registrar shall enter information supplied by the elector under section 50-420, Idaho Code, on the prescribed registration card.

(2) The registrar must read the oath on the registration card to the elector who will swear or affirm by signing his name in the appropriate place after which the registrar shall sign his name and title in attestation.

(3) The registration card completed and signed as provided in this section constitutes the official registration card of the elector. Such card constitutes the register of electors. Registration cards completed by the deputy precinct registrars shall be transmitted weekly to the city clerk for recording and filing in the register of electors except that all registration cards received up to the closing of the register as provided in section 50-417(1), Idaho Code, should be transmitted the day following such closing.

50-424. REREGISTRATION WHEN REQUIRED. (1) An elector shall reregister if:

(a) His registration is canceled by the city clerk as provided by law.

(b) He changes his residence.

(c) His name changed by marriage or court order.

(2) An elector shall be reregistered in the same manner as a first registration.

50-425. TRANSFER OF REGISTRATION. (1) In lieu of reregistration as provided in section 50-424, Idaho Code, if an elector changes his residence to another precinct within the city or if his name is changed by marriage or by court order, he shall transfer his registration by delivering, by mail or otherwise, to the city clerk at any time during the period when the register of electors is open, a form furnished by the city clerk. The form shall contain the former and new residence address or the former and new name of the elector, or both, as the case may be, and shall be signed by the elector using the same name as it appears on his official registration card.
(2) Upon receiving an application under subsection (1) of this section the city clerk shall compare the signature of the elector thereon with the signature of the elector on his official registration card. If such signatures appear to be the same, the city clerk shall record the change upon the official registration card. Such recording constitutes the transfer of registration and the city clerk shall mail a written notice thereof to the elector at his residence address then indicated on the card. The city clerk shall retain the application for two (2) years from the date of receipt thereof.

(3) If the city clerk is not satisfied that such signatures are the same, he shall mail to the elector at his present residence address indicated on the application a written notice directing the elector to appear in the office of the city clerk on a date not less than ten (10) days after the date of such notice to answer questions necessary to determine whether the elector is qualified for transfer of registration. If the elector fails to so appear, his registration shall not be transferred as requested in his application.

50-426. CHANGE OF NAME AFTER REGISTER CLOSED - VOTING. An individual who is registered and in all other respects qualified to vote, whose name has been changed during the period when the register of electors is closed, by either marriage or court order, may upon presentation of proof of change of name, vote in the precinct in which he is registered under his former name.

50-427. CHALLENGES OF ENTRIES IN ELECTION RECORD AND POLL BOOK. At the time of an election, any registered elector may challenge the entry of an elector's name as it appears in the election record and poll book. Such a challenge will be noted in the remarks column following the elector's name stating the reason, such as "died," "moved," or "incorrect address." The elector making the challenge shall sign his name following the remarks. When the city clerk corrects the election register following the canvass of the ballot he will contact the person whose name was challenged to ascertain if information given by the challenger is correct before making any change on the registration card.

50-428. ELECTION RECORD AND POLL BOOK. The city clerk shall prepare two (2) election record and poll books for each election precinct from the election register. The election record and poll book shall be alphabetical according to name of the registered elector and shall include the resi-
dence address of the elector.

50-429. GENERAL AND SPECIAL CITY ELECTIONS. A general election shall be held in each city governed by this title, for officials as in this title provided, on the Tuesday following the first Monday of November in each odd-numbered year. All such officials shall be elected and hold their respective offices for the term specified and until their successors are elected and qualified. All other city elections that may be held under authority of general law shall be known as special city elections.

50-430. METHOD OF NOMINATION -- CLERK TO FURNISH PRINTED FORMS. Candidates for elective city offices shall be nominated by petition. The nominating petition shall contain the name and address of the person and the office and the term for which he is being nominated. There shall be no mention relating to party or principal of the nominee. The number of registered qualified electors required to sign a petition of nomination shall be one (1) per each one hundred (100) population or fraction thereof but in no case to be less than three (3) nor more than forty (40).

It shall be the duty of the city clerk to furnish upon application a reasonable number of regular printed forms, as herein set forth, to any person or persons applying therefor. Nominating petitions shall be of uniform size as determined by the clerk.

50-431. FORM OF PETITION -- DECLARATION OF CANDIDACY. Petitions of nomination shall read substantially as herein set forth. Any number of separate petitions of nomination may be circulated at the same time for any candidate and all petitions for each candidate shall be considered one (1) petition when filed with the city clerk. Each signer of a petition shall be a registered qualified elector.

PETITION OF NOMINATION

This petition of nomination, if found insufficient, shall be returned to (Name)__________, at _________ Street, City of _________, Idaho.

DECLARATION OF CANDIDACY

I, the undersigned, being a qualified elector of the City of _________, State of Idaho, hereby declare myself to be a candidate for the office of _________, for a term of _________ years, to be voted for at the election to be held on the _________ day of _________, 19________, and certify that I possess the legal qualifications to fill said office, and that my post-office address is _________.

(Signed)_________________
Subscribed and sworn to before me this ___ day of ___ , 19__.

State of Idaho,
County of ______ ss.
City of ________

We, the undersigned, do hereby join in a petition for the nomination of ________, whose residence is at (Number) __ (Street) ________, (City) ______ for the office of ________ for the term of ___ years, to be voted at the general city election to be held in the City of ________ on the ___ day of ________, 19__, and do further certify that we are registered qualified electors and are not at this time the signers of any other petitions nominating any other candidate for the above-named office, or in case there are several positions to be filled in the above-named office, that we have not signed more petitions than there are positions to be filled in the above-named office.

(Signed) ____________________________ (Name - printed) ____________________________ (Address) ____________________________

50-432. TIME AND MANNER OF FILING PETITIONS. All petitions of nomination for elective city offices shall be filed with the clerk of the respective city wherein the elections are to be held, not more than forty (40) or less than twenty-eight (28) days, including Sundays and holidays, immediately preceding election day. When the petition of nomination is presented for filing to the city clerk, he shall forthwith examine the same and ascertain whether it conforms to the provisions of chapter 4, title 50, Idaho Code. If found not sufficient, he shall immediately, in writing, designate on said nominating petition the defect, omission or reason why such petition is insufficient and shall return the same to the person named as the person to whom the petition may be returned in accordance with section 50-431, Idaho Code. The petition may then be amended and again presented to the clerk if within the time allowed for filing such, as in the first instance. The clerk shall forthwith proceed to examine the amended petition as hereinbefore provided for the original petition. If either the original or the amended form of petition be found sufficient, the clerk shall file the same, endorsing thereon the date and time upon which the petition was accepted by him.

50-433. SIGNATURES ON NOMINATING PETITIONS. A voter
shall sign no more nominating petitions than there are offices up for election.

50-434. REVOCATION OF SIGNATURE. Any signer to a petition for nomination may withdraw his name from the same by filing with the city clerk a verified revocation of his signature before the filing of the petition with the city clerk, and not otherwise. The signer may then sign a petition for another candidate for the same office.

50-435. PRESERVATION OF NOMINATING FORMS. All petitions of nomination filed in accordance with chapter 4, title 50, Idaho Code, shall be preserved in the office of the city clerk for a period of sixty (60) days following each election.

50-436. NOTICE OF ELECTION -- CONTENTS -- PUBLICATION AND POSTING. The city council shall give notice for any city election by publishing such notice in at least two (2) issues of the official newspaper of the city. If the official city newspaper is not published in the city then the notice of election may be posted in three (3) public places in each voting precinct. The notice shall state the date of the election, the polling place in each precinct, the hours during which the polls shall be open for the purpose of voting. The first publication of notice of election shall be made not less than forty-five (45) days prior to the election. The last publication of notice shall be made not less than fifteen (15) days prior to the election.

50-437. OFFICIAL ELECTION STAMP. The city clerk will provide for an official election stamp which shall have upon the face the date and year of the election in which it is used in the words "Official Election Ballot." Every ballot used shall be stamped on the outside with the official election stamp before it is given to the voter. In the event the stamp is lost, destroyed or unavailable upon election day, the distributing clerk shall initial each ballot and write "stamped" upon the ballot in the appropriate place.

50-438. BALLOTS AND ELECTION SUPPLIES. The city clerk shall provide and cause to be delivered, at the expense of the city, a suitable number of ballots for each polling place and all supplies necessary to conduct general and special elections for the city.

50-439. PREPARATION AND CONTENTS OF BALLOT. The ballot for each election shall be prepared not less than twenty-one (21) days prior to the date of election by the city clerk.
Candidates for mayor will be listed first followed by councilman positions for four (4) years and then two (2) year councilman positions, provided, that in printing the ballots, the position of the names shall be changed in each office division by placing the top name for that office at the bottom of that division and moving each other name up the column by one (1) position, as many times as there are candidates in the office division in which there are the greatest number of candidates. Candidates names shall be rotated by precinct for those cities using voting machines or vote tally systems. Nothing shall prevent a voter from writing in the name of any qualified elector of the city for any office to be filled at the said election, and the clerk in preparing the ballot shall make provision for the writing in of names. Separate ballots will be used for bond issues, capital improvement levy, recall, referendum, initiative, advisory ballots or any other measure authorized to be decided by the electorate.

50-440. SAMPLE BALLOTS. The city clerk shall cause to be printed not less than fifteen (15) days before the election, sample ballots containing the candidates for each office, and all measures to be submitted, which sample ballots shall be in the same form as the official ballots to be used, except they shall have printed thereon the words "sample ballot," and shall be on paper of a different color than the official ballot, and the clerk shall furnish copies of the same on application at his office, to anyone applying therefor. Said sample ballot shall be published at least twice in the official newspaper of the city, the last time to be within five (5) days of the election. If the official city newspaper is not published in the city then the sample ballot may be posted in three (3) public places in each voting precinct.

50-441. PROCEDURE FOR CORRECTION OF BALLOTS AFTER PRINTING. When any candidate withdraws after the printing of the ballots the city clerk will if time permits, cross the name off the ballot, otherwise the elections clerk responsible for distributing the ballots shall cross the name of such candidate off the ballot, and no votes shall be cast for the candidates.

50-442. VOTING BY ABSENTEE BALLOT AUTHORIZED. Any registered elector in a city may vote at any city election by absentee ballot as herein provided.

50-443. APPLICATION FOR ABSENTEE BALLOT. Any registered elector may make written application to the city clerk for
an official ballot or ballots of the kind or kinds to be voted at the election. The application shall contain the name of the elector, his home address and address to which such ballot shall be forwarded. The application for an absent elector's ballot shall be signed personally by the applicant. The application shall be filed with the city clerk not later than the election nor earlier than sixty (60) days before the election. In the event a registered elector is unable to vote in person at his designated polling place on the day of election because of an emergency situation which rendered him physically unable, he may nevertheless apply for an absent elector's ballot on the day of election by notifying the city clerk. No person, may, however, be entitled to vote under an emergency situation unless the situation claimed rendered him physically unable to vote at his designated polling place within forty-eight (48) hours prior to the closing of the polls.

50-444. CLASSIFICATIONS FOR ABSENT ELECTOR'S BALLOT. For the purpose of issuing absent elector's ballot, the city clerk shall determine under which of the following subsections the applicant should be classified.

(1) A person out of the city or state at the time of application and who expects not to be physically present in his home precinct on day of election.

(2) A person who expects to be out of the city or state on day of election who is not physically disabled.

(3) A person who is in the city but who will be physically unable to vote at his designated polling place on day of election.

(4) A person who is in the city who is physically unable to vote at his designated polling place because of an emergency situation which rendered him incapable within forty-eight (48) hours prior to the closing of the polls.

50-445. ISSUANCE OF ABSENTEE BALLOT. Upon receipt of an application for an absent elector's ballot within the proper time, the city clerk receiving it shall examine the records of his office and contact the county clerk if necessary to ascertain whether or not such applicant is registered and lawfully entitled to vote as requested, and, if found to be so, he shall arrange for the applicant to vote by absent elector's ballot in the following manner:

(1) If the applicant is classed under section 50-444(1), Idaho Code, the clerk shall deliver to the applicant by mail to the mailing address given in the application, an official absent elector's ballot, a return envelope with the affidavit thereon properly filled in as to precinct and residence address as shown by the records in his office,
and an instruction card.

(2) If the applicant is classed under section 50-444(3), Idaho Code, the city clerk shall forthwith notify the applicant that he shall appear personally and vote at the "absent elector's voting place" during the time prescribed.

(3) In the case of applicants classified under section 50-444(1), Idaho Code, the absent elector's ballot and other materials shall be delivered or mailed to the absent elector within forty-eight (48) hours after the receipt of the application, if the official ballots are then printed, or, if not then printed, within forty-eight (48) hours after such printed ballots shall be delivered to the city clerk.

(4) If the applicant is classed under section 50-444(4), Idaho Code, the city clerk shall forthwith notify the applicant by setting forth the time and place at which the city clerk shall deliver the absentee ballot.

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

50-446. MARKING AND FOLDING OF ABSENTEE BALLOT _ AFFIDAVIT. Upon receipt of the absent elector's ballot the elector shall thereupon mark and fold the ballot so as to conceal the marking, deposit it in the ballot envelope and seal the envelope securely. The ballot envelopes must be deposited in the return envelope and sealed securely. The elector shall then execute an affidavit on the back of the return envelope in the form prescribed, provided however, that such affidavit need not be notarized.

50-447. RETURN OF ABSENTEE BALLOT. The return envelope shall be mailed or delivered to the officer who issued the same; provided, that an absentee ballot must be received by the issuing officer by 8 p.m. on the day of election before such ballot may be counted.

Upon receipt of an absent elector's ballot the city clerk of the city wherein such elector resides shall write or stamp upon the envelope containing the same, the date and hour such envelope was received in his office and, if the ballot was delivered in person, the name and address of the
person delivering the same. He shall safely keep and pre­serve all absent elector's ballots unopened until the time prescribed for delivery to the judges in accordance with this chapter.

50-448. CITY CLERKS SHALL PROVIDE AN ABSENT ELECTOR'S VOTING PLACE. Each city clerk shall provide an "absent elector's polling place." It shall be provided with voting booths and other necessary supplies as provided by law.

50-449. TRANSMISSION OF ABSENTEE BALLOTS TO POLLS. On receipt of such absent elector's ballot or ballots, the city clerk shall forthwith enclose the same unopened in a carrier envelope endorsed with the name and official title of such officer and the words: "absent elector's ballots to be opened only at the polls." He shall hold the same until the delivery of the official ballots to the judges of election of the precinct in which the elector resides and shall deliver the ballot or ballots to the judges with such official ballots.

50-450. DEPOSIT OF ABSENTEE BALLOTS. Between the opening and closing of the polls on such election day the judges of election of such precinct shall open the carrier envelope only, announce the absent elector's name, and compare the signature upon the return envelope with the elector's registration card, and in the event they find such signatures to correspond and the applicant to be a duly registered elector of the precinct and that he has not heretofore voted at the election, they shall open the return envelope and remove the ballot envelopes and deposit the same in the proper ballot boxes and cause the absent elector's name to be entered on the poll books and his registration card marked the same as though he had been present and voted in person. The ballot envelope shall not be opened until the ballots are counted.

50-451. RECORD OF APPLICATIONS FOR ABSENTEE BALLOTS. The city clerk shall keep a record in his office containing a list of names and precinct numbers of electors making applications for absent elector's ballots, together with the date on which such application was made, and the date on which such absent elector's ballot was returned. If an absentee ballot is not returned or if it be rejected and not counted, such fact shall be noted on the record. Such record shall be open to public inspection under proper regulations.

50-452. DUTIES OF CITY CLERK ON ELECTION DAY. (1) The city clerk shall administer an oath of office to the election judge of each precinct before or upon delivery of the
ballots and election supplies. The oath subscribed to by the election judge appears in the combination election record and poll book.

(2) Before the polls open the election judge will administer an oath of office to all election board officials who will subscribe to said oath in the combination election record and poll book. The city clerk may administer the oath of office to the election judge and election board officials at one time.

(3) The combination election record and poll book shall be ruled in a proper manner so that in a column for ballot numbers sufficient space shall appear for inserting the numbers of several ballots. At any election when more than one (1) ballot is used, a separate column shall be provided for each separate form of ballot used.

(4) Immediately after the close of the polls, the names of the electors who voted shall be counted and the number written and certified in the combination election record and poll book. The combination election record and poll book shall be immediately signed by each of the election board judges.

50-453. OPENING AND CLOSING POLLS. (1) At all general and special city elections the polls shall be opened at 12 noon and remain open until all registered electors of that precinct have voted or until 8 p.m. of the same day, whichever comes first.

(2) Upon opening the polls the precinct judge will make the proclamation of the same and thirty (30) minutes before closing the polls a proclamation shall be made in the same manner. Any elector who is in line at 8 p.m. shall be allowed to vote notwithstanding the pronouncement that the polls are closed.

50-454. CHANGING POLLING PLACE -- PROCLAMATION AND NOTICE. Whenever it shall become impossible or inconvenient to hold an election at the place designated therefor, the election judge, after assembling and before receiving any vote, may adjourn to the nearest convenient place for holding the election, and at such adjourned place forthwith proceed with the election and the city clerk shall be notified of the change.

Upon adjourning any election, the judge shall cause proclamation thereof to be made, and shall post a notice upon the place where the adjournment was made for notifying electors of the change of polling place.

50-455. OPENING BALLOT BOXES. In the presence of bystanders the election judge shall break the sealed packages
of election ballots, official stamp and other supplies.

Before receiving any ballots the judge shall open and exhibit, close and lock the ballot boxes, and thereafter they shall not be removed from the polling place until all ballots are counted. They shall not be opened until the polls are closed unless the precinct is using a duplicate set of ballot boxes.

50-456. JUDGES MAY ADMINISTER OATHS -- CHALLENGE OF VOTERS. The election judge may administer and certify any oath required to be administered during the progress of an election or challenge any elector.

50-457. DUTIES OF CONSTABLE. The judge of any election may appoint some capable person to act as election constable during the election, and he shall have the power to make arrests for disturbance of the peace, as provided by law for constables, and he shall allow no one within the voting area except those who go to vote, and shall allow but one (1) elector in a compartment at one (1) time. He shall remain and keep order at the polling place until all of the votes are tallied. In the event a constable is not appointed the election judge will assume these duties.

50-458. SIGNING COMBINATION ELECTION RECORD AND POLL BOOK -- DELIVERY OF BALLOT TO ELECTOR. (1) An elector desiring to vote shall state his name and address to the clerk in charge of the combination election record and poll book.

(2) Before receiving his ballot, each elector shall sign his name in the combination election record and poll book following his name therein.

(3) No person shall knowingly sign his name in the combination election record and poll book if his residence address is not within that precinct at the time of signing.

(4) If the residence address of a person contained in the combination election record and poll book is incorrectly given due to an error in preparation of the combination election record and poll book, the judge shall ascertain the correct address and make the necessary correction.

(5) The elector shall then be given the appropriate ballots which have been stamped with the official election stamp and shall be given folding instructions for such ballots.

(6) A second election register and poll book will be maintained to record that the elector has voted.

50-459. MANNER OF VOTING. On receipt of his ballot the elector shall retire to a vacant voting booth and mark his
ballot according to the instructions provided by law. Before leaving the voting compartment the elector shall fold his ballot so that the official stamp is visible and the face of the ballot is completely enclosed.

After marking his ballot, the elector shall present himself to the election clerk in charge of the additional copy of the combination election record and poll book and state his name and residence. The elector shall hand his ballot to the election clerk. The clerk shall deposit the ballot in the proper box after ascertaining that the ballot is folded correctly. The clerk shall then record that the elector has voted and proclaim the same in an audible voice.

50-460. ASSISTANCE TO VOTER. If any registered elector, who is unable by reason of physical disability or other handicap to record his vote by personally marking his ballot and who desires to vote, then and in that case such elector shall be assisted by the person of his choice or by one (1) of the election clerks. Such clerk or selected person shall mark the ballot in the manner directed by the elector and fold it properly and present it to the elector before leaving the voting compartment or area provided for such purpose. The elector shall then present the ballot to the judge of election in the manner provided above.

50-461. SPOILED BALLOTS. No person shall take or remove any ballot from the polling place. If an elector inadvertently or by mistake spoils a ballot, he shall return it folded to the distributing election clerk, who shall give him another ballot. The ballot thus returned shall, without examination, be immediately canceled by writing across the back, or outside of the ballot as folded, the words "spoiled ballot, another issued," and deposit the spoiled ballot in box provided for that purpose.

50-462. OFFICERS NOT TO DIVULGE INFORMATION. No judge or election clerk shall communicate to anyone any information as to the name or number on the registry list of any elector who has not applied for a ballot, or who has not voted at the polling place; and no judge, clerk or other person whomsoever, shall interfere with, or attempt to interfere with, a voter when marking a ballot. No judge, clerk or other person shall, directly or indirectly, attempt to induce any voter to display his ballot after he shall have marked same, or to make known to any person the name of any candidate for or against whom he may have voted.

50-463. CANVASS OF VOTES. (1) When the polls are closed the election personnel must immediately proceed to
count the ballots cast at such election. The counting must be continued without adjournment until completed and the result declared.

(2) If the precinct has duplicate ballot boxes, the counting shall begin after five (5) ballots have been cast. At this time, the additional clerks shall close the first ballot box and retire to the counting area and count the ballots. Upon completion of this counting the clerks shall return the ballot box and then proceed to count all of the ballots cast in the second box during this period. This counting shall continue until the polls are closed at which time all election personnel may assist in completing the counting of the ballots.

(3) At any time prior to the closing of the polls provision may be made for the delivery of voted ballots to the city clerk for counting. If such procedure is adopted, the result of this early count shall not be released until after 8 p.m. on election day.

50-464. COMPARISON OF POLL LISTS AND BALLOTS -- VOID BALLOTS. The ballot box shall be opened and the ballots found therein counted by the judges, unopened and the number of ballots in the box must agree with the number marked in the poll book or election register as having received a ballot, and this number, together with the number of spoiled ballots, must agree with the number of stubs in the books from which the ballots have been taken. If the number of ballots issued does not agree with the number of stubs the election judges shall have authority to make any decision to correct the situation; but this shall not be construed to allow the judges to void all ballots cast at that polling place.

When duplicate ballot boxes are used in a precinct, the duties herein prescribed shall be done after all of the votes have been tallied.

50-465. COUNTING OF BALLOTS. The ballots and polls lists agreeing, the election personnel shall then proceed to tally the votes cast. Under each office title the number of votes for each candidate shall be entered in the tally books together with the total. Any ballot or part of a ballot from which it is impossible to determine the elector's choice, shall be void and shall not be counted. When a ballot is sufficiently plain to determine therefrom a part of the voter's intention, it shall be the duty of the judges to count such part.

Following the counting, the election officials must post a correct copy of such results at the polling place and transmit a copy to the city clerk.
In no event shall the results of such count be released to the public until after 8 p.m. of election day.

50-466. TRANSMISSION OF SUPPLIES TO CITY CLERK. After the counting of the votes, the judges of the election shall enclose and seal the combination election record and poll book, tally books, all ballot stubs, unused ballot books, and other supplies in a suitable container and deliver them to the city clerk's office. If the office of the city clerk is closed, the articles shall be delivered to the police department who shall deliver them to the city clerk no later than the day after the election.

50-467. CANVASSING VOTES -- DETERMINING RESULTS OF ELECTION. The mayor and the council, within six (6) days following any election, shall meet for the purpose of canvassing the results of the election. Upon acceptance of tabulation of votes prepared by the election judges and clerks, and the canvass as herein provided, the results of both shall be entered in the minutes of proceedings and proclaimed as final. Results of election shall be determined as follows: in the case of a single office to be filled, the candidate with the highest number of votes shall be declared elected; in the case where more than one office is to be filled, that number of candidates receiving the highest number of votes, equal to the number of offices to be filled, shall be declared elected.

50-468. TIE VOTES. In case of a tie vote between candidates, the city clerk shall give notice to the interested candidates to appear before the council at a meeting to be called within six (6) days at which time the city clerk shall determine the tie by a toss of a coin.

50-469. FAILURE TO QUALIFY CREATES VACANCY. If a person elected fails to qualify, a vacancy shall be declared to exist, which vacancy shall be filled by the mayor and the council.

50-470. CERTIFICATES OF ELECTIONS. A certificate of election for each elected city official or appointee to fill such position shall be made under the corporate seal by the city clerk, signed by the mayor and clerk, and presented to such officials at the time of subscribing to the oath of office.

50-471. APPLICATION FOR RECOUNT OF BALLOTS. Any candidate desiring a recount of the ballots cast in any general city election may apply to the attorney general therefor,
within twenty (20) days of the canvass of such election by
the city council. The provisions of chapter 23, title 34,
Idaho Code, shall govern recounts of elections held under
this chapter.

50-472. RECALL ELECTIONS. Recall elections shall be
governed by the provisions of chapter 17, title 34, Idaho
Code, except as those provisions may be specifically modi­
fied by the provisions of this chapter.

50-473. INITIATIVE AND REFERENDUM ELECTIONS. Initiative
and referendum elections shall be governed by the provisions
of chapter 18, title 34, Idaho Code, and chapter 5, title
50, Idaho Code, except as those provisions are specifically
modified by this chapter.

50-474. VOTING BY MACHINE OR VOTE TALLY SYSTEM. Any
city may use voting machines or vote tally system in conduct
of elections. A city voting by machine shall be governed by

50-475. ELECTION LAW VIOLATIONS. The provisions of
chapter 23, title 18, Idaho Code, pertaining to crimes and
punishments for election law violations are hereby incorpo­
rated in this chapter.

50-476. ADOPTION OF STATE REGISTRATION PROCEDURES--
JOINT REGISTRATION. Any municipal corporation or political
subdivision of the state of Idaho which is, or may be,
required to conduct elections may, upon resolution of its
governing body, elect to conform its practices for registra­
tion of qualified electors to those contained in title 34,
Idaho Code. If the governing body approves such a resolu­
tion, it shall conform its practices in such a way that
registration for general elections shall be a sufficient
registration for elections of the municipal corporation or
political subdivision, and vice versa. For the purposes of
this act, registration forms may be expanded to include such
information as may be required to establish qualification of
electors. The original of each registration form, when
joint registration is adopted, shall be forwarded to the
county clerk wherein the registrant resides, and a copy
shall be retained by the municipal corporation or political
subdivision conducting the registration.

SECTION 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 circum­
stance is declared invalid for any reason, such declaration
shall not affect the validity of remaining portions of this
act.

CHAPTER 330
(S.B. No. 1554)

AN ACT
RELATING TO AIRPORT FACILITIES AND AIR-Navigation FACILITIES; AMENDING SECTION 50-1029, IDAHO CODE, TO PROVIDE FOR THE DEFINITION OF AIRPORT FACILITIES; AMENDING SECTION 50-1035, IDAHO CODE, TO PROVIDE THAT A MAJORITY OF THE QUALIFIED ELECTORS VOTING ON THE QUESTION APPROVE REVENUE BOND ISSUES TO FINANCE AIRPORT FACILITIES AND AIR-Navigation FACILITIES; AND PROVIDING AN EFFECTIVE DATE AND TRANSITION.

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, lines, 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 "airport facilities and 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 50-1035, 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, sewerage treatment plants, airport facilities and air-navigation facilities, 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 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. 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 3. The provisions of this act shall be in full force and effect on and after the day on which the state board of canvassers certifies that the ratification of the proposed amendment to section 3, article VIII, of the constitution of the state of Idaho, submitted to the electors of the state of Idaho by the second regular session of the forty-fourth Idaho legislature which authorizes that a majority of the qualified electors voting on the question may approve revenue bond issues to finance airport facilities and air-navigation facilities.

AN ACT
RELATING TO THE FIREMEN'S RETIREMENT FUND; AMENDING SECTION 72-1402, IDAHO CODE, TO ADD REFERENCES TO NEW SECTIONS AND PROVIDE FOR CONTRIBUTIONS TO THE FUND, RATHER THAN TAXES; AMENDING SECTION 72-1403, IDAHO CODE, TO INCREASE THE PERCENTAGE OF THE FIRE INSURANCE PREMIUM TAX WHICH GOES TO THE FIREMEN'S RETIREMENT FUND; AMENDING SECTION 72-1411, IDAHO CODE, TO INCREASE THE CONTRIBUTIONS OF PAID FIREMEN TO THE FIREMEN'S RETIREMENT FUND, PROVIDING FOR CONTRIBUTIONS, MAKING CONTRIBUTIONS PAYABLE EACH PAYROLL PERIOD, AND ESTABLISHING THE DATE WHEN COMPUTATIONS ARE MADE; AMENDING SECTION 72-1412, IDAHO CODE, TO PROVIDE THAT CONTRIBUTIONS BY EMPLOYERS SHALL BE INCREASED AND PROVIDING FOR REMITTANCES BY PAYROLL PERIOD; AMENDING SECTION 72-1429S, IDAHO CODE, TO BRING CERTAIN PERSONS RECEIVING SERVICE CONNECTED DISABILITY BENEFITS UNDER THE COST OF LIVING CAP; ADDING A NEW SECTION 72-1429S, IDAHO CODE, TO VEST RETIREMENT BENEFITS AFTER FIVE YEARS OF SERVICE; AMENDING SECTION 72-1432B, IDAHO CODE, TO PUT A THREE PER CENT CAP ON THE COST OF LIVING ADJUSTMENT; ADDING A NEW SECTION 72-1433A, IDAHO CODE, TO ESTABLISH A NEW BENEFIT FORMULA FOR FIREMEN HIRED ON OR AFTER JULY 1, 1978; ADDING A NEW SECTION 72-1433B, IDAHO CODE, GRANTING NEW SURVIVORS' BENEFITS FOR SURVIVORS OF FIREMEN HIRED AFTER JULY 1, 1978; ADDING A NEW SECTION 72-1433C, IDAHO CODE, TO PROVIDE SERVICE CONNECTED DISABILITY BENEFITS FOR FIREMEN HIRED ON OR AFTER JULY 1, 1978; ADDING A NEW SECTION 72-1433D, IDAHO CODE, TO PROVIDE NONSERVICE DISABILITY BENEFITS FOR FIREMEN HIRED ON OR AFTER JULY 1, 1978; ADDING A NEW SECTION 72-1433E, IDAHO CODE, TO LIMIT BENEFITS TO THE SURVIVING SPOUSE TO SEVENTY-FIVE PER CENT OF THE BENEFITS OF THE FIREMAN FOR FIREMEN HIRED ON OR AFTER JULY 1, 1978.

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

SECTION 1. That Section 72-1402, Idaho Code, be, and the same is hereby amended to read as follows:

72-1402. DEFINITIONS. The following are definitions of terms used in this act:
(A) The words "paid fireman" are synonymous with "paid
firefighter," and mean any individual, male or female, excluding office secretaries employed after July 1, 1967, who is on the payroll of any city or town or fire district in the state of Idaho and who devotes his or her principal time of employment to the care, operation, maintenance or the requirements of a regularly constituted fire department of such city or fire district in the state of Idaho.

(B) "Industrial commission" means the commission as authorized and created under the provisions of chapter 5 of title 72, Idaho Code.

(C) "Workmen's compensation law" means the workmen's compensation law as authorized and created under title 72, Idaho Code.

(D) "Twenty-five (25) years active service": An individual whose principal means of livelihood for the period of twenty-five (25) years has been through employment by a city, or town, or fire district in the state of Idaho in a regularly constituted fire department of a city, town, or fire district, and has actually been carried on the payroll of an Idaho fire department for twenty-five (25) years or more.

(E) "Five (5) years continuous service": An individual who has been employed by a regularly constituted fire department in a city or town, or fire district in the state of Idaho for a period of five (5) years continuously, without having engaged in any other gainful occupation as his principal gainful occupation and has had "five (5) years continuous service" with a paid fire department of a city, town or fire district in the state of Idaho.

(F) "State insurance fund," as used herein, means the state insurance fund created by chapter 9 of title 72, Idaho Code, and the "director" thereof, as used herein, means the duly appointed, qualified and acting director or manager of said fund.

(G) The meaning of the term "incapacitated in a degree which prohibits efficient service" means that degree of mental or physical disability which prohibits the efficient performance of the duties of a paid fireman.

(H) "Years active service": Service rendered by an individual whose principal means of livelihood for the prescribed period of years has been through employment by a city, or town, or fire district in the state of Idaho, in a regularly constituted fire department of a city, town, or fire district, and has actually been carried on the payroll of an Idaho fire department for the prescribed period of years. All years of active service as herein defined before the establishment of the firemen's retirement fund may count only toward the prescribed period of years for retirement as set out in sections 72-1429F, 72-1429L, 72-1429M, 72-1430A,
72-1430B, 72-1430C, 72-1430D, 72-1430E, 72-1430F, and 72-1430G, 72-1433A, 72-1433B, 72-1433C, 72-1433D, and 72-1433E, Idaho Code. Before any year's service since the establishment of the firemen's retirement fund may count toward the prescribed period of years, the tax contributions must have been deducted from his or her wage or salary and remitted as set out in sections 72-1411 and 72-1412, Idaho Code, for that year.

SECTION 2. That Section 72-1403, Idaho Code, be, and the same is hereby amended to read as follows:

72-1403. FIREMEN'S RETIREMENT FUND CREATED -- MONEYS RECEIVED -- TRANSFER OF EXISTING FUNDS. There is hereby created a special fund, in the treasury of the state to be designated and known as the firemen's retirement fund, for the purpose of providing retirement pay and other benefits for paid firemen, as defined herein, becoming aged or disabled while in the public fire fighting service of a city, town, or fire district of the state of Idaho, and also for their dependents as provided herein. Such fund shall consist of all moneys accruing under the provisions hereof, all appropriations thereto, all contributions to said fund, donations, properties, and securities acquired by investment or otherwise, interest, earned, and thirty-per-cent (30%) fifty percent (50%) of the gross receipts by the state of the tax on fire insurance premiums as provided by section 41-402, Idaho Code; and the said thirty-per-cent (30%) fifty percent (50%) of said gross receipts accruing under section 41-402, Idaho Code, shall, commencing with the effective date of this act, be and the same is hereby appropriated and segregated for the purpose of this act and shall be transferred to and deposited in the fund created hereby.

SECTION 3. That Section 72-1411, Idaho Code, be, and the same is hereby amended to read as follows:

72-1411. LEVY OF -- EXCISE -- TAX -- UPON CONTRIBUTION FROM FIREMEN -- MANNER OF COLLECTION. Beginning with the effective date of this act October 1, 1978, there is hereby levied upon and shall be paid into the state treasury to the credit of the firemen's retirement fund, in addition to other provisions of payment to said fund, an excise tax on a contribution from each paid fireman as defined herein equal to nine-per-cent (9%) eleven and forty-five one hundredths per cent (11.45%) of the average paid fireman's salary or wage in the state of Idaho, or nine-per-cent (9%) eleven and forty-five one hundredths per cent (11.45%) on each individual fireman's salary or wage, based on each fireman's
classification under Option 1 or Option 2 as defined under section 72-1432, Idaho Code, which tax contribution shall be collected by the employer by deducting the amount of the tax contribution from the fireman's wages or salary as and when paid; the said tax contribution shall be payable to the fund quarterly-and-on-the-first-days-of-April-July, October-and-January by the end of the succeeding payroll period, and shall be remitted to the state treasury of Idaho by the city, town, or fire district employing said paid fireman. Said average paid or individual fireman's salary or wage shall be determined annually on October 1 by the director, as defined in section 72-1412, Idaho Code, from the quarterly payroll period reports submitted to him the preceding October on or before September 1 by the cities, towns of fire districts; after determining the amount to be collected from each paid fireman as herein set out, the director shall notify each city, town and fire district the amount of said tax contribution to be collected for the ensuing calendar year.

SECTION 4. That Section 72-1412, Idaho Code, be, and the same is hereby amended to read as follows:

72-1412. PENSION FUND PAYMENTS CONTRIBUTIONS 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 percent (8%) during the year 1975, nine percent (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 until October 1, 1978, and 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 plus one percent (1%) thereafter of the annual average paid fire fighter's salary or wage in the state of Idaho or the monthly gross salary or wage of each individual fire fighter, to be computed according to the classification of each fire fighter under Option I or Option II as defined under section 72-1432, Idaho Code, for each paid fireman employed by said cities, towns or fire districts; which said sum shall be measured and determined by the actual expendi-
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tures for such purpose during the preceding calendar year from September 1 to August 30, and remitted quarterly by the end of the succeeding payroll period as herein provided for remittances for individual firemen as set forth in section 72-1411, Idaho Code.

SECTION 5. That Section 72-1429G, Idaho Code, be, and the same is hereby amended to read as follows:

72-1429G. Pension payment -- retirement of fireman incapacitated in performance of duty. Any paid fireman incapacitated by injury in the performance of duty, or by illness attributable wholly or partially to service as a paid fireman, shall be retired so long as such disability shall continue in a degree which prevents efficient service, and during such disability shall be paid from the said fund the monthly retirement sum to which he would be entitled if he elected to retire, but in no event less than a monthly sum equal to fifty per cent (50%) of the average paid fireman's salary or wage as above set out which said monthly sum shall vary annually according to the determination of the average paid fireman's salary or wage in this state as set forth in section 72-1411 hereof, Idaho Code, and as provided in section 72-1432B, Idaho Code.

SECTION 6. That Chapter 14, Title 72, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 72-1429S, Idaho Code, and to read as follows:

72-1429S. ACCRUED PENSION PAYMENT -- FIREMEN DISCONTINUING SERVICE PRIOR TO VOLUNTARY RETIREMENT. A paid fireman who has at least five (5) years of continuous service as defined in section 72-1402, subsections (E) and (H), Idaho Code, and who discontinues service with the city, town or fire district prior to meeting voluntary retirement or disability requirements, and who has not withdrawn his contributions as provided in section 72-1429Q, Idaho Code, shall be eligible, only after reaching sixty (60) years of age, to receive a monthly service retirement benefit equal to two percent (2%) of his average monthly salary, as defined in section 72-1411, Idaho Code, for each year of credited service, adjusted by the cost of living adjustment as provided under section 72-1432B, Idaho Code.

SECTION 7. That Section 72-1432B, Idaho Code, be, and the same is hereby amended to read as follows:

72-1432B. COST OF LIVING ADJUSTMENT. In addition to the
monthly sums provided for under this act, any retired fire­
man or his or her surviving spouse, child, or children draw­
ing benefits shall be entitled to receive adjustments to
such benefits, calculated on the percentage of increase or
decrease in the average paid firefighter's salary or wage,
in this state, as computed under the terms of section
72-1411, Idaho Code. In any one (1) year the cost of living
adjustment in monthly sums provided in this chapter shall
not exceed a three per cent (3%) per annum increase or
decrease. In any one (1) year the retirement or disability
benefits received by a fireman or his or her survivors shall
not increase or decrease by more than three per cent (3%)
per annum, notwithstanding any other provision of law.

SECTION 8. That Chapter 14, Title 72, Idaho Code, be,
and the same is hereby amended by the addition thereto of a
NEW SECTION, to be known and designated as Section 72-1433A,
Idaho Code, and to read as follows:

72-1433A. PENSION PAYMENT -- VOLUNTARY RETIREMENT AFTER
TWENTY YEARS ACTIVE SERVICE. Any paid fireman hired after
July 1, 1978, shall be entitled to voluntary retirement ben­
efits only to the limits provided by this section. Any paid
fireman, as defined in subsection (A) of section 72-1402,
Idaho Code, after meeting the requirements as set out in
section 72-1402(H), Idaho Code, and has attained the age and
years of active service as set out in this section, may, at
his option retire, and in the event of such retirement he
shall be paid from the firemen's retirement fund a monthly
sum during the remainder of his life equal to:
(1) forty percent (40%) after twenty (20) years of ser­
vice and has attained age fifty (50);
(2) forty-five percent (45%) after twenty-one (21)
years of service and has attained age fifty-one (51);
(3) fifty percent (50%) after twenty-two (22) years of
service and has attained age fifty-two (52);
(4) fifty-five percent (55%) after twenty-three (23)
years of service and has attained age fifty-three (53);
(5) sixty percent (60%) after twenty-four (24) years of
service and has attained age fifty-four (54);
(6) sixty-five percent (65%) after twenty-five (25)
years of service and has attained age fifty-five (55);
(7) seventy percent (70%) after thirty (30) years of
service and has attained age sixty (60).
The above percentages shall be computed on the said
fireman's average monthly salary or wage, as defined in
section 72-1411, Idaho Code, based on his average final
compensation as defined in section 72-1432A, Idaho Code,
which said monthly sums shall vary annually according to the
determination of the "cost of living adjustment" as set forth in section 72-1432B, Idaho Code.

SECTION 9. That Chapter 14, Title 72, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 72-1433B, Idaho Code, and to read as follows:

72-1433B. DEATH BENEFITS -- WIDOW AND CHILDREN OF FIREMAN DYING FROM CAUSES DISCONNECTED WITH DUTIES BUT DURING SERVICE AFTER FIVE YEARS. In any case involving a paid fireman hired on or after July 1, 1978: (1) In the event a paid fireman who shall have died from causes disconnected with said fireman's official duties, but during the period of said fireman's service, leaves surviving a spouse or a spouse with child or children, and who shall have completed less than twenty (20) years, but more than five (5) years of active service as defined in subsection (h) of section 72-1402, Idaho Code, as a paid fireman as defined in this act, said spouse, during the spouse's lifetime and so long as said spouse does not remarry, shall be paid from the fund a monthly sum equal to one and one-half percent (1 1/2%) of said fireman's average monthly salary or wage, as defined in section 72-1411, Idaho Code, for each year's active service, based on his "average final compensation" as defined in section 72-1432A, Idaho Code, which said monthly sum shall vary annually, according to section 72-1432B, Idaho Code, and if said surviving spouse dies said monthly sum shall be paid to the surviving child or children until they reach the age of eighteen (18) years or shall marry, whichever occurs first; provided, however, that if said deceased fireman shall have died without leaving a surviving spouse and leaving surviving a child or children, said surviving child or children shall be entitled to receive said monthly sum until they shall reach the age of eighteen (18) years or shall marry, whichever occurs first.

(2) In the event a paid fireman who shall have died from causes disconnected with said fireman's official duties, but during the period of said fireman's service, leaves surviving a spouse or a spouse with child or children, and who shall have completed less than thirty (30) years, but more than twenty (20) years of active service as defined in subsection (H) of section 72-1402, Idaho Code, as a paid fireman as defined in this act, said spouse, during his or her lifetime and so long as said spouse does not remarry, shall be paid from the fund a monthly sum equal to the sum the fireman would have received under section 72-1433A, Idaho Code, had said fireman retired as of the date of his death, and for the purposes of this section,
said fireman shall be deemed to have retired as of the date of death, which said monthly retirement sum shall vary annually according to the determination of the "cost of living adjustment" as set forth in section 72-1432B, Idaho Code, and if said spouse dies said monthly sum shall be paid to the surviving child or children until they reach the age of eighteen (18) years or shall marry, whichever occurs first, provided, however, that if said deceased fireman shall have died without leaving a surviving spouse and leaving surviving a child or children, said surviving child or children shall be entitled to receive said monthly sum until they reach the age of eighteen (18) years or shall marry, whichever occurs first.

SECTION 10. That Chapter 14, Title 72, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 72-1433C, Idaho Code, and to read as follows:

72-1433C. PENSION PAYMENT -- RETIREMENT OF FIREMAN INCAPACITATED IN THE PERFORMANCE OF DUTY. Any paid fireman hired on or after July 1, 1978, and who is incapacitated by injury in the performance of duty, or by illness attributable wholly or partially to service as a paid fireman, shall be retired so long as such disability shall continue in a degree which prevents efficient service, and during such disability shall be paid from the said fund the monthly retirement sum to which he would be entitled if he elected to retire, but in no event less than a monthly sum equal to fifty percent (50%) of the said fireman's average monthly salary or wage, as defined in section 72-1411, Idaho Code, based on his "average final compensation" as defined in section 72-1432A, Idaho Code, which said monthly sum shall vary annually according to the "cost of living adjustment" as set forth in section 72-1432B, Idaho Code.

Upon application of a firefighter or his or her department head for a service disability retirement, and prior to said retirement, a medical examination of said firefighter shall be given by a medical committee consisting of a physician named by the director of the state insurance fund, a physician named by the firefighter claiming benefits, and a third physician designated by the first two (2) physicians so named. If the medical committee, by a majority opinion certifies in writing, that: (1) the firefighter is physically incapacitated for the efficient performance of the duties as a paid firefighter, as defined under the provisions of subsection (G), section 72-1402, Idaho Code, in the service of the city, town or fire district, (2) such incapacity is likely to be permanent, (3) the member should be
retired, and (4) there is medical evidence of probative value including reports of clinical findings (such as the individual's medical history, physical status examinations), laboratory findings, diagnosis and treatment prescribed and response to such treatment, the director may approve such application for retirement as provided herein.

SECTION 11. That Chapter 14, Title 72, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 72-1433D, Idaho Code, and to read as follows:

72-1433D. PENSION PAYMENT -- RETIREMENT OF INCAPACITATED FIREMAN AFTER FIVE, TWELVE AND ONE-HALF OR TWENTY YEARS FOR NONSERVICE. (1) Any paid fireman hired on or after July 1, 1978, with not less than five (5) years' active service as defined in subsection (H) of section 72-1402, Idaho Code, as a paid fireman as defined in this act and who shall become totally and permanently incapacitated for duty by reason of a personal injury or disease occurring as the result of causes arising outside the course of his employment by the city, town, or fire district, shall, so long as he remains totally incapacitated be paid a monthly sum equal to one and one-half percent (1 1/2%) of the said fireman's average monthly salary or wage for each year's active service, as defined in section 72-1411, Idaho Code, based on his "average final compensation," as defined in section 72-1432A, Idaho Code.

(2) Any paid fireman hired on or after July 1, 1978, with not less than twelve and one-half (12 1/2) years' active service as defined in subsection (H) of section 72-1402, Idaho Code, as a paid fireman as defined in this act and who shall be dismissed or retired by his or her employer because incapacitated, not in the performance of duty, in a degree which prohibits efficient service, as defined under the provisions of subdivision (G) of section 72-1402, Idaho Code, shall, so long as he or she remains incapacitated be paid a monthly sum equal to one and one-half percent (1 1/2%) of the said fireman's average monthly salary or wage for each year's active service, as defined in section 72-1411, Idaho Code, based on his or her "average final compensation," as defined in section 72-1432A, Idaho Code, according to her or his classification as defined in section 72-1432, Idaho Code.

(3) In the event said fireman is eligible for voluntary retirement, the monthly sum shall be the same amount as would be payable in the case of voluntary retirement.

(4) The monthly benefits provided for in this section shall vary annually according to the "cost of living adjust-
ment" as set forth in section 72-1432B, Idaho Code.

(5) Upon application of a fire fighter or his or her department head for a nonservice disability retirement, and prior to said retirement, a medical examination of said fire fighter shall be given by a medical committee, consisting of a physician named by the director of the state insurance fund, a physician named by the fire fighter claiming benefits, and a third physician designated by the first two (2) physicians so named. If the medical committee, by a majority opinion certifies in writing, that: (1) the fire fighter is mentally or physically incapacitated for the efficient performance of the duties of a paid fire fighter in the service of the city, town or fire district, (2) such incapacity is likely to be permanent, (3) the fire fighter should be retired, and (4) there is medical evidence of probative value including reports of clinical findings (such as the individual's medical history, physical or mental status examinations or both), laboratory findings, diagnosis, and treatment prescribed and response to treatment, the director may approve such application for retirement as provided herein.

SECTION 12. That Chapter 14, Title 72, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 72-1433E, Idaho Code, and to read as follows:

72-1433E. LIMITATION ON PENSION BENEFITS OF SURVIVING SPOUSE. For any paid fireman hired on or after July 1, 1978, the retirement benefits which would have been provided to a surviving spouse under the provisions of sections 72-1429H, 72-1429I, 72-1429J, 72-1429L, 72-1429M and 72-1430G, Idaho Code, shall be limited to seventy-five percent (75%) of those benefits. Conditions and restrictions contained in the above cited sections, such as duration of the marriage or remarriage of the surviving spouse, shall continue in effect, and are hereby incorporated and made a part of this section.

CHAPTER 332
(S.B. No. 1438)

AN ACT
RELATING TO THE ANNEXATION OF COUNTY PROPERTY; AMENDING SECTION 50-222, IDAHO CODE, TO PROVIDE THAT A CITY CANNOT ANNEX A FAIRGROUNDS OPERATED BY A COUNTY OR FAIR BOARD WITHOUT THE CONSENT OF A MAJORITY OF THE COUNTY COMMISSIONERS.

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

SECTION 1. That Section 50-222, Idaho Code, be, and the same is hereby amended to read as follows:

50-222. ANNEXATION OF ADJACENT TERRITORY. Whenever any land lying contiguous or adjacent to any city in the state of Idaho, or to any addition or extension thereof, shall be or shall have been by the owner or proprietor thereof or by any person by or with the owner's authority or acquiescence, laid off into blocks containing not more than five (5) acres of land each, whether the same shall have been or shall be laid off, subdivided or platted in accordance with any statute of this state or otherwise, or whenever the owner or proprietor or any person by or with his authority, has sold or begun to sell off such contiguous or adjacent lands by metes and bounds in tracts not exceeding five (5) acres or whenever the owner or proprietor or any person by or with his authority requests annexation in writing to the council, or when a tract of land is entirely surrounded by properties lying within the city boundaries, it shall be competent for the council, by ordinance, to declare the same, by proper legal description thereof, a part of such city. When any land not used exclusively for agricultural purposes is completely surrounded by the boundaries of two (2) or more cities, the district court, shall after hearing the owners of the properties involved, and the elected officials of the adjacent cities, determine which if any of the cities may annex said lands.

Railroad right-of-way property may be annexed when property within the city adjoins both sides of the right-of-way notwithstanding any other provision of this section. Provided, that the city may annex only those areas which can be reasonably assumed to be used for orderly development of the city. Provided further, that said council shall not have the power to declare such land, lots or blocks a part of said
city, if they will be connected to such city only by a
shoestring or strip of land upon a public highway.

Notwithstanding any other provisions of law no city
council shall have authority to annex property owned by a
county or any entity within the county which property is
used as a fairgrounds area under provisions of chapter 8,
title 31, or chapter 2, title 22, Idaho Code, without the
consent of a majority of the board of county commissioners
of the county in which said property lies.


CHAPTER 333
(S.B. No. 1366)

AN ACT
RELATING TO THE FIREMEN'S RETIREMENT FUND; APPROPRIATING
$20,000 FROM THE GENERAL ACCOUNT TO THE LEGISLATIVE
COUNCIL FOR ACTUARIAL STUDIES OF THE FIREMEN'S RETIRE-
MENT FUND.

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

SECTION 1. There is hereby appropriated to the Legis-
lative Council the amount of $20,000 from the general
account for the purpose of contracting an actuarial study of
the firemen's retirement fund to determine long range
methods of making the fund actuarially sound.

CHAPTER 334
(S.B. No. 1501)

AN ACT
RELATING TO SERVICES TO VICTIMS OF CYSTIC FIBROSIS; PROVIDING A STATEMENT OF LEGISLATIVE FINDINGS; AMENDING CHAPTER 1, TITLE 39, IDAHO CODE, BY THE ADDITION THERE TO OF A NEW SECTION 39-147, IDAHO CODE, TO ESTABLISH A PROGRAM OF SERVICES TO VICTIMS OF CYSTIC FIBROSIS WHO ARE OVER THE AGE OF TWENTY-ONE YEARS; APPROPRIATING MONEYS FROM THE GENERAL ACCOUNT TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE PERIOD SPECIFIED FOR THE PURPOSES OF THIS ACT.

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

SECTION 1. The legislature finds that the population of persons who are victims of the disease of cystic fibrosis now includes a number of persons who are over the age of twenty-one (21) years. These individuals are usually excluded from private medical insurance and are subject to unusual medical costs. A victim of cystic fibrosis is capable of continuing to work and lead a productive life if proper medical care is provided. At this time, the crippled children's program of the department of health and welfare provides service to victims of cystic fibrosis who are under the age of twenty-one (21) but the legislature finds that there exists a need for a continuum of service to include such individuals over the age of twenty-one (21).

SECTION 2. That Chapter 1, Title 39, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 39-147, Idaho Code, and to read as follows:

39-147. SERVICES TO VICTIMS OF CYSTIC FIBROSIS. The department of health and welfare shall establish, through the crippled children's program, a program of services to persons suffering from cystic fibrosis who are twenty-one (21) years or more of age, which is consistent with the existing program maintained for persons under twenty-one (21) years of age. The department shall establish uniform standards of financial eligibility for services provided under this section.

SECTION 3. There is hereby appropriated from the general account to the department of health and welfare, for the period beginning July 1, 1978 through June 30, 1979, the sum of $24,000, or so much thereof as may be necessary for the purposes of this act.

CHAPTER 335
(S.B. No. 1562)

AN ACT
EXPRESSING LEGISLATIVE INTENT WITH RESPECT TO EXPENDITURES FOR SPECIAL PROGRAMS AT THE UNIVERSITY OF IDAHO; AND 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, 1978, THROUGH JUNE 30, 1979.

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, 1978, through June 30, 1979.

FOR:
Special Programs, University of Idaho $12,843,30
General Account $9,629,90

FROM:
Federal Accounts:
  Hatch Act 824,20
  Regional Research 328,30
  Agricultural Research - Rural 14,20
  Smith-Lever Act 1,458,40
  Expanded Nutrition 254,70
  Indian Affairs 49,90
  Farm Safety 20,00
  Title V Rural Development 14,20
  Agricultural Rural Development 9,60
  Part-time Farmer 10,10
Local Accounts:
  Station Income 181,40
  Smith-Lever Act 8,20
Miscellaneous Receipts Account 40,20
TOTAL $12,843,30

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, 1978, through June 30, 1979.

<table>
<thead>
<tr>
<th>FOR:</th>
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<tbody>
<tr>
<td>Personnel Costs</td>
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<td>Operating Expenditures</td>
<td>1,040,800</td>
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<tr>
<td>Capital Outlay</td>
<td>494,700</td>
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<td>TOTAL</td>
<td>$5,785,900</td>
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<table>
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<td>General Account</td>
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<td>Federal Accounts:</td>
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</tr>
<tr>
<td>Hatch Act</td>
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<tr>
<td>Regional Research</td>
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<td>Agricultural Research - Rural</td>
<td>14,200</td>
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<tr>
<td>Local Station Income</td>
<td>181,400</td>
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</tr>
<tr>
<td>TOTAL</td>
<td>$5,785,900</td>
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</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, 1978, through June 30, 1979.

<table>
<thead>
<tr>
<th>FOR:</th>
<th></th>
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<tbody>
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<td>Personnel Costs</td>
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<td>Operating Expenditures</td>
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<td>Capital Outlay</td>
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<td>TOTAL</td>
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<table>
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<td>General Account</td>
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<td>Federal Accounts:</td>
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<tr>
<td>Smith-Lever Act</td>
<td>1,458,400</td>
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</tr>
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<td>Expanded Nutrition</td>
<td>254,700</td>
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<tr>
<td>Indian Affairs</td>
<td>49,900</td>
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<tr>
<td>Farm Safety</td>
<td>20,000</td>
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<tr>
<td>Title V Rural Development</td>
<td>14,200</td>
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<tr>
<td>Agricultural Rural Development</td>
<td>9,600</td>
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<tr>
<td>Part-time Farmer</td>
<td>10,100</td>
<td></td>
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<tr>
<td>Local Smith-Lever Act Funds</td>
<td>8,200</td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>$4,621,200</td>
<td></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, 1978, through June 30, 1979.

<table>
<thead>
<tr>
<th>FOR:</th>
<th></th>
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</thead>
<tbody>
<tr>
<td>Forest Utilization Research</td>
<td>$200,000</td>
<td></td>
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</tbody>
</table>
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, 1978, through June 30, 1979.

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, 1978, through June 30, 1979.

FOR:
Personnel Costs $ 650,100
Operating Expenditures 109,800
Capital Outlay 32,800
TOTAL $ 792,700
FROM:
General Account $ 761,400
Miscellaneous Receipts Account 31,300
TOTAL $ 792,700

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, 1978, through June 30, 1979.

FOR:
Personnel Costs $ 211,200
Operating Expenditures 38,600
Trustee & Benefit Payments 1,118,700
TOTAL $1,368,500
FROM:
General Account $1,359,600
Miscellaneous Receipts Account 8,900
TOTAL $1,368,500

CHAPTER 336
(S.B. No. 1566)

AN ACT
RELATING TO FIRE PROTECTION DISTRICTS; AMENDING SECTION 31-1414, IDAHO CODE, TO PROVIDE THAT A FIRE PROTECTION DISTRICT SHALL BE A GOVERNMENTAL SUBDIVISION OF THE STATE; REPEALING SECTION 31-1424, IDAHO CODE; AMENDING CHAPTER 14, TITLE 31, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 31-1424, IDAHO CODE, TO PROVIDE THAT A DISTRICT SHALL NOT INCUR DEBT EXCEPT FOR LIMITED PURPOSES AND IN LIMITED AMOUNTS FOR ORGANIZATION AND PRELIMINARY EXPENSES, AND EXCEPT FOR BONDED INDEBTEDNESS APPROVED BY THE ELECTORS OF THE DISTRICT.

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

SECTION 1. That Section 31-1414, Idaho Code, be, and the same is hereby amended to read as follows:

31-1414. FIRE PROTECTION DISTRICTS ARE GOVERNMENTAL SUBDIVISIONS OF IDAHO AND BODIES POLITIC AND CORPORATE. Every fire protection district upon being organized as provided by law is this chapter shall be a governmental subdivision of the state of Idaho and a body politic and corporate, and as such has the power specified in this chapter. Its powers can be exercised only by the fire protection board or by agents and officers acting under their authority, or authority of law. The name of the district designated in the order of the board of county commissioners declaring the territory duly organized as a fire protection district, shall be the corporate name of such district, and it must be known and designated thereby in all actions and proceedings touching its corporate right, property and duties.

SECTION 2. That Section 31-1424, Idaho Code, be, and the same is hereby repealed.

SECTION 3. That Chapter 14, 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 31-1424, Idaho Code, and to read as follows:
31-1424. INDEBTEDNESS PROHIBITED EXCEPT FOR PURPOSES OF ORGANIZATION AND GENERAL PRELIMINARY EXPENSES AND FOR PURPOSES OF ISSUING GENERAL OBLIGATION COUPON BONDS. The board of commissioners of a fire protection district organized pursuant to the provisions of this chapter shall have no power to incur any debt or liability, except to the extent for the purposes and in the manner hereinafter provided:

(a) In the first year after organization, the board of a district may, for the purpose of organization, to finance general preliminary expenses of the district or for any other purpose of the fire protection district law, and before making a tax levy, incur an indebtedness not exceeding in the aggregate a sum equal to five cents ($ .05) on each one hundred dollars ($100) of assessed valuation of all real and personal property within the district.

(b) Whenever the board of commissioners of a fire protection district shall determine that the interest of said district and the public interest or necessity require incurring an indebtedness exceeding the income and revenue provided for the year for the purposes of (i) acquiring, purchasing, constructing, improving and equipping lands, building sites and buildings together with the necessary appurtenant facilities and equipment and (ii) acquiring and purchasing suitable equipment and apparatus necessary to provide fire protection, the board shall have the power and authority as hereinafter provided to issue general obligation coupon bonds not to exceed in the aggregate at any time ten per cent (10%) of the assessed valuation of the real and personal property in said district.

Whenever the board of a district shall deem it advisable to issue general obligation coupon bonds, the board shall provide for the issuance of such bonds by ordinance which shall specify and set forth all the purposes, objects and things required by section 57-203, Idaho Code, and make provision for the collection of an annual tax sufficient to (i) constitute a sinking fund for the payment of the principal thereof within thirty (30) years from the time of contracting said bonded indebtedness and (ii) to pay the interest on such proposed bonds as it falls due.

The aforesaid ordinance shall also provide for holding an election, notice of which shall be given for thirty (30) days in a newspaper or newspapers of general circulation in the district. The election shall be conducted in the manner and form, the returns canvassed, and the qualifications of electors of the district voting or offering to vote shall be, as provided by the pertinent and applicable provisions of title 34, Idaho Code. The voting at such election must be
by ballot and the ballot used shall be substantially as follows: "In favor of issuing bonds to the amount of __________ dollars for the purpose stated in Ordinance No. _______" and "Against issuing bonds to the amount of __________ dollars for the purpose stated in Ordinance No. _______." If at such election two-thirds (2/3) of the qualified electors voting at such election, assent to the issuing of such bonds and the incurring of the indebtedness thereby created for the purposes, objects, and things provided in said Ordinance No. _______, such bonds shall be issued in the manner provided by chapter 2, title 57, Idaho Code, the municipal bond law of the state of Idaho.

Bonds issued pursuant to the provisions of this section and the income therefrom shall be exempt from taxation except transfer and estate taxes.

CHAPTER 337
(S.B. No. 1589)

AN ACT
RELATING TO THE OCCUPATIONAL LICENSES ACCOUNT; AMENDING
SECTION 67-2605, IDAHO CODE, TO PROVIDE NAME CHANGES;
AMENDING SECTION 67-2606, IDAHO CODE, TO PROVIDE NAME
CHANGES, AND TO PROVIDE THAT MONEYS IN THE OCCUPATIONAL
LICENSES ACCOUNT MAY BE EXPENDED ONLY BY APPROPRIATION;
AND REPEALING SECTION 67-2607, IDAHO CODE.

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

SECTION 1. That Section 67-2605, Idaho Code, be, and
the same is hereby amended to read as follows:

67-2605. OCCUPATIONAL LICENSES FUND ACCOUNT CREATED --
DISPOSITION OF FEES. There is hereby created in-the-treasury
of-the-state-of-Idaho a special fund account to be known as
the occupational licenses fund account. All fees and renewal
fees received by the bureau of occupational licenses for
licenses to engage in trades, businesses, occupations or
professions shall be deposited in-the-state-treasury to the
credit of the occupational licenses fund account.

SECTION 2. That Section 67-2606, Idaho Code, be, and
the same is hereby amended to read as follows:

67-2606. OCCUPATIONAL LICENSES FUND ACCOUNT -- PAYMENT
OF EXPENSES OF BUREAU FROM -- MANNER. No moneys in the
occupational license account may be expended except by
appropriation. All expenses of the bureau of occupational
licenses, including salaries and/or wages of employees,
incurred in administering the provisions of law relative to
the licensing of trades, businesses, occupations and profes­
sions shall be paid out of the occupational licenses fund
account by warrants drawn by the state auditor upon the
treasurer upon allowance of verified claims by the state
board of examiners in the manner provided by law, but no
claim shall be allowed except by the approval of the chief
of the bureau of occupational licenses.

SECTION 3. That Section 67-2607, Idaho Code, be, and
the same is hereby repealed.

CHAPTER 338
(S.B. No. 1369, As Amended in the House)

AN ACT
RELATING TO INVESTMENT OF THE FIREMEN'S RETIREMENT FUND;
AMENDING SECTION 72-1416, IDAHO CODE, TO PROVIDE THAT
THE INVESTMENT BOARD SHALL INVEST AND REINVEST SURPLUS
FUNDS IN THE FIREMEN'S RETIREMENT FUND.

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

SECTION 1. That Section 72-1416, Idaho Code, be, and
the same is hereby amended to read as follows:

72-1416. STATE-DEPOSITORY-OF-FUND---- INVEST-
MENT OF SURPLUS. The state treasurer shall have custody of
the said firemen's retirement fund, and shall hold, and
deposit and control the same, subject to the uses and provi-
sions of this act, as other state moneys are held, and
deposited, and controlled, but the investment board
shall invest and reinvest, without limitation, surplus funds
in the firemen's retirement fund. The surplus funds accumu-
lating in the said fund, and not needed for its immediate
uses, shall be invested in the same securities and invest-
ments authorized under section 57-7221, Idaho Code, and for
investments by savings banks, including obligations secured
by mortgages or deeds of trust on real property in Idaho,
which obligations, mortgages or deeds of trust are acquired
through or issued by and are serviced by a qualified corpo-
ration and are guaranteed by the United States or an agency
thereof, and the earnings thereof credited to the said fund.
"Qualified corporation" means any corporation organized
under the law of the United States or the state of Idaho, or is
otherwise qualified to do business in the state of Idaho.
"Acquired through, or issued and serviced by" means that the
original obligation must be negotiated by, and the original
obligee named be, a qualified corporation; that such obli-
gations, participations or interest therein may be trans-
ferred to another corporation thereafter, but all advances
by and receipts to the obligee of said obligations must be
made through a qualified corporation, including the handling
of all insurance of and taxes upon any security for such
obligations; and the original corporation is not required to
be or to continue as a qualified service agent.

CHAPTER 339
(S.B. No. 1464, As Amended in the House)

AN ACT
RELATING TO MOTOR VEHICLES; AMENDING CHAPTER 5, TITLE 49, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 49-592A, IDAHO CODE, AUTHORIZING THE SEIZURE OF MOTOR VEHICLES WHICH HAVE THE MOTOR NUMBERS, MANUFACTURER'S NUMBERS, OR IDENTIFICATION NUMBERS DEFACED, ALTERED, OR OBLITERATED, OR IF THERE IS PROBABLE CAUSE TO BELIEVE THE MOTOR VEHICLE IS STOLEN, MAKING IT A MISDEMEANOR FOR ANY GARAGE, REPAIR SHOP, OR SERVICE STATION TO FAIL TO REPORT TO POLICE AUTHORITIES ANY VEHICLE WHEREUPON ANY NUMBERS HAVE BEEN APPARENTLY DEFACED, ALTERED, OR OBLITERATED, MAKING IT A FELONY TO DEFACE, ALTER, OR OBLITERATE THE MANUFACTURER'S NUMBERS, MOTOR NUMBERS, OR IDENTIFICATION NUMBERS OF ANY MOTOR VEHICLE OR TO PLACE OR STAMP ANY SERIAL NUMBER, OR ENGINE NUMBER ON A MOTOR VEHICLE UNLESS ASSIGNED BY THE DEPARTMENT OF LAW ENFORCEMENT, OR TO DISPOSE OF, SELL, OR OFFER TO SELL ANY MOTOR VEHICLE, OR ENGINE REMOVED FROM A MOTOR VEHICLE FROM WHICH THE MANUFACTURER'S NUMBERS, MOTOR NUMBERS, OR IDENTIFICATION NUMBERS HAVE BEEN DEFACED, ALTERED, OR OBLITERATED.

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

SECTION 1. That Chapter 5, 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 49-592A, Idaho Code, and to read as follows:

49-592A. AUTHORIZING SEIZURE OF MOTOR VEHICLES -- PROHIBITING DEFACING, ALTERING OR OBLITERATING NUMBERS -- SALES PROHIBITED -- PENALTY. (1) Any peace officer, as defined in section 19-510, Idaho Code, or enforcement officer of the department of law enforcement, with or without a warrant, may seize and take possession of any motor vehicle, or any part or parts thereof, which the peace officer has probable cause to believe is stolen, or on which any motor number, manufacturer's number, or identification number has been defaced, altered, or obliterated. Any peace officer so seizing such motor vehicle or parts thereof shall immediately notify the motor vehicle division, department of law enforcement, and shall make every reasonable effort to determine ownership of the motor vehicle and notify the owner that the motor vehicle has been seized.

(2) It shall be a misdemeanor for any person owning, conducting, managing or operating a service station, public garage, paint shop, or other repair shop for motor vehicles if they fail to notify local law enforcement agencies or the
motor vehicle division, department of law enforcement, of any motor vehicle whereupon any numbers have been defaced, altered, or obliterated.

(3) Any person who shall deface, alter, or obliterate the manufacturer's number, motor number, or identification number of a motor vehicle, or places or stamps any serial number, engine number, or any other number upon a motor vehicle unless assigned thereto by the department of law enforcement is guilty of a felony.

(4) Any person, or persons, who knowingly disposes of, sells or offers for sale any motor vehicle or engine removed from a motor vehicle, from which the manufacturer's number, motor number, identification number, or any number assigned from the department of law enforcement has been defaced, altered, or obliterated is guilty of a felony.

AN ACT

RELATING TO NONRENEWAL OF SCHOOL DISTRICT EMPLOYEE CONTRACTS OR RENEWAL OF SAME AT REDUCED SALARY; AMENDING SECTION 33-1213, IDAHO CODE, TO CLARIFY THE PROCEDURE FOR NON-RENEWAL OF CONTRACT OR REDUCTION OF SALARY OF CERTIFICATED SCHOOL EMPLOYEES; AMENDING SECTION 33-1215, IDAHO CODE, TO PROVIDE FOR DELIVERY OF CONTRACTS, AND TO PROVIDE FOR A HEARING ON THE ALLEGATIONS PRIOR TO A FINAL DETERMINATION BY THE BOARD OF TRUSTEES; AMENDING SECTION 33-513, IDAHO CODE, TO PROVIDE FOR DELIVERY OF CONTRACTS, AND TO PROVIDE FOR PROCEDURAL ELEMENTS IN SUSPENDING, GRANTING LEAVE OF ABSENCE, PLACING ON PROBATION OR DISCHARGING CERTIFICATED PROFESSIONAL PERSONNEL FOR VIOLATION OF RULES AND REGULATIONS OR FOR PROHIBITED CONDUCT.

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

SECTION 1. That Section 33-1213, Idaho Code, be, and the same is hereby amended to read as follows:

33-1213. NOTICE OF INTENT NOT TO RENEW CONTRACT OR TO REDUCE SALARY. Whenever a board of trustees has determined not to renew upon receiving written notice from the superintendent or other duly authorized officer of the school district showing why the contract of any certificated employee whose contract would otherwise be automatically renewed should not be renewed, or to renew that the contract of any such employee should be renewed but at a reduced salary, as authorized provided in section 33-1212, Idaho Code, the board of trustees shall give a written notice of such determination, with the reasons therefor, such reasons to show just and reasonable cause, to such employee, along with written notice of the allegations and a hearing to be held before the board. This notice must be given to the affected employee not later than the first day of April preceding the expiration of the term of the employee's current contract. The hearing shall be scheduled to take place not less than thirty (30) days nor more than forty-five (45) days after the receipt of the notice by the employee. The procedures for the hearing itself and the decision of the board shall be consistent with the other procedures specified in section 33-513(4), Idaho Code.

SECTION 2. That Section 33-1215, Idaho Code, be, and the same is hereby amended to read as follows:
33-1215. TERMINATION OF EMPLOYMENT OR REDUCTION OF SALARY -- HEARING AND REVIEW. Each certificated employee who receives a at the hearing held pursuant to the notice as provided for in section 33-1213, Idaho Code, shall upon request filed with the board of trustees within thirty-30 days thereafter be granted a hearing before the board said hearing to be held not more than fifteen-15 days following the request therefor. The superintendent or other authorized officer must present evidence to substantiate the allegations contained in such notice. The affected employee may present evidence, examine any person who may have spoken against his character or competence and be represented by legal counsel and/or by a representative of the a local or state teachers association. The employee may produce evidence to refute the allegations. Any witness presented by either party shall be subject to cross-examination. The board of trustees may also examine witnesses and be represented by counsel. The board shall render a decision, in writing, within fifteen (15) days following the close of the hearing stating whether the board finds that there is just and reasonable cause for its determination not to renew the contract or to reduce the salary of the certificated person who requested the hearing affected employee, and if so, what reasons it relies upon in that determination. The procedures for the hearing itself and decision of the board shall be consistent with the procedures specified in section 33-513(4), Idaho Code.

SECTION 3. That Section 33-513, Idaho Code, be, and the same is hereby amended to read as follows:

33-513. PROFESSIONAL PERSONNEL. The board of trustees of each school district including any specially chartered district, shall have the following powers and duties:

1. To employ professional personnel, on written contract in form approved by the state board of education, conditioned upon a valid certificate being held by such professional personnel at the time of entering upon the duties thereunder. Should the board of trustees fail to enter into written contract for the employment of any such person, the state board of education shall withhold ensuing apportionments until such written contract be entered into. When the board of trustees has sent delivered a proposed contract for the next ensuing year to any such person, such person shall have a period of time to be determined by the board of trustees in its discretion, but in no event less than ten (10) days from the date the contract is delivered by certified return receipt mail or is delivered in person and is so
acknowledged by a signed receipt by the person of the proposed contract, in which to sign the contract and return it to the board. Delivery of a contract may be made only in person or by certified mail, return receipt requested. When delivery is made in person, delivery of the contract must be acknowledged by a signed receipt. When delivery is made by certified mail, delivery must be acknowledged by the return of the certified mail receipt from the person to whom the contract was sent. Should the person refuse to sign a receipt for personal service or refuse or fail to sign for the certified mail, the contract may be served upon the person in accordance with rules 4(c) and 4(d) of the Idaho rules of civil procedure and a return of service prepared in accordance with rule 4(q) of the Idaho rules of civil procedure and such return of service filed with the clerk of the board of trustees.

The board of trustees shall withhold the salary of any teacher who does not hold a teaching certificate valid in this state. It shall not contract to require any teacher to make up time in attending any meeting called by the state board of education or by the state superintendent of public instruction; nor while attending regularly scheduled official meetings of the state teachers' association; nor while school is closed as provided in section 33-1001, Idaho Code, as now appearing or as it may be amended.

2. In the case of school districts other than elementary school districts, to employ a superintendent of schools for a term not to exceed three (3) years, who shall be the executive officer of the board of trustees with such powers and duties as the board may prescribe. The superintendent shall also act as the authorized representative of the district whenever such is required, unless some other person shall be named by the board of trustees to act as its authorized representative.

3. To employ through written contract principals who shall hold a valid certificate appropriate to the position for which they are employed, who shall supervise the operation and management of the school in accordance with the policies established by the board of trustees and who shall be under the supervision of the superintendent.

4. To suspend, grant leave of absence, place on probation or discharge certificated professional personnel for continued violation of any lawful rules or regulations of the board of trustees or of the state board of education, or for any conduct which could constitute grounds for revocation of a teaching certificate. No certificated professional employee, except the superintendent, shall be discharged during a contract term except under the following procedures: prescribed by the state board of education.
(a) The superintendent or any other duly authorized administrative officer of the school district may recommend the discharge of any such employee by filing with the board of trustees written notice specifying the alleged reasons for discharge.

(b) Upon receipt of such notice the board shall give the affected employee written notice of the allegations and the recommendation of discharge, along with written notice of a hearing before the board prior to any determination by the board of the truth of the allegations.

(c) The hearing shall be scheduled to take place not less than six (6) days nor more than twenty-one (21) days after receipt of the notice by the employee. The date provided for the hearing may be changed by mutual consent.

(d) The hearing shall be public unless the employee requests in writing that it be in executive session.

(e) All testimony at the hearing shall be given under oath or affirmation. Any member of the board, or the clerk of the board, may administer oaths to witnesses or affirmations by witnesses.

(f) The employee may be represented by legal counsel and/or by a representative of a local or state teachers association.

(g) The chairman of the board or the designee of the chairman shall conduct the hearing.

(h) The board shall cause an electronic record of the hearing to be made or shall employ a competent reporter to take stenographic or stenotype notes of all the testimony at the hearing. A transcript of the hearing shall be provided at cost by the board upon request of the employee.

(i) At the hearing the superintendent or other duly authorized administrative officer shall present evidence to substantiate the allegations contained in such notice.

(j) The employee may produce evidence to refute the allegations. Any witness presented by the superintendent or by the employee shall be subject to cross-examination. The board may also examine witnesses.

(k) The parties may file written briefs and arguments with the board within three (3) days or such other time as may be agreed on if requested by either party or the board before the close of the hearing.

(l) Within fifteen (15) days following the close of the hearing, the board shall determine and shall notify the employee in writing whether the evidence presented at the hearing established the truth of the allegations and
whether the employee is to be discharged or retained.

5. To establish criteria and procedures for the supervision and evaluation of certificated employees who are not employed on a renewable contract, as provided for in section 33-1212, Idaho Code. Such procedures shall require at least one (1) evaluation prior to the beginning of the second semester of the school year, and when any such teacher's work is found to be unsatisfactory a probationary period shall be established which shall continue until the time for the reissuing of the yearly contract as provided in this paragraph. Notwithstanding the provisions of sections 67-2344 and 67-2345, Idaho Code, a decision to place certificated personnel on probationary status may be made in executive session and the individual placed on probation shall not be named in the minutes of the meeting. A record of the decision shall be placed in the teacher's personnel file. This procedure shall not preclude recognition of unsatisfactory work at a subsequent evaluation and the establishment of a reasonable period of probation. In all instances, the teacher shall be duly notified in writing of the areas of work which are deficient, including the conditions of probation. Until the third year of continuous employment by the same school district, including any specially chartered district, each such certificated employee shall be given notice, in writing, whether he will be reemployed for the next ensuing year. Such notice shall be given by the board of trustees no later than the fifteenth day of May of each such year. If the board of trustees has decided not to reemploy the certificated employee, then the notice must contain a statement of reasons for such decision and the employee shall, upon request, be given the opportunity for an informal review of such decision by the board of trustees.

6. To request, under extenuating circumstances, special retirement consideration from the public employees retirement board on behalf of any employee on renewable contract under section 33-1212, Idaho Code, if such employee is fifty-five (55) years of age or older.

CHAPTER 341
(S.B. No. 1457, As Amended)

AN ACT
RELATING TO LICENSING AND TAXATION OF PLEASURE BOATS; AMEN-DING SECTION 63-105P, IDAHO CODE, TO PROVIDE THAT LICENSED PLEASURE BOATS SHALL BE EXEMPT FROM TAXATION; AMENDING SECTION 49-217, IDAHO CODE, TO PROVIDE THAT A NONRESIDENT OWNER OF A PLEASURE BOAT WHICH IS LICENSED IN ANOTHER STATE, OR NOT REQUIRED TO BE LICENSED, MAY PURCHASE A PERMIT VALID FOR A MAXIMUM OF FIFTEEN DAYS TO OPERATE THE BOAT; AMENDING SECTION 49-219, IDAHO CODE, TO STRIKE THE REQUIREMENT THAT LICENSE FEES UPON BOATS AND MOTORS SHALL BE IN LIEU OF ALL TAXES ON SUCH BOATS, AND TO PROVIDE THAT A BOAT USED FOR COMMERCIAL FISHING IS ONE WHERE FISH CAUGHT FROM THE BOAT ARE SOLD FOR PROFIT.

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

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

63-105P. PROPERTY EXEMPT FROM TAXATION -- MOTOR VEHICLES PROPERLY REGISTERED. The following property is exempt from taxation: Motor vehicles properly registered and for which the required fee has been paid under the provisions of the laws of the state of Idaho, and recreational vehicles for which the fees imposed by chapter 28, title 49, Idaho Code, have been paid and pleasure boats for which the license fees imposed by section 49-217, Idaho Code, have been paid.

SECTION 2. That Section 49-217, Idaho Code, be, and the same is hereby amended to read as follows:

49-217. PLEASURE BOATS -- ANNUAL LICENSE -- NONRESIDENT PERMIT. Every owner of a pleasure boat intended to be operated by inboard or outboard motor power upon the navigable waters in the state of Idaho, shall, each year before the same is so operated, apply to and obtain from the assessor of the county in which said boat is to be operated, or from the assessor of the county in which the owner resides, or, if the owner be a nonresident of the state of Idaho, from the assessor of any county in the state of Idaho, an annual license therefor, as in this act provided, which license
shall cover the boat and motor described in the application for license; provided, however, an owner who is a nonresident of the state of Idaho and has a current license, or an owner who is a resident of another state which does not require the boat to be licensed annually, for such boat and motor issued by his resident state, shall be entitled, without charge, to one (1) boat-permit in each calendar-year effective for any fifteen (15) consecutive days—and shall not be required to have an annual-license during the effective-period of such permit. may obtain from the assessor of the county, in which said boat is to be operated, a permit which shall be valid for a maximum period of fifteen (15) consecutive days. The fee to be charged shall be fifty cents ($0.50) per day with a minimum charge of two dollars and fifty cents ($2.50) to be collected for the permit. Upon receipt of the nonresident fee, the county assessor shall issue a sticker which shall denote the dates it is valid. The sticker shall be displayed in a conspicuous spot on said boat. When the nonresident permit expires, the owner of said boat shall either purchase an annual license or not operate said boat on the waters of the state of Idaho.

SECTION 3. That Section 49-219, Idaho Code, be, and the same is hereby amended to read as follows:

49-219. LICENSE-FEE-IN-LIEU-OF-PROPERTY-TAX--EXEMPTIONS FROM LICENSE FEES -- TAXATION OF NONLICENSED BOATS. (a) The license-fees imposed by this act upon boats and--motors--thereof--shall be in lieu of all taxes thereon, general or local, and any such boats and motors properly licensed and for which the required fee has been paid shall be exempt from taxation for the year said fee is paid.

(b) The provisions hereof with respect to payment of license fees, shall not apply to row boats without motors, boats used for trade, commerce, commercial fishing where fish caught from the boat are sold for profit, or boats owned and used by any charitable or religious organization, scout organization or any organization similar thereto not used and operated for profit.

(c) (b) That all boats not required to be or not licensed hereunder shall be assessed and taxed as personal property, the same as other personal property is taxed in the state of Idaho.

CHAPTER 342
(S.B. No. 1481, As Amended in the House)

AN ACT
APPROPRIATING $250,000 FROM THE GENERAL ACCOUNT TO THE PERMANENT BUILDING FUND ADVISORY COUNCIL AND THE DIVISION OF PUBLIC WORKS FOR REPAIR OF A HEATING PLANT AT STATE HOSPITAL SOUTH; AND DECLARING AN EMERGENCY.

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

SECTION 1. There is hereby appropriated from the General Account 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:
Repair and remodeling of heating plant at State Hospital South, Blackfoot $250,000

FROM:
Fiscal Year 1978 General Account moneys $250,000

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.

AN ACT
RELATING TO INITIATIVE AND REFERENDUM ELECTIONS; AMENDING SECTION 50-501, IDAHO CODE, TO CLARIFY THAT THE SECTION DOES NOT APPLY TO BOND ELECTIONS; AND DECLARING AN EMERGENCY.

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 amended 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 percent (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. This section does not apply to bond elections.

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
APPROPRIATING $300,000 FROM FISCAL YEAR 1978 GENERAL ACCOUNT TO THE PERMANENT BUILDING FUND ADVISORY COUNCIL AND THE DIVISION OF PUBLIC WORKS FOR CONSTRUCTION PROJECTS FOR THE NORTHWEST COLLEGE OF VETERINARY MEDICINE PROGRAM; AND DECLARING AN EMERGENCY.

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

SECTION 1. There is hereby appropriated from the General Account 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 purposes specified in this section.

FOR:
Additions to the Veterinary Science Building at Moscow and Veterinary Medical Building at Caldwell for the Northwest College of Veterinary Medicine Program $300,000

FROM:
Fiscal Year 1978 General Account $300,000

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 345
(S.B. No. 1622)

AN ACT
RELATING TO DEVELOPMENT OF THE UNAPPROPRIATED WATERS OF IDAHO; AMENDING CHAPTER 17, TITLE 42, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 42-1736A, IDAHO CODE, TO PROVIDE A STATEMENT OF POLICY RELATING TO WATER, TO PROVIDE FOR DUTIES OF THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES, TO PROVIDE FOR DUTIES OF THE WATER RESOURCE BOARD, AND TO ESTABLISH FLOWS ON CERTAIN PORTIONS OF THE SNAKE RIVER; AMENDING CHAPTER 17, TITLE 42, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 42-1736B, IDAHO CODE, TO PROVIDE FOR ESTABLISHING FLOWS ON OTHER RIVERS, TO PROVIDE FOR ESTABLISHING MAINTENANCE LEVELS ON LAKES AND RESERVOIRS, TO PROVIDE THAT FUTURE FILINGS, PERMITS AND DECREES WILL BE DETERMINED WITH RESPECT TO THE EFFECT ON MINIMUM FLOWS OR MAINTENANCE LEVELS, TO PROVIDE FOR LEGISLATIVE REVIEW OF PLAN AND DEVELOPMENT PROJECTS, AND TO PROVIDE ADDITIONAL DUTIES FOR THE WATER RESOURCE BOARD; REPEALING SECTION 42-225, IDAHO CODE, RELATING TO THE DUTIES OF THE DEPARTMENT OF WATER RESOURCES TO SURVEY STREAMS AND GROUND WATER AREAS; AMENDING CHAPTER 2, TITLE 42, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 42-241, IDAHO CODE, TO PROVIDE A STATEMENT OF PURPOSE; AMENDING CHAPTER 2, TITLE 42, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 42-242, IDAHO CODE, TO DEFINE TERMS; AMENDING SECTION 42-225a, IDAHO CODE, TO REDESIGNATE AS SECTION 42-243, IDAHO CODE, TO PROVIDE A FINAL DATE BY WHICH PERSONS USING OR CLAIMING RIGHTS TO THE USE OF WATER, OTHER THAN FOR DOMESTIC PURPOSES, MUST FILE A CLAIM OF SUCH RIGHT, AND TO PROVIDE AN EXCEPTION FOR ESTABLISHED CLAIMS; AMENDING SECTION 42-225b, IDAHO CODE, TO REDESIGNATE AS SECTION 42-244, IDAHO CODE, AND CHANGE THE FEE REQUIRED; AMENDING CHAPTER 2, TITLE 42, BY THE ADDITION OF A NEW SECTION 42-245, IDAHO CODE, TO PROVIDE THAT A FAILURE TO FILE A CLAIM SHALL BE DEEMED AS THE WAIVER OR RELINQUISHMENT OF ANY RIGHT, TITLE OR INTEREST IN THE RIGHT; AMENDING CHAPTER 2, TITLE 42, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 42-246, IDAHO CODE, TO PROVIDE THAT THE FILING OF A CLAIM IS NOT AN ADJUDICATION OF A RIGHT; AMENDING CHAPTER 2, TITLE 42, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 42-247, IDAHO CODE, TO PROVIDE FOR GIVING NOTICE OF THE PROVISIONS OF CHAPTER 2, TITLE 42, IDAHO CODE; AMENDING TITLE 42, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 15,
TITLE 42, IDAHO CODE, PROVIDING FOR MINIMUM STREAM FLOWS AND MINIMUM LAKE LEVELS IN THE RIVERS, STREAMS, CREEKS, SPRINGS, AND LAKES IN THE STATE OF IDAHO FOR THE PROTECTION OF FISH AND WILDLIFE HABITAT, AQUATIC LIFE, RECREATION, AESTHETIC BEAUTY, TRANSPORTATION AND NAVIGATION VALUES, AND WATER QUALITY, DECLARING THAT SUCH MINIMUM FLOWS AND LEVELS ARE A BENEFICIAL USE OF SUCH WATER; PROVIDING DEFINITIONS; AUTHORIZING THE IDAHO WATER RESOURCE BOARD TO MAKE APPLICATION TO THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES TO APPROPRIATE A MINIMUM STREAM FLOW OF UNAPPROPRIATED WATERS, PRESCRIBING A FORM OF APPLICATION, REQUIRING DISTRIBUTION OF THE APPLICATION TO CERTAIN STATE DEPARTMENTS AND PUBLIC ENTITIES, PROVIDING NEWSPAPER PUBLICATION AND OTHER NOTICE OF THE APPLICATION, REQUIRING PUBLIC HEARINGS, PROVIDING FOR THE ISSUANCES AND ENFORCEMENT OF SUBPOENAS, SPECIFYING FINDINGS TO BE MADE BY THE DIRECTOR, PROVIDING FOR DISTRIBUTION OF THE DIRECTOR'S DECISION AND FOR JUDICIAL REVIEW; AUTHORIZING ANY PERSON, ASSOCIATION, MUNICIPALITY, COUNTY, STATE OR FEDERAL AGENCY TO PETITION THE BOARD TO FILE AN APPLICATION; PROVIDING A PRIORITY DATE FOR A MINIMUM STREAM FLOW APPROPRIATION AS THE DATE OF FILING THE APPLICATION AND FOR ADMINISTRATION OF THE WATER RIGHT BY THE DIRECTOR UNDER CHAPTER 6, TITLE 42, IDAHO CODE; AMENDING SECTION 42-1756, IDAHO CODE, TO PROVIDE NAME CHANGES, AND TO PROVIDE THE DOLLAR AMOUNT OF LOANS THAT MAY BE MADE FROM THE REVOLVING ACCOUNT WITHOUT LEGISLATIVE APPROVAL; AND PROVIDING FOR SEVERABILITY.

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 42-1736A, Idaho Code, and to read as follows:

42-1736A. WATER RESOURCE POLICY. It is legislative intent in the public interest that house concurrent resolution no. 48, second regular session, forty-fourth legislature, is hereby recognized as the guide for the state water plan of Idaho.

(1) As a matter of public policy for the development of the unappropriated waters in the state of Idaho, the legislature reaffirms its decision that all existing water rights shall be recognized by law and protected as provided by law. It is further legislative intent that the director of the department of water resources carry out his duties as prescribed by law and the water resource board, and as pre-
scribed by house concurrent resolution no. 48, second regular session, forty-fourth legislature; it is also legislative intent that the water resource board shall carry out its duties as prescribed by article XV of the constitution of the state of Idaho.

(2) In order to preserve the stream flows the following criteria shall be established as the beneficial use in the public interest as the minimum daily flow on the main stem of the Snake River:

<table>
<thead>
<tr>
<th>Gaging Station</th>
<th>Minimum Daily Flow</th>
</tr>
</thead>
<tbody>
<tr>
<td>Milner</td>
<td>0 cfs</td>
</tr>
<tr>
<td>Murphy</td>
<td>3,300 cfs</td>
</tr>
<tr>
<td>Weiser</td>
<td>4,750 cfs</td>
</tr>
</tbody>
</table>

(3) In order to retain the stream flows and hydro-base, the following criteria shall be established as the minimum daily flow on the main stem of the Snake River:

<table>
<thead>
<tr>
<th>Gaging Station</th>
<th>Minimum Daily Flow</th>
</tr>
</thead>
<tbody>
<tr>
<td>Johnson's Bar</td>
<td>5,000 cfs</td>
</tr>
</tbody>
</table>

(4) Only the water resource board may propose average daily flows on all other streams and rivers in the state, and after adoption by the legislature such average daily flows shall become the minimum daily flow of the particular stream or river.

(5) Only the water resource board may propose maintenance levels on all lakes and reservoirs controlled by the state, and after adoption by the legislature, such maintenance levels shall become the maintenance level of the particular lake or reservoir.

SECTION 2. 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 42-1736B, Idaho Code, and to read as follows:

42-1736B. WATER RESOURCE POLICY ACTIONS. (1) All future filings, permits and decrees on the unappropriated waters of this state shall be determined with respect to the effect such filings, permits and decrees will have on the minimum daily flow of the affected stream or river, or on the maintenance level of the affected lake or reservoir.

(2) All water plans and development projects proposed by the water resource board shall be subject to review and approval of the legislature, except that those projects funded from the water resource board revolving development account of less than five hundred thousand dollars ($500,000) need not have prior legislative approval.

(3) In further recognition of the authority granted by law to the water resource board by the provisions of section 42-1734, Idaho Code, and in further recognition of the right
of the legislature to review and approve the actions of the water resource board, the water resource board is specifically directed:

(a) To inventory all of the unappropriated waters of this state;
(b) To recommend to the legislature appropriations in trust for the people of Idaho for specific purposes;
(c) To develop a list of specific proposals for storage of any unappropriated waters of this state, which proposals shall show location, costs, and proposed uses and benefits;
(d) To take all necessary actions to assure that Idaho citizens shall not be denied the right to divert and appropriate to beneficial uses, under the provisions of article XV of the constitution of the state of Idaho, the unappropriated waters of this state.

SECTION 3. That Section 42-225, Idaho Code, be, and the same is hereby repealed.

SECTION 4. That Chapter 2, 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 42-241, Idaho Code, and to read as follows:

42-241. PURPOSE. The future growth and development of the state is dependent upon effective management and efficient use of the state's water resources. The purpose of this act is to provide adequate records of water right claims for efficient administration and to aid in the proper planning for the future use of the state's water resources.

SECTION 5. That Chapter 2, 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 42-242, Idaho Code, and to read as follows:

42-242. DEFINITIONS. Whenever used in this act, the terms:

(1) "Person" shall mean an individual, partnership, association, public or private corporation, city or other municipality, county, state agency, or the state of Idaho, and the United States of America when claiming water rights established under the laws of the state of Idaho.
(2) "Notice in writing" means a notice substantially in the following form:

WATER RIGHTS NOTICE

Every person, including but not limited to an individual, partnership, association, public or private corpora-
tion, city or other municipality, county, state agency or
the state of Idaho, and the United States of America, when
claiming water rights established under the laws of the
state of Idaho, is hereby notified that all water rights or
claimed water rights relating to the withdrawal or diversion
of public surface or ground waters of the state for uses
other than domestic purposes as defined in section
42-230(d), Idaho Code, except those water rights based upon
authority of permit or license issued by the department of
water resources or one of its predecessors or water rights
which have previously been adjudicated by a court having
jurisdiction of such matters, must be registered with the
department of water resources, Boise, Idaho, not later than
June 30, 1983. FAILURE TO REGISTER AS REQUIRED BY LAW WILL
BE GROUNDS FOR INSTITUTING AN ACTION FOR FORFEITURE OF THE
CLAIMED WATER RIGHT. For further information contact the
Department of Water Resources, Boise, Idaho, for a copy of
the act and an explanation thereof.

SECTION 6. That Section 42-225a, Idaho Code, be, and
the same is hereby amended to read as follows:

42-225a 42-243. FILING OF CLAIMS OF RIGHTS ESTABLISHED
BY DIVERSION AND USE -- FORM AND CONTENT OF CLAIM. In order
to assist in the compiliation-of-the-survey-of-appropriations
as provided in the previous section and to allow for the
recording of historic uses of the waters of this state, any
person using or claiming rights to the use of water for uses other than domestic purposes as defined in section
42-230(d), Idaho Code, which have heretofore been estab-
lished by diversion and application to a beneficial use may
shall file a claim of such right with the department of
water resources not later than June 30, 1983. Such claim
shall be in affidavit form on forms furnished by the depart-
ment of water resources and shall set forth:

a. The name and post-office address of the claimant.
b. The quantity of water claimed to have been used.
c. The source of the water supply.
d. The location of the point or points of diversion.
e. The nature of the use and the period during each
year when the water is used for such purposes.
f. The priority of the right claimed which shall be
determined by the date when the water was first applied to a
beneficial use provided there has been no period of aban-
donment or nonuse or forfeiture of the water right since that
date.
g. If water is claimed for irrigation, the legal
description of the lands irrigated.
h. Such other information as shall be required by the
Such claim may be accompanied by maps showing the place of use, affidavits of witnesses familiar with the uses claimed, measurements of the water diverted and used, and such other information as the claimant may wish to submit.

This section shall not apply to any water rights which are based on the authority of a permit or license issued by the department of water resources or one of its predecessors or water rights which have previously been adjudicated by a court having jurisdiction of such matters.

SECTION 7. That Section 42-225b, Idaho Code, be, and the same is hereby amended to read as follows:

42-225b 42-244. RECORDING OF CLAIMS BY DEPARTMENT -- CORRECTIONS. Upon receipt of any claim submitted under this chapter, together with the statutory filing fee of $8.88 as set forth in section 42-221, Idaho Code, it shall be the duty of the department of water resources to file and to maintain a record of such claim, which shall be available for public inspection during all normal office hours. The department shall also cause a notice to be published once a week for two (2) consecutive weeks in a newspaper published and of general circulation in the county where the water is claimed to be diverted, if there is such a newspaper, otherwise in a newspaper of general circulation in the county, which said notice shall set forth such information as shall apprise the public of the nature of the claim which has been filed. At any time after the filing of a claim under the previous section, any person who disagrees that a right has been established as set forth in said claim may file an exception thereto in duplicate, in affidavit form, accompanied by such proof as said person deems appropriate. An exception filed shall be made a part of the file of the claim in the department of water resources and shall be considered the same as other evidence in said file. A copy of an exception filed shall be forwarded to the claimant by the department of water resources. Such claims may be corrected by the claimant only by filing of an amended claim in the same form as the original, which shall be recorded and numbered by the department the same as the original, and for which no additional filing fees shall be required.

SECTION 8. That Chapter 2, 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 42-245, Idaho Code, and to read as follows:

42-245. FAILURE TO FILE CLAIM WAIVES AND RELINQUISHES
RIGHT. Any person claiming the right to divert or withdraw and use waters of the state who fails to file a claim as provided in section 42-243, Idaho Code, shall be conclusively deemed to have waived and relinquished any right, title or interest in said right.

SECTION 9. That Chapter 2, 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 42-246, Idaho Code, and to read as follows:

42-246. FILING OF CLAIM NOT DEEMED ADJUDICATION OF RIGHT -- EVIDENCE. The filing of a claim does not constitute an adjudication of any claim to the right to use of waters as between the water use claimant and the state, or as between one (1) or more water use claimants and another or others. A statement of claim filed pursuant to section 42-243, Idaho Code, shall be admissible in a general adjudication of water rights as evidence of the times of use and the quantity of water the claimant was withdrawing or diverting as of the year of the filing, if, but only if, the quantities of water in use and the time of use when a controversy is mooted are substantially in accord with the times of use and quantity of water claimed in the claim. A claim shall not otherwise be evidence of the priority of the claimed water right.

SECTION 10. That Chapter 2, 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 42-247, Idaho Code, and to read as follows:

42-247. NOTICE OF CHAPTER PROVISIONS -- HOW GIVEN -- REQUIREMENTS. To ensure that all persons referred to in sections 42-242 and 42-243, Idaho Code, are notified of the provisions of this chapter, the department of water resources is directed to give notice of the provisions of this chapter as follows:

(1) It shall cause a notice in writing to be placed in a prominent and conspicuous place in at least one (1) newspaper published and of general circulation in each county of the state, if there is such newspaper, otherwise in a newspaper of general circulation in the county, at least once each year for five (5) consecutive years.

(2) It shall cause a notice substantially the same as a notice in writing to be broadcast by each commercial television station operating in the United States and viewed in the state, and by at least one (1) commercial radio station operating from each county of the state having such a sta-
tion, regularly, at six (6) month intervals for five (5) consecutive years.

(3) It shall cause a notice in writing to be placed in a prominent and conspicuous location in each county courthouse in the state.

(4) The county treasurer of each county shall enclose with each mailing of one (1) or more statements of taxes due issued in 1981 a copy of a notice in writing and a declaration that it shall be the duty of the recipient of the statement of taxes due to forward the notice to the beneficial owner of the property. A sufficient number of copies of the notice and declaration shall be supplied to each county treasurer by the director of the department of water resources before the fifteenth day of January, 1981.

The director of the department may also in his discretion give notice in any other manner which will carry out the purposes of this section.

SECTION 11. That Title 42, Idaho Code, be, and the same is hereby amended by the addition of a NEW CHAPTER to be known and designated as Chapter 15, Title 42, Idaho Code, and to read as follows:

CHAPTER 15

42-1501. LEGISLATIVE PURPOSE - MINIMUM STREAM FLOW DECLARED BENEFICIAL USE. The legislature of the state of Idaho hereby declares that the public health, safety and welfare require that the streams of this state and their environments be protected against loss of water supply to preserve the minimum stream flows required for the protection of fish and wildlife habitat, aquatic life, recreation, aesthetic beauty, transportation and navigation values, and water quality. The preservation of the water of the streams of this state for such purposes when made pursuant to this act is necessary and desirable for all the inhabitants of this state, is in the public interest and is hereby declared to be a beneficial use of such water. The legislature further declares that minimum stream flow is a beneficial use of water of the streams of this state for the purpose of protecting such waters from interstate diversion to other states or by the federal government for use outside the boundaries of the state of Idaho. Minimum stream flows as established hereunder shall be prior in right to any claims asserted by any other state, government agency, or person for out of state diversion. It is, therefore, necessary that authority be granted to receive, consider, approve or reject applications for permits to appropriate water of the streams of this state to such beneficial uses to pre-
serve such water from subsequent appropriation to other beneficial uses under the provisions of chapter 2, title 42, Idaho Code.

42-1502. DEFINITIONS. Whenever used in this act, the terms:
(a) "Appropriate" or "appropriation" mean the identification of a beneficial use and place of in-stream use of the waters of a stream. It shall not be construed to require any kind of physical structure or physical diversion from the stream;
(b) "Board" means the Idaho water resource board;
(c) "Department" means the Idaho department of water resources;
(d) "Director" means the director of the Idaho department of water resources;
(e) "Stream" means any lake, spring, creek, stream, river or other natural body of standing or moving water which is subject to appropriation under the laws of the state of Idaho;
(f) "Minimum stream flow" means the minimum flow of water in cubic feet per second of time or minimum lake level in feet above mean sea level required to protect the fish and wildlife habitat, aquatic life, recreation, aesthetic beauty, navigation, transportation, or water quality of a stream in the public interest;
(g) "Unappropriated water" means water which is not subject to diversion and use under any prior existing water right established by diversion and application to a beneficial use or by application, permit or license on file or issued by the director under the provisions of chapter 2, title 42, Idaho Code, with a priority of water right date earlier than an application for appropriation of minimum stream flow filed under the provisions of this act.

42-1503. APPLICATION TO APPROPRIATE - PROCESS - JUDICIAL REVIEW. Whenever the board desires to appropriate a minimum stream flow of the unappropriated waters of any stream, it shall submit an application to the director. Such application shall be made upon forms to be furnished by the director and shall include:
(a) The name of the stream and legal description of the point on the stream where the minimum stream flow is proposed to be appropriated and determined;
(b) The minimum stream flow proposed;
(c) The purpose for which the minimum stream flow appropriation is proposed to be made;
(d) The period of time or season of the year during which said appropriation is proposed; and
(e) Such other information as shall be required by the form furnished by the director.

Upon the receipt of an application filed under the provisions of this act, the director shall forward a copy thereof to the departments of fish and game, health and welfare, parks and recreation, and any other public entity likely to have an interest or knowledge in the matter. The director shall also prepare a notice describing the proposed appropriation of minimum stream flow and cause said notice to be published once each week in two (2) consecutive weekly issues of a newspaper published within the county where the appropriation of minimum stream flow is proposed, if there is such newspaper, otherwise in a newspaper of general circulation within the county. The director may also give notice of the proposed appropriation in such manner and to such persons or organizations as he may determine. Such notice shall specify the time and place for a public hearing to be held concerning the proposed appropriation of minimum stream flow. Such hearing shall be held under rules and regulations promulgated under provisions of chapter 52, title 67, Idaho Code. The director shall have power to administer oaths and to require the attendance of such witnesses and the production of such books, records, and papers as he may desire at the hearing and for that purpose the director may apply to the district court for a subpoena for any witnesses or a subpoena duces tecum to compel the production of any books, records, or papers which shall be served and returned in the same manner as a subpoena in a civil case. In case of any disobedience or neglect to obey a subpoena or subpoena duces tecum it shall be the duty of the district court in any county of this state in which such disobedience, neglect, or refusal occurs, or any judge thereof, on application by the director, to compel obedience by proceedings for contempt as in the case of a subpoena issued by a regularly constituted court. Upon the conclusion of the hearings and completion of any investigation conducted by the director, he shall enter his findings in writing approving the application in whole, or in part, or upon conditions or rejecting said application. Approval of any such application must be based upon a finding that such appropriation of minimum stream flow:

(a) will not interfere with any vested water right, permit, or water right application with priority of right date earlier than the date of receipt in the office of the director of a complete application for appropriation of minimum stream flow filed under the provisions of this act;
(b) is in the public, as opposed to private, interest;
(c) is necessary for the preservation of fish and wildlife habitat, aquatic life, recreation, aesthetic beauty,
navigation, transportation, or water quality of the stream;
(d) is the minimum flow or lake level and not the ideal or most desirable flow or lake level; and
(e) is capable of being maintained as evidenced by records of stream flows and water levels and the existing or future establishment of necessary gauging stations and bench marks.

A copy of the director's findings shall be mailed to the board and to each person or organization who gave testimony in support of or in opposition to the proposed appropriation. The board or any person testifying at a hearing who is aggrieved by a decision of the director shall have the right to have that decision reviewed by the district court in the county where the appropriation of minimum stream flow is proposed. Except as otherwise provided in this act, judicial review shall be accomplished in the manner provided in sections 67-5215 and 67-5216, Idaho Code. Approved applications shall be submitted to each legislature by the fifth legislative day of each regular session, and: (i) shall not become finally effective until affirmatively acted upon by concurrent resolution of the Idaho legislature; or (ii) except that if the legislature fails to act prior to the end of the regular session to which the application was submitted, the application shall be considered approved.

42-1504. REQUEST TO FILE APPLICATION. Any person, association, municipality, county, state or federal agency may, in writing, request that the board consider the appropriation of a minimum stream flow of the unappropriated waters of any stream. Said request shall be in writing and provide the same information required in the form provided for by section 42-1503, Idaho Code. The board shall consider said request within six (6) months after it is filed and may proceed to reject or accept the proposal. There shall be no right of review of any board decision rejecting a request under this section. If the board decides that the request has merit, the board shall proceed as provided in this act. The board may hold hearings in reaching its decision and shall notify the requesting party of its decision.

42-1505. PRIORITY DATE -- ADMINISTRATION. In his direction and control of the distribution of water from the streams of this state under the provisions of chapter 6, title 42, Idaho Code, the director shall consider any approved application for appropriation of minimum stream flow filed under the provisions of this act as a water right with priority date as of the date of receipt in the office of the director of a complete application. Water shall not be deemed to be available to fill any water right of later
priority date if diversion of such water would result in a decrease in the flow of the stream or level of the lake below the minimum stream flow or minimum lake level specified in said approved application for appropriation of minimum stream flow at the locations described in said approved application.

SECTION 12. That Section 42-1756, Idaho Code, be, and the same is hereby amended to read as follows:

42-1756. LOANS FROM FUND ACCOUNT -- APPLICATION -- INVESTIGATION -- APPROVAL -- REPAYMENT -- STATEMENT -- FILING -- DEFAULT. (a) Any irrigation district, canal or irrigation company, water users' association, municipal corporation, municipality, private corporation, or, in special cases approved by the board, an individual may file an application with the board for a loan from the revolving fund account for the purpose of financing project costs. Such application shall be filed in such manner, and shall be in such form and be accompanied by such information as may be prescribed by the board; provided, however, that any such application filed with the board under the provisions of this act, shall:

(1) Describe the nature and purpose(s) of the proposed project.
(2) Set forth or be accompanied by a plan for development of the proposed project, together with such engineering and economic feasibility data and estimated costs of construction as may be required by the board.
(3) State whether money other than that for which application is made to the board will be used for project costs, and whether such money is available or has been sought for this purpose.
(4) Show that the applicant holds or can acquire title to all lands or has the necessary easements and rights-of-way for the project and related lands, and has or can acquire all water rights necessary for the construction, operation and maintenance of the proposed project, or that there exists sufficient water available for appropriation by proof of a permit issued by the director of the department of water resources.

(b) Upon receipt of an application, the board shall evaluate and, if it deems it to be necessary, investigate all aspects of the proposed project and the proposed construction thereof. As a part of such investigation, the board shall determine whether the plan for development of the project is satisfactory. If the board determines that the plan is unsatisfactory, it shall return the application to the applicant and may make such recommendations to the
applicant as are considered necessary to make the plan satisfactory.

(c) The board may approve a loan for project costs if after investigation (if this is deemed necessary,) and evaluation it finds that:

1. The plan does not conflict with any extant Idaho state water plan;
2. The proposed project is feasible from an engineering standpoint and economically justified, with studies showing a favorable benefit to cost ratio;
3. The plan for development of the proposed project is satisfactory;
4. The applicant is qualified and responsible;
5. There is reasonable assurance that the borrower can repay the loan;
6. That money in the revolving fund account is available for the loan; and
7. That the loan does not exceed $500,000 unless legislative approval has been obtained.

(d) If the board approves a loan, the board and the applicant or applicants shall enter into an agreement for repayment to the revolving fund account of money loaned therefrom, together with interest thereon at reasonable rates as determined by the board. The agreement shall further provide that repayment of the loan, together with interest thereon, shall commence no later than one (1) full year after construction of the project is completed, and that repayment shall be completed within the time period specified by the board. The repayment period shall not exceed sixty (60) years, except that the board may extend the time for making repayment in the event of emergency or hardship. Such agreement shall also provide for such assurances of, and security for, repayment of the loan as are considered necessary by the board.

(e) The state shall have a lien upon a project constructed with money from the revolving fund account for the amount of the loan, together with the interest thereon. This lien shall attach to all project facilities, equipment, easements, real property and property of any kind or nature associated with the project and all water rights associated in any way with the project. The board shall file a statement of the loan, its amount, terms and a description of the project with the county recorder of each county in which the project or any part thereof is located. The county recorder shall record the lien in a book kept for the recording of liens and it shall be indexed as other liens are required by law to be indexed. The lien shall be valid until paid in full or otherwise discharged.
The lien shall be foreclosed in accordance with applicable state law governing foreclosure of mortgages and liens as set forth in chapter 1 of title 6, Idaho Code, chapter 13 of title 45, Idaho Code, and related provisions of the statutes of this state.

(f) If an applicant fails to comply with the repayment contract, its interest in the project may be conveyed to a successor upon approval by the board, which may contract with the qualified successor in interest of the original obligor for repayment of the loan, together with the interest thereon, and for succession to its rights and obligations in any contract with the board.

(g) The state shall have a lien on any or all projects which the board improves or renovates with money from the revolving fund account, and such lien shall be valid and continue in effect until such funds, together with interest thereon, have been paid in full and the lien discharged. The board shall file a statement of the lien, and the lien shall be foreclosed upon all project property and rights as provided in subsection (e) above.

SECTION 13. 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 or unconstitutional for any reason, such declaration shall not affect the validity of remaining portions of this act.

CHAPTER 346  
(S.B. No. 1592)  

AN ACT  
REPEALING SECTION 3, CHAPTER 322, LAWS OF 1977; APPROPRIATING $4,992,800 FROM THE PERMANENT BUILDING ACCOUNT TO THE PERMANENT BUILDING FUND ADVISORY COUNCIL AND THE DIVISION OF PUBLIC WORKS FOR THE SPECIFIED CONSTRUCTION PROJECTS; APPROPRIATING $494,000 FROM THE ENUMERATED ACCOUNTS TO THE PERMANENT BUILDING FUND ADVISORY COUNCIL AND THE DIVISION OF PUBLIC WORKS FOR THE PURPOSES SPECIFIED; APPROPRIATING $125,000 FROM THE PUBLIC BUILDING ACCOUNT TO THE PERMANENT BUILDING FUND ADVISORY COUNCIL AND THE DIVISION OF PUBLIC WORKS FOR THE PURPOSES SPECIFIED; REAPPROPRIATING $97,000 OF THE MONEYS APPROPRIATED BY CHAPTER 358, LAWS OF 1971, FOR THE PURPOSES SPECIFIED; REAPPROPRIATING $78,000 OF THE GENERAL ACCOUNT MONEYS APPROPRIATED BY SECTION 2, CHAPTER 128, LAWS OF 1977, FOR THE PURPOSES SPECIFIED; 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. That Section 3, Chapter 322, Laws of 1977, be, and the same is hereby repealed.

SECTION 2. 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. CORRECTION OF LIFE AND SAFETY CODE DEFICIENCIES:  
Department of Health and Welfare: Construct
fire escapes, State Youth Service Center
State Board of Education: Install fire hydrants, Idaho State School for the Deaf and the Blind; modifications to meet Life Safety Code standards, University of Idaho; install restrooms at Old Penitentiary Site, Idaho State Historical Society
Supreme Court: Handicap access modification, Supreme Court Building $ 200,000

B. STATE BOARD OF EDUCATION:
North Idaho College: Completion of Humanities Building 650,000
Boise State University: Completion of Science Education Building 645,200
Idaho State University: Construction of Phase III, Vocational-Technical Building 660,000
University of Idaho: Water Storage system 600,000

C. DEPARTMENT OF HEALTH AND WELFARE:
Construction of nursing home and female domicile facility addition to Veterans' Home 754,800
Installation of sewer hook-up, Salmon Child Development Center; road improvements, Idaho Falls Child Development Center 80,000

D. DEPARTMENT OF CORRECTION:
Construction of inmate cell unit, all or in part by inmate labor 950,000

E. DIVISION OF MILITARY:
Construction of Operations Building, Boise 3,000
Construction of Armory Building, Preston 14,500
Construction of Armory Building, Twin Falls 14,300

F. DEPARTMENT OF LANDS:
Construction of Kendrick Fire District Headquarters Building 151,000

G. DEPARTMENT OF PARKS AND RECREATION:
Remodeling of group residence, Harriman State Park 140,000
Construction of employee housing, Farragut State Park 40,000

H. CAPITOL BUILDING:
Modification of mechanical systems 90,000
TOTAL $4,992,800

SECTION 3. There is hereby appropriated out of the accounts enumerated the following amounts, or so much thereof as may be necessary, to the Permanent Building Fund Advisory Council and the Division of Public Works for the purposes specified in this section.

FOR:
Moneys reserved within building fund program to cover contingencies and overruns in the authorized construction program; and moneys for payment of interest on tax anticipation notes $494,000
SECTION 4. There is hereby appropriated out of the account 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:
Any equipment, rebuilding, renovation or repair of the Capitol Building necessary for code compliance modifications
FROM:
Public Building Account

SECTION 5. Of the moneys appropriated by Chapter 358, Laws of 1971, to the Permanent Building Fund Advisory Council and the Department of Public Works to construct a Research Extension Center, Unit I at Twin Falls, the sum of $97,000, or so much thereof as may be necessary, is hereby reappropriated to the Permanent Building Fund Advisory Council and the Division of Public Works for the purpose of purchasing forty acres of land around and upon which the Veterinary Medical Building for the Northwest College of Veterinary Medicine Program at Caldwell is located.

SECTION 6. Of the general account moneys appropriated by Section 2, Chapter 128, Laws of 1977, to the State Board of Education and the Board of Regents of the University of Idaho for the Agricultural Research program, the sum of $78,000, or so much thereof as may be necessary, is hereby reappropriated to the Permanent Building Fund Advisory Council and the Division of Public Works for the purpose of purchasing forty acres of land around and upon which the Veterinary Medical Building for the Northwest College of Veterinary Medicine at Caldwell is located. In the event such moneys, or any portion thereof, are not needed for the purpose set forth in this section, such moneys shall not be used for any other purpose and shall revert to the general account.

SECTION 7. 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 8. 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 9. The State Treasurer is hereby authorized and directed to anticipate the revenues in the Permanent Building Account 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 account were being anticipated.

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

AN ACT
RELATING TO THE IDAHO DEPARTMENT OF ADMINISTRATION PURCHASING APPEALS PROCEDURES; AMENDING SECTION 67-5717, IDAHO CODE, BY STRIKING THAT PORTION RELATING TO COMPLAINTS FILED BY THE ADMINISTRATOR OF PURCHASING; AMENDING SECTION 67-5718, IDAHO CODE, BY STRIKING THAT PORTION RELATING TO APPEALS; AMENDING SECTION 67-5729, IDAHO CODE, TO ALLOW ONLY REGISTERED VENDORS SUBMITTING A BID STANDING TO INTERVENE OR PROSECUTE AN ACTION OR APPEAL FROM A FINAL AGENCY DECISION; REPEALING SECTIONS 67-5731 AND 67-5733, IDAHO CODE; AND ADDING A NEW SECTION 67-5733, IDAHO CODE, CONSOLIDATING ALL PURCHASING APPEALS PROCEDURES, PROVIDING FOR DISCRETIONARY AND MANDATORY PURCHASING APPEALS, AND ALLOWING APPEALS PURSUANT TO THE ADMINISTRATIVE PROCEDURES ACT FROM FINAL AGENCY DECISIONS.

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

SECTION 1. That Section 67-5717, Idaho Code, be, and the same is hereby amended to read as follows:

67-5717. POWERS AND DUTIES OF THE ADMINISTRATOR OF THE DIVISION OF PURCHASING. The administrator of the division of purchasing:
(1) Shall acquire, according to the provisions of this chapter, all property for state agencies;
(2) Shall acquire all property, unless excepted, by competitive bid, and shall specifically require competitive bids for property to be rented, leased or purchased through a deferred payment plan;
(3) Shall determine, based upon the requirements contained in the specification and matter relating to responsibility, the lowest responsible bidder in all competitively bid acquisition contracts;
(4) Shall enter into all contracts and agreements, and any modifications thereto, for the acquisition of any and all property in behalf of and in the name of the state;
(5) Shall, when economically feasible and practical, consolidate requisitions and acquire property in amounts as large as can be efficiently managed and controlled;
(6) May appoint a deputy, who shall have power to act for him and in his place while absent, which deputy shall be
bonded to the state of Idaho as prescribed by chapter 8, title 59, Idaho Code;

(7) May require from any contractor the submission of a performance bond for such sum as will, in the opinion of the administrator, guarantee the faithful performance of such contract, and the amount and requirement therefor shall be set out in the specifications;

(8) May enter into open contracts for the acquisition of property commonly used by the various agencies, based upon actual or estimated requirements;

Unless an acquiring agency can show a substantial difference between the required capabilities and the capabilities provided by such property available on open contract, all agencies must utilize such property available on such contracts and failure to comply with this provision will subject the officers responsible for the acquisition to the penalties set forth in this chapter;

(9) May enter into contracts, including leases and rentals, for periods of time exceeding one (1) year provided that such contracts contain no penalty to or restriction upon the state in the event cancellation is necessitated by a lack of financing for any such contract or contracts;

(10) Is authorized and empowered to formulate rules and regulations in the conduct of the office of the division of purchasing, subject to the approval of the director of the department of administration;

(11) May, on his own initiative, file a complaint with the director of the department of administration for hearing before a determinations officer whenever he believes the economic operation of state government is not being served by the actions of any agency or employee subject to this chapter and a finding of a violation of the provisions of this chapter shall subject the violator to the penalty prescribed by section 67-5744, Idaho Code;

(12) May accept proposals and enter into negotiations, only for services which need not be bid;

(13) May inspect property delivered by a contractor to determine whether it meets minimum bid specifications;

(14) May classify, after review with the various agencies, the requirements of the state for all property which may be acquired and adopt standards of quality for property, and establish standard specifications for acquisition. Each standard specification shall, until revised or rescinded, apply alike in terms and effect to each future acquisition of the classified property.

SECTION 2. That Section 67-5718, Idaho Code, be, and the same is hereby amended to read as follows:
67-5718. REQUISITIONS FOR PROPERTY -- NOTICE -- FORM -- GUARANTEE -- PROCEDURE FOR BIDDING. The administrator of the division of purchasing shall not make or cause to be made any acquisition until a requisition for the property to be acquired has been filed in his office, and such requisition must bear the certificate of the head of the agency making the requisition that there are proper funds or sufficient balance in appropriations out of which the amount of the requisition may lawfully be paid, except as provided to the contrary under provisions of this chapter allowing emergency purchases.

If the property to be acquired may reasonably be expected to cost in excess of five thousand dollars ($5,000) if purchased, or two hundred dollars ($200) per month if procured, there must be accompanying the requisition a copy of the specifications proposed for use in the acquisition. Upon receipt of the requisition, notice must be commenced within a reasonable period of time and must allow not less than ten (10) days from notice to bid opening date.

Provided, however, that in cases where the total value of the property to be acquired is not in excess of five thousand dollars ($5,000) if purchased, or two hundred dollars ($200) per month if procured, the administrator shall notify registered vendors in such manner as he deems appropriate, and if he finds that it is impractical or impossible to obtain three (3) bids for the proposed transaction, he may acquire the property in any manner he deems best. For any acquisition not otherwise requiring specifications, the same may be required by regulation drawn by the administrator.

Provided further, however, that in connection with the award of any contract for the placement of any order for state printing, binding, engraving or stationery work, the provisions of sections 60-101 and 60-103, Idaho Code, shall apply to the extent that the same may be inconsistent with any requirements contained in this section.

Notice shall be sent to each registered vendor of the property to be acquired, except that if there are more than twenty (20) registered vendors for the property to be acquired, the administrator of the division of purchasing may, in his discretion, limit the notices sent to twenty (20). Nothing shall prevent all registered vendors from bidding on the property to be acquired. The administrator shall cause all invitations to bid to be posted in a conspicuous place in his office.

The notice shall describe the property to be acquired in sufficient detail to apprise a bidder of the exact nature of the property required; and shall give the time when, and the place where, bids will be opened. The bid opening date
shall be set forth in the specifications. Each bid shall be in writing, sealed and marked, "sealed bid for ...., to be opened ...., 19.." and shall be mailed or delivered to the office of the administrator of the division of purchasing at Boise, Idaho.

All sealed bids received shall be opened at the time and place specified in the invitation for bids, and in the public view, and a record of each bid shall then and there be made. Contracts shall be awarded to and orders placed with the lowest responsible bidder. The administrator shall have the right to reject any and all bids pursuant to rules and regulations established for the division. Rejections - of individual--bids--are-appealable-to-a-determinations-officer within-three-(3)-days-of-the-rejected--bidder's--receipt--of notice--of--rejection--citing--the--reasons--therefor,--which notice--may-be-by-telephone-or-otherwise.

Where both the bids and quality of property offered are the same, preference shall be given to property of local and domestic production and manufacture.

SECTION 3. That Section 67-5729, Idaho Code, be, and the same is hereby amended to read as follows:

67-5729. APPLICATION OF ADMINISTRATIVE PROCEDURES ACT -- STANDING TO CONTEST DETERMINATIONS. All procedures and policies concerning acquisitions and the determinations of the administrator and determinations officer, unless specifically exempt in this chapter, are subject to the provisions of chapter 52, title 67, Idaho Code.

The determinations officer provided by this act may subpoena witnesses and evidence and administer oaths. Any--registered--vendor--showing-an-interest-shall,-notwithstanding-any-other-disability,-have--standing--to--initiate--participate-in-as-a-party,-and-prosecute-an-action-or appeal--from--any--administrative-proceeding-commenced-under this chapter and pursuant to chapter--52,--title--67,--Idaho Code. In the event that a determinations officer is appointed pursuant to the provisions of section 67-5733, Idaho Code, any registered vendor who has submitted a bid in the process under review shall, notwithstanding any other disability, have standing to intervene in the proceeding as a party and such intervenor may prosecute an action or appeal from any final agency decision under this chapter and pursuant to chapter 52, title 67, Idaho Code.

SECTION 4. That Sections 67-5731 and 67-5733, Idaho Code, be, and the same are hereby repealed.

SECTION 5. That Chapter 57, Title 67, Idaho Code, be,
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and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 67-5733, Idaho Code, and to read as follows:

67-5733. ADMINISTRATIVE APPEALS. (1)(a) There shall be, beginning with the day of receipt of notice, a period of not more than ten (10) working days in which any vendor, registered as able to sell or supply the items to be acquired, may notify in writing the administrator of the division of purchasing of his intention to challenge the specifications and briefly explain the nature of his challenge. Such vendor shall issue a specific challenge to the specifications within not more than ten (10) additional working days. The specific challenge shall describe the location of the challenged portion or clause in the specification document, unless the challenge concerns an omission, explain why any provision should be struck, added or altered, and contain suggested corrections. All registered vendors who were invited to bid on the property sought to be acquired shall be sent a copy of both the notice to challenge and the specific challenge and may indicate in writing their agreement or disagreement with the challenge within five (5) days. Any registered vendor may note his agreement or disagreement with the challenge.

Upon receipt of the challenges and responses the administrator of the division of purchasing shall make the corrections suggested or he shall present the matter to the director of the department of administration for the appointment of a determinations officer. The determinations officer, after hearing, if requested in writing by a registered vendor capable of supplying the property or on his own motion, shall refer the challenged portion and any related portions to the author of the specification to be rewritten with the advice and comments of the registered vendors capable of supplying the property and/or reject all or any part of any challenge. If specifications are to be rewritten, the matter shall be continued until the officer makes a final determination of the acceptability of the revised specifications.

The administrator shall reset the bid opening no later than thirty (30) days after a final determination of challenges or the amendment of specifications.

The final decision of the determinations officer or administrator on the challenge to specifications shall not be considered a contested case within the meaning of the administrative procedure act; provided that a vendor disagreeing with specifications may include such disagreement as a reason for asking for appointment of a determinations officer pursuant to section 67-5733(1)(c), Idaho
(b) There shall be, beginning with the day of receipt of notice of rejection, a period of five (5) working days in which a bidder whose bid was rejected may appeal such rejection to a determinations officer. A rejected bidder within the meaning of this act is a bidder whose bid is not considered for any reason and shall not apply to a vendor whose bid is considered but who is determined not to be the lowest responsible bidder as defined in this act. The director shall appoint a determinations officer to hear the appeal and shall upon receipt of a written recommendation from the determinations officer, sustain, modify or reverse the administrator's decision not to consider a bid.

(c) A vendor whose bid is considered may, within five (5) working days following receipt of notice that he is not the lowest responsible bidder, apply to the director of the department of administration for appointment of a determinations officer. The application shall set forth in specific terms the reasons why the administrator's decision is thought to be erroneous. Upon receipt of the application, the director shall within three (3) working days:

(i) Deny the application, and such denial shall be considered the final agency decision; or

(ii) Appoint a determinations officer to review the record to determine whether the administrator's selection of the lowest responsible bidder is correct; or

(iii) Appoint a determinations officer with authority to conduct an adversary hearing within the context of the administrative procedure act.

A determinations officer appointed pursuant to section 67-5733(1)(c)(ii), Idaho Code, shall inform the director by written recommendation whether, in his opinion, the administrator's selection of the lowest responsible bidder is correct. The determinations officer in making this recommendation may rely on the documents of record, statements of employees of the state of Idaho participating in any phase of the selection process, and statements of any vendor submitting a bid. An adversary hearing shall not be allowed and the determinations officer shall not be required to solicit statements from any person. Upon receipt of the recommendation from the determinations officer, the director shall sustain, modify or reverse the decision of the administrator on the selection of the lowest responsible bidder or the director may appoint a determinations officer pursuant to section 67-5733(1)(c)(iii), Idaho Code.

A determinations officer appointed pursuant to section 67-5733(1)(c)(iii), Idaho Code, shall prepare findings of fact and conclusions of law for the director of the department of administration. Upon receipt of the findings of fact
and conclusions of law, the director shall sustain, modify or reverse the decision of the administrator on the selection of the lowest responsible bidder.

(d) The administrator of the division of purchasing may, on his own initiative, file a complaint with the director for a hearing before a determinations officer. The director shall appoint a determinations officer who shall make written recommendations to the director and the director shall render whatever decision is necessary to resolve the complaint.

(2) The director of the department of administration is hereby authorized and directed to appoint a determinations officer whenever one is required by this act. The officer shall meet and render whatever determination is called for. When a complaint is filed pursuant to section 67-5733(1)(b), Idaho Code, no bid may be awarded until the final decision is rendered by the director of the department of administration; provided that in all other cases where a determinations officer is appointed by the director, the director shall have the power to allow the acquisition contract to be awarded to the successful bidder prior to or after the decision of the determinations officer if he determines such award to be in the best interest of the state. Any determinations officer appointed pursuant to this act shall exist only for the duration of unresolved complaints on an acquisition and shall be dismissed upon resolution of all such complaints. The determinations officer shall be guided in his determination by the best economic interests of the state for both the near future and more extended periods of time. In addition to the powers conferred on the determinations officer, the director of the department of administration may: impose the penalty prescribed by section 67-5734(3), Idaho Code; enjoin any activity which violates this act; direct that bids be rejected, or sustained; direct that specifications be rejected, sustained or modified; and direct further legal action.

(3) A challenge filed pursuant to section 67-5733(1)(a), Idaho Code, shall not be considered to be a contested case as that term is defined in the administrative procedure act, provided that all other final decisions rendered by the director of the department of administration pursuant to section 67-5733, Idaho Code, shall be considered to be contested cases as that term is defined in the administrative procedure act.

AN ACT
RELATING TO EXECUTIONS OF JUDGMENTS; ADDING A NEW CHAPTER 6, TITLE 11, IDAHO CODE; DEFINING TERMS; PROVIDING THAT EXEMPTIONS FROM EXECUTION APPLY TO STATE RESIDENTS; EXEMPTING CERTAIN PROPERTY WITHOUT LIMITATION; EXEMPTING PROPERTY NECESSARY FOR SUPPORT; EXEMPTING CERTAIN PERSONAL PROPERTY WITHIN LIMITS; PROVIDING FOR TRACING OF EXEMPT PROPERTY; ALLOWING CERTAIN CLAIMS AGAINST EXEMPT PROPERTY, PROVIDING FOR A CLAIM OF EXEMPTION; PROVIDING SEVERABILITY; AND REPEALING SECTION 11-205, IDAHO CODE.

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

SECTION 1. That Title 11, 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 11, Idaho Code, and to read as follows:

11-601. DEFINITIONS. As used in this act, unless the context otherwise requires:
(1) "Individual" means a natural person and not an artificial person such as a corporation, partnership, or other entity created by law.
(2) "Dependent" means an individual who derives support primarily from another individual.

11-602. PROTECTION OF PROPERTY OF RESIDENTS AND NON-RESIDENTS. (1) Residents of this state are entitled to the exemptions provided by this act. Nonresidents are entitled to the exemptions provided by the law of the jurisdiction of their residence.
(2) The term "resident" means an individual who intends to maintain his home in this state.

11-603. PROPERTY EXEMPT WITHOUT LIMITATION. An individual is entitled to exemption of the following property:
(1) a burial plot for the individual and his family;
(2) health aids reasonably necessary to enable the individual or a dependent to work or to sustain health;
(3) benefits the individual is entitled to receive under federal social security, state unemployment compensation, or veteran's benefits, or under federal, state, or local public assistance legislation;
(4) benefits payable for medical, surgical, or hospital care.

11-604. PROPERTY EXEMPT TO EXTENT REASONABLY NECESSARY FOR SUPPORT. (1) An individual is entitled to exemption of the following property to the extent reasonably necessary for the support of him and his dependents:
   (a) benefits paid or payable by reason of disability, illness, or unemployment;
   (b) money or personal property received, and rights to receive money or personal property for alimony, support, or separate maintenance;
   (c) proceeds of insurance, a judgment, or a settlement, or other rights accruing as a result of bodily injury of the individual or of the wrongful death or bodily injury of another individual of whom the individual was or is a dependent;
   (d) proceeds or benefits paid or payable on the death of an insured, if the individual was the spouse or a dependent of the insured; and
   (e) assets held, payments made, and amounts payable under a stock bonus, pension, profit-sharing, annuity, or similar plan or contract, providing benefits by reason of age, illness, disability, or length of service.

(2) The phrase "property to the extent reasonably necessary for the support of him and his dependents" means property required to meet the present and anticipated needs of the individual and his dependents, as determined by the court after consideration of the individual's responsibilities and all the present and anticipated property and income of the individual, including that which is exempt.

(3) The exemptions allowed by this section shall be lost immediately upon the commingling of any of the funds or amounts described in this section with any other funds.

11-605. EXEMPTIONS OF PERSONAL PROPERTY SUBJECT TO VALUE LIMITATIONS. (1) An individual is entitled to exemption of the following property to the extent of a value not exceeding five hundred dollars ($500) in any item of property:
   (a) furnishings and appliances reasonably necessary for one (1) household;
   (b) if reasonably held for the personal use of the individual or a dependent, wearing apparel, animals, books, and musical instruments; and
   (c) family portraits and heirlooms of particular sentimental value to the individual.

(2) An individual is entitled to exemption of jewelry,
not exceeding two hundred fifty dollars ($250) in aggregate value, if held for the personal use of the individual.

(3) An individual is entitled to exemption, not exceeding one thousand dollars ($1,000) in aggregate value, of implements, professional books, and tools of the trade; and to an exemption of one (1) motor vehicle to the extent of a value not exceeding five hundred dollars ($500).

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

(5) All arms, uniforms and accouterments required for the use of an individual as a peace officer, a member of the national guard or military service.

(6) A water right not to exceed one hundred sixty (160) inches of water used for the irrigation of lands actually cultivated by the individual, and the crop or crops growing or grown on fifty (50) acres of land, leased, owned or possessed by an individual cultivating the same, provided, that the amount of the crops so exempted shall not exceed the value of one thousand dollars ($1,000).

11-606. TRACING EXEMPT PROPERTY. (1) If property, or a part thereof, that could have been claimed as exempt, such as, a burial plot under subsection (1) of section 11-603, Idaho Code, a health aid under subsection (2) of section 11-603, Idaho Code, or personal property subject to a value limitation under paragraph (a) or (b) of subsection (1) or subsection (3) of section 11-605, Idaho Code, has been taken by condemnation, or has been lost, damaged, or destroyed, and the owner has been indemnified therefore, the individual is entitled to an exemption of proceeds that are traceable for three (3) months after the proceeds are received. The exemption of proceeds under this subsection does not entitle the individual to claim an aggregate exemption in excess of the value limitation otherwise allowable under section 11-605, Idaho Code.
11-607. CLAIMS ENFORCEABLE AGAINST EXEMPT PROPERTY.

(1) Notwithstanding other provisions of this act:
   (a) A creditor may make a levy against exempt property except property described in section 11-603, Idaho Code, to enforce a claim for:
       1. alimony, support, or maintenance;
       2. unpaid earnings of up to one (1) month's compensation or the full-time equivalent of one (1) month's compensation for personal services of an employee;
       3. state or local taxes;
       4. civil damages for offenses punishable by imprisonment in the state penitentiary, or for malicious or intentional injury to persons or property, or for damages resulting from the operation of a motor vehicle for which the defendant is convicted of reckless driving, driving while under the influence of intoxicating liquor or drugs, or driving while operator's license has been suspended or revoked, or claims for obtaining money or property by false pretenses or on credit by intentionally making materially false statements in writing respecting financial condition; or
       5. rent for any kind of dwelling place; claims for food and lodging; and
   (b) A creditor may make a levy against exempt property to enforce a claim for:
       1. the purchase price of the property or a loan made for the express purpose of enabling an individual to purchase property and used for that purpose; and
       2. labor or materials furnished to make, repair, improve, preserve, store, or transport the property.

(2) This act does not affect any statutory lien or security interest in exempt property.

11-608. CLAIM OF EXEMPTION. Any person entitled to an exemption under this chapter may claim such exemption within seven (7) days after attachment or levy upon the property sought to be claimed as exempt.

SECTION 2. The provisions of this act are hereby declared to be severable and if any provision of this act or the application of such provision to any person or circumstance is declared invalid for any reason, such declaration shall not affect the validity of remaining portions of this act.

SECTION 3. That Section 11-205, Idaho Code, be, and the same is hereby repealed.

CHAPTER 349
(S.B. No. 1510, As Amended in the House)

AN ACT
RELATING TO THE LOCATION OF BEER AND WINE BARS OR TAVERNS;
AMENDING CHAPTER 10, TITLE 23, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 23-1011B, IDAHO CODE, TO PROVIDE THAT NO BEER LICENSE SHALL BE ISSUED TO A PLACE THAT IS WITHIN 300 FEET OF A SCHOOL OR CHURCH AND GIVING EXCEPTIONS; AMENDING CHAPTER 13, TITLE 23, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 23-1307A, IDAHO CODE, TO PROVIDE THAT NO WINE BY THE DRINK LICENSE SHALL BE ISSUED TO A PLACE THAT IS WITHIN 300 FEET OF A SCHOOL OR CHURCH AND GIVING EXCEPTIONS.

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 23-1011B, Idaho Code, and to read as follows:

23-1011B. BARS OR TAVERNS NOT ALLOWED NEAR CHURCHES OR SCHOOLS -- EXCEPTIONS. No license shall be issued for any place where beer is sold or dispensed to be consumed on the premises, whether conducted for pleasure or profit, that is within three hundred (300) feet of any public school, church, or any other place of worship measured in a straight line to the nearest entrance to the licensed premises, except with the approval of the governing body of the municipality; provided that this limitation shall not apply to any duly licensed premises that at the time of licensing did not come within the restricted area but subsequent to licensing came therein.

SECTION 2. That Chapter 13, Title 23, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 23-1307A, Idaho Code, and to read as follows:

23-1307A. WINE BY THE DRINK ESTABLISHMENT NOT ALLOWED NEAR CHURCHES OR SCHOOLS -- EXCEPTIONS. No wine by the drink license shall be issued for any place, where wine is sold or dispensed to be consumed on the premises, whether conducted for pleasure or profit, that is within three hundred (300) feet of any public school, church, or any other place of worship measured in a straight line to the nearest entrance to the licensed premises, except that with the approval of the governing body of the municipality; provided that this limitation shall not apply to any duly licensed premises that at the time of licensing did not come within the restricted area but subsequent to licensing came therein.

AN ACT
RELATING TO THE PROBATE CODE; REPEALING SECTION 15-2-203, IDAHO CODE; ADDING A NEW SECTION 15-2-203, IDAHO CODE, REDEFINING THE ELECTIVE RIGHT TO QUASI-COMMUNITY PROPERTY AND AUGMENTED ESTATE AND ADDING TO THE DEFINITION OF THE AUGMENTED ESTATE CONTAINED IN SECTION 15-2-202, IDAHO CODE; AMENDING SECTION 15-2-207, IDAHO CODE, TO LIMIT THE EXTENT OF PROPERTY CHARGED AGAINST THE ELECTIVE SHARE OF THE REMAINING SPOUSE; AMENDING SECTION 15-2-109, IDAHO CODE, TO PERMIT INHERITANCE FROM EITHER NATURAL PARENT AFTER ADOPTION BY A SPOUSE MARRYING THE NATURAL PARENT OF THE CHILD AFTER DEATH OF THE OTHER NATURAL PARENT; ADDING A NEW SECTION 15-2-114, IDAHO CODE, TO PROHIBIT INHERITANCE THROUGH TWO LINES OF RELATIONSHIP; REPEALING SECTION 15-2-504, IDAHO CODE; ADDING A NEW SECTION 15-2-504, IDAHO CODE, ALTERING THE FORM FOR SELF-PROVED WILLS; REPEALING SECTION 15-2-608, IDAHO CODE; ADDING A NEW SECTION 15-2-608, IDAHO CODE, REALIGNING THE SUBSECTION DEFINING ADEMPTION; AMENDING SECTION 15-3-301, IDAHO CODE, CLARIFYING THE SECTION BY REALIGNMENT OF A SUBSECTION, PROVIDING FOR SUBMISSION OF THE PERSONAL REPRESENTATIVE TO JURISDICTION OF THE COURT AND DEFINING THE EFFECT OF THE STATEMENT UPON APPLICATION FOR INFORMAL STATEMENT OF INTESTACY IN COMMUNITY PROPERTY ESTATES; REPEALING SECTION 15-3-303B, IDAHO CODE; AMENDING SECTION 15-3-802, IDAHO CODE, TO LIMIT CONSENT TO REQUIRED WAIVERS TO INTERESTED SUCCESSORS; AMENDING SECTION 15-3-814, IDAHO CODE, TO CLARIFY; AMENDING SECTION 15-3-910, IDAHO CODE, TO CLARIFY AND INCREASE THE PROTECTION ACCORDED BONA FIDE PURCHASERS FROM DISTRIBUTES; AMENDING SECTION 15-3-1004, IDAHO CODE, TO EXTEND THE PROTECTION ACCORDED ESTATE DISTRIBUTES TO PERSONS RECEIVING HOMESTEAD ALLOWANCE, EXEMPT PROPERTY AND FAMILY ALLOWANCE.

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

SECTION 1. That Section 15-2-203, Idaho Code, be, and the same is hereby repealed.

SECTION 2. That Chapter 2, Part 2, Title 15, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as
Section 15-2-203, Idaho Code, and to read as follows:

15-2-203. ELECTIVE RIGHT TO QUASI-COMMUNITY PROPERTY AND AUGMENTED ESTATE. (a) The right of the surviving spouse in the augmented quasi-community property estate shall be elective and shall be limited to one-half (1/2) of the total augmented quasi-community property estate which will include, as a part of the property described in section 15-2-201 and section 15-2-202, of this code, property received from the decedent and owned by the surviving spouse at the decedent's death, plus the value of such property transferred by the surviving spouse at any time during marriage to any person other than the decedent which would have been in the surviving spouse's quasi-community property augmented estate if that spouse had predeceased the decedent to the extent that the owner's transferred property is derived from the decedent by any means other than testate or intestate succession without a full consideration in money or moneys worth. This shall not include any benefits derived from the federal social security system by reason of service performed or disability incurred by the decedent and shall include property transferred from the decedent to the surviving spouse by virtue of joint ownership and through the exercise of a power of appointment also exercisable in favor of others than the surviving spouse and appointed to the surviving spouse.

(b) The elective share to the quasi-community estate thus computed shall be reduced by an allocable portion of general administration expenses, homestead allowance, family allowance, exempt property and enforceable claims.

(c) Property owned by the surviving spouse at the time of the decedent's death and property transferred by the surviving spouse is presumed to have been derived from the decedent except to the extent that the surviving spouse establishes that it was derived from another source.

SECTION 3. That Section 15-2-207, Idaho Code, be, and the same is hereby amended to read as follows:

15-2-207. LIABILITY OF OTHERS. (a) In a proceeding for an elective share, property which passes or has passed to the surviving spouse by testate or intestate succession or other means and property included in the augmented estate which has not been renounced is applied first to satisfy the elective share and to reduce the amount due from other recipients of portions of the augmented estate.

(b) The remaining amount of the elective share is equitably apportioned among beneficiaries of the will and transferees of the augmented estate in proportion to the value of
their interest therein.
(c) Only original transferees from, or appointees of, the decedent and their donees, to the extent the donees have the property or its proceeds, are subject to the contribution to make up the elective share of the surviving spouse. A person liable to contribution may choose to give up the property transferred to him or to pay its value as of the time it is considered in computing the augmented estate.

SECTION 4. That Section 15-2-109, Idaho Code, be, and the same is hereby amended to read as follows:

15-2-109. MEANING OF CHILD AND RELATED TERMS. If, for purposes of intestate succession, a relationship of parents and child must be established to determine succession by, through, or from a person:
(a) An adopted person is a child of an adopting parent and not of the natural parents except that adoption of a child by the spouse of a natural parent has no effect on the relationship between the child and that natural parent and adoption by the spouse of a natural parent has no effect on the relationship between the child and a deceased, undivorced natural parent.
(b) In cases not covered by subsection (a) of this section, a person born out of wedlock is a child of the mother. That person is also a child of the father, if:
(1) the natural parents participated in a marriage ceremony before or after the birth of the child, even though the attempted marriage is void; or
(2) the paternity is established by an adjudication before the death of the father or is established thereafter by clear and convincing proof, except that the paternity established under this subparagraph (2) is ineffective to qualify the father or his kindred to inherit from or through the child unless the father has openly treated the child as his, and has not refused to support the child.

SECTION 5. That Chapter 2, Part 1, Title 15, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 15-2-114, Idaho Code, and to read as follows:

15-2-114. PERSONS RELATED TO DECEDENT THROUGH TWO LINES. A person who is related to the decedent through two lines of relationship is entitled to only a single share based on the relationship which would entitle him to the larger share.

SECTION 6. That Section 15-2-504, Idaho Code, be, and the same is hereby repealed.
SECTION 7. That Chapter 2, Part 5, Title 15, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 15-2-504, Idaho Code, and to read as follows:

15-2-504. SELF-PROVED WILL. (a) Any will may be simultaneously executed, attested, and made self-proved, by the acknowledgment thereof by the testator and the affidavits of the witnesses, each made before an officer authorized to administer oaths under the laws of the state where execution occurs and evidenced by the officer's certificate, under official seal, in form and content substantially as follows:

I, __________, the testator, sign my name to this instrument this _______ day of ________, 19_____, and being first duly sworn, do hereby declare to the undersigned authority that I sign and execute this instrument as my last will and that I sign it willingly (or willingly direct another to sign for me), that I execute it as my free and voluntary act for the purposes therein expressed, and that I am eighteen (18) years of age or older, of sound mind, and under no constraint or undue influence.

Testator

We, __________, the witnesses, sign our names to this instrument, being first duly sworn, and do hereby declare to the undersigned authority that the testator signs and executes this instrument as his last will and that he signs it willingly (or willingly directs another to sign for him), and that each of us, in the presence and hearing of the testator, hereby signs this will as witness to the testator's signing, and that to the best of his knowledge the testator is eighteen (18) years of age or older, of sound mind, and under no constraint or undue influence.

Witness

Witness

The State of __________
County of __________

Subscribed, sworn to and acknowledged before me by __________, the testator and subscribed and sworn to before me by __________, and __________, witnesses, this _______ day of ________.

(Seal)  

(Signed) __________

(Official capacity of officer)

(b) An attested will may at any time subsequent to its
execution be made self-proved by the acknowledgment thereof by the testator and the affidavits of the witnesses, each made before an officer authorized to administer oaths under the laws of the state where the acknowledgment occurs and evidenced by the officer's certificate, under the official seal, attached or annexed to the will in form and content substantially as follows:

The State of ____________
County of ____________

We, ____________, ____________, and ____________, the testator and the witnesses, respectively, whose names are signed to the attached or foregoing instrument, being first duly sworn do hereby declare to the undersigned authority that the testator signed and executed the instrument as his last will and that he had signed willingly (or willingly directed another to sign for him), and that 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 testator, signed the will as witness and that to the best of his knowledge the testator was at that time eighteen (18) years of age or older, of sound mind and under no constraint or undue influence.

__________  ____________  ____________
Testator    Witness    Witness

Subscribed, sworn to and acknowledge before me by ____________, the testator, and subscribed and sworn to before me by ____________, and ____________, witnesses, this ____________ day of ____________.

(Seal)  (Signed) ____________
(Official capacity of officer)

SECTION 8. That Section 15-2-608, Idaho Code, be, and the same is hereby repealed.

SECTION 9. That Chapter 2, Part 6, Title 15, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 15-2-608, Idaho Code, and to read as follows:

15-2-608. NONADEMPTION OF SPECIFIC DEVISES IN CERTAIN
CASES -- UNPAID PROCEEDS OF SALE, CONDEMNATION OR INSURANCE -- SALE BY CONSERVATOR. (a) A specified devisee has the right to the remaining specifically devised property and:
(1) any balance of the purchase price (together with any security interest) owing from a purchaser to the testator at death by reason of sale of the property;
(2) any amount of a condemnation award for the taking of the property unpaid at death;
(3) any proceeds unpaid at death on fire or casualty insurance on the property; and
(4) property owned by testator at his death as a result of foreclosure, or obtained in lieu of foreclosure, of the security for a specifically devised obligation.
(b) If specifically devised property is sold by a conservator, or if a condemnation award or insurance proceeds are paid to a conservator as a result of condemnation, fire, or casualty, the specific devisee has the right to a general pecuniary devise equal to the net sale price, the condemnation award, or the insurance proceeds. This subsection does not apply if subsequent to the sale, condemnation or casualty, it is adjudicated that the disability of the testator has ceased and the testator survives the adjudication by one (1) year. The right of the specific devisee, under this subsection is reduced by any right he has under subsection (a) of this section.

SECTION 10. That Section 15-3-301, Idaho Code, be, and the same is hereby amended to read as follows:

15-3-301. INFORMAL PROBATE OR APPOINTMENT PROCEEDINGS -- APPLICATION -- CONTENTS. Applications for informal probate, informal statement of intestacy where the estate is community and there is a surviving spouse, or informal appointment shall be directed to the registrar, and verified by the applicant to be accurate and complete to the best of his knowledge and belief as to the following information:
(a) Every application for informal probate of a will, informal statement of intestacy where the estate is community and there is a surviving spouse, or for informal appointment of a personal representative, other than a special, ancillary or successor representative, shall contain the following:
(1) a statement of the interest of the applicant;
(2) the name, and date of death of the decedent, his age, and the county and state of his domicile at the time of death, and the names and addresses of the spouse, children, heirs and devisees and the ages of any who are minors so far as known or ascertainable with reasonable diligence by the applicant;
(3) if the decedent was not domiciled in the state at the time of his death, a statement showing venue;
(4) a statement identifying and indicating the address of any personal representative of the decedent appointed in this state or elsewhere whose appointment has not been terminated;
(5) a statement indicating whether the applicant has received a demand for notice, or is aware of any demand for notice of any probate or appointment proceeding concerning the decedent that may have been filed in this state or elsewhere;
(6) a statement that an estimate of total assets of the estate has been sent to the state tax commission;
(7) if the application is for an informal statement of intestacy of a community estate where there is a surviving spouse, an affidavit of the surviving spouse or someone acting on behalf of the surviving spouse that there is no will, that the decedent's estate consists solely of community property of the decedent and surviving spouse, that he or she is the surviving spouse, and a request for a statement that there is no will, that all assets are community and that the surviving spouse is the sole heir;
(8) that the time limit for informal probate or appointment as provided in this article has not expired either because three (3) years or less have passed since the decedent's death, or, if more than three (3) years from death have passed, that circumstances as described by section 15-3-108 of this code authorizing tardy probate appointment have occurred.

(b) An application for informal probate of a will shall state the following in addition to the statements required by subsection (a) of this section:
(1) that the original of the decedent's last will is in the possession of the court, or accompanies the application, or that an authenticated certified copy of a will probated in another jurisdiction accompanies the application;
(2) that the applicant, to the best of his knowledge, believes the will to have been validly executed;
(3) that after the exercise of reasonable diligence, the applicant is unaware of any instrument revoking the will, and that the applicant believes that the instrument which is the subject of the application is the decedent's last will.
(4) that the time limit for informal probate as provided in this article has not expired either because three (3) years or less have passed since the decedent's death, or, if more than three (3) years from death have passed, that circumstances as described by section 15-3-108 of this code authorizing tardy probate have occurred.
(c) An application for informal appointment of a personal representative to administer an estate under a will shall describe the will by date of execution and state the time and place of probate or the pending application or petition for probate. The application for appointment shall adopt the statements in the application or petition for probate and state the name, address and priority for appointment of the person whose appointment is sought.

(d) An application for informal appointment of an administrator in intestacy shall state in addition to the statements required by subsection (a) of this section:

(1) that after the exercise of reasonable diligence, the applicant is unaware of any unrevoked testamentary instrument relating to property having a situs in this state under section 15-1-301 of this code, or, a statement why any such instrument of which he may be aware is not being probated;

(2) the priority of the person whose appointment is sought and the names of any other persons having a prior or equal right to the appointment under section 15-3-203 of this code.

(e) An application for appointment of a personal representative to succeed a personal representative appointed under a different testacy status shall refer to the order in the most recent testacy proceeding, state the name and address of the person whose appointment is sought and of the person whose appointment will be terminated if the application is granted, and describe the priority of the applicant.

(f) An application for appointment of a personal representative to succeed a personal representative who has tendered a resignation as provided in subsection (c) of section 15-3-610 of this code, or whose appointment has been terminated by death or removal, shall adopt the statements in the application or petition which led to the appointment of the person being succeeded except as specifically changed or corrected, state the name and address of the person who seeks appointment as successor, and describe the priority of the applicant.

(g) By verifying an application for informal probate, or informal appointment, the applicant submits personally to the jurisdiction of the court in any proceeding for relief from fraud relating to the application, or for perjury, that may be instituted against him.

(h) Any statement entered upon an application for informal statement of intestacy where the estate is community and there is a surviving spouse shall contain a statement of heirship setting out the heirs of the decedent and shall have the same effect as entry of a statement of informal probate of a will and be subject to the limitation
periods set out in section 15-3-108, Idaho Code, notwithstanding the exception provided in that section for determining heirs of an intestate.

SECTION 11. That Section 15-3-303B, Idaho Code, be, and the same is hereby repealed.

SECTION 12. That Section 15-3-802, Idaho Code, be, and the same is hereby amended to read as follows:

15-3-802. STATUTES OF LIMITATIONS. Unless an estate is insolvent, the personal representative, with the consent of all successors whose interests would be affected, may waive any defense of limitations available to the estate. If the defense is not waived, no claim which was barred by any statute of limitations at the time of the decedent's death shall be allowed or paid. The running of any statute of limitations measured from some other event than death and advertisement for claims against a decedent is suspended during the four (4) months following the decedent's death but resumes thereafter as to claims not barred pursuant to the sections which follow. For purposes of any statute of limitations, the proper presentation of a claim under section 15-3-804 of this Part is equivalent to commencement of a proceeding on the claim.

SECTION 13. That Section 15-3-814, Idaho Code, be, and the same is hereby amended to read as follows:

15-3-814. ENCUMBERED ASSETS. If any assets of the estate are encumbered by mortgage, pledge, lien, or other security interest, the personal representative may pay the encumbrance or any part thereof, renew or extend any obligation secured by the encumbrance or convey or transfer the assets to the creditor in satisfaction of his lien, in whole or in part, whether or not the holder of the encumbrance has presented a claim, if it appears to be for the best interest of the estate. Payment of an encumbrance does not increase the share of the distributee entitled to the encumbered assets unless the distributee is entitled to exoneration.

SECTION 14. That Section 15-3-910, Idaho Code, be, and the same is hereby amended to read as follows:

15-3-910. PURCHASERS FROM DISTRIBUTEES PROTECTED. If property distributed in kind or a security interest therein is acquired for value by a purchaser from, or lender to, a distributee who has received an instrument or
deed of distribution from the personal representative, or is so acquired by a purchaser from or lender to a transferee from such distributee, the purchaser or lender takes title free of any claims of the estate rights of any interested person in the estate and incurs no personal liability to the estate, or to any interested person, whether or not the distribution was proper or supported by court order and whether or not the authority of the personal representative was terminated prior to execution of the instrument or deed. This section protects a purchaser from or lender to a distributee who, as personal representative, has executed a deed of distribution to himself, as well as a purchaser from or lender to any other distributee or his transferee. To be protected under this provision, a purchaser or lender need not inquire whether a personal representative acted properly in making the distribution in kind, even if the personal representative and the distributee are the same person, or whether the authority of the personal representative had terminated prior to the distribution. Any recorded instrument described in this section shall be prima facie evidence that such transfer was made for value.

SECTION 15. That Section 15-3-1004, Idaho Code, be, and the same is hereby amended to read as follows:

15-3-1004. LIABILITY OF DISTRIBUTEES TO CLAIMANTS. After assets of an estate have been distributed and subject to section 15-3-1006 of this Part, an undischarged claim not barred may be prosecuted in a proceeding against one (1) or more distributees. No distributee shall be liable to claimants for amounts received as exempt property, homestead or family allowances, or for amounts in excess of the value of his distribution as of the time of distribution. As between distributees, each shall bear the cost of satisfaction of unbarred claims as if the claim had been satisfied in the course of administration. Any distributee who shall have failed to notify other distributees of the demand made upon him by the claimant in sufficient time to permit them to join in any proceeding in which the claim was asserted against him loses his right of contribution against other distributees.

CHAPTER 351
(H.B. No. 411, As Amended in the Senate)

AN ACT
RELATING TO REGISTRATION OF MOTOR VEHICLES; AMENDING SECTION 49-126, IDAHO CODE, BY ESTABLISHING A SCHEDULE BASED ON ENVIRONMENTAL PROTECTION AGENCY MILEAGE RATINGS FOR THE IN LIEU OF ORDINARY MOTOR VEHICLE FUELS TAX IMPOSED ON PASSENGER CARRYING MOTOR VEHICLES, NOT USED FOR HIRE, WHICH ARE PROPELLED BY SPECIAL FUEL AS DEFINED IN SECTION 49-1230, IDAHO CODE; AMENDING SECTION 49-127, IDAHO CODE, AS AMENDED BY HOUSE BILL NO. 485, SECOND REGULAR SESSION, FORTY-FOURTH IDAHO LEGISLATURE, TO PROVIDE FOR AN ADDITIONAL DEFINITION OF COMMERCIAL VEHICLE TO INCLUDE A FIXED LOAD SPECIALLY CONSTRUCTED VEHICLE BY STRIKING WEIGHT INTERVALS FROM SIX THOUSAND POUNDS THROUGH SIXTEEN THOUSAND POUNDS FROM SCHEDULE "B", STRIKING SCHEDULE "C" IN ITS ENTIRETY, MODIFYING SUBSEQUENT REFERENCE TO SCHEDULE "C" TO READ SCHEDULE "B"; AND REQUIRING INTERSTATE MOTOR VEHICLES OR A COMBINATION OF VEHICLES HAVING A MAXIMUM GROSS WEIGHT IN EXCESS OF SIXTEEN THOUSAND POUNDS NOT PURCHASING SUFFICIENT FUEL FOR MILES TRAVELED IN IDAHO TO BE CHARGED IN ACCORDANCE WITH SCHEDULE "B"; DECLARING AN EMERGENCY AND PROVIDING FOR RETROACTIVE APPLICATION OF SECTION 2.

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

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

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

Registration periods shall expire midnight on the last day of the registration period in the year designated by the registration sticker or year embossed on the plate. The last numeral digit on the number plate or plates shall, as does the registration card, fix the registration period under the "staggered plate system" of Idaho for the purpose of reregistration and notice of expiration.

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

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

- Vehicles one (1) and two (2) years old \$29.40
- Vehicles three (3) and four (4) years old 27.00
- Vehicles five (5) and six (6) years old 21.00
- Vehicles seven (7) and eight (8) years old 18.00
- Vehicles over eight (8) years old 12.60

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

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

(6) In addition to the annual fee prescribed in this
section any such motor vehicle designed for the purpose of
carrying passengers and not used for hire, which is prop
elled by special fuel as defined in section 49-1230, Idaho
Code, shall pay a fee per month for each month of a regi
stration period, which fee shall be considered in lieu of
ordinary motor vehicle fuels tax levied upon fuels used by
other motor vehicles enumerated in this section. This fee
shall be based on environmental protection agency estimated
average miles per gallon and shall be as follows:

<table>
<thead>
<tr>
<th></th>
<th>Estimated Average Miles Per Gallon</th>
<th>Fee Per Month</th>
</tr>
</thead>
<tbody>
<tr>
<td>Under 14</td>
<td></td>
<td>$5.25</td>
</tr>
<tr>
<td>15-19</td>
<td></td>
<td>$3.70</td>
</tr>
<tr>
<td>20-24</td>
<td></td>
<td>$2.85</td>
</tr>
<tr>
<td>25-29</td>
<td></td>
<td>$2.35</td>
</tr>
<tr>
<td>30-34</td>
<td></td>
<td>$2.00</td>
</tr>
<tr>
<td>35-39</td>
<td></td>
<td>$1.70</td>
</tr>
<tr>
<td>40-44</td>
<td></td>
<td>$1.50</td>
</tr>
<tr>
<td>45-49</td>
<td></td>
<td>$1.35</td>
</tr>
<tr>
<td>50-54</td>
<td></td>
<td>$1.20</td>
</tr>
<tr>
<td>Over 55</td>
<td></td>
<td>$1.10</td>
</tr>
</tbody>
</table>

(7) No Idaho resident owner or operator of a motor
vehicle propelled by special fuel, as defined in section
49-1230, Idaho Code, which vehicle has complied with the
special fuel requirements of sections 49-126 and 49-127,
Idaho Code, shall be subject to the special fuel tax imposed
by section 40-1231, Idaho Code. All other motor vehicles
propelled by special fuel operated on the highways of this
state, including motor vehicles operated by a currently li
censed Idaho motor vehicle dealer, with valid Idaho dealer
plates, shall pay the special fuel tax (nine and one-half
cents ($9.50) per gallon) imposed by section 49-1231, Idaho
Code, whenever such special fuel is dispensed into the fuel
supply tank or tanks of such motor vehicles.

(8) No Idaho resident owner or operator of a motor
vehicle propelled by special fuel as defined in section
49-1230, Idaho Code, excepting Idaho motor vehicle dealers
as defined in section 49-2402, Idaho Code, with current valid Idaho dealer plates, or owners or operators of motor vehicles propelled by special fuel who comply with section 49-126, Idaho Code, or schedule "B" of section 49-127, Idaho Code, shall place fuel into the fuel supply tank or tanks of motor vehicles propelled by special fuel in Idaho without complying with the special fuel requirements of sections 49-126 and 49-127, Idaho Code.

(9) No Idaho special fuel dealer as defined in section 49-1230, Idaho Code, shall dispense special fuel into the fuel supply tank or tanks of motor vehicles propelled by special fuel in Idaho without obtaining the special fuel tax (nine and one-half cents (9 1/2¢) per gallon) imposed by section 49-1231, Idaho Code, or verifying that the Idaho resident owner or operator complies with the special fuel requirements of sections 49-126 and 49-127, Idaho Code.

SECTION 2. That Section 49-127, Idaho Code, as amended by House Bill No. 485, Second Regular Session, Forty-fourth Idaho Legislature, 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, and shall include fixed load specially constructed vehicles exceeding the limits imposed by chapter 9, title 49, Idaho Code, and include but not be limited to drilling rigs, construction, drilling and wrecker cranes, log jammers, loaders and...
similar vehicles which are normally operated in an overweight or oversize condition or both, 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 or exempted by section 49-108, Idaho Code.

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. Environmental protection agency estimated average miles per gallon ratings as herein defined shall mean those figures officially published by the United States environmental protection agency, federal energy administration, for the make and model of each respective special fuel propelled motor vehicle.

5. 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 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>
<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>

5. There shall be paid on all commercial vehicles having a maximum gross weight in excess of sixteen thousand (16,000) pounds, an annual registration fee in accordance with the following schedule, provided, that when the vehicle against which said registration fee is assessed is a combination of vehicles, the term maximum gross weight as used in the following schedule shall mean the combined maximum gross weights of all vehicles in the combination to be registered; provided further that upon payment of said registration fee, the director shall issue an identification plate approved by him to be attached to individual self-propelled motor vehicles and to the self-propelled vehicle in any combination of vehicles.

<table>
<thead>
<tr>
<th>Maximum Gross Weight (Pounds)</th>
<th>Annual Registration Fee ($)</th>
</tr>
</thead>
<tbody>
<tr>
<td>16,001-26,000 inc.</td>
<td>55.00</td>
</tr>
<tr>
<td>26,001-38,000 inc.</td>
<td>75.00</td>
</tr>
<tr>
<td>Over 38,000</td>
<td>100.00</td>
</tr>
</tbody>
</table>

In addition, an annual license fee shall be required for each trailer or 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 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>Mills per Mile</th>
<th>Mills per Mile Fuel Only</th>
</tr>
</thead>
<tbody>
<tr>
<td>&quot;A&quot;</td>
<td>&quot;B&quot; (Combined-Mills per-Mile)</td>
<td></td>
</tr>
</tbody>
</table>


<table>
<thead>
<tr>
<th>Weight Range</th>
<th>Rate 1</th>
<th>Rate 2</th>
<th>Rate 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>16,001-18,000</td>
<td>5.25</td>
<td>7.70</td>
<td>12.95</td>
</tr>
<tr>
<td>18,001-20,000</td>
<td>5.95</td>
<td>8.20</td>
<td>14.15</td>
</tr>
<tr>
<td>20,001-22,000</td>
<td>6.65</td>
<td>8.75</td>
<td>15.40</td>
</tr>
<tr>
<td>22,001-24,000</td>
<td>7.35</td>
<td>9.30</td>
<td>16.65</td>
</tr>
<tr>
<td>24,001-26,000</td>
<td>8.05</td>
<td>9.85</td>
<td>17.90</td>
</tr>
<tr>
<td>26,001-28,000</td>
<td>8.75</td>
<td>9.90</td>
<td>18.65</td>
</tr>
<tr>
<td>28,001-30,000</td>
<td>9.45</td>
<td>10.85</td>
<td>20.30</td>
</tr>
<tr>
<td>30,001-32,000</td>
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<td>11.35</td>
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<td>32,001-34,000</td>
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<td>11.90</td>
<td>22.75</td>
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<td>38,001-40,000</td>
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<td>40,001-42,000</td>
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<td>42,001-44,000</td>
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<td>44,001-46,000</td>
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<td>46,001-48,000</td>
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<tr>
<td>52,001-54,000</td>
<td>20.65</td>
<td>15.20</td>
<td>35.65</td>
</tr>
<tr>
<td>54,001-56,000</td>
<td>21.70</td>
<td>15.65</td>
<td>37.05</td>
</tr>
<tr>
<td>56,001-58,000</td>
<td>22.75</td>
<td>16.20</td>
<td>39.05</td>
</tr>
<tr>
<td>58,001-60,000</td>
<td>23.80</td>
<td>16.70</td>
<td>40.50</td>
</tr>
<tr>
<td>60,001-62,000</td>
<td>24.85</td>
<td>17.20</td>
<td>42.05</td>
</tr>
<tr>
<td>62,001-64,000</td>
<td>25.90</td>
<td>17.90</td>
<td>43.80</td>
</tr>
<tr>
<td>64,001-66,000</td>
<td>26.95</td>
<td>18.45</td>
<td>45.40</td>
</tr>
<tr>
<td>66,001-68,000</td>
<td>28.00</td>
<td>19.00</td>
<td>47.00</td>
</tr>
<tr>
<td>68,001-70,000</td>
<td>29.05</td>
<td>19.55</td>
<td>49.60</td>
</tr>
<tr>
<td>70,001-72,000</td>
<td>30.10</td>
<td>20.05</td>
<td>50.25</td>
</tr>
<tr>
<td>72,001-74,000</td>
<td>31.85</td>
<td>20.60</td>
<td>52.45</td>
</tr>
<tr>
<td>74,001-76,000</td>
<td>33.60</td>
<td>21.30</td>
<td>54.90</td>
</tr>
<tr>
<td>76,001-78,000</td>
<td>35.35</td>
<td>21.80</td>
<td>57.15</td>
</tr>
<tr>
<td>78,001-80,000</td>
<td>37.10</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 "B."

(3) Interstate motor vehicles or a combination of vehicles having a maximum gross weight in excess of 16,000 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 26, 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) 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) hereof, 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>Utility Trailers</th>
<th>Rental Utility Trailers</th>
</tr>
</thead>
<tbody>
<tr>
<td>0-1,000</td>
<td>$2.50</td>
<td>$5.00</td>
</tr>
<tr>
<td>1,001-2,000</td>
<td>5.00</td>
<td>10.00</td>
</tr>
<tr>
<td>2,001-3,000</td>
<td>8.00</td>
<td>15.00</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. An emergency existing therefor, which emergency is hereby declared to exist, section 2 of this act shall be in full force and effect on and after its passage and approval, and retroactive to January 1, 1978.

AN ACT
RELATING TO THE SALARIES OF COUNTY COMMISSIONERS; AMENDING
SECTION 31-3104, IDAHO CODE, TO INCREASE THE SALARIES OF
CERTAIN COUNTY COMMISSIONERS; AND PROVIDING EFFECTIVE
DATES.

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 -- SCHED-
ULE. All county commissioners shall be reimbursed for their
actual and necessary expenses during their term of office
and the 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 Sep 30, 1977</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ada</td>
<td>$16,750 \text{ to } $21,000</td>
</tr>
<tr>
<td>Adams</td>
<td>$6,350 \text{ to } $6,550</td>
</tr>
<tr>
<td>Bannock</td>
<td>$6,475 \text{ to } $7,600</td>
</tr>
<tr>
<td>Bear Lake</td>
<td>$6,375 \text{ to } $7,500</td>
</tr>
<tr>
<td>Benewah</td>
<td>$6,375 \text{ to } $8,700</td>
</tr>
<tr>
<td>Bingham</td>
<td>$6,375 \text{ to } $8,700</td>
</tr>
<tr>
<td>Blaine</td>
<td>$6,375 \text{ to } $9,500</td>
</tr>
<tr>
<td>Boise</td>
<td>$6,375 \text{ to } $9,500</td>
</tr>
<tr>
<td>Bonner</td>
<td>$6,975 \text{ to } $9,000</td>
</tr>
<tr>
<td>Bonneville</td>
<td>$6,750 \text{ to } $12,000</td>
</tr>
<tr>
<td>Boundary</td>
<td>$6,475 \text{ to } $6,600</td>
</tr>
<tr>
<td>Butte</td>
<td>$6,175 \text{ to } $2,400</td>
</tr>
<tr>
<td>Camas</td>
<td>$6,175 \text{ to } $2,400</td>
</tr>
<tr>
<td>Canyon</td>
<td>$6,975 \text{ to } $12,000</td>
</tr>
<tr>
<td>Caribou</td>
<td>$6,375 \text{ to } $4,200</td>
</tr>
<tr>
<td>Cassia</td>
<td>$6,275 \text{ to } $5,000</td>
</tr>
<tr>
<td>Clark</td>
<td>$6,175 \text{ to } $2,400</td>
</tr>
<tr>
<td>Clearwater</td>
<td>$6,375 \text{ to } $5,000</td>
</tr>
<tr>
<td>Custer</td>
<td>$6,375 \text{ to } $3,000</td>
</tr>
<tr>
<td>Elmore</td>
<td>$6,375 \text{ to } $6,000</td>
</tr>
<tr>
<td>Franklin</td>
<td>$6,275 \text{ to } $4,200</td>
</tr>
<tr>
<td>Fremont</td>
<td>$6,375 \text{ to } $6,500</td>
</tr>
<tr>
<td>Gem</td>
<td>$6,375 \text{ to } $5,800</td>
</tr>
<tr>
<td>Gooding</td>
<td>$6,275 \text{ to } $4,000</td>
</tr>
<tr>
<td>Idaho</td>
<td>$6,475 \text{ to } $8,400</td>
</tr>
<tr>
<td>Jefferson</td>
<td>$6,275 \text{ to } $4,200</td>
</tr>
<tr>
<td>County</td>
<td>1978</td>
</tr>
<tr>
<td>--------------</td>
<td>---------------</td>
</tr>
<tr>
<td>Jerome</td>
<td>$37,600</td>
</tr>
<tr>
<td>Kootenai</td>
<td>$10,750</td>
</tr>
<tr>
<td>Latah</td>
<td>$7,750</td>
</tr>
<tr>
<td>Lemhi</td>
<td>$27,950</td>
</tr>
<tr>
<td>Lewis</td>
<td>$27,250</td>
</tr>
<tr>
<td>Lincoln</td>
<td>$27,675</td>
</tr>
<tr>
<td>Madison</td>
<td>$37,730</td>
</tr>
<tr>
<td>Minidoka</td>
<td>$37,600</td>
</tr>
<tr>
<td>Nez Perce</td>
<td>$37,000</td>
</tr>
<tr>
<td>Oneida</td>
<td>$27,625</td>
</tr>
<tr>
<td>Owyhee</td>
<td>$37,750</td>
</tr>
<tr>
<td>Payette</td>
<td>$37,600</td>
</tr>
<tr>
<td>Power</td>
<td>$27,100</td>
</tr>
<tr>
<td>Shoshone</td>
<td>$17,250</td>
</tr>
<tr>
<td>Teton</td>
<td>$17,575</td>
</tr>
<tr>
<td>Twin Falls</td>
<td>$27,475</td>
</tr>
<tr>
<td>Valley</td>
<td>$37,475</td>
</tr>
<tr>
<td>Washington</td>
<td>$47,000</td>
</tr>
</tbody>
</table>

SECTION 2. This act shall be in full force and effect on and after October 1, 1978, except for Bonneville County, in which case the act shall be in full force and effect on and after January 8, 1979.

CHAPTER 353
(H.B. No. 615)

AN ACT
RELATING TO LICENSES TO SELL ALCOHOLIC BEVERAGES; AMENDING SECTION 23-908, IDAHO CODE, BY AUTHORIZING THE RENEWAL OF LIQUOR BY THE DRINK LICENSES.

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:

23-906. 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 and shall be subject to the renewal provisions of section 23-904, Idaho Code upon proper application. 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.

CHAPTER 354
(H.B. No. 634, As Amended)

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 for Public Health Districts the following amounts, to be expended from the listed accounts, according to the designated expense classes for the period July 1, 1978 through June 30, 1979:

<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>$1,791,901</td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>Public Health Trust Account</td>
</tr>
<tr>
<td>Trustee and Benefit Payments</td>
<td>7,641,501</td>
</tr>
<tr>
<td>TOTAL</td>
<td>TOTAL</td>
</tr>
<tr>
<td></td>
<td>$9,433,401</td>
</tr>
</tbody>
</table>


CHAPTER 355
(H.B. No. 649)

AN ACT
APPROPRIATING MONEYS FROM THE GENERAL ACCOUNT TO THE WATER MANAGEMENT ACCOUNT.

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

SECTION 1. There is hereby appropriated from the General Account to the Water Management Account as provided by section 42-1760, Idaho Code, the sum of $1,000,000.

AN ACT
CREATING THE WATER MANAGEMENT ACCOUNT; AMENDING CHAPTER 17, TITLE 42, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 42-1760, IDAHO CODE, TO CREATE THE WATER MANAGEMENT ACCOUNT, TO PROVIDE FOR USES OF MONEYS IN THE ACCOUNT, AND TO PROVIDE FOR DUTIES OF THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES.

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 42-1760, Idaho Code, and to read as follows:

42-1760. WATER MANAGEMENT ACCOUNT. (1) There is hereby created and established in the trust and agency fund the water management account. All moneys in the account are appropriated continuously to the water resource board to be used and administered by it for the purposes specified in subsection (2) of this section, and shall not be subject to the provisions of the standard appropriations act of 1945 or section 67-3516, Idaho Code.

(2) The board may expend or grant moneys from the water management account for water projects limited to the following purposes: (i) reclamation; (ii) upstream storage; (iii) offstream storage; (iv) aquifer recharge; or (v) reservoir site acquisition and/or protection.

(a) Expenditures may be made from the account to provide public moneys for participation in any project constructed with funds from the water resource board revolving development account provided by section 42-1756, Idaho Code.

(b) Grants may be made by the board from the account for any project in the public interest for the projects authorized by this section; no single grant shall exceed $50,000 unless legislative approval has been obtained.

(3) The director of the department of water resources shall assist the board in any way the board deems necessary to fulfill the policy and purpose of the water management account, including technical evaluation of proposed projects and coordination in state and federal agencies.

CHAPTER 357
(H.B. No. 393)

AN ACT
RELATING TO ABANDONED OR UNCLAIMED PROPERTY; AMENDING SECTION 55-403, IDAHO CODE, TO PROVIDE THAT A CITY POLICE DEPARTMENT MAY SELL ABANDONED PROPERTY AT A PUBLIC AUCTION; AND AMENDING SECTION 55-404, IDAHO CODE, TO PROVIDE FOR THE DISPOSITION OF PROCEEDS FROM THE SALE OF ABANDONED PROPERTY WHEN SOLD BY A POLICE DEPARTMENT.

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

SECTION 1. That Section 55-403, Idaho Code, be, and the same is hereby amended to read as follows:

55-403. ABANDONED OR UNCLAIMED PROPERTY IN POSSESSION OF SHERIFF OR CITY POLICE DEPARTMENT -- SALE AT PUBLIC AUCTION. Any personal property which may have come into possession or custody of the sheriff of any county in this state or city police department of any city in this state by reason of the same having been abandoned, or impounded, or otherwise left with the sheriff or city police department, or if originally taken into custody under legal process, such process has been lawfully released or discharged from the attachment or other process under which it was taken into custody and which remains unclaimed or unredeemed by the owner or one entitled to possession thereof for more than six (6) months from the date of such abandonment, impoundment, leaving, or release from attachment or other process under which the same was originally taken into custody, as the case may be, shall be subject to sale by the sheriff or city police department at public auction for cash on not less than five (5) or more than ten (10) days' notice, the conduct and notice of which sale shall be given and had in conformity with sales on execution; provided, however, that whenever the sheriff or city police department has knowledge of the name and address of the owner or one entitled to possession, a copy of such notice of sale be mailed to such owner or one entitled to possession, with postage prepaid, at least five (5) days prior to such sale; as many items of personal property may be noticed for sale and sold at the same sale as the sheriff or city police department may deem advisable, and said property may be sold singly or in lots or as a whole as the sheriff or city police department may determine. The sheriff or city police
department shall give a bill of sale to the highest bidder upon payment of the amount bid upon payment of the bid price.

SECTION 2. That Section 55-404, Idaho Code, be, and the same is hereby amended to read as follows:

55-404. PROCEEDS OF SALE -- DISBURSEMENT. The proceeds of said sale shall be applied first to all costs assessed or incurred against the personal property so sold including any storage charges as keepers fee and expenses of sale incurred by the sheriff or city police department, and the balance of such proceeds, if any, shall be kept by the sheriff or city police department in a separate fund for a period of one (1) year from the date of sale. Any person claiming title to, or ownership of, such personal property at the time of sale by the sheriff or city police department shall make written application therefor to the sheriff or city police department. If satisfactory proof of such title or ownership is furnished within one (1) year of the receipt of such proceeds, then the said proceeds shall be delivered to the claimant. If no claim and proof is made before the expiration of one (1) year from the receipt of the proceeds, the same shall be paid by the sheriff to the county treasurer or by the city police department to the city clerk who shall credit the same to the general fund of the county or the city, as the case may be, and no claim therefor shall be thereafter considered.

AN ACT
RELATING TO THE MARITAL DEDUCTION; STATING INTENT; ADDING A
NEW SECTION 73-301, IDAHO CODE, PROVIDING THAT MARITAL
DEDUCTION FORMULA CLAUSES IN WILLS DRAFTED PRIOR TO
JANUARY 1, 1977, SHALL BE DEEMED TO REFER TO THE
INCREASED MARITAL DEDUCTION PERMITTED BY INTERNAL
REVENUE CODE SECTION 2056(c) AS AMENDED BY THE TAX
REFORM ACT OF 1976; DECLARING AN EMERGENCY AND PROVIDING
THAT THIS ACT SHALL BE RETROACTIVE TO JANUARY 1, 1977.

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

SECTION 1. It is the intention of the legislature to
extend to residents of Idaho the advantage of the increased
marital declaration permitted by the Tax Reform Act of 1976
by enacting a statute that will cause marital deduction for­
mula clauses to refer to the increased deduction permitted
by HR10612, Section 2002 (d)(1)(B)(iv).

SECTION 2. That Chapter 3, Title 73, Idaho Code, be,
and the same is hereby amended by the addition thereto of a
NEW SECTION, to be known and designated as Section 73-301,
Idaho Code, and to read as follows:

73-301. CONSTRUCTION OF FORMULA CLAUSES. Marital deduc­
tion formula clauses in wills executed prior to January 1,
1977, by persons who are residents of this state at the time
of death shall be deemed to refer to the increased marital
deduction allowed by the internal revenue code of the United
States, section 2056 (c), as amended by the Tax Reform Act
of 1976 (HR 10612).

SECTION 3. An emergency existing therefor, which emer­
gency is hereby declared to exist, this act shall be in full
force and effect on and after its passage and approval, and
retroactive to January 1, 1977.

CHAPTER 359
(H.B. No. 563)

AN ACT
RELATING TO POWERS OF APPOINTMENT UNDER THE INHERITANCE TAX;
STATING THE INTENT OF THE ACT; AMENDING SECTION 14-402,
IDAHO CODE, TO CLARIFY EXISTING LAW TO INSURE THAT A
POWER OF APPOINTMENT SHALL NOT INCLUDE A POWER LIMITED
BY AN ASCERTAINABLE STANDARD AND TO EXCEPT POWERS WHICH
ARE NOT GENERAL POWERS OF APPOINTMENT FROM TAXATION.

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

SECTION 1. It is the intention of the legislature by
this amendatory act to affirm and clarify the existing law
on powers to invade and define and limit the scope of taxa-
tion of powers of appointment.

SECTION 2. That Section 14-402, Idaho Code, be, and the
same is hereby amended to read as follows:

14-402. TRANSFERS OF PROPERTY SUBJECT TO TAX --
DETERMINATION OF MARKET VALUE. A tax shall be and is hereby
imposed upon the transfer of any property, real, personal or
mixed, or of any interest therein or income therefrom in
trust or otherwise, to persons, institutions or corpora-
tions, not hereinafter exempted, to be paid to the state tax
commission, said taxes to be upon the market value of such
property at the rates hereinafter prescribed and only upon
the excess over the exemptions hereinafter granted, in the
following cases:

1. When the transfer is by will or by the intestate or
homestead laws of this state, from any person dying seized
or possessed of the property while a resident of the state,
or by any order of court setting apart property and/or
making and granting extra or family allowances pursuant to
law.

2. When the transfer is by will or intestate laws of
property within this state, and the decedent was a nonresi-
dent of the state at the time of his death, or by any order
of court setting apart property and/or making and granting
extra or family allowances pursuant to law.

3. When the transfer is of property made by a resident,
or by a nonresident when such nonresident's property is
within this state, by deed, grant, bargain, sale, assignment
or gift, made without valuable and adequate consideration
(i.e., a consideration equal in money or in money's worth to the full value of the property transferred):

a. In contemplation of the death of the grantor, vendor, assignor or donor, or,

b. Intended to take effect in possession or enjoyment at or after such death;

When such person, institution or corporation becomes beneficially entitled in possession or expectancy to any property or the income therefrom, by any such transfer, whether made before or after the passage of this act.

4. The words "contemplation of death" as used in this act shall be taken to include that expectancy of death which actuates the mind of a person on the execution of his will, and in no wise shall said words be limited or restricted to that expectancy of death which actuates the mind of a person making a gift causa mortis; and it is hereby declared to be the intent and purpose of this act to tax any and all transfers which are made in lieu of or to avoid the passing of property transferred by testate or intestate laws.

5. Whenever property, real or personal, is held in the joint names of two (2) or more persons, or is deposited in banks or other institutions or depositories in the joint names of two (2) or more persons and payable to either or the survivor upon death of one (1) of such persons, the right of the surviving joint owner or owners, person or persons, to the immediate ownership or possession and enjoyment of such property shall be deemed a transfer taxable under the provisions of this act in the same manner as though the whole property to which such transfer relates belonged absolutely to the deceased joint owner or joint depositor, and had been devised or bequeathed to the surviving joint owner or owners, person or persons, by such deceased joint owner or joint depositor by will, excepting therefrom such part thereof as may be proved by the surviving joint owner or owners to have originally belonged to him or them and never to have belonged to the decedent.

6. Whenever any person, trustee or corporation shall exercise a general power of appointment derived from any disposition of property made either before or after the passage of this act, such appointment when made shall be deemed a transfer taxable under the provisions of this act in the same manner as though the property to which such appointment relates belonged absolutely to the donee of such power and had been bequeathed or devised by such donee by will; and whenever any person, trustee or corporation possessing such general power of appointment so derived shall omit or fail to exercise the same within the time provided therefor, in whole or in part, a transfer taxable under the provisions of this act shall be deemed to take place to the extent of such
omission or failure, in the same manner as though the persons, trustees or corporations thereby becoming entitled to the possession or enjoyment of the property to which such power related had succeeded thereto by a will of the donee of the power failing to exercise such power, taking effect at the time of such omission or failure. A general power as the term is used herein is a power to appoint to the person having the power, his creditors, his estate or creditors of his estate except that a power to consume, invade or appropriate property for the benefit of a donee or other beneficiary which is limited by an ascertainable standard relating to the health, education, support or maintenance of such donee or other beneficiary shall not be deemed a power of appointment for purposes of this section, and the exercise thereof, or omission or failure to exercise such shall not be deemed a taxable transfer under this section.

7. Whenever a decedent appoints or names one or more executors or trustees, and makes a bequest or devise of property to them in lieu of commissions or allowances, which otherwise would be liable to said tax, or appoints them his residuary legatees, and said bequest, devise, or residuary legacies exceed what would be a reasonable compensation for their services, such excess over and above the exemptions herein provided for shall be liable to said tax; and the court in which the probate proceedings are pending shall fix the compensation.

8. Where any property shall, after the passage of this act, be transferred subject to any charge, estate or interest, determinable by the death of any person, or at any period ascertainable only by reference to death, the increase accruing to any person or corporation upon the extinction or determination of such charge, estate or interest, shall be deemed a transfer of property taxable under the provisions of this act in the same manner as though the person or corporation beneficially entitled thereto had then acquired such increase from the person from whom the title to their respective estate or interests is derived.

9. When more than one (1) transfer, within the meaning of any of the preceding subdivisions of this section has been made, either before or after the passage of this act, by a decedent to one (1) person, the tax shall be imposed upon the aggregate market value of all of the property so transferred to such person in the same manner and to the same extent as if all the property so transferred were actually transferred by one (1) transfer.

10. In determining the market value of the property transferred, the following deductions and no others shall be made from the appraised value thereof:
   a. Debts of decedent owing at date of death;
b. Expenses of last illness and funeral, and including not more than five hundred dollars ($500) for a memorial;
c. All state, county and municipal taxes which are liens against said property at the date of death;
d. The ordinary expenses of administration, including reasonable fees allowed executors and administrators, and reasonable fees of their attorneys;
e. The amount due or paid the government of the United States as a federal inheritance or estate tax; provided, however, that the amount of such tax allowable herein as a deduction shall be limited to a computation thereof (commencing at the primary rates) made by the state tax commission upon the valuations it shall have fixed on that portion of such property only, the transfer of which is taxable under the provisions of this act, by applying to such valuations the exemptions and rates of the federal inheritance or estate tax in force at the date of such transfer;
f. The amount due or paid any state or states of the United States (excepting Idaho) as a state inheritance, succession or transfer tax; provided, however, that the amount of such tax allowable herein as a deduction shall be limited to a computation thereof (commencing at the primary rates) made by the state tax commission upon the valuation it shall have fixed on that portion of such property only, the transfer of which is taxable under the provisions of this act, by applying to such valuations the exemptions and rates of such state inheritance, succession or transfer tax in force at the date of such transfer.

C. 360 ’78

CHAPTER 360
(H.B. No. 611)

AN ACT
RELATING TO HEALTH MAINTENANCE ORGANIZATIONS ANNUAL DISCLOSURE; AMENDING SECTION 41-3914, IDAHO CODE, TO PROVIDE FOR INSPECTION OF FINANCIAL CONDITION, PROCEDURES, BENEFITS AND SERVICES BY ENROLLEES AND THE GENERAL PUBLIC; DECLARING AN EMERGENCY AND PROVIDING REATROACTIVE APPLICATION.

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

SECTION 1. That Section 41-3914, Idaho Code, be, and the same is hereby amended to read as follows:

41-3914. ANNUAL DISCLOSURE. (1) Every health maintenance organization shall provide to its enrollees and make available for inspection by the general public on an annual basis:
(a) a statement of audited financial condition including a balance sheet and summary of receipts and disbursements;
(b) a description of the accessibility and availability of services including where and how to obtain them;
(c) a clear and understandable description of the health maintenance organization's method of resolving enrollee complaints;
(d) such other information as the director may by regulation prescribe.

(2) In addition to matters specified in (1) above, each health maintenance organization shall make available for inspection by its enrollees and the general public on an annual basis a description of the benefit package or packages available to each class of enrollee and their rates. Such information shall be presented in clear, readable, and concise form and shall include, at a minimum, all of the material elements required of health maintenance service contracts.

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, 1978.

CHAPTER 361
(H.B. No. 612)

AN ACT
RELATING TO HEALTH MAINTENANCE ORGANIZATIONS ADVISORY BODIES; AMENDING SECTION 41-3916, IDAHO CODE, TO REQUIRE THAT ONLY NONGROUP ENROLLEE BENEFIT PACKAGES AND PREPAYMENTS BE REVIEWED AND COMMENTED UPON BY THE ADVISORY BODY AND THAT ONLY AFFECTED ENROLLEES BE NOTIFIED; DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

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

SECTION 1. That Section 41-3916, Idaho Code, be, and the same is hereby amended to read as follows:

41-3916. GOVERNING BODY. (1) The governing body of a health maintenance organization may include providers, other individuals, or both.

(2) The governing body shall establish a mechanism to provide enrollees an opportunity to participate in matters of policy and operation through the establishment of advisory panels, by the use of advisory referenda on major policy decisions, or through the use of other reasonable mechanisms. As a minimum, such an advisory body shall be required to review and comment upon any proposed changes to: (a) the health maintenance organization's grievance procedures, and (b) nongroup enrollee benefit packages and prepayments, prior to implementation of such policy. The substance of such comments shall be distributed to the affected enrollees at the time notification of such policy changes are 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, and retroactively to January 1, 1978.

CHAPTER 362
(H.B. No. 633)

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 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, 1978, through June 30, 1979:

<table>
<thead>
<tr>
<th>PROGRAM FOR PERSONNEL COSTS</th>
<th>FOR OPERATING EXPENDITURES</th>
<th>TOTAL</th>
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<tr>
<td>A. ECONOMIC DEVELOPMENT:</td>
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<tr>
<td>FROM:</td>
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<tr>
<td>General Acct.</td>
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<td>Miscellaneous Receipts Account</td>
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<tr>
<td>General Acct.</td>
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<td>$ 500</td>
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<tr>
<td>GRAND TOTAL</td>
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CHAPTER 363
(H.B. No. 503, As Amended in the Senate)

AN ACT
RELATING TO PROHIBITED METHODS OF TAKING FISH AND GAME;
AMENDING SECTION 36-1101, IDAHO CODE, TO AUTHORIZE THE
USE OF ARTIFICIAL LIGHT IN HUNTING UNPROTECTED OR PREDATORY WILDLIFE UNDER CERTAIN CONDITIONS.

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

SECTION 1. That Section 36-1101, Idaho Code, be, and
the same is hereby amended to read as follows:

36-1101. METHODS PROHIBITED -- EXCEPTIONS. It is a mis-
demeanor, except as may be otherwise provided under this
title or commission regulations promulgated pursuant thereto, for any person to take any of the game animals,
birds or fur-bearing animals of this state and provided fur-
ther it is a misdemeanor for any person to:

(a) Hunt from Motorized Vehicles. Hunt any of the game
animals or game birds of this state from or by the use of
any motorized vehicle.

(b) Molest with Motorized Vehicles. Use any motorized
vehicle to molest, stir up, rally or drive in any manner any
of the game animals or game birds of this state.

(c) Communicate from Aircraft. Make use of aircraft in
any manner to spot or locate game animals, game birds or
fur-bearing animals of this state from the air and
communicate the location or approximate location thereof by
any signals whatsoever, whether radio, visual or otherwise,
to any person then on the ground.

(d) Hunt from Helicopter. Make use of any helicopter in
any manner in the taking of game or loading, transporting,
or unloading hunters, game or hunting gear in any manner
except when such use is at recognized airports or airplane
landing fields, or at heliports which have been previously
established on private land or which have been established
by a department or agency of the federal, state or local
government or when said use is in the course of emergency or
search and rescue operations.

(e) Artificial Light. Hunt any game animal or game bird
by the aid of a spotlight, flashlight or artificial light of
any kind. The act of casting or throwing, after sunset, the
beam or rays of any spotlight, headlight or other artificial
light capable of utilizing six (6) volts or more of elec-
trical power upon any field, forest or other place where big
game-animals-may-be-reasonably-expected-to--be--present--or
upon--any--big--game--animal,--or-in-attempting-to--locate-any
such-big-game-animal by any person while having in his pos-
session or under his control any uncase firearm or contriv- 
ance capable of killing same, shall be prima facie evidence 
of hunting with an artificial light. Provided nothing in 
this subsection shall apply where the headlights of a motor 
vehicle, operated and proceeding in a normal manner on any 
highway or roadway, cast a light upon such game animals or 
birds on or adjacent to such highway or roadway and there is 
no intent or attempt to locate such animals or birds. Pro- 
vided further, nothing in this subsection shall prevent the 
hunting of unprotected or predatory wildlife with the aid of 
artificial light when such hunting is for the purpose of 
protecting property or livestock, is done by landowners or 
persons authorized in writing by them to do so and is done 
on property they own, lease or control; and provided further 
that the hunting and taking of unprotected or predatory 
wildlife with the aid of artificial light on public lands is 
authorized after obtaining a permit to do so from the direc- 
tor. The director may, for good cause, refuse to issue such 
permit.

(f) Regulation of Dogs. 1. No person shall make use of 
a dog for the purpose of pursuing, taking or killing any of 
the big game animals of this state except as otherwise pro- 
vided by regulations of the commission.

2. The owner of any dog found running at large and 
which is actively tracking, pursuing, harassing or attacking 
deer or any other big game animal within this state shall be 
guilty of a misdemeanor. It shall be no defense that such 
dog or dogs were pursuing said big game animals without the 
aid or direction of their master.

3. Any dog found running at large and which is actively 
tracking, pursuing, harassing, attacking or killing deer or 
any other big game animal may be destroyed without criminal 
or civil liability by the director, or any peace officer, or 
other persons authorized to enforce the Idaho fish and game 
laws.

CHAPTER 364
(H.B. No. 549)

AN ACT
RELATING TO THE DESTRUCTION OF GREEN PEACH APHIDS; STATING THE PURPOSE OF THE ACT; REQUIRING THE APPLICATION OF INSECTICIDES TO KILL GREEN PEACH APHIDS, AND PROVIDING A PENALTY FOR FAILURE TO DO SO; PROVIDING FOR RULES AND REGULATIONS GOVERNING APPLICATION OF INSECTICIDES; AUTHORIZING THE DIRECTOR OF THE DEPARTMENT OF AGRICULTURE TO ENTER ON PRIVATE PROPERTY TO INSPECT PEACH AND APRICOT TREES AND APPLY INSECTICIDE IF NECESSARY; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Title 22, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 44, Title 22, Idaho Code, and to read as follows:

22-4401. PURPOSE. The legislature hereby declares that the green peach aphid constitutes a clear and present danger to the production of potatoes in Idaho, and to a substantial portion of the economy of the state. Control of the green peach aphid through the application of insecticides on peach and apricot trees could result in the saving of potato crops and improvement in the economy. In the exercise of the police power of the state, the legislature finds that it is necessary to require the proper application of insecticides on peach and apricot trees and provide a procedure for application of such insecticides by the department of agriculture when the owner or lessee of property on which such trees grow fails to comply with the requirements of this act.

22-4402. APPLICATION OF INSECTICIDE REQUIRED. The owner or lessee of any real property in this state on which grow peach or apricot trees is hereby required to annually, at times designated by the director of the department of agriculture, apply insecticides approved by the director of the department of agriculture for the purpose of killing green peach aphids which may dwell in such trees. Failure to apply insecticides as prescribed herein is a misdemeanor.

22-4403. RULES AND REGULATIONS. The director of the
department of agriculture is authorized and directed to promulgate rules and regulations governing the application of insecticides as required in section 22-4402, Idaho Code.

22-4404. APPLICATION OF INSECTICIDES AUTHORIZED. The director of the department of agriculture is hereby authorized and directed to properly apply insecticides to peach and apricot trees to kill green peach aphids. For this purpose the director or his designee may enter on private property to make such application and to inspect such trees to determine whether proper application has been made. The director or his designee shall be held harmless for any such entry on private property insofar as the entry related to application and inspection.

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 365
(H.B. No. 575)

AN ACT
RELATING TO THE CREATION AND JURISDICTION OF THE SMALL CLAIMS DEPARTMENT OF THE MAGISTRATE COURT; AMENDING SECTION 1-2301, IDAHO CODE, TO PROVIDE THAT JURISDICTION SHALL EXTEND TO CASES NOT EXCEEDING $1,000.

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

SECTION 1. That Section 1-2301, Idaho Code, be, and the same is hereby amended to read as follows:

1-2301. SMALL CLAIMS DEPARTMENT -- CREATION AND JURISDICTION. In every magistrate's division of the district court of this state, the district court may create and organize a "Small Claims Department of the Magistrate's Division," which shall have jurisdiction only in cases for the recovery of money where the amount of each claim does not exceed five-hundred-dollars-($500) one thousand dollars ($1,000) and where the defendant resides within the county of such magistrate's division. Either party to an action may request a change of venue as provided by chapter 4 of title 5, Idaho Code.

AN ACT
RELATING TO RECHARGE OF GROUND WATER BASINS; AMENDING
CHAPTER 2, TITLE 42, IDAHO CODE, BY THE ADDITION OF A
NEW SECTION TO BE KNOWN AND DESIGNATED AS SECTION
42-234, IDAHO CODE, TO DECLARE THE APPROPRIATION AND
UNDERGROUND STORAGE OF WATER FOR PURPOSES OF RECHARGE OF
GROUND WATER BASINS IN THE VICINITY OF ST. ANTHONY AND
REXBURG, IDAHO, A BENEFICIAL USE AND TO AUTHORIZE THE
DEPARTMENT OF WATER RESOURCES TO GRANT A PERMIT FOR THE
APPROPRIATION AND UNDERGROUND STORAGE OF WATER TO THE
AUTHORITIES RESPONSIBLE FOR THE IMPLEMENTATION OF THE
RECHARGE PROJECT; AMENDING SECTION 42-233a IDAHO CODE,
TO PROVIDE THAT IN ISSUING A PERMIT FOR THE APPROPRIA-
TION OF GROUND WATER IN EXCESS OF TEN THOUSAND ACRE FEET
PER YEAR FROM A SINGLE OR A COMBINATION OF DIVERSION
POINTS, THE DIRECTOR OF THE DEPARTMENT OF WATER
RESOURCES MAY REQUIRE THAT THE APPLICANT RECHARGE THE
GROUND WATER BASIN IF HE DETERMINES THAT WITHDRAWAL OF
THE AMOUNT REQUESTED WILL ADVERSELY AFFECT EXISTING
PUMPING LEVELS OR WATER RIGHTS; AMENDING CHAPTER 2,
TITLE 42, IDAHO CODE, BY THE ADDITION OF A NEW SECTION
to be known and designated as Section 42-232, IDAHO
CODE, TO DIRECT THE DIRECTOR OF THE DEPARTMENT OF WATER
RESOURCES TO INSTITUTE NEGOTIATIONS WITH THE BUREAU OF
RECLAMATION AND THE IDAHO CONGRESSIONAL DELEGATION FOR
THE INCORPORATION OF AN ARTIFICIAL GROUND WATER RECHARGE
PROGRAM INTO CERTAIN PROJECTS FOR WITHDRAWAL OF GROUND
WATER BEING UNDERTAKEN IN CONJUNCTION WITH THE SALMON
FALLS CREEK IRRIGATION PROJECT IN TWIN FALLS COUNTY.

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

SECTION 1. That Chapter 2, 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 42-234,
Idaho Code, and to read as follows:

42-234. GROUND WATER RECHARGE PROJECT IN THE VICINITY
OF ST. ANTHONY AND REXBURG, IDAHO -- AUTHORITY OF DEPARTMENT
TO GRANT PERMIT. It is the policy of the state of Idaho to
promote and encourage the optimum development and augmen-
tation of the water resources of this state. The legislature
deems it essential, therefore, that water projects designed
to advance this policy be given maximum support. The legislature finds that the pilot project to recharge ground water basins in the vicinity of St. Anthony and Rexburg, Idaho, has enhanced the full realization of our water resource potential by furthering water conservation and increasing the water available for beneficial use. In view of the demonstrated feasibility of the project and in recognition of the benefits to be derived from its continuation and expansion, the legislature deems it in the public interest that this project be continued and expansions of this project be encouraged.

The legislature hereby declares that the appropriation and underground storage of water for purposes of ground water recharge in the vicinity of St. Anthony and Rexburg, Idaho shall constitute a beneficial use and hereby authorizes the department of water resources to issue to the authorities responsible for the implementation and expansion of this recharge project a permit for the appropriation and underground storage of unappropriated waters in the area of recharge. Any right so granted shall be subject to depletion for surface storage or direct uses after a period of years sufficient to amortize the investment of the appropriator.

SECTION 2. That Section 42-233a, Idaho Code, be, and the same is hereby amended to read as follows:

42-233a. "CRITICAL GROUND WATER AREA" DEFINED -- PUBLIC HEARINGS -- PUBLICATION OF NOTICE -- GRANTING OR DENIAL OF APPLICATION -- APPEAL. "Critical ground water area" is defined as any ground water basin, or designated part thereof, not having sufficient ground water to provide a reasonably safe supply for irrigation of cultivated lands, or other uses in the basin at the then current rates of withdrawal, or rates of withdrawal projected by consideration of valid and outstanding applications and permits, as may be determined and designated, from time to time, by the director of the department of water resources.

Upon the designation of a "critical ground water area" it shall be the duty of the director of the department of water resources to conduct a public hearing in the area concerned to apprise the public of such designation and the reasons therefor. Notice of the hearing shall be published in two (2) consecutive weekly issues of a newspaper of general circulation in the area immediately prior to the date set for hearing.

In the event an area has been designated as a "critical ground water area" and the director of the department of water resources desires to remove such designation or modify the boundaries thereof, he shall likewise conduct a public
hearing following similar publication of notice prior to taking such action.

In the event the application for permit is made with respect to an area that has not been designated as a critical ground water area the director of the department of water resources shall forthwith issue a permit in accordance with the provisions of section 42-203 and section 42-204, Idaho Code, provided said application otherwise meets the requirements of such sections; and further provided that if the applicant proposes to appropriate water from a ground water basin or basins in an amount which exceeds ten thousand (10,000) acre feet per year either from a single or a combination of diversion points, and the director determines that the withdrawal of such amount will substantially and adversely affect existing pumping levels of appropriators pumping from such basin or basins, or will substantially and adversely affect the amount of water available for withdrawal from such basin or basins under existing water rights, the director may require that the applicant undertake such recharge of the ground water basin or basins as will offset that withdrawal adversely affecting existing pumping levels or water rights.

In the event the application for permit is made in an area which has been designated as a critical ground water area, if the director of the department of water resources from the investigation made by him on said application as herein provided, or from the investigation made by him in determining the area to be critical, or from other information that has come officially to his attention, has reason to believe that there is insufficient water available subject to appropriation at the location of the proposed well described in the application, the director of the department of water resources may forthwith deny said application; provided, however, that if ground water at such location is available in a lesser amount than that applied for the director of the department of water resources may issue a permit for the use of such water to the extent that such water is available for such appropriation.

Any applicant dissatisfied with the decision of the director of the department of water resources may appeal to the district court in the manner provided for in section 42-237e, Idaho Code.

SECTION 3. That Chapter 2, 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 42-232, Idaho Code, and to read as follows:

42-232. GROUND WATER RECHARGE PROGRAM -- NEGOTIATIONS
WITH BUREAU OF RECLAMATION. The director of the department of water resources is hereby authorized and directed to institute negotiations with the United States bureau of reclamation and the senators and representatives representing the state of Idaho in the congress of the United States for purposes of examining the possibility of incorporating an artificial ground water recharge program or project into those water projects for withdrawal of waters from ground water basins in the Coltman area of Bonneville County, the Menan Buttes area in Madison county, or any other area contemplated by the bureau of reclamation, which have been authorized by congress as a part of the Salmon Falls Creek irrigation project located in Twin Falls county.

CHAPTER 367
(H.B. No. 606)

AN ACT
RELATING TO IRRIGATION DISTRICTS; ADDING A NEW CHAPTER 23, TITLE 43, IDAHO CODE, PROVIDING FOR THE RECONSTRUCTION OF DAMS AND RELATED APPURTENANCES INCLUDING HYDROELECTRIC FACILITIES; PROVIDING FOR THE ISSUANCE OF BONDS FOR SUCH PURPOSES; PROVIDING FOR THE ISSUANCE OF INTERIM NOTES; PROVIDING FOR PUBLICATION OF THE RESOLUTION OF AN IRRIGATION DISTRICT AND LIMITING LEGAL RECOURSE; ESTABLISHING A PROCEDURE FOR HOLDING AN ELECTION AUTHORIZING ISSUANCE OF BONDS; ESTABLISHING A PROCEDURE FOR COMPELING ACTS OF OFFICIALS; PROVIDING THAT BONDS ISSUED ARE EXEMPT FROM IDAHO INCOME TAX; PROVIDING THAT THE CHAPTER IS THE EXCLUSIVE PROCEDURE FOR THE ISSUANCE OF THE BONDS THEREIN PROVIDED AND PROVIDING FOR LIBERAL CONSTRUCTION; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Title 43, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 23, Title 43, Idaho Code, and to read as follows:

43-2301. RECONSTRUCTION OF DAMS AND RELATED APPURTENANCES -- HYDROELECTRIC FACILITIES -- EXECUTION OF CONTRACTS -- REVENUES -- TRUSTS. Any irrigation district organized and existing under the provisions of title 43, Idaho Code, in addition to any other powers which it might enjoy, for the purpose of preserving, restoring, protecting and maintaining rights of storage, diversion and delivery of water necessary and appurtenant to the purposes for which such district and other like similarly situated districts were organized, is hereby granted the following additional powers:

(a) To reconstruct, rehabilitate, replace and improve dams and other related structures and works together with all necessary appurtenances related thereto, whether located within or without the boundaries of the district and whether or not legal title thereto is owned by the district, including without limitation as a part thereof the reconstruction and relocation of all roads, bridges and highways made necessary by reason of such reconstruction, rehabilitation, replacement and improvement, and the acquisition of related facilities for flood control, public recreation, and fish
and wildlife mitigation and enhancement purposes made necessary in order to comply with applicable state and federal requirements;

(b) To construct hydroelectric generating facilities, properties and related structures in connection with and as a part of the reconstruction, rehabilitation, and improvement of a dam pursuant to subsection (a) of this section, together with all necessary equipment and appurtenances related thereto, used in or useful for the generation of electricity, including power plants, turbine generators, penstocks, transformers, electrical equipment and other facilities related to hydroelectric production plant;

(c) To enter into all necessary agreements, contracts and other legal arrangements with the United States and its agencies, departments and political subdivisions, and public and private persons, firms, corporations and associations in order to carry out the reconstruction, rehabilitation, replacement and improvement of any such dam and other related structures and works and appurtenances and the financing thereof pursuant to the provisions of this chapter and the sale of electric energy or the sale or use of rights to falling water;

(d) To issue bonds of the district in the manner provided in this chapter for the purpose of paying all or part of the cost of the reconstruction, rehabilitation, replacement and improvement of any such dam and other related structures and works and appurtenances and the acquisition of hydroelectric generation facilities as further described in subsections (a), (b) and (c) above, and for the purpose of paying all expenses preliminary and incidental thereto, including all engineering, fiscal and legal expenses and costs of issuance, printing, advertising, establishment of necessary reserves and payment of interest during construction;

(e) To provide that any bonds issued and sold pursuant to the provisions of this chapter shall be payable solely out of a special fund into which the district shall be obligated to deposit, as from time to time received, all or a designated portion of the proceeds from the sale of electric energy generated by hydroelectric generation facilities to be so acquired by the district or from the sale or use of rights to falling water from the dam to be so reconstructed, rehabilitated, replaced and improved, pursuant to contracts to be entered into by the irrigation district issuing the bonds with a public or private person, firm, corporation or association, and which contracts may provide for the reconstruction, rehabilitation, replacement and improvement of any such dam and other related structures and works and appurtenances, the acquisition of hydroelectric generation
facilities, the coordination of the construction of hydro-electric generation facilities, the conditions under which the contracting party shall make payments to the district issuing the bonds, the rights and remedies of the parties thereto in the event of the failure of the contracting party to make the required payments thereunder and the securing of all necessary permits and licenses required in connection therewith; and

(f) To enter into a trust indenture securing the bonds issued pursuant to the provisions hereof with a bank or trust company doing business either within or without the state of Idaho, and to assign the rights of the district to receive the payments provided for in subsection (e) of this section to such bank or trust company as trustee for and on behalf of the bondholders.

43-2302. ISSUANCE OF BONDS -- TERMS AND CONDITIONS. The board of directors is authorized to issue the bonds of the district in the manner for which provision is made in this chapter, which bonds shall be fully negotiable for all purposes of the uniform commercial code of the state of Idaho as the same may be in force from time to time.

Bonds issued hereunder shall be authorized by resolution or resolutions of the board. They shall be in coupon form but may be made registrable as to principal only or as to both principal and interest. Such bonds shall be in denominations of one hundred dollars ($100) or a multiple thereof, shall bear interest at such rate or rates, payable annually or semiannually as the board shall elect, shall mature serially or otherwise at any time or times, shall be payable at such place or places within or without the state, may be made redeemable prior to maturity in such manner and at such premiums, shall be executed in such manner, and shall be sold in such manner and at such price or prices as may be determined by the board.

Bonds may be issued hereunder at one time or from time to time. If more than one issue or series of bonds is delivered hereunder the bonds or the respective issues or series shall have such priorities of payment as may be provided in the proceedings authorizing the bonds.

Any resolution or indenture providing for the issuance of bonds hereunder shall provide for the creation of a sinking fund into which shall be paid from the revenues pledged to such payment sums fully sufficient to pay the principal of and interest on the bonds and to create such reserves as may be required therein. Any resolution or indenture may contain such covenants with the future holders of the bonds as to the disposition of such revenues, the issuance of future bonds and the creation of future liens and encum-
brances against the revenues and other pertinent matters deemed necessary or proper by the board to assure the merchantability of the bonds, provided such covenants and agreements are not inconsistent with the provisions of this chapter.

It may be provided in any such resolution or indenture that any holder of the bonds or of any of the coupons thereto attached may by appropriate legal action compel performance of all duties required of the board and the officials of the district by the provisions of title 43, Idaho Code, and the provisions of the resolution or indenture. If any bond issued hereunder is permitted to go into default, as to principal or interest, any court of competent jurisdiction may, pursuant to the application of the holder of any bond, or if applicable the trustee pursuant to a trust indenture, appoint a receiver to collect and distribute the revenues pledged to the repayment of the bonds pursuant to the provisions and requirements of the resolution or indenture and of this act and as the court may direct.

The board of any district which shall have issued any bonds under the provisions of this chapter may authorize the issuance of bonds hereunder for the purpose of refunding all or any part of such outstanding bonds. Refunding bonds may be either sold and the proceeds thereof applied to or deposited in an escrow for the retirement of the outstanding bonds or may be delivered in exchange for the outstanding bonds. The refunding bonds shall be authorized and secured in the manner herein provided for the issuance and securing of other bonds and may but shall not be required to have the same source of security and payment as the bonds refunded.

43-2303. INTERIM NOTES. In addition to the permanent financing contemplated in this chapter the board of any district may borrow money and issue interim notes in evidence thereof whenever it is deemed advisable and in the interests of the district to borrow funds temporarily for any of the purposes herein provided in advance of permanent financing. The board may from time to time and pursuant to appropriate resolution borrow money and issue interim notes to evidence borrowing for the purpose of obtaining funds for any of the purposes authorized in section 43-2301, Idaho Code. Any resolution authorizing the issuance of interim notes shall describe generally the purpose for which such notes are to be issued and shall specify the principal amount, rate of interest and maturity date, which shall be the same for all interim notes and which shall not be to exceed five (5) years from the date of issue of such notes, and such other pertinent terms as may be specified in such resolution. The interim notes shall be issued from time to time by the board.
as funds are borrowed, in the manner the board may determine. Interest on the interim notes may be made payable semiannually, annually or at maturity. The interim notes may be made redeemable prior to maturity at the option of the board in the manner and upon the terms fixed by the resolution authorizing their issuance. Such interim notes shall be sold at such price or prices as may be determined by resolution of the board. All such interim notes and the interest thereon may be secured by a pledge of the proceeds of the revenues provided in subsection (e) of section 43-2301, Idaho Code, and shall be payable solely from such revenues and from the proceeds to be derived from the sale of any bonds for permanent financing authorized to be issued pursuant to this chapter. Contemporaneously with the issuance of the bonds as provided by this chapter, all interim notes, even though they may not have then matured, shall be paid, both principal and interest and applicable premium, if any, to date of payment, from the funds derived from the sale of bonds authorized hereunder for the permanent financing, and such interim notes shall thereupon be surrendered and canceled.

43-2304. PUBLICATION -- LEGAL REMEDIES. The resolution authorizing the issuance of any bonds or interim notes hereunder or any resolution authorizing the execution of any contract hereunder may be published one time in a newspaper of general circulation in the district. For a period of thirty (30) days from the date of such publication, any person in interest may file suit in any court of competent jurisdiction to contest the regularity, formality or legality of the proceedings authorizing the bonds, the interim notes, the execution of such contract or the legality of such resolution and its provisions or of the contract or of the bonds or interim notes to be issued pursuant thereto and the provisions securing the bonds or interim notes. After the expiration of such thirty (30) day period no one shall have any right of action to contest the validity of the contract or of the bonds or interim notes or of such proceedings or of such resolution or the validity of the pledges and covenants made in such proceedings and resolution and the contract and the bonds and interim notes and the provisions for their payment shall be conclusively presumed to be legal and no court shall thereafter have authority to inquire into such matters.

43-2305. ELECTION FOR ISSUING BONDS. Whenever the board shall by resolution adopted by a four-fifths (4/5) majority of said board, determine that the interest of said district and the public interest or necessity demand the reconstruc-
tion, rehabilitation, and improvement of any dam and the construction of hydroelectric generating facilities, properties and related structures in connection and as an improvement to such dam, such resolution shall set forth the amount of obligation or bonded or other indebtedness proposed to be issued by the district under the provisions of this chapter, said board shall be required to order the submission of the proposition of issuing such obligation or bonded or other indebtedness for the purposes set forth in said resolution to the vote of the qualified electors of the district as defined in section 34-103, Idaho Code, at an election to be held for that purpose. The resolution, in addition to such declaration of public interest or necessity, shall recite the objects and purposes for which the indebtedness is proposed to be incurred; the estimated cost of the reconstruction, rehabilitation, and improvement of the dam and/or construction of hydroelectric generating facilities as the case may be; the amount of principal of indebtedness to be incurred therefor; and the sources of the revenues pledged to the payment of said bonds, as set forth in 43-2301(e), Idaho Code.

Any election required to be held hereunder shall be called by resolution, which resolution shall also fix the date upon which such election shall be held, the manner of holding the same and the method of voting for or against the issuance of the bonds. Such resolution shall also fix the compensation to be paid the officers of the election and shall designate the precincts and polling places and shall appoint for each polling place, from each precinct from the electors thereof, the officers of such election, which officers shall consist of three (3) judges, one (1) of whom shall act as clerk, who shall constitute a board of election for each polling place. Description of precincts may be made by reference to any order or orders of the board of county commissioners of the county or counties in which the district or any part thereof is situated, or by reference to any previous order, or resolution of the board or by detailed description of such precincts. The resolution calling the election shall prescribe an official notice of election, which notice shall be published once a week for two (2) consecutive weeks, the last publication of which shall be at least ten (10) days prior to the date set for said election, in a newspaper of general circulation printed and published in the district, and no other or further notice of such election or publication of the names of election officers or of the precincts or polling places need be given or made.

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

If it shall appear from said returns that a two-thirds (2/3) majority of the qualified electors of the district who shall have voted on any proposition submitted hereunder at such election voted in favor of such proposition, the district shall thereupon be authorized to incur such indebtedness or obligations, enter into such contracts or issue and sell such bonds of the district, all for the purpose or purposes and object or objects provided for in the proposition submitted hereunder or in the resolution therefor, and in the amount so provided. Submission of the proposition of incurring such obligation or bonded or other indebtedness at such an election shall not prevent or prohibit submission of the same or other propositions at subsequent election or elections called for such purpose.

43-2306. ACTS REQUIRED. In the event that any official required to participate in any act leading to the execution of any required contract or the issuance of such bonds shall refuse to perform such act alleging as his reason illegality of the proposed contract or the bonds proposed to be issued, the board may institute judicial proceedings to compel such steps to be taken and legality of the contract or bonds to be determined. All cases in which there may arise a question of the validity of any proceeding under this act shall be advanced as a matter of immediate public interest and concern, and heard at the earliest practicable moment. The courts shall be open at all times for the purposes of this act.

43-2307. BONDS TAX EXEMPT. Bonds and interim notes, and the interest thereon, issued pursuant to the authority contained in this chapter shall be exempt from taxation under the Idaho income tax law.

43-2308. CONSTRUCTION. Any restrictions, limitations or regulations relative to the issuance of such bond or the execution of such contracts pursuant to the authority herein contained in any other act shall not apply to the bonds issued under this chapter or the execution of such contracts pursuant to the authority herein contained, it being intended that this chapter is full authority for the issuance of such bonds and the execution of such contracts. This chapter being necessary to secure and preserve the public
health, safety, convenience and welfare, and for the security of public and private property, it shall be liberally construed to effect the purposes of this chapter.

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

AN ACT
RELATING TO TAXATION OF OPERATING PROPERTY; AMENDING SECTION 63-113, IDAHO CODE, TO INCLUDE WITHIN THE DEFINITION OF OPERATING PROPERTY INTERSTATE WATER CARRIERS; AMENDING CHAPTER 1, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-114A, IDAHO CODE, TO PROVIDE A UNIFORM DEFINITION OF PUBLIC UTILITIES; AMENDING SECTION 63-701, IDAHO CODE, TO PROVIDE FOR A UNIFORM DEFINITION OF PUBLIC UTILITIES AND TO PROVIDE THAT SPECIFIED RENTED PROPERTY SHALL BE ASSESSED BY THE COUNTY ASSESSOR; AMENDING SECTION 63-702, IDAHO CODE, TO PROVIDE FOR A UNIFORM DEFINITION OF PUBLIC UTILITIES; AMENDING SECTION 63-703, IDAHO CODE, TO PROVIDE FOR A UNIFORM DEFINITION OF PUBLIC UTILITIES; AMENDING SECTION 63-704, IDAHO CODE, TO PROVIDE FOR A UNIFORM DEFINITION OF PUBLIC UTILITIES; AMENDING SECTION 63-706, IDAHO CODE, TO PROVIDE FOR A UNIFORM DEFINITION OF PUBLIC UTILITIES; AMENDING SECTION 63-707, IDAHO CODE, TO PROVIDE NAME CHANGES; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 63-113, Idaho Code, be, and the same is hereby amended to read as follows:

63-113. OPERATING PROPERTY DEFINED. The term "operating property" as used in this act chapters 1 through 22, title 63, Idaho Code, shall include all franchises, rights of way, roadbeds, tracks, pipe lines, interstate water transportation tugs, boats, barges, equipment and docks, terminals, rolling stock, equipment, power stations, power sites, lands, reservoirs, generating plants and substations, all immovable or movable property operated in connection with any public utility or car company including the operating property of all railroads, telegraph, telephone, electric current transmission and distribution lines, pipe lines for the transportation of commodities, including water under the jurisdiction of the Idaho public utilities commission, interstate water transportation companies, wholly or partly within this state, and reasonably necessary to the maintenance and operation of such road or line, or in conducting its business, and shall include all title and interest in such property, as owner, lessee or otherwise.
SECTION 2. That Chapter 1, Title 63, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 63-114A, Idaho Code, and to read as follows:

63-114A. PUBLIC UTILITY DEFINED. (1) That the term "public utility," when used in chapters 1 through 22, title 63, Idaho Code, includes electrical companies, telephone companies, telegraph companies, pipeline companies, natural gas distribution companies and interstate water transportation companies. It also includes water companies, mobile radio and voice telephone communication companies which are under the jurisdiction of the Idaho public utilities commission.

(2) The term "company" as used in this section, includes a corporation, a company, an association and a joint stock association.

SECTION 3. That Section 63-701, Idaho Code, be, and the same is hereby amended to read as follows:

63-701. OPERATING PROPERTY ASSESSABLE BY STATE TAX COMMISSION. The operating property of all public utilities and companies including the operating property of all railroads, telegraph, telephone, electric current, transmission and distribution lines, pipe lines, for the transportation of commodities, including water, under the jurisdiction of the Idaho public utilities commission, and the franchises of all persons owning, or operating as lessees, or constructing any telephone, telegraph, or electric current, transmission, or distribution lines, or any pipe line, for the transportation of commodities, including water, under the jurisdiction of the Idaho public utilities commission, or railroads, wholly or partly within this state shall be assessed for taxation for state, county, city, town, village, school district and other purposes, exclusively by the state tax commissioner, except land or buildings rented by a company or corporation as lessee which is used as or in connection with its business such as business offices, warehouses, service centers, moorage grounds or docks, shall be assessed to the owner by the county assessor.

SECTION 4. That Section 63-702, Idaho Code, be, and the same is hereby amended to read as follows:

63-702. OPERATOR REPRESENTATIVE OF OWNER -- ASSESSMENT IN NAME OF OWNER. Any person operating a public utility or railroad, telegraph, telephone, or electric current, transmission,
in this state shall be representative of every title and interest in the operating property of said public utility or railroad, telegraph, telephone or electric current transmission lines, pipeline, water company under the jurisdiction of the Idaho public utilities commission, as owner, lessee or otherwise, and notice to such person, or his agent or representative, shall be notice to all interests in such property for the purpose of taxation. The assessment of such operating property in the name of the owner, lessee or operating company, shall be deemed and held to be an assessment of all title and interest in such property of every kind and nature.

SECTION 5. That Section 63-703, Idaho Code, be, and the same is hereby amended to read as follows:

63-703. NONOPERATING PROPERTY ASSESSABLE BY COUNTY ASSESSOR. All property belonging to any person owning, operating or constructing any public utility or railroad, telegraph, telephone or electric current transmission lines, pipeline, water company under the jurisdiction of the Idaho public utilities commission, wholly or partly within this state, not included within the meaning of the term "operating property," as defined in this act; namely, property not reasonably necessary for the maintenance and successful operation of such public utility or railroad, telephone or electric current transmission lines, pipeline, water company under the jurisdiction of the Idaho public utilities commission, including vacant lots and tracts of land, and lots and tracts of land with the buildings thereon not used in the operation of such public utility or railroad, telegraph, telephone or electric current transmission lines, pipeline, water company under the jurisdiction of the Idaho public utilities commission, also tenement and resident property, except section houses, also hotels and eating houses, situate more than one hundred (100) feet from the main track of any such railroad, shall be assessed by the assessor of the county wherein the same is situated.

SECTION 6. That Section 63-704, Idaho Code, be, and the same is hereby amended to read as follows:

63-704. OPERATOR'S STATEMENT -- FILING. Every person owning, operating or constructing, either as owner or lessee, any public utility or railroad, electric current transmission or distribution line, pipeline for the transportation of commodities including water under the jurisdiction-
tion-of-the-idaho-public-utilities-commission--telegraph
line--or--telephone--line which is not exempt from taxation
under the provisions of this act, shall, prepare or cause to
be prepared a statement showing all property subject to
assessment by the state tax commission, together with such
pertinent information as may be required on forms supplied
by the state tax commission for such purposes, which state­
ment and forms must be subscribed and sworn to by the owner
or lessee, or the president, secretary, auditor, super­
tendent or principal accounting officer of such person,
and delivered to the state tax commission on or before April
30 in each year, and the state tax commission must file such
statement and forms in its office.

SECTION 7. That Section 63-706, Idaho Code, be, and the
same is hereby amended to read as follows:

63-706. ANNUAL REPORTS OF UTILITIES. Every person
owning, operating or constructing, either as owner or
lessee, any public utility or railroad, electric current
transmission line, telegraph line or telephone line, pipeline,
water company, under the jurisdiction of the Idaho
public-utilities-commission, which is not exempt from taxa­
tion under the provisions of this act, shall, on or before
April 30 in each year, furnish to the state tax commission,
certified copies of the annual reports of the board of
directors, or other officers, to the stockholders, the
annual reports made to the interstate commerce commission,
federal communications commission, and federal power commis­
sion.

SECTION 8. That Section 63-707, Idaho Code, be, and the
same is hereby amended to read as follows:

63-707. MANNER OF ASSESSMENT -- VALUATION. The state
tax commission must assess all property which, under the
provisions of this chapter act, is to be assessed by it, at
the meeting of the said commission convening on the second
Monday of August in each year, and must complete the assess­
ment of such property on the fourth Monday of August in that
year. The said board commission shall at such meeting ascer­
tain and determine the assessed value of all such property
in the state, except electric current transmission and
distribution lines, and shall determine the total value, the
number of miles and value per mile of each railroad, tele­
graph and telephone line, and pipeline for transportation of
commodities, including water companies under the jurisdic­
tion of the Idaho public utilities commission, in the state,
the value, number of miles, and value per mile of such line
in any county into or through which the said line extends, and the value, number of miles and value per mile, of such line in any incorporated city, school district or other taxing district into or through which the said line extends. The value per mile of any except electric current transmission and distribution lines, is to be determined by dividing the total value of such line within the state by the number of miles of such line within the state.

The said commission shall at such meeting ascertain and determine the assessed value of the electric current transmission and distribution lines in each county separately, and shall determine the total value, the number of miles and value per mile of each electric current transmission and distribution line in each county into or through which said line extends, and the value, number of miles and value per mile of such line in any incorporated city, school district or other taxing district into or through which the said line extends. The value per mile of electric current transmission and distribution lines is to be determined by dividing the total value of such line within each county by the number of miles of such line within said county, and all operating property of such electric current transmission and distribution lines shall be assessed as of and apportioned to the county in which the same is situated as a part of the transmission line in said county.

If the property of any company assessable under this section is of such a nature that it cannot reasonably be apportioned on the basis of rail, wire, pipeline mileage, such as microwave and radio relay stations, the tax commission may adopt such other method or basis of apportionment to the county and taxing districts in which the property is situate as may be feasible and proper.

All property assessed as herein provided shall be valued as of the same time as other property in the state is valued, and the value of all franchises held by any person whose property has been assessed as herein provided shall be included in the value of such property.

SECTION 9. This act shall be in full force and effect on and after January 1, 1979.

AN ACT

RELATING TO GENERAL OBLIGATION BONDS FOR REGIONAL AIRPORT AUTHORITIES; AMENDING SECTION 21-808, IDAHO CODE, TO INCREASE THE PRINCIPAL AMOUNT OF GENERAL OBLIGATION BONDED INDEBTEDNESS WHICH REGIONAL AIRPORT AUTHORITIES MAY ISSUE FROM TWO PER CENT TO THREE PER CENT OF THE AGGREGATE ASSESSED VALUATION OF ALL PROPERTY WITHIN THE PARTICIPATING COUNTIES COMPRISING THE REGIONAL AIRPORT AUTHORITY, AND TO STRIKE THE REQUIREMENT THAT OTHER OUTSTANDING INDEBTEDNESS OF THE AUTHORITY BE INCLUDED IN COMPUTING THE MAXIMUM PRINCIPAL AMOUNT OF GENERAL OBLIGATION BOND INDEBTEDNESS WHICH MAY BE OUTSTANDING AT ANY ONE TIME.

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

SECTION 1. That Section 21-808, Idaho Code, be, and the same is hereby amended to read as follows:

21-808. ISSUANCE OF BONDS. Subject to and consistent with the percentage of financial participation determined by the board and approved by the electors of the region, as provided in sections 21-804 and 21-805 hereof, Idaho Code, or as determined by the board as provided in section 21-807(14), Idaho Code, an authority may secure the necessary funds to finance part or all of the cost of acquiring, establishing, constructing, developing, expanding, extending or further improving the regional airport within its limits through the issuance of general obligation bonds as herein-after provided, the principal amount of which at any one (1) time outstanding, together with any outstanding indebtedness of the authority, shall not exceed two-three per cent (2½ 3%) of the aggregate assessed valuation of all property within the participating counties within the region. Provided further, all such bonds shall be payable within thirty (30) years from the date of issuance.

CHAPTER 370
(H.B. No. 477)

AN ACT
RELATING TO MEMBER COUNTY PARTICIPATION IN COSTS OF REGIONAL AIRPORT AUTHORITIES; AMENDING SECTION 21-807, IDAHO CODE, TO INCREASE THE AD VALOREM TAX PORTION OF ITS BUDGET WHICH A REGIONAL AIRPORT AUTHORITY CAN CERTIFY TO THE BOARDS OF COUNTY COMMISSIONERS OF THE PARTICIPATING COUNTIES OF THE AUTHORITY FROM ONE MILL TO TWO AND ONE-HALF MILLS ON THE DOLLAR OF THE ASSESSED VALUATION OF ALL OF THE TAXABLE PROPERTY IN SUCH PARTICIPATING COUNTIES.

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

SECTION 1. That Section 21-807, Idaho Code, be, and the same is hereby amended to read as follows:

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

(1) To sue and be sued;
(2) To acquire, hold, and dispose of personal property;
(3) To acquire, in the name of the authority by purchase or condemnation, real property or rights or easements therein necessary or convenient for its purposes, and, except as may otherwise be provided herein, to use the same in acquiring property, any such authority may exercise the right of eminent domain as provided in chapter 7, title 7, Idaho Code;
(4) To establish rules and regulations for the management and regulation of its affairs, and to make rules and regulations for the use of projects, and the establishment and collection of rentals, fees, and all other charges for services or commodities sold, furnished, or supplied by such authority;
(5) To appoint a chairman from the membership of the board, and to appoint officers, agents, and employees and fix their compensation;
(6) To make contracts, leases, and all other instruments necessary or convenient to the purposes of the authority;
(7) To design, construct, maintain, operate, improve, and reconstruct such projects as shall be necessary and convenient to the maintenance and development of aviation
services to and for the region in which such authority is established, including landing fields, heliports, hangars, shops, passenger and freight terminals, control towers, and all facilities necessary or convenient in connection with any such project and also to contract for the construction, operation, or maintenance of any parts thereof, or for services to be performed thereon, and to rent parts thereof and grant concessions thereon; all on such terms and conditions as the authority may determine;

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

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

(10) Subject to and consistent with the percentages of financial participation determined by the board and approved by the electors of the region, as provided in sections 21-804 and 21-805 hereof, or as determined by the board as provided in subsection (14) of this section, to certify annually to the boards of county commissioners of the participating counties in the region the amount of tax to be levied to fund the ad valorem tax portion of the budget for the airport authority's purposes. The ad valorem tax portion of the budget shall not exceed two and one-half (2 1/2) mills on the dollar upon the assessed valuation of all of the taxable property in such county, and the boards of county commissioners shall levy and collect the taxes to fund the ad valorem tax portion of the budget so certified at the same time and in the same manner as other county taxes are levied and collected, and the proceeds of such taxes when due and as collected shall be set aside and
deposited in the special account or accounts in which other revenues of the authority are deposited;

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

(12) To accept grants, loans, or contributions from the United States, the state of Idaho, or any agency or instrumentality of either of them, or from any private group or individual, and to expend the proceeds thereof consistent with the laws of the United States and of the state of Idaho;

(13) To enter on any lands, waters, and premises for the purposes of making surveys, soundings, and examinations; and to do all things necessary or convenient to carry out the powers expressly conferred on such authorities by this act;

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

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

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

22-306. COMPENSATION AND MILEAGE OF DIRECTORS. Said directors shall receive as compensation twenty thirty-five dollars ($25.00) ($35.00) per diem while actually engaged in the business of the district and the mileage rate established by the state board of examiners pursuant to the authority in section 67-2008, Idaho Code, for state officers, agents and employees for each mile actually and necessarily traveled while transacting such business.

AN ACT
RELATING TO INCLUSION OF IRRIGATION DISTRICTS IN THE IDAHO TORT CLAIMS ACT; AMENDING SECTION 6-902, IDAHO CODE, TO INCLUDE IRRIGATION DISTRICTS IN THE DEFINITION OF POLITICAL SUBDIVISION UNDER THE TORT CLAIMS ACT.

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

SECTION 1. That Section 6-902, Idaho Code, be, and the same is hereby amended to read as follows:

6-902. DEFINITIONS. As used in this act:
1. "State" means the state of Idaho or any office, department, agency, authority, commission, board, institution, hospital, college, university or other instrumentality thereof.
2. "Political subdivision" means any county, city, municipal corporation, school district, irrigation district, special improvement or taxing district, or any other political subdivision or public corporation.
3. "Governmental entity" means and includes the state and political subdivisions as herein defined.
4. "Employee" means an officer, employee, or servant of a governmental entity, including elected or appointed officials, and persons acting on behalf of the governmental entity in any official capacity, temporarily or permanently in the service of the governmental entity, whether with or without compensation, but the term employee shall not mean a person or other legal entity while acting in the capacity of an independent contractor under contract to the governmental entity to which this act applies in the event of a claim.
5. "Bodily injury" means any bodily injury, sickness, disease or death sustained by any person and caused by an occurrence.
6. "Property damage" means injury or destruction to tangible property caused by an occurrence.
7. "Claim" means any written demand to recover money damages from a governmental entity or its employee which any person is legally entitled to recover under this act as compensation for the negligent or otherwise wrongful act or omission of a governmental entity or its employee when acting within the course or scope of his employment.

CHAPTER 373
(H.B. No. 383)

AN ACT
RELATING TO HONORARIUMS AND EXPENSE ALLOWANCES OF THE PARK
AND RECREATION BOARD MEMBERS; AMENDING SECTION 67-4221,
IDAHO CODE, TO ALLOW THE BOARD MEMBERS TO RECEIVE AN
HONORARIUM FOR EACH DAY SPENT ON BOARD BUSINESS.

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

SECTION 1. That Section 67-4221, Idaho Code, be, and
the same is hereby amended to read as follows:

67-4221. PARK AND RECREATION BOARD -- MEMBERS --
APPOINTMENT -- TERMS -- HONORARIUMS AND EXPENSES -- MEETINGS
AND QUORUMS -- REMOVAL OF MEMBERS. (a) There is hereby
created a governing authority of the department to consist
of a board of six (6) persons to be known as the "park and
recreation board." Each member of the board shall be
appointed by the governor of the state of Idaho, with the
advice and consent of the senate, to serve a term of six (6)
years, except the terms of the initial appointees shall com­
mence on the date of appointment and shall be of staggered
lengths so that a term of one (1) member will expire annu­
ally. Each member of the board shall be a qualified elector
of the state. One (1) member of the board shall be appointed
from each of the six (6) districts hereinafter created. Not
more than three (3) members of the board shall be from any
one (1) political party.

(b) For the purposes of this act, the state of Idaho is
divided into six (6) districts, numbered from one (1) to six
(6) as follows:

District No. 1 shall consist of the counties of Bound­
ary, Bonner, Kootenai, Benewah and Shoshone.

District No. 2 shall consist of the counties of Latah,
Clearwater, Nez Perce, Lewis and Idaho.

District No. 3 shall consist of the counties of Adams,
Valley, Washington, Payette, Gem, Boise, Canyon, Ada, Elmore
and Owyhee.

District No. 4 shall consist of the counties of Camas,
Blaine, Gooding, Lincoln, Jerome, Minidoka, Twin Falls and
Cassia.

District No. 5 shall consist of the counties of Bingham,
Power, Bannock, Caribou, Oneida, Franklin, and Bear Lake.

District No. 6 shall consist of the counties of Lemhi, Custer, Clark, Fremont, Butte, Jefferson, Madison, Teton and Bonneville.

(c) The members of the board shall receive an honorarium of twenty-five dollars ($25.00) for each day the board is in session actually spent in the discharge of the official duties or work of the board, notwithstanding any laws to the contrary plus an allowance for expenses they may incur in carrying out their duties.

(d) Each board member shall be entitled to one (1) vote and a majority of the members of the board shall constitute a quorum. The board shall hold regular meetings at least once each three (3) months and shall hold special meetings at such times as it deems necessary. All meetings of the board shall be open to the public. The board shall keep a record of its proceedings.

(e) A member of the board may be removed for inefficiency, neglect of duty, misconduct in office or if he is no longer a resident of the district from which he was appointed.

(f) This section shall be exempt from the provisions of section 59-102, Idaho Code.

CHAPTER 374
(H.B. No. 591)

AN ACT
RELATING TO SERVING OR DISPENSING OF ALCOHOLIC LIQUOR; AMENDING SECTION 23-949, IDAHO CODE, TO PROVIDE THAT PERSONS UNDER THE AGE OF NINETEEN YEARS MAY NOT SERVE OR DISPENSE ALCOHOLIC LIQUOR.

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

SECTION 1. That Section 23-949, Idaho Code, be, and the same is hereby amended to read as follows:

23-949. PERSONS NOT ALLOWED TO PURCHASE, POSSESS, SERVE, DISPENSE, OR CONSUME ALCOHOLIC LIQUOR. Any person under the age of nineteen (19) years who shall purchase, attempt to purchase, possess, serve, dispense, or consume alcoholic liquor shall be guilty of a misdemeanor.

AN ACT
RELATING TO PUBLIC WORKS CONSTRUCTION; REPEALING SECTION 67-5713, IDAHO CODE, AS OBSOLETE; AND ADDING A NEW SECTION 67-5713, IDAHO CODE, TO ALLOW THE USE OF APPROPRIATED AND OTHER FUNDS TO CONSTRUCT AND ALTER BUILDING BY INMATES AT STATE CORRECTIONAL FACILITIES; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 67-5713, Idaho Code, be, and the same is hereby repealed.

SECTION 2. That Chapter 57, Title 67, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 67-5713, Idaho Code, and to read as follows:

67-5713. CONSTRUCTION AND ALTERATION OF STATE CORRECTIONAL FACILITIES. The administrator of the division of public works is authorized and empowered, subject to the approval of the permanent building fund advisory council, to use appropriated funds or other fund sources to construct or alter, either in whole or in part, state owned correctional facilities by inmate labor for the purpose of providing meaningful work and rehabilitation programs for inmates confined therein, or to have such construction accomplished by the competitive bid process as authorized by section 67-5711, Idaho Code, whichever the permanent building fund advisory council deems most appropriate. Further providing that no construction or alteration by inmate labor shall be authorized, unless plans and specifications for such construction have been accomplished by a licensed architect or engineer appointed at the direction of the council, and such final plans and specifications approved by the council. Further providing that such construction or alteration shall be performed under the direct charge and supervision of the administrator of the division of public works.

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.

SENATE CONCURRENT RESOLUTIONS

A CONCURRENT RESOLUTION
STATING FINDINGS OF THE LEGISLATURE AND DIRECTING THE LEGISLATIVE COUNCIL TO UNDERTAKE AND COMPLETE A STUDY OF COUNTY GOVERNMENT SYSTEMS OF FINANCIAL CONTROL, FISCAL MANAGEMENT AND LINES OF GOVERNMENTAL AUTHORITY.

Be It Resolved by the Legislature of the State of Idaho:
WHEREAS, county government systems of financial control and fiscal management are complex and occasionally contradictory; and
WHEREAS, local government financial systems have been developed over a span of many years and in widely varying circumstances, and consequently fail to provide uniformity in state statutes to establish a systematic and coordinated financial management system; and
WHEREAS, existing constitutional and statutory provisions fail to specify clear lines of authority for management of governmental affairs; and
WHEREAS, such systems have important effects upon the constituents of each unit of local government because they should make information available to the citizen and assure the efficient management of government resources; and
WHEREAS, the Idaho Legislature has been called upon to exercise review procedures upon behalf of the constituents of certain counties of Idaho; and

WHEREAS, we conclude that a complete and thorough review of fiscal management systems and lines of authority in the county governments of Idaho would benefit the citizens and the units of government through the potential for development of improved systems.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Forty-fourth Idaho Legislature, the Senate and the House of Representatives concurring therein, that the Legislative Council is directed to undertake and complete a review of county government systems of financial control, fiscal management, and lines of governmental authority. In recommendations, the study should give particular attention to improvements in existing systems or development of a new system which gives complete and accurate information to enable the electorate to analyze performance.

BE IT FURTHER RESOLVED that the report of the Legislative Council shall be made to the First Regular Session of the Forty-fifth Idaho Legislature.

Adopted by the House February 24, 1978.
A CONCURRENT RESOLUTION
ADOPTING THE RECOMMENDATIONS OF THE IDAHO PERSONNEL COMMISSION WITH RESPECT TO ADJUSTMENTS IN THE PAY-LINE FOR FISCAL YEAR 1978-1979 AND APPROVING CERTAIN INCREASES FOR NONCLASSIFIED EMPLOYEES AND RECOGNIZING THE DESIRABILITY OF CONTINUING AN ADEQUATE HEALTH PLAN FOR STATE EMPLOYEES AND INCREASING FUNDING TO MAINTAIN THOSE HEALTH BENEFITS AT PRESENT LEVELS.

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 therefore; and
WHEREAS, the Legislature has received and reviewed such report dated January 9, 1978, titled "Report on the Idaho Personnel Commission FY '79 Pay-Line Recommendation."
WHEREAS, the Legislature recognizes the desirability of continuing an adequate health plan for state employees and increasing funding to maintain those health benefits at present levels.
NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Forty-fourth Legislature of the State of Idaho, the Senate and the House of Representatives concurring therein, that the report of the Personnel Commission dated January 9, 1978, and the recommendations contained therein, is hereby adopted and approved.
BE IT FURTHER RESOLVED by the members of the Second Regular Session of the Forty-fourth Legislature of the State of Idaho, the Senate and House of Representatives concurring therein, that the desirability of continuing an adequate health plan for state employees is recognized and the desirability of increasing funding to maintain those health benefits at present levels is also recognized.
BE IT FURTHER RESOLVED that nonclassified employees of the State shall be treated as closely as possible to classified employees for the purposes of compensation, and that the budgets of agencies having nonclassified employees be adjusted to reflect changes in compensation necessary to compensate such employees at the same level as classified employees.
BE IT FURTHER RESOLVED that the Joint Finance Appropriations Committee is instructed to prepare appropriation measures to implement the recommendations contained in the report.

Adopted by the Senate February 10, 1978.
A CONCURRENT RESOLUTION
STATING FINDINGS OF THE LEGISLATURE REGARDING THE PUBLIC UTILITIES COMMISSION, AUTHORIZING THE LEGISLATIVE COUNCIL TO APPOINT A COMMITTEE TO STUDY MATTERS RELATING TO THE PUBLIC UTILITIES COMMISSION, PROVIDING PAYMENT OF EXPENSES AND LIMITING THE TOTAL EXPENDITURE FROM THE LEGISLATIVE ACCOUNT.

Be It Resolved by the Legislature of the State of Idaho:
WHEREAS, the Idaho Public Utilities Commission undertakes actions which are legislative in nature and is therefore responsible to the Legislature of this State for such actions; and
WHEREAS, the statutory duties and obligations of the Idaho Public Utilities Commission have been developed over a number of years and certain statutes mandating functions of the Commission are not well defined or clearly understood; and
WHEREAS, the Idaho Public Utilities Commission has in recent years extended its influence and activities to new areas with increasing effects upon the lives of the citizens of the State of Idaho; and
WHEREAS, the Legislature has an obligation to all citizens of the State to review the statutes and the rules, regulations and procedures of the Idaho Public Utilities Commission to assure that the statutes and the rules, regulations and procedures developed serves equitably the best interests of the State, the public and the utilities being regulated; and
WHEREAS, increased requests for staff and funds by the Idaho Public Utilities Commission appear to exceed the normal rate of growth of other state governmental agencies and raise serious questions concerning the internal operation and functions of the Commission.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Forty-fourth Idaho Legislature, the Senate and the House of Representatives concurring therein, that the Legislative Council shall appoint a committee, as provided herein, to undertake and complete a study of the Idaho Public Utilities Commission. For the purpose of the study the Legislative Council, on the advice of the committee is authorized to retain the services of a firm specializing in management analysis. The study shall include, but not be limited to a review of the statutory
directives to the Commission, areas of responsibility, internal procedures of the Commission, personnel policies, compensation, and the composition of the Commission and its staff. The committee shall review the findings of the management consultant and shall report findings, recommendations, together with proposed legislation if any, to the First Regular Session of the Forty-fifth Idaho Legislature. The membership of the committee appointed by the Legislative Council shall be composed of three (3) members of the majority party of the House of Representatives, recommended by the majority caucus, two (2) members of the minority party of the House of Representatives recommended by the minority caucus, three (3) members of the majority party of the Senate recommended by the majority caucus, and two (2) members of the minority party of the Senate recommended by the minority caucus. The Legislative Council shall select the chairman of the committee.

BE IT FURTHER RESOLVED that not more than $60,000 may be billed by the Legislative Council using the interagency billing process to the House and Senate to be paid from the Legislative Account and expended for the purposes of this resolution.

Adopted by the Senate March 8, 1978.
Adopted by the House March 17, 1978.
A CONCURRENT RESOLUTION
STATING LEGISLATIVE FINDINGS AND DIRECTING THE LEGISLATIVE COUNCIL TO CONDUCT A STUDY OF CRIMINAL SENTENCING AND RELATED MATTERS.

Be It Resolved by the Legislature of the State of Idaho:
WHEREAS, an increasing state population and crime rates have contributed to the increased population of the correctional institutions of this State; and
WHEREAS, statutory goodtime is important in inducing inmate control and encouraging rehabilitation, and the current system is appropriate for additional study and review; and
WHEREAS, both determinate and indeterminate sentences are now basic methods of sentencing which can create additional differential in sentences imposed, and conflicts of law or interpretation for defendants, judges and prosecutors, and additional legislation has been proposed to revise current Constitutional provisions on the sentencing authority which will have a significant impact on the total criminal justice system; and
WHEREAS, there currently may exist a disparity in sentencing between different judges and judicial districts within the State which could cause an unfair burden on individuals coming under purview of the criminal justice system; and
WHEREAS, alternatives to incarceration, such as restitution programs, diversion, and other community based rehabilitation or counseling programs should be studied to determine the efficacy of these programs in lieu of incarceration; and
WHEREAS, many of the maximum and minimum ranges of possible penalties upon conviction for different crimes may be out of proper relationship in severity or leniency with other penalties for other crimes in the Idaho Code.
NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Forty-fourth Idaho Legislature, the Senate and the House of Representatives concurring therein, that the Idaho Legislative Council shall appoint a committee consisting of three members of the Senate Committee on Judiciary and Rules, three members of the House Committee on Judiciary, Rules and Administration and one member at large to undertake and complete a study of present sentencing laws and the potential impact of proposed
changes in the Idaho Constitution or existing statutes of the State.

BE IT FURTHER RESOLVED that the committee shall appoint an advisory committee to be composed of, but not limited to, one person representing each the magistrate judges, district court judges, Supreme Court justices, Commission for Pardons and Paroles, State and local law enforcement agencies, county prosecutors, public defenders, and shall include representation of the Idaho Department of Correction.

BE IT FURTHER RESOLVED that such a study should attempt to gauge the likelihood of the successful coexistence of determinate and indeterminate sentencing or the need to revise or eliminate portions of the present system to determine the efficacy of enhanced punishment for repeat offenders to consider classification or grouping potential punishments for types of felonies or misdemeanors, to determine effectiveness of methods of reintegrating convicted felons or misdemeanants back into society, to examine parole and probation systems, to study the need for separate correctional facilities to service inmates who present different levels of security risk, and to study, advise, and report upon such related issues as the committee shall find relevant during its deliberations and to present to the First Regular Session of the Forty-fifth Idaho Legislature the committee's final report together with recommended legislation, if any.

Adopted by the House March 15, 1978.
A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND DIRECTING THE LEGISLATIVE COUNCIL TO UNDERTAKE AND COMPLETE A STUDY OF LOG SCALING PRACTICES.

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

WHEREAS, the forest products industry is a vital industry in the State of Idaho and makes a significant contribution to the economic health of the state; and

WHEREAS, uniform, well understood and concise standards are essential to the efficient operation of the forest industry, particularly as they relate to the practices of log scaling; and

WHEREAS, the Legislature of the State of Idaho has enacted statutory regulation of log scaling practices and has the obligation to maintain a review of these statutes to assure their operation in the best interest of the many persons involved in the forestry industry.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Forty-fourth Idaho Legislature, the Senate and the House of Representatives concurring therein, that the Legislative Council is hereby directed to undertake and complete a review of the statutes and rules governing log scaling practices, their application, effectiveness and their success in achieving fair standards for all persons engaged in the forestry industry. The committee shall consult with such persons engaged in forestry as may be necessary to achieve a broad representation of forestry interests.

BE IT FURTHER RESOLVED that persons appearing before the committee may be reimbursed by the Legislative Council, their actual and necessary expenses as provided for members of the Legislative Council.

BE IT FURTHER RESOLVED that the Legislative Council shall report its findings, including proposed legislation, if any, to the First Regular Session of the Forty-fifth Idaho Legislature.

Adopted by the Senate March 8, 1978.
Adopted by the House March 17, 1978.
A CONCURRENT RESOLUTION
STATING LEGISLATIVE FINDINGS AND CREATING A COMMITTEE TO
UNDERTAKE A STUDY OF FEDERAL REGIONALISM, AND AUTHORIZING EXPENSES.

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

WHEREAS, on February 10, 1972, President Nixon divided the United States into 10 Regions by Executive Order 11647, which implemented Public Law 89-136, passed by the United States Congress in 1965, which public law provides for regional government, contrary to the constitutional prohibition on establishment of any state formed by the juncture of two or more states or parts of states without the consent of the legislatures concerned (United States Constitution, Article 4, Section 3); and

WHEREAS, the Legislature of the State of Idaho has taken cognizance of the movement toward expanding federal regionalism; and

WHEREAS, such regionalism is directed toward achieving national goals in such matters as housing, employment and economic stability, while the Idaho Legislature believes that such goals may be better developed at the local level; and

WHEREAS, the impact of regionalism should be carefully considered, and the Legislature should work toward development of strategies which will be in the best interests of the citizens of Idaho and halt unnecessary loss of influence to federal levels of government.

NOW, THEREFORE, BE IT RESOLVED by members of the Second Regular Session of the Forty-fourth Idaho Legislature, the Senate and the House of Representatives concurring therein, that a committee shall undertake a study of federal regionalism, the impact upon Idaho citizens and governmental units, and methods and strategies of halting unnecessary regionalism. The committee shall be composed as follows: the chairman of the Senate State Affairs Committee and one member of the majority and one member of the minority party of the Senate; the chairman of the House State Affairs Committee and one member of the majority and one member of the minority party of the House of Representatives; one representative of the Idaho Association of Counties; one representative of the Idaho Association of Commissioners and Clerks; and one representative of the Idaho Association of Cities. The chairman of the Senate State Affairs Committee
shall serve as chairman of the committee. Legislative mem­
bers of the committee shall be reimbursed actual and neces­
sary expenses and receive per diem as provided members of
the Legislative Council. Nonlegislative members shall be
reimbursed actual and necessary expenses.

BE IT FURTHER RESOLVED that the committee is authorized,
within the limits of the appropriation therefore, to bring
before the committee such expert witnesses and consultants
and may contribute to the deliberations of the committee.

BE IT FURTHER RESOLVED that expenses of the committee,
ot to exceed $5,000 shall be paid out of moneys in the
Legislative Account in the State Operating Fund, and the
presiding officers of the Legislature are hereby authorized
and directed to make such payments as required by the pur­
poses of this resolution.

BE IT FURTHER RESOLVED that the committee shall report
its findings and recommendations to the First Regular
Session of the Forty-fifth Idaho Legislature.

Adopted by the Senate March 8, 1978.
Adopted by the House March 17, 1978.
A CONCURRENT RESOLUTION
AMENDING THE EFFECTIVE DATE OF RULES AND REGULATIONS ADOPTED
BY THE IDAHO HUMAN RIGHTS COMMISSION.

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 regula­
tions under the provisions of Section 67-5218, Idaho Code; and

WHEREAS, the Legislature considers it necessary to make
known its intent that the Human Rights Commission maintain
its deferral status; and

WHEREAS, it is necessary that additional time be allowed
to all parties to effect this worthwhile goal, and the
procedure to accomplish this is to delay the effective date
of certain rules of the Human Rights Commission.

NOW, THEREFORE, BE IT RESOLVED by the members of the
Second Regular Session of the Forty-fourth Idaho Legis­
lature, the Senate and the House of Representatives concur­ring therein, that the amendments to the Rules and Proce­
dures of the Idaho Human Rights Commission, as set out
herein, to be effective as of February 2, 1978, shall be
effective as of February 2, 1979.

ARTICLE II -- Complaints

Rule 2.2 Who May File

Rule 2.2 (f) Any person who believes that he/she has
been discriminated against by any employer or labor orga­
nization in any way because he/she has opposed any practice
prohibited by Chapter 59, Title 67, Idaho Code, or because
he/she has filed a complaint, testified, assisted or par­
ticipated in any manner in an investigation, proceeding, or
hearing under this chapter.

ARTICLE III -- Procedure After Filing

Rule 3.51 In the event that a Respondent refuses to
answer interrogatories, and after an attempt has been made
to resolve any differences between the Commission and
Respondent, the Commission may issue an order compelling
Respondent to answer the interrogatories. This order must be
signed by at least two Commissioners. An order issued under
this rule shall be enforceable under Section 67-5906(5),
Idaho Code.
ARTICLE VII -- Order of the Commission

Rule 7.3 An order issued by the Commission under Section 67-5906(8), Idaho Code, may include any of the following provisions, or any other provision the Commission may determine to further the purposes and policies of Chapter 59, Title 67, Idaho Code:

a. Requiring the respondent to cease and desist from any act prohibited by this chapter;

b. requiring the respondent to take appropriate affirmative action that would rectify the discriminatory effects of the prohibited practice or policy;

c. requiring the respondent to make back pay awards of actual wages lost, in cases where the commission has found unlawful employment discrimination, but such back pay liability shall not accrue from a date more than two (2) years prior to the filing of a complaint with the commission;

d. requiring periodic compliance reviews.

Adopted by the Senate March 11, 1978.
Adopted by the House March 16, 1978.
A CONCURRENT RESOLUTION
STATING LEGISLATIVE FINDINGS AND AMENDING AND MODIFYING THE RULES AND REGULATIONS OF THE DEPARTMENT OF HEALTH AND WELFARE ADOPTED PURSUANT TO THE ENVIRONMENTAL PROTECTION AND HEALTH ACT.

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

WHEREAS, rules and regulations of the State Board of Health and Welfare relating to implementation of the Environmental Protection and Health Act have been submitted to the Legislature for review as required by Section 67-5217, Idaho Code; and

WHEREAS, it is the finding of the Legislature that the rules adopted by the State Board of Health and Welfare should be amended and modified as herein provided.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Forty-fourth Idaho Legislature, the House of Representatives and the Senate concurring therein, that Rule 3162.1 of the State Board of Health and Welfare adopted pursuant to Chapter 1, Title 39, Idaho Code, be amended to read as follows, effective July 1, 1979:

3162.1

Subject to the limitations of Section 3162.2, the following are the items of care and services, and the amount and/or duration of each, that are available as Medical Assistance:

(a) Necessary hospitalization in semi-private accommodations in licensed hospitals when ordered by the patient's attending physician. The patient's length of stay is subject to professional review for appropriateness and necessity, but may not exceed 20 days for each admission. Hospitalization includes the first three pints of whole blood (when it is not available to the patient from other sources), and all necessary services and necessary supplies furnished by the hospital for and during the hospitalization;

(b) Subject to the time limit in (a) above, treatment in a hospital of medical or surgical conditions of any nature which are a threat to the life or health of the patient;

(c) When related to the diagnosis and treatment of medical conditions; diagnostic tests and procedures, including laboratory tests and pathological...
and X-ray examinations, provided on either an in-patient or out-patient basis, when ordered by the attending doctor of medicine or Osteopathy;

(d) Treatment of medical and surgical conditions, wherever needed, by doctors of medicine or Osteopathy, subject to the limitations of practice imposed by state law;

(e) A total of three (3) office visits for remedial care by a doctor of Chiropractic during any calendar month, subject to the limitations of practice imposed by state law;

(f) Treatment by a Podiatrist of acute foot conditions;

(g) A limit of one eye examination for the purpose of determining the need for glasses to correct refractive error during any twelve (12) month period;

(h) Skilled nursing or intermediate care services in certified long-term care facilities when ordered by a physician and authorized by the Department;

(i) Home health services for any eligible individual for whom his attending physician has ordered home health services;

(j) Prescription drugs during any one month not to exceed $35.00 per eligible person. Non-legend or proprietary medications except insulin are excluded;

(k) Necessary transportation of recipients to and from providers of medical services within the content of care and services. See Manual Section 3163.39;

(l) Early and periodic screening, diagnosis and treatment for eligible persons under 21 years of age, including:

(1) Dental services including diagnostic, preventive, restorative treatment, and relief of dental pain;

(2) Eye glasses following a diagnosis of physical defects and recommendations that eye glasses are needed for correction of refractive error;

(3) Hearing aids following a diagnosis of hearing defects and recommendations that hearing aids are needed for treatment;

(m) Physical therapy by licensed physical therapists when ordered by the attending physician as a part of a plan of care and when provided in the patient's home, in a long-term care facility, or the therapist's office.

Adopted by the Senate March 13, 1978.
Adopted by the House March 16, 1978.
A CONCURRENT RESOLUTION
PROVIDING FOR THE ADJOURNMENT OF THE SECOND 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 members of the
Second Regular Session of the Forty-fourth Idaho Legis-
lature, the Senate and the House of Representatives concur-
ing therein, that at the hour of 8:00 p.m., on March 18,
1978, the Senate and the House of Representatives of the
Second Regular Session of the Forty-fourth Idaho Legislature
adjourn Sine Die.

Adopted by the Senate March 18, 1978.
Adopted by the House March 18, 1978.
A CONCURRENT RESOLUTION

Be It Resolved by the Legislature of the State of Idaho:
WHEREAS, the Governor has informed the House and the Senate that he desires to deliver a message to a Joint Session of the House of Representatives and the Senate of the Second Regular Session of the Forty-fourth Idaho Legislature in the Chamber of the House of Representatives at 1 p.m. on Monday, January 9, 1978.

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 9, 1978, at 1 p.m. for the purpose of hearing the message from the Governor.

Adopted by the House January 9, 1978.
Adopted by the Senate January 9, 1978.
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 total surplus available.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second 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, 1978.

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Beginning Balance FY 1978</td>
<td>$2,688,900</td>
</tr>
<tr>
<td>Add Anticipated Revenue FY 1978</td>
<td>285,000,000</td>
</tr>
<tr>
<td>Total Available</td>
<td>$287,688,900</td>
</tr>
<tr>
<td>Deduct Amount Appropriated</td>
<td>280,969,700</td>
</tr>
<tr>
<td>General Fund Surplus, June 30, 1978</td>
<td>*$6,719,200</td>
</tr>
</tbody>
</table>

*Additional reduction of $1,600,000 required to allow for extraordinary sales tax refunds resulting from Supreme Court Decision.

Adopted by the Senate February 7, 1978.
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 1979 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 members of the Second 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 1978-1979 fiscal year.

Revenue Projections for 1978-1979 fiscal year:

<table>
<thead>
<tr>
<th>Department/Category</th>
<th>Revenue Projection</th>
</tr>
</thead>
<tbody>
<tr>
<td>Supreme Court/Magistrates</td>
<td>$1,650,000</td>
</tr>
<tr>
<td>Secretary of State</td>
<td>1,200,000</td>
</tr>
<tr>
<td>State Treasurer</td>
<td>6,500,000</td>
</tr>
<tr>
<td>Department of Agriculture</td>
<td>100,000</td>
</tr>
<tr>
<td>Department of Finance</td>
<td>500,000</td>
</tr>
<tr>
<td>Department of Insurance</td>
<td>13,350,000</td>
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<tr>
<td>Department of Lands</td>
<td>100,000</td>
</tr>
<tr>
<td>Department of Law Enforcement</td>
<td>675,000</td>
</tr>
<tr>
<td>Department of Revenue:</td>
<td></td>
</tr>
<tr>
<td>Individual Income Tax</td>
<td>156,000,000</td>
</tr>
<tr>
<td>Corporate Income Tax</td>
<td>38,325,000</td>
</tr>
<tr>
<td>Kilowatt Hour Tax</td>
<td>50,000</td>
</tr>
<tr>
<td>Beer Tax</td>
<td>2,400,000</td>
</tr>
<tr>
<td>Mine License Tax</td>
<td>750,000</td>
</tr>
<tr>
<td>Wine Tax</td>
<td>550,000</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>500,000</td>
</tr>
<tr>
<td>Liquor</td>
<td>3,300,000</td>
</tr>
<tr>
<td>Sales Tax</td>
<td>91,500,000</td>
</tr>
<tr>
<td>Total Fiscal Year 1978-79</td>
<td></td>
</tr>
<tr>
<td>Revenue Projection</td>
<td>$325,000,000</td>
</tr>
</tbody>
</table>

Adopted by the House January 25, 1978
Adopted by the Senate February 2, 1978.
A CONCURRENT RESOLUTION

PROVIDING FOR THE ESTABLISHMENT OF A COMMITTEE TO STUDY THE ORGANIZATION OF IDAHO STATE GOVERNMENT FOR DELIVERY OF HEALTH AND WELFARE SERVICES.

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

WHEREAS, the delivery of health and welfare services to the citizens of Idaho is one of the most important functions that present day government assists with, and

WHEREAS, the organization of this state's government for the delivery of those health and welfare services is of vital importance, not only to the citizens to whom the services are provided, but also to the citizens who contribute financially to those services.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Forty-fourth Idaho Legislature, the House of Representatives and the Senate concurring therein, that a special committee is hereby created and constituted to study the organization of Idaho state government for the delivery of health and welfare services. The committee shall consist of two members of the House of Representatives to be appointed by the Speaker, one member from the majority party and one member from the minority party; and two members of the Senate, to be appointed by the President Pro Tempore, one member from the majority party and one member from the minority party. One person, not a member of the legislature, appointed by the Speaker and the President Pro Tempore of the Senate, shall serve as an advisor to the committee. The committee chairman shall be the senate majority party member appointed by the President Pro Tempore. The committee shall have as its primary and principle function the responsibility of guiding the efforts of the legislative auditor, and any other personnel made available for such purposes, as evaluations are made of programs, processes, organization, and effectiveness of the system for delivery of health and welfare services in the State of Idaho.

BE IT FURTHER RESOLVED that the Joint Finance Appropriations Committee is authorized and directed to make the services of the legislative auditor available to the special committee when required.

BE IT FURTHER RESOLVED that the special committee is authorized to accept and utilize the services of auditors and experts made available from interested and concerned
groups around the state, but all such auditors and experts shall work under the direction of the legislative auditor.

BE IT FURTHER RESOLVED that the special committee shall, with the approval of the Speaker and the President Pro Tempore, meet at such times as are necessary.

BE IT FURTHER RESOLVED that the Speaker of the House of Representatives and the President Pro Tempore of the Senate are authorized and directed to provide for the payment of expenses and compensation of the special committee members from funds generally made available for legislative expenses.

BE IT FURTHER RESOLVED that the special committee shall report its findings and recommendations to the First Regular Session of the Forty-fifth Idaho Legislature.

Adopted by the House February 1, 1978.
Adopted by the Senate February 21, 1978.
A CONCURRENT RESOLUTION

PROVIDING FOR A JOINT SESSION OF THE HOUSE OF REPRESENTA­
TIVES AND THE SENATE IN THE SECOND REGULAR SESSION OF
THE FORTY-FOURTH IDAHO LEGISLATURE, INVITING THE GOVER­
NOR AND ELECTED OFFICIALS TO ATTEND A PROGRAM
COMMEMORATING THE BIRTH OF ABRAHAM LINCOLN.

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

WHEREAS, Abraham Lincoln, sixteenth president of the
United States of America, is recognized for his accomplish­
ments on behalf of the American Union while serving as
leader of this nation; and

WHEREAS, many of the programs initiated during the term
of office of Abraham Lincoln established policy of special
importance to the residents of the State of Idaho; and

WHEREAS, we count among these special accomplishments,
the signing of the Organic Act of the Territory of Idaho,
granting self-government to the great State of Idaho; the
signing of the Homestead Law authorizing free land in the
western territory to persons willing to settle on the land
and cultivate it; and the signing of the Agricultural Col­
lege Land Grant Act providing to every state in the Union
the opportunity for establishment of an agricultural col­
lege; and

WHEREAS, it is fitting and proper that we honor the
memory of Abraham Lincoln on this, the anniversary of his
birth.

NOW, THEREFORE, BE IT RESOLVED by the Second Regular
Session of the Forty-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 13, 1978, 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 13, 1978.
Adopted by the Senate February 13, 1978.
A CONCURRENT RESOLUTION
STATING LEGISLATIVE FINDINGS, ADOPTING, AMENDING AND REJECTING CERTAIN POLICIES OF THE STATE WATER PLAN AS SUBMITTED BY THE IDAHO WATER RESOURCES BOARD AND DIRECTING THE REVISION AND PUBLICATION OF THE STATE WATER PLAN TO CONFORM WITH THE POLICIES AS APPROVED BY THE LEGISLATURE.

Be It Resolved by the Legislature of the State of Idaho:
WHEREAS, Section 7 of Article XV, of the Constitution of the State of Idaho empowers the Idaho Water Resource Board to formulate and implement a State Water Plan for optimum development of water resources in the public interest; and
WHEREAS, Section 42-1731, Idaho Code, provides that the optimum use of the water resources of Idaho, requires the formulation of a coordinated, integrated, multiple use water resource policy and the development of a plan to activate this policy as rapidly as possible; and
WHEREAS, the Idaho Water Resource Board, by the authority of Section 42-1734, Idaho Code, shall formulate a program for 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; and
WHEREAS, the State Water Plan was adopted by the Idaho Water Resource Board pursuant to Section 42-1734, Idaho Code; and
WHEREAS, Section 42-1736, Idaho Code, provides that the State Water Plan shall not become effective until approved by the Legislature; and
WHEREAS, it is the finding of the Legislature that the State Water Plan as amended by this resolution complies with the intent of the Legislature.
NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Forty-fourth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the State Water Plan as adopted by the Idaho Water Resource Board and submitted to the Legislature is hereby approved by the Legislature pursuant to Section 42-1736, Idaho Code, with the following changes:

POLICY NO. 1: PUBLIC-INTEREST PROTECTION OF EXISTING WATER RIGHTS
Applications for future water permits shall not be approved if they are in conflict with the State Water Plan adopted by the Idaho Water Resource Board in the public interest. The State Water Plan shall be a guide concerning the uses of water within the State of Idaho. Water rights and the administration of water rights shall be governed by statute. Section 42-203, Idaho Code, should be amended to provide the following: (1) protection for all existing water. Nothing in this plan shall adversely affect water rights established and vested under the Constitution and laws of Idaho; (2) all new water uses, both consumptive and non-consumptive such as irrigation, municipal, industrial, power, mining, fish and wildlife, recreation, aquatic life, and water quality will be judged to have equal desirability as beneficial uses subject to Article XV, Section 3, of the state Constitution; (3) if conflicts occur between meeting new water uses, the approval or denial of the application shall consider the local public interest including an evaluation of the beneficial and adverse economic, environmental and social impacts as identified in the State Water Plan as adopted by the Idaho Water Resource Board as defined by statute.

POLICY NO. 2: NATURE OF USE OF WATER RIGHTS

Water users should be allowed to change the nature of use of their own water rights for use within the State of Idaho provided other water rights are not injured thereby. Section 42-222 should be amended to allow existing water right holders to make such changes provided the change is not in conflict with the State Water Plan adopted by the Idaho Water Resource Board as approved by the legislature.

POLICY NO. 3: CONSOLIDATE STATE WATER QUANTITY AND QUALITY PLANNING AND ADMINISTRATION

The state programs of water quantity and water quality planning and administration should be consolidated in the Department of Water Resources. The Idaho Code should be amended to implement this policy.

POLICY NO. 4: UNRECORDED WATER RIGHTS

Claims except for domestic uses should be submitted on all existing unrecorded water rights within the State of Idaho by June 20, 1982. Legislation implementing this policy should provide that failure to file such a claim by the pre-
scribed filing date shall be grounds for instituting an action for forfeiture of the claimed right.

POLICY NO. 5: FLOOD PRONE AREA IDENTIFICATION

The sellers of parcels of land within flood-prone areas as identified by the Department of Water Resources should be required to notify the buyer in writing that such lands are within such flood-prone areas. Written notification, with an acknowledgment by the buyer, should be recorded with the title to the lands. Legislation implementing this policy should also provide that the buyer may recover damages from the seller if the seller fails to so notify the buyer. The Department of Water Resources should identify flood prone areas throughout the state. The department shall utilize all previous and current flood prone area studies and shall make the information available for public use. The flood prone area identified shall be based on flooding from the 100 year flood history.

POLICY NO. 6: INSTREAM FLOWS

Water rights should be granted for instream flow purposes. The legislation authorizing this policy should recognize and protect existing water rights and priorities of all established rights and delegate responsibilities for determining flows and administrative authority to the Department of Water Resources. The legislation should also direct that the Idaho Water Resource Board shall be the only applicant for instream flow. All applications by the Water Resource Board shall be subject to the approval of the legislature.

POLICY NO. 7: STATE NATURAL AND RECREATIONAL SYSTEM

A State Natural and Recreational River System should be established and designed to fit the desires of the citizens of Idaho. Legislation implementing this policy should permit the protection of the unique features that exist on each of the various rivers bordered by public lands within the state and should provide the necessary authorization and adequate funding to state and local government to protect such rivers and related lands for recreational, scenic and natural values while still allowing the widest possible opportunity for use by private interests. Funds would be provided from the Water Management Fund created under Policy 31 for this purpose.
POLICY NO. 8: GREENWAY-GREENBELT-PROGRAM

State--and--local--greenway--and--greenbelt-systems--should--be
established. Legislation--implementing--this--policy--should
provide--for--local-county-and-city-government-planning--regu-
lations--and--administration--of--lands--adjacent--to--Idaho's
rivers. State--financial--and--technical--support--would--be--pro-
vided--on--a--project-by-project--basis. Funds--would--be--provided
from--the--Water--Management--Fund--created--under--Policy--31--for
this--purpose.

POLICY NO. 9: LAKE-AND-RESERVOIR-SURFACE-MANAGEMENT-PLAN

State--and--local-units--of--government--should--prepare--lake-and
reservoir-surface-management-plans. Legislation--should--also--define--and--adopt--procedures--and--provide
for--enforcement. Funds--would--be--provided--from--the--Water--Man-
agement--Fund--created--under--Policy--31--for--this--purpose.

POLICY NO. 10: PROTECTION OF LAKE AND RESERVOIR SHORELANDS

Local units of government should prepare comprehensive plans
and adopt zoning standards for the management of lake and
reservoir shorelands to protect the water resources and its
uses. Title--67, Chapter--65, Idaho Code, the Local Planning
Act of 1975 should be amended to implement this policy.
Funds would be provided from the Water Management Fund
created under Policy 31 for this purpose.

POLICY NO. 11: WATER SUPPLY BANK

A water supply bank should be established for the purpose of
acquiring water rights or water entitlements, provided other
water rights are not injured, from willing sellers for
reallocation by sale or lease to other new or existing uses
within the State of Idaho. Legislation authorizing the water
supply bank should also provide for the bank to be
self-financing in the long run with initial funding to be
provided by creation of a Water Management Fund as provided
for in Policy 31.

POLICY NO. 12: CONSERVANCY DISTRICTS
Water Conservancy Districts should be established where needed. Legislation implementing this policy should provide for an equitable funding procedure to spread costs among all beneficiaries.

**POLICY NO. 13: ENERGY PLAN**

A State energy plan should be prepared. The Department of Water Resources should contribute the water related components to such a plan. Legislation authorizing this policy should also provide funding through the Energy Development and Study Fund for this purpose as provided in Policy 31.

**POLICY NO. 14: WATER CLAIMS BY INDIAN TRIBES**

Claims to water by Idaho Indian tribes should be identified by June 30, 1983.

**POLICY NO. 15: FEDERAL WATER CLAIMS**

Claims to water by the federal government should be identified by June 30, 1983.

**POLICY NO. 16: FEDERAL RESERVOIRS WATER ALLOCATION**

An agreement should be established with federal agencies to allow review by the Idaho Water Resource Board of any proposed allocation of water in excess of 500 acre-feet annually from federal reservoirs.

**POLICY NO. 17: STATE ADMINISTRATION OF FEDERAL PROGRAMS**

Federal programs dealing with water should be administered by the state when the state has the option in the state's interest to do so.

**POLICY NO. 18: COMBINE APPLICATIONS FOR WATER RESOURCES**

Existing state statutes should be reviewed and amended so that applicants may complete a single application form to request approval from necessary state authorities to develop or utilize the state's water and related land resources.
POLICY NO. 19: LEGISLATIVE COMMITTEE

A Legislative Committees on Water Resources should be appointed to continue to work with the Idaho Water Resource Board in implementing the State Water Plan.

POLICY NO. 20: LAND DEVELOPMENT POLICY

Where the supply of water from a particular water source is limited, it is preferable to develop new lands in Idaho of higher agricultural productivity over those of a lower productivity providing existing rights are protected and water is not transferred between water basins within the state.

POLICY NO. 21: PROTECTION OF POTENTIAL RESERVOIR SITES

Potential reservoir sites should be protected against significant land use change. The legislation implementing this policy should recognize rights of existing land owners and should direct the state to acquire lands for reservoir sites as they become available for sale. Reservoir sites given this protection should be re-evaluated on ten-year intervals. Funds would be provided from the Water Management Fund created under Policy 31 for this purpose.

<table>
<thead>
<tr>
<th>Potential Reservoir</th>
<th>Stream</th>
</tr>
</thead>
<tbody>
<tr>
<td>Upper Snake</td>
<td>Snake River</td>
</tr>
<tr>
<td>Palisades</td>
<td>Snake River</td>
</tr>
<tr>
<td>Lynn Crandall</td>
<td>Snake River</td>
</tr>
<tr>
<td>American Falls (Exist.)</td>
<td>Snake River</td>
</tr>
<tr>
<td>Clear Lakes</td>
<td>Snake River</td>
</tr>
<tr>
<td>Thousand Springs</td>
<td>Snake River</td>
</tr>
<tr>
<td>Shoestring</td>
<td>Snake River</td>
</tr>
<tr>
<td>Warm River</td>
<td>Henrys Fork</td>
</tr>
<tr>
<td>Blackfoot-(Exist.)</td>
<td>Blackfoot-River</td>
</tr>
<tr>
<td>Driggs</td>
<td>Teton River</td>
</tr>
<tr>
<td>Medicine Lodge</td>
<td>Medicine Lodge Creek</td>
</tr>
<tr>
<td>Birch Creek</td>
<td>Birch Creek</td>
</tr>
<tr>
<td>Boulder Flats</td>
<td>Big Wood River</td>
</tr>
<tr>
<td>Bliss</td>
<td>Big Wood River</td>
</tr>
</tbody>
</table>

Southwest Idaho

Grindstone Butte          | Snake River (off-stre |
Sailor Creek              | Snake River (off-stre |
POLICY NO. 22: EVALUATE FLOOD CONTROL LEVEES

The Department of Water Resources should be directed to inventory, identify, and evaluate the adequacy of existing flood control levees. Idaho Code, Section 42-1708, should be amended to implement this policy.

POLICY NO. 23: ASSIST INDIAN TRIBES IN WATER RESOURCES IDENTIFICATION

The Idaho Water Resource Board offers to assist Indian tribal representatives in the identification, evaluation and tabulation of water resources on Indian lands.

POLICY NO. 24: SAFETY-MEASURES-PROGRAM

A program should be established to assist local units of government in repairing and installing safety structures on or near canals, rivers, lakes and reservoirs. The program should be established as a cost-sharing cooperative program with the state share at 75 percent and local share at 25 percent of each identified project. Funds would be provided.
POLICY NO. 25: REHABILITATION PROGRAM

A program should be established to identify and evaluate rehabilitation of abandoned mineral extraction and by-product storage areas and other abandoned projects which currently or potentially affect the yield or quality of the state's watersheds, streams and stream channels.

POLICY NO. 26: MONITOR RADIOACTIVE WASTE DISPOSAL

A program should be established by the State of Idaho to monitor and regulate radioactive waste disposal at the U.S. Energy Research and Development Administration's Idaho National Engineering Laboratory, and other areas as may be designated.

POLICY NO. 27: FISH AND GAME PLAN

A program should be established within the Idaho Department of Fish and Game to prepare and adopt objectives and management criteria for fish, wildlife and all other aquatic resources for all principal streams and wet-lands in the state.

POLICY NO. 28: TAILING PONDS

Encourage the mining industry to work with federal and state agencies to achieve uniform safety standards for the construction of tailing ponds and other similar mine waste storage facilities. If agreement cannot be reached under existing laws and policies then legislation should be adopted placing tailing ponds and other similar mine waste storage facilities under jurisdiction of the Dam Safety Act (I.C. 42-1714 et seq).

POLICY NO. 29: PLANNING PROGRAM

A Water Resource Project Feasibility Planning Program should be established to conduct studies required to implement the State Water Plan. Funds would be provided from the Water Management Fund as provided in Policy 31.
POLICY NO. 30: WATER RESOURCES RESEARCH PROGRAM

Research should be conducted on important water resource topics to augment the State Water Plan.

POLICY NO. 31: FUNDING PROGRAM

The State of Idaho should establish a major water resource funding program to supplement private and federal monies to develop, preserve, conserve and restore the water and related land resources of Idaho and to implement the State Water Plan. The recommended funds are Water Management Fund, Rehabilitation Fund and Energy Development and Study Fund as approved by the legislature.

POLICY NO. 32: SNAKE RIVER BASIN

The available and unappropriated waters of the Snake River Basin are allocated to satisfy existing uses, meet needs for future growth and development, and protect the environment. The allocations recognize and protect existing water uses and rights. The water allocations are made by large regions to allow the widest possible discretion in application and it is the policy of the State of Idaho to augment, maintain, enhance and increase available, usable water by additional upstream, off stream and aquifer storage.

Therefore, it is legislative intent that main stem Snake River flows will be protected against further appropriations depletions and preserved to provide the following average daily flows at the following U.S. Geological Survey stream gaging stations.

<table>
<thead>
<tr>
<th>Gaging Station</th>
<th>Protected Flow (Average Daily)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Milner</td>
<td>0 cfs</td>
</tr>
<tr>
<td>Murphy</td>
<td>3,300 cfs</td>
</tr>
<tr>
<td>Weiser</td>
<td>4,750 cfs</td>
</tr>
</tbody>
</table>

Studies indicate that sufficient water exists in excess of those flows to provide for additional uses if water conserving and storage facilities are constructed.

Water is allocated for electric energy. Additional hydro-electric power sites remain on streams within the Snake River Basin. Wherever feasible these should be developed as part of multi-purpose projects. Future electric
energy requirements will be largely supplied from thermal plants. The plan provides for 170,000 acre-feet beyond August 1975 levels for consumptive use in cooling thermal power plants. The depletion is distributed as follows: Upper Snake - 75,000 acre-feet; Southwest Idaho - 30,000 acre-feet. In addition, flows in the Snake River will be stabilized for the hydro-power generating capability of the river.

POLICY NO. 33: PANHANDLE BASINS

The available and unappropriated waters of the Spokane, Pend Oreille-Clark Fork and Kootenai river basins are allocated to satisfy existing and potential needs for economic development and environmental quality. This allocation recognizes and protects all existing and potential water uses and private and public rights.

Water is allocated for electric energy. Additional hydro-electric power sites remain on streams within the Panhandle River Basins. Wherever feasible these should be developed as part of multi-purpose projects. Future electrical energy requirements will be largely supplied from thermal plants. The plan provides for 18,000 acre-feet of depletion from the Pend Oreille-Clark Fork River system in the Panhandle Basins for evaporative cooling of thermal power plants.

POLICY NO. 34: BEAR RIVER BASIN

The Idaho Water Resource Board supports interstate negotiations-efforts to reach basinwide agreement for uniform allocation and development of the Bear River Basin resources. Management of the water resources in the Bear River Basin will continue to be directed by state statute and the Bear River Compact.

POLICY NO. 35: STATE-NATURAL-RIVER-DESIGNATION RIVER MANAGEMENT CRITERIA

The following rivers should be included in the State-Natural and Recreational River System — initially — based upon information available from Federal Wild and Scenic Rivers studies are recognized for their many uses. The Idaho Water Resource Board will cooperate with and assist local people in preparing management criteria for rivers to achieve maxi-
mum benefits for all who use them.

2. Priest - the-upper-river-from--the--Canadian--border
down-to-the-large-Priest-Lake,
3. Moyie - in-its-entirety
4. Salmon
5. Bruneau
6. Owyhee
7. Snake

POLICY NO. 36. ST-JOE-RIVER

The- St-Joe-River-from-St-Joe-Lake-to-Beedle-Point-should
be-included-in-the-National-Wild-and--Scenic--Rivers--System
upon--failure-of-the-state-to-adequately-protect-the-river's
free-flowing-values-by-July-1,--1978.

POLICY NO. 37. SOUTH FORK COEUR D'ALENE RIVER REHABILITATION

The state of Idaho should sponsor a joint
federal-state-private stream channel stabilization and
 revegetation project(s) in the South Fork Coeur d'Alene
River drainage. Funds should be provided from the Rehabilitation Fund, discussed in Policy 31 for this project(s).

BE IT FURTHER RESOLVED that the Legislature directs the Idaho Water Resource Board to revise the State Water Plan to
conform in all respects with the policies hereby approved and to publish the plan and distribute it generally through-
out the state.

Adopted by the Senate March 13, 1978.
A CONCURRENT RESOLUTION
STATING LEGISLATIVE FINDINGS AND REJECTING RULES AND REGULATIONS OF THE PUBLIC UTILITIES COMMISSION EFFECTIVE ON FEBRUARY 13, 1978, ENTITLED RULES AND REGULATIONS FOR ALL NATURAL GAS, ELECTRIC AND WATER PUBLIC UTILITIES UNDER THE JURISDICTION OF THE IDAHO PUBLIC UTILITIES COMMISSION.

Be It Resolved by the Legislature of the State of Idaho:
WHEREAS, the Legislature may, by concurrent resolution, reject, amend or modify rules and regulations of executive agencies pursuant to section 67-5218, Idaho Code; and
WHEREAS, the rules and regulations of the Idaho Public Utilities Commission effective on February 13, 1978, providing for residential deposit and guarantee practices for Idaho public utilities, providing for deposit and guarantee practices for nonresidential service, providing for termination of service rules for all Idaho public utilities, and providing for a complaint procedure in termination practices, go beyond the intent of the Legislature.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Forty-fourth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the rules and regulations of the Idaho Public Utilities Commission effective February 13, 1978, governing service deposit and termination practices of all natural gas, electric, and water public utilities under the jurisdiction of the Idaho Public Utilities Commission are hereby rejected and declared to be null and void.

Adopted by the House March 2, 1978.
Adopted by the Senate March 13, 1978.
A CONCURRENT RESOLUTION
RENDERING A DEPARTMENT OF LABOR AND INDUSTRIAL SERVICES REGULATION, GIVING THE DEPARTMENT SUBPOENA POWER, 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 members of the Second Regular Session of the Forty-fourth Idaho Legislature, the House of Representatives and the Senate concurring therein, that Section 07-80-518 of the rules and regulations of the Department of Labor and Industrial Services, which gives the agency the power to issue subpoenas, is hereby rejected and declared null and void.

Adopted by the House March 7, 1978.
Adopted by the Senate March 17, 1978.
A CONCURRENT RESOLUTION
DIRECTING THE LEGISLATIVE COUNCIL TO APPOINT A COMMITTEE TO UNDERTAKE AND COMPLETE A STUDY OF THE LIEN LAWS OF THE STATE OF IDAHO AND TO REPORT AND MAKE RECOMMENDATIONS TO THE FIRST REGULAR SESSION OF THE FORTY-FIFTH IDAHO LEGISLATURE.

Be It Resolved by the Legislature of the State of Idaho:
WHEREAS, enforcement of the lien laws of the State of Idaho have worked extreme hardships on many citizens of the state; and
WHEREAS, the Constitution of the State of Idaho requires that the Legislature provide for adequate liens for mechanics, laborers and materialmen; and
WHEREAS, a comprehensive revision of the lien laws has not been made since 1893.
NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Forty-fourth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Legislative Council is hereby authorized and directed to undertake and complete a study of the lien laws in the State of Idaho and prepare legislation, if necessary, to remedy defects in the law.
BE IT FURTHER RESOLVED that the Legislative Council shall report its findings and recommendations to the First Regular Session of the Forty-fifth Idaho Legislature.

Adopted by the House March 7, 1978.
Adopted by the Senate March 17, 1978.
A CONCURRENT RESOLUTION
AMENDING A RULE OF THE STATE TAX COMMISSION RELATING TO
SALES TAX ON SALES TO PERSONS ENGAGED IN ANY PHASE OF
PRINTING.
Be It Resolved by the Legislature of the State of Idaho:
WHEREAS, the rules and regulations of the State Tax Com-
mission have been submitted to the Legislature for review as
required by Section 67-5217, Idaho Code; and
WHEREAS, it is the finding of the Legislature that regu-
lation 13-16 of the State Tax Commission be amended to read
as follows:

13-16. SALES TO PERSONS ENGAGED IN ALL PHASES PRINTING.
Persons operating private printing plants in conjunction
with their principal business and persons engaged in the
printing of tangible personal property upon special order
for a consideration, shall pay the tax to their vendors
or suppliers upon any all tangible personal property other
than those materials incorporated as ingredients or compo-
nent parts into the printing of tangible personal property
sold upon special order for a consideration; nor shall any
tax be paid on any equipment which is actually used to pro-
duce the printing of tangible personal property which is
sold for a consideration.

The sale of typography, art work, photoengraving, electros,
mats, stereotypes, hand or machine composition, lithographic
plates or negatives, electrotypes, etc., to a person engaged
in printing of tangible personal property and to be used
directly by such person shall be deemed essentially sales of
service and not taxable. The supplier of the service is
deemed the consumer of all materials used in supplying such
service, and must pay the tax to his vendor.

Adopted by the House March 8, 1978.
Adopted by the Senate March 17, 1978.
A CONCURRENT RESOLUTION

AUTHORIZING THE CREATION OF A SPECIAL LEGISLATIVE COMMITTEE TO MEET WITH AND ADVISE THE WATER RESOURCE BOARD IN THE DEVELOPMENT OF LEGISLATION TO IMPLEMENT THE PROVISIONS OF THE STATE WATER PLAN.

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

WHEREAS, the Second Regular Session of the Forty-fourth Idaho Legislature has adopted House Concurrent Resolution No. 48, which deals with the State Water Plan; and

WHEREAS, it is important that the Idaho Legislature continue to maintain its interest and involvement in the development and implementation of the water policies of this State.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session, Forty-fourth Idaho Legislature, the House of Representatives and the Senate concurring therein, that a special legislative committee is hereby created and established. The committee shall be composed of eleven members, appointed as follows: the chairman of the House Resources and Conservation Committee, and five members of the House Resources and Conservation Committee, appointed by the Speaker of the House of Representatives, three of whom shall be from majority party, and two of whom shall be from the minority party; and the chairman of the Senate Resources and Environment Committee, and four members of the Senate Resources and Environment Committee, two from each party.

BE IT FURTHER RESOLVED that it shall be the duty and responsibility of the special committee to meet with and advise the Water Resource Board in the development of the legislation to implement the provisions of the State Water Plan.

BE IT FURTHER RESOLVED that the compensation and expenses of the members of the committee shall be paid from the Legislative Account.

Adopted by the House March 11, 1978.
Adopted by the Senate March 17, 1978.
A CONCURRENT RESOLUTION
STATING LEGISLATIVE FINDINGS AND DIRECTING THE LEGISLATIVE COUNCIL TO UNDERTAKE AND COMPLETE A STUDY OF PUBLIC DEPOSITORY LAWS.

It is Resolved by the Legislature of the State of Idaho:

WHEREAS, the Legislature has the responsibility to review the statutes which provide for management of state and public funds; and

WHEREAS, state officials, including the State Treasurer and the Director of the Department of Finance, have valuable expertise and play an integral role in investment of state and public funds; and

WHEREAS, the Legislature should undertake the necessary study to establish consistent policies for the management of state and public funds in public depositories.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Forty-fourth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Legislative Council is directed to undertake and complete a study of the state and public depository laws including statutory provisions and actual practices which govern depository operations. The council shall designate a committee composed of the chairman of the House Business Committee, a majority member and a minority member of that committee, and the chairman of the Senate Commerce and Labor Committee, a majority member and a minority member of that committee. The committee shall designate advisors including the State Treasurer or her designee, a representative of public taxing units, the Director of the Department of Finance or his designee, a representative of the banking community, and a representative of the savings and loan industry.

BE IT FURTHER RESOLVED that the committee shall submit a report of its findings to the First Regular Session of the Forty-fifth Idaho Legislature.

Adopted by the House March 10, 1978.
Adopted by the Senate March 17, 1978.
A CONCURRENT RESOLUTION
STATING FINDINGS OF THE LEGISLATURE AND DIRECTING THE LEGISLATIVE COUNCIL TO UNDERTAKE AND COMPLETE A STUDY OF ALTERNATIVES FOR INCARCERATION OF FEMALE OFFENDERS.

Be It Resolved by the Legislature of the State of Idaho:
WHEREAS, many unanswered questions have been raised during the Second Regular Session of the Forty-fourth Idaho Legislature regarding the incarceration of female offenders; and
WHEREAS, the Legislature is cognizant of a potential challenge to the present arrangements for incarceration outside the State of Idaho; and
WHEREAS, a variety of alternatives for incarceration within the State of Idaho should be carefully considered, including the costs involved, the effectiveness of the program to be established, the impact upon the locality, and the potential for meeting future needs; and
WHEREAS, the Legislature directed and the Board of Correction completed a study of the means of establishing a program for female offenders within Idaho; and
WHEREAS, the Legislature recognizes its obligation to achieve the best program possible in the interests of the citizens and taxpayers of the State of Idaho.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Forty-fourth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Legislative Council is directed to undertake and complete a study of the existing arrangements for incarceration of female offenders and potential alternatives for incarceration within the State of Idaho. The study shall explore the best means to provide a viable program for female offenders and shall consider such matters as the cost of the program, the best location for the program, the effectiveness and efficiency of the program in relation to its location, and other matters which relate to the potential for success of the program. The Council shall give consideration to the report of the Board of Correction regarding incarceration of female offenders, as well as hearing from other interested and knowledgeable persons regarding such a program.

BE IT FURTHER RESOLVED that the Council shall submit a report of its findings and recommendations to the First Regular Session of the Forty-fifth Idaho Legislature.

Adopted by the House March 15, 1978.
Adopted by the Senate March 17, 1978.
A CONCURRENT RESOLUTION
AUTHORIZING AND DIRECTING THE LEGISLATIVE COUNCIL TO UNDER­TAKE AND COMPLETE A STUDY OF THE WAYS TO ACHIEVE ADDI­TIONAL SUPPLIES OF POWER FOR THE CITIZENS OF IDAHO.

Be It Resolved by the Legislature of the State of Idaho:
WHEREAS, it is evident that the forces at work in the economy and society of this great country have not yet resolved the problems that relate to the supply and consump­tion of energy; and
WHEREAS, it is incumbent upon the political processes to work with the great forces that can be brought to bear from the private sector in order to provide energy sources at reasonable prices; and
WHEREAS, there are areas of opportunity that have not yet been fully explored to accomplish these goals.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Forty-fourth Idaho Legis­lature, the House of Representatives and the Senate concurring therein, that the Legislative Council is hereby author­ized and directed to undertake and complete a study which shall investigate and explore the possibilities of providing nuclear energy to Idaho citizens, the conditions under which such energy may be made available, and the time frame in which such energy may reasonably be expected to produce results.

BE IT FURTHER RESOLVED that the study shall include an examination of the organization of Idaho state government, both executive and legislative, in order to make recommenda­tions as to the proper role, placement, and function of governmental activities dealing with energy policies.

BE IT FURTHER RESOLVED that the Legislative Council shall submit its report and findings, and recommendations, to the First Regular Session of the Forty-fifth Idaho Legis­lature.

Adopted by the House March 14, 1978.
Adopted by the Senate March 17, 1978.
A CONCURRENT RESOLUTION
STATING LEGISLATIVE FINDINGS AND CREATING A COMMITTEE TO
UNDERTAKE A STUDY OF COST OF HEALTH CARE FOR INDIGENT PERSONS.

Be It Resolved by the Legislature of the State of Idaho:
WHEREAS, the cost of providing health care for indigent persons continues to pose serious problems for the counties of the State of Idaho; and
WHEREAS, the Idaho Association of Counties has brought this matter to the attention of the Legislature of the State of Idaho; and
WHEREAS, the Legislature of the State of Idaho recognizes the seriousness of the problem and the need for a statewide solution; and
WHEREAS, it is in the best interest of the citizens of the State of Idaho to seek a resolution to this problem.

NOW, THEREFORE, BE IT RESOLVED by members of the Second Regular Session of the Forty-fourth Idaho Legislature, the Senate and the House of Representatives concurring therein, that a committee shall undertake a study of the funding of health care for indigent persons, the impact of the cost of such care on the property taxpayers of the State of Idaho and shall propose legislation to provide a mechanism for paying for the cost of health care for indigent persons. The committee shall be composed as follows: the chairman of the Senate Health, Education and Welfare Committee and one member of the majority party and one member of the minority party of the Senate; the chairman of the House Health and Welfare Committee and one member of the majority party and one member of the minority party of the House of Representatives; three representatives of the Idaho Association of Counties; two representatives of the Idaho Hospital Association; one representative of the Idaho Medical Society and one representative from Idaho Health Facilities, Inc. The chairman of the House Health and Welfare Committee shall serve as chairman of the committee. Legislative members of the committee shall be reimbursed actual and necessary expenses and receive per diem as provided members of the Legislative Council. Nonlegislative members shall be reimbursed actual and necessary expenses.

BE IT FURTHER RESOLVED that the committee is authorized within the limits of the appropriation therefore, to bring before the committee such expert witnesses and consultant:
that may contribute to the deliberations of the committee.

BE IT FURTHER RESOLVED that expenses of the committee, not to exceed $5,000, shall be paid out of moneys in the Legislative Account in the State Operating Fund, and the presiding officers of the Legislature are hereby authorized and directed to make such payments as required by the purposes of this resolution.

BE IT FURTHER RESOLVED that the committee shall report its findings and recommendations to the First Regular Session of the Forty-fifth Idaho Legislature.

Adopted by the House March 16, 1978.
Adopted by the Senate March 17, 1978.
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 House Printing and Legislative Expense Committee and
the Senate Judiciary and Rules Committee of the Legislature
of the State of Idaho.

BE IT RESOLVED by the members of the Second Regular
Session of the Forty-fourth Idaho Legislature, the House of
Representatives and the Senate concurring, that the contract
for the printing of the Session Laws of the Second Regular
Session, Forty-fourth Idaho Legislature, and the Session
Laws of any Extraordinary Session, Forty-fourth Idaho Legis­
lature, 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 16th day of
February, 1978, by and between the Joint Printing Committee
of the House Printing and Legislative Expense Committee and
the Senate Judiciary and Rules Committee of the Legislature
of the State of Idaho, hereinafter mentioned as party of the
first part, and THE CAXTON PRINTERS, LTD., of Caldwell, Idaho,
hereinafter mentioned as party of the second part;

WITNESSETH:

That pursuant to a resolution of said committee and
written bids submitted to the said committee by the party of
the second part, contract for legislative printing is hereby
awarded to said CAXTON PRINTERS, LTD., as follows:
SESSION LAWS

For printing and binding 1200 copies of the Session Laws
of the Second Regular Session of the Forty-fourth Legis-
lature and the Session Laws of any Extraordinary Session of the Forty-fourth Legislature: $12.45 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, 1978, shall be included in the Session Laws of the Second Regular Session. No charge shall be made by the party of the second part for proofreading or blank pages.

IT IS AGREED between the parties hereto that all of said printing shall be done in the form and manner as submitted in written bid by party of the second part, and in compliance with the statutes of the State of Idaho; where not otherwise provided such statutes shall be controlling.

IT IS FURTHER AGREED that said Session Laws shall be printed, delivered to and be ready for distribution by the Secretary of State in conformity with the provisions of Section 67-904, Idaho Code, which section is hereby referred to and by such reference made a part of this contract as though set forth at length herein, and particularly as follows:

1. The Session Laws shall be printed and made available for distribution within 60 days after the last day on which the Governor may sign or approve bills following adjournment of the session of the legislature which enacted or passed the measures included in the Session Laws, or within 30 days after the delivery to the party of the second part of the proper title pages, certificate pages, tables of laws and statutes amended and repealed and a proper index of the contents of the Session Laws, whichever date is first in time.

Such printing and delivery of said Session Laws to the Secretary of State are to be made as provided by law; that for each day's failure to so deliver volumes of such Session Laws as herein provided, there shall be deducted from the contract price for printing said Session Laws the sum of $50.00 per day for each day's delay; provided, however, that the party of the second part shall not be held responsible for delay occasioned by failure to furnish copy for such printing to the party of the second part and such delay shall, to the same extent, extend the time for the performance of this agreement.

IN WITNESS WHEREOF, the party of the second part has caused these presents to be executed by its proper officials, and the party of the first part, by concurrent resolution has caused these presents to be executed by its proper officials.
HOUSE PRINTING AND LEGISLATIVE EXPENSE COMMITTEE

By (s) George G. Danielson
George G. Danielson, Chairman

SENATE JUDICIARY AND RULES COMMITTEE

By (s) Edith Miller Klein
Edith Miller Klein, Chairman

Party of the First Part

THE CAXTON PRINTERS, LTD.

By (s) Jim Gipson, Jr.
Jim Gipson

Party of the Second Part

Adopted by the House March 15, 1978.
Adopted by the Senate March 17, 1978.
SENATE JOINT RESOLUTIONS

(S.J.R. No. 110)

A JOINT RESOLUTION

PROPOSING AN AMENDMENT TO SECTION 5, ARTICLE IX, OF THE CONSTITUTION OF THE STATE OF IDAHO, RELATING TO PROHIBITIONS ON SECTARIAN APPROPRIATIONS, BY AUTHORIZING THE LEGISLATURE TO EMPOWER THE IDAHO HEALTH FACILITIES AUTHORITY TO FINANCE OR REFINANCE HEALTH FACILITIES OWNED OR OPERATED BY A CHURCH OR RELIGIOUS SOCIETY; STATING THE QUESTION TO BE SUBMITTED TO THE ELECTORS; DIRECTING THE LEGISLATIVE COUNCIL TO PREPARE THE STATEMENTS REQUIRED BY LAW; AND DIRECTING THE SECRETARY OF STATE TO PUBLISH THE AMENDMENT AND ARGUMENTS AS REQUIRED BY LAW.

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

SECTION 1. That Section 5, Article IX, of the Constitution of the State of Idaho be amended to read as follows:

SECTION 5. SECTARIAN APPROPRIATIONS PROHIBITED. Neither the legislature nor any county, city, town, township, school district, or other public corporation, shall ever make any appropriation, or pay from any public fund or moneys whatever, anything in aid of any church or sectarian or religious society, or for any sectarian or religious purpose, or
to help support or sustain any school, academy, seminary, college, university or other literary or scientific institution, controlled by any church, sectarian or religious denomination whatsoever; nor shall any grant or donation of land, money or other personal property ever be made by the state, or any such public corporation, to any church or for any sectarian or religious purpose; provided, however, that the Idaho health facilities authority may, as authorized and empowered by law, finance or refinance any private, not for profit, health facilities owned or operated by any church or sectarian religious society, through loans, leases, or other transactions.

SECTION 2. The question to be submitted to the electors of the State of Idaho at the next general election shall be as follows:

"Shall Section 5, Article IX, of the Constitution of the State of Idaho be amended to authorize the Legislature to empower the Idaho Health Facilities Authority to finance or refinance health facilities owned or operated by a church or religious society?"

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.

Passed by the Senate February 27, 1978.
A JOINT RESOLUTION
PROPOSING AN AMENDMENT TO SECTION 3, ARTICLE VIII, OF THE
CONSTITUTION OF THE STATE OF IDAHO, RELATING TO LIMITA-
TIONS ON COUNTY OR MUNICIPAL INDEBTEDNESS, BY PROVIDING
THAT A MAJORITY, RATHER THAN TWO-THIRDS OF THE QUALIFIED
ELECTORS VOTING ON THE QUESTION CAN APPROVE REVENUE BOND
ISSUES TO FINANCE AIRPORT AND AIR NAVIGATION FACILITIES;
STATING THE QUESTION TO BE SUBMITTED TO THE ELECTORS;
DIRECTING THE LEGISLATIVE COUNCIL TO PREPARE THE STATE-
MENTS AS REQUIRED BY LAW; AND DIRECTING THE SECRETARY OF
STATE TO PUBLISH THE AMENDMENT AND ARGUMENTS AS REQUIRED
BY LAW.

Be It Resolved by the Legislature of the State of Idaho:
SECTION 1. That Section 3, Article VIII, of the Con-
stitution of the State of Idaho be amended to read as fol-
lows:

SECTION 3. LIMITATIONS ON COUNTY AND MUNICIPAL
INDEBTEDNESS. No county, city, board of education, or school
district, or other subdivision of the state, shall incur any
indebtedness, or liability, in any manner, or for any pur-
pose, exceeding in that year, the income and revenue pro-
vided for it for such year, without the assent of two-thirds
of the qualified electors thereof voting at an election to
be held for that purpose, nor unless, before or at the time
of incurring such indebtedness, provisions shall be made for
the collection of an annual tax sufficient to pay the inter-
est on such indebtedness as it falls due, and also to con-
stitute a sinking fund for the payment of the principal
thereof, within thirty years from the time of contracting
the same. Any indebtedness or liability incurred contrary to
this provisions shall be void: Provided, that this section
shall not be construed to apply to the ordinary and neces-
sary expenses authorized by the general laws of the state
and provided further that any city may own, purchase, con-
struct, extend, or equip, within and without the corporate
limits of such city, off street parking facilities, and
public recreation facilities, and, for the purpose of paying the cost thereof may, without
regard to any limitation herein imposed, with the assent of
two-thirds of the qualified electors voting at an election
to be held for that purpose, issue revenue bonds therefor,
the principal and interest of which to be paid solely from
revenue derived from rates and charges for the use of, and
the service rendered by, such facilities as may be prescribed by law, and provided further, that any city or other political subdivision of the state may own, purchase, construct, extend, or equip, within and without the corporate limits of such city or political subdivision, water systems, sewage collection systems, water treatment plants, and sewage treatment plants, airport facilities and air navigation facilities, and may rehabilitate existing electrical generating facilities, and for the purpose of paying the cost thereof, may, without regard to any limitation herein imposed, with the assent of a majority of the qualified electors voting at an election to be held for that purpose, issue revenue bonds therefor, the principal and interest of which to be paid solely from revenue derived from rates and charges for the use of, and the service rendered by such systems, plants and facilities, as may be prescribed by law; and provided further that any port district, for the purpose of carrying into effect all or any of the powers now or hereafter granted to port districts by the laws of this state, may contract indebtedness and issue revenue bonds evidencing such indebtedness, without the necessity of the voters of the port district authorizing the same, such revenue bonds to be payable solely from all or such part of the revenues of the port district derived from any source whatsoever excepting only those revenues derived from ad valorem taxes, as the port commission thereof may determine, and such revenue bonds not to be in any manner or to any extent a general obligation of the port district issuing the same, nor a charge upon the ad valorem tax revenue of such port district.

SECTION 2. The question to be submitted to the electors of the State of Idaho at the next general election shall be as follows:

"Shall Section 3, Article VIII, of the Constitution of the State of Idaho, relating to limitations on county and municipal indebtedness, be amended to provide that a majority, rather than two-thirds of the qualified electors voting on the question, approve revenue bond issues to finance airport and air navigation facilities in accordance with existing requirements and that the cost of such financing be paid solely from the revenue derived from the operation of such airport and air navigation facilities?"

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.

Passed by the Senate February 28, 1978
Passed by the House March 10, 1978.
A JOINT RESOLUTION
PROPOSING AN AMENDMENT TO SECTION 11, ARTICLE I, OF THE CONSTITUTION OF THE STATE OF IDAHO TO PROTECT THE RIGHT TO KEEP AND BEAR ARMS AND TO PREVENT THE CONFISCATION, LICENSURE, REGISTRATION OR SPECIAL TAXATION OF FIREARMS OR AMMUNITION; STATING THE QUESTION TO BE SUBMITTED TO THE ELECTORATE; DIRECTING THE LEGISLATIVE COUNCIL TO PREPARE THE STATEMENTS REQUIRED BY LAW; AND DIRECTING THE SECRETARY OF STATE TO PUBLISH THIS PROPOSED AMENDMENT AND ARGUMENTS AS REQUIRED BY LAW.

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

SECTION 1. That Section 11, Article I, Idaho Constitution, be, and the same is hereby amended to read as follows:

SECTION 11. RIGHT TO KEEP AND BEAR ARMS. The people have the right to keep and bear arms, for their security and defense which right shall not be abridged; but the legislature shall regulate the exercise of this right by law this provision shall not prevent the passage of laws to govern the carrying of weapons concealed on the person nor prevent passage of legislation providing minimum sentences for crimes committed while in possession of a firearm, nor prevent the passage of legislation providing penalties for the possession of firearms by a convicted felon, nor prevent the passage of any legislation punishing the use of a firearm. No law shall impose licensure, registration or special taxation on the ownership or possession of firearms or ammunition. Nor shall any law permit the confiscation of firearms, except those actually used in the commission of a felony.

SECTION 2. The question to be submitted to the electors of the State of Idaho at the next general election shall be as follows:

"Shall Section 11, Article I, of the Constitution of the State of Idaho be amended to protect the right to keep and bear arms, and to prevent the confiscation, licensure, registration, or special taxation of firearms or ammunition?"

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.

Passed by the Senate March 13, 1978.
Passed by the House March 17, 1978.
HOUSE JOINT RESOLUTIONS

(H.J.R. No. 6, As Amended)

A JOINT RESOLUTION
PROPOSING AN AMENDMENT TO SECTION 13, ARTICLE V, OF THE CONSTITUTION OF THE STATE OF IDAHO, RELATING TO THE POWER OF THE LEGISLATURE RESPECTING COURTS, BY AUTHORIZING THE LEGISLATURE TO PROVIDE MANDATORY MINIMUM SENTENCES FOR ANY CRIME AND TO SPECIFY THAT THE SENTENCE IMPOSED SHALL NOT BE LESS THAN THE MANDATORY MINIMUM SENTENCE SO PROVIDED AND THAT SUCH SENTENCE SHALL NOT BE REDUCED; STATING THE QUESTION TO BE SUBMITTED TO THE ELECTORATE; DIRECTING THE LEGISLATIVE COUNCIL TO PREPARE THE STATEMENTS REQUIRED BY LAW; AND DIRECTING THE SECRETARY OF STATE TO PUBLISH THE AMENDMENTS AND STATEMENTS AS REQUIRED BY LAW.

Be It Resolved by the Legislature of the State of Idaho:
SECTION 1. That Section 13, Article V, of the Constitution of the State of Idaho be amended to read as follows:

SECTION 13. POWER OF LEGISLATURE RESPECTING COURTS. The legislature shall have no power to deprive the judicial department of any power or jurisdiction which rightly pertains to it as a coordinate department of the government; but the legislature shall provide a proper system of
appeals, and regulate by law, when necessary, the methods of proceeding in the exercise of their powers of all the courts below the Supreme Court, so far as the same may be done without conflict with this Constitution, provided, however, that the legislature can provide mandatory minimum sentences for any crimes, and any sentence imposed shall be not less than the mandatory minimum sentence so provided. Any mandatory minimum sentence so imposed shall not be reduced.

SECTION 2. The question to be submitted to the electors of the State of Idaho at the next general election shall be as follows:

"Shall Section 13, Article V, of the Constitution of the State of Idaho be amended to authorize the Legislature to provide mandatory minimum sentences for any crime and to specify that the sentence imposed shall not be less than the mandatory minimum sentences so provided and that the sentence imposed shall not be reduced?"

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.

Passed by the Senate March 16, 1978.
SENATE JOINT MEMORIALS

(S.J.M. No. 107)

A JOINT MEMORIAL
TO THE HONORABLE PRESIDENT OF THE UNITED STATES, THE PRESI­
DENT OF THE SENATE AND SPEAKER OF THE HOUSE OF REPRE­
SENTATIVES OF THE CONGRESS OF THE UNITED STATES, AND THE
SENATORS AND REPRESENTATIVES REPRESENTING THE STATE OF
IDAHO IN THE CONGRESS OF THE UNITED STATES.

We, your Memorialists, the Senate and the House of
Representatives of the State of Idaho assembled in the
Second Regular Session of the Forty-fourth Idaho Legis­
lature, do hereby respectfully represent that:

WHEREAS, the President of the United States has submit­
ted to the Senate of the United States, treaties relating to
the Panama Canal Zone; and

WHEREAS, the treaties propose that the United States
relinquish their rights to operate and protect the Panama
Canal; and

WHEREAS, since 1902, the Panama Canal Zone has been held
and defended as sovereign American territory; and

WHEREAS, the treaties propose abandonment of American
rights which will inevitably result in higher product costs
to American consumers and may well jeopardize the security
of all American citizens; and

WHEREAS, it is contrary to the principles of a free society to abandon sovereign territory into the hands of a dictatoral minority; and

WHEREAS, the President has taken this precipitous action without regard for overwhelming public opinion in opposition to the give away of the Canal, and without apparent consideration for the consequences to every citizen of every state including Idaho.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Forty-fourth Idaho Legislature, the Senate and the House of Representatives concurring, speaking on behalf of the citizens of the State of Idaho, that we oppose ratification of the treaties abandoning American rights in the Panama Canal Zone. We urge the Senate of the United States to reject the treaties now pending before the Senate and that the Senate take such action as may be necessary to reaffirm our commitment to the rights, obligations and perogatives of the American people in the Panama Canal Zone.

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 Jimmy Carter, President of the United States, the President of the Senate and Speaker of the House of Representatives of the Congress of the United States, and to the Senators and Representatives representing the State of Idaho in the Congress of the United States.

Adopted by the Senate February 2, 1978.
A JOINT MEMORIAL

TO THE HONORABLE ROBERT BERGLAND, SECRETARY OF AGRICULTURE.

We, your Memorialists, the Senate and House of Representatives of the State of Idaho assembled in the Second Regular Session of the Forty-fourth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, the agricultural industry of the State of Idaho is the single largest industry in the State; and

WHEREAS, over twenty-six thousand farm units are in operation within the State of Idaho; and

WHEREAS, the average annual employment in agricultural industries exceeds 39,000 persons; and

WHEREAS, farmers in Idaho, like their counterparts throughout the nation, face a growing financial crisis as a result of increasing costs of production while the relative value of the farm product is decreasing; and

WHEREAS, the economic health of the State of Idaho and her individual citizens depends upon the continued stability of the agricultural industry; and

WHEREAS, the future of this great nation must ultimately depend upon a sound agricultural community which will continue to support the growth and development of an expanding economy; and

WHEREAS, the Legislature of the State of Idaho, on behalf of the citizens of this State, wish to express their continuing support for the citizens of this State engaged in agricultural pursuits.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Forty-fourth Idaho Legislature, the Senate and the House of Representatives concurring, that we take this occasion of the visit of Secretary of the Department of Agriculture, Robert Bergland, to the great State of Idaho, to reaffirm our support of those engaged in agriculture in Idaho, and of their continuing efforts to obtain a reasonable and responsible farm policy.

BE IT FURTHER RESOLVED that the Secretary of the Senate be, and she is hereby authorized and directed to deliver a copy of this Memorial to the Honorable Robert Bergland on the occasion of his visit in the State of Idaho.

Adopted by the Senate January 17, 1978.
A JOINT MEMORIAL

We, your Memorialists, the Senate and House of Representatives of the State of Idaho assembled in the Second Regular Session of the Forty-fourth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, 93.5 percent of all federal public lands are contained within the twelve western states, and federally held lands comprise 63.6 percent of the total land area of these states; and

WHEREAS, the representation of these western states in the United States House of Representatives amounts to 17 percent of the total voting power with the consequence that those states controlling 83 percent of the voting power have only 6.5 percent of the federal public lands located within their boundaries; and

WHEREAS, this disparity between the public land holdings in the western states and their political power causes the following conditions to exist:

(1) Land use policies made through such laws as the Mineral Leasing Act, Historic Preservation Act, the Endangered Species Act, the National Environmental Act of 1976, the Federal Land Policy and Management Act, and the Natural Environmental Policy Act, among others, control vast land areas of the western states with little regard for the knowledge, experience and needs of the western states and those who live on or near these lands;

(2) An extensive body of administrative rules and regulations has developed policy making power residing outside the states boundaries;

(3) Virtually all of the nation's energy reserves are in the West, but the federal government controls the capabilities to develop these resources;

(4) The federal government through Congressional action and administrative fiat, controls not only the development of public lands, but indirectly controls the development of state and private lands encircled by the federal public
lands; and

WHEREAS, the BLM Organic Act (P.L. 94-579) declares that it is the policy of the United States that the public lands be retained in federal ownership; and

WHEREAS, the Legislature of the State of Idaho finds that these facts describe a situation reminiscent of colonialism that is contrary to the constitutional and legal doctrines of equal protection and equal footing; the Tenth Amendment reservation of residual power to the several states, and the common law doctrine of fiduciary trust; and

WHEREAS, the inequities herein described interfere with the rightful exercise of sovereign power by western states and unduly restrict the rights of the citizens of these states to control their own destinies.

NOW, THEREFORE BE IT RESOLVED by the members of the Second Regular Session of the Forty-fourth Idaho Legislature, the Senate and the House of Representatives concurring therein that we join with our sister states of the West in urging that the described disparities are intolerable and must be corrected. We seek remedy through Legislative action and at the same time prepare to seek redress through the courts from the flagrant inequities placed upon the West by past precedents and policies of the federal government and crystallized by the BLM Organic Act.

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, Jimmy Carter, the Honorable Secretary of the Interior, Cecil D. Andrus, the President of the Senate and the Speaker of the House of Representatives of the United States Congress, and the Senators and Representatives representing the State of Idaho in the Congress of the United States.

Adopted by the Senate January 24, 1978.
Adopted by the House February 6, 1978.
A JOINT MEMORIAL

We, your Memorialists, the Senate and House of Representatives of the State of Idaho assembled in the Second Regular Session of the Forty-fourth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, a true National Water Resources Policy should combine federal, state and local policies to form the overall strategy for guiding present and future water resource management and development; and

WHEREAS, a National Water Resources Policy should respond to state goals and objectives, reflecting the diversity of economic, social and environmental problems of each of the individual states and regions of the nation; and

WHEREAS, the proposed options in the National Water Policy Resources Study (Federal Register, July 15 and July 25, 1977) do not fully recognize the differing regional needs; and

WHEREAS, most states have established or are improving their systems of water law to meet individual economic and environmental needs.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Forty-fourth Idaho Legislature, the Senate and House of Representatives concurring therein, that we unequivocally oppose intrusion of the federal government into water resource areas traditionally managed by the states. In particular, we oppose any attempt by the federal government to usurp the role of the states in allocating, distributing and adjudicating water rights. We urge the federal government to pursue its responsibility to clarify and improve coordination of federal water resources policy among federal agencies, but this action should recognize and strengthen the states' role in water administration, not weaken it.

BE IT FURTHER RESOLVED that because many of the options proposed by the National Water Resources Policy Study are unclear, unrealistic or unworkable the Secretary of Interior is requested to maintain adequate opportunity for state policy makers to review and comment on all water policy...
recommendations that the Secretary intends to present to the President.

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, Jimmy Carter, and the Honorable Secretary of the Interior, Cecil D. Andrus, and the Senators and Representatives representing this State in the Congress of the United States.

A JOINT MEMORIAL

We, your Memorialists, the Senate and House of Representatives of the State of Idaho assembled in the Second Regular Session of the Forty-fourth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, additional acreage in the western states is being considered for inclusion in the National Wilderness Preservation System; and

WHEREAS, the designation of large areas of the western states as federal wilderness restricts or eliminates access by the great majority of Americans who, by choice or necessity, travel into those areas with some form of motorized vehicle; prohibits the harvesting of mature and over-mature timber essential for the building of America's homes and businesses; prevents the development of needed mineral resources and makes difficult the improvement of range land by the reseeding of grasses and the eradication of undesirable vegetation interferes with the control of forest fires, insect damage and diseases and the development of water resources, thereby limiting the national food supply and decreasing the value of wildlife habitat; and

WHEREAS, the federal government has advanced a wide variety of other programs all of which encroach upon the land, water and other natural resource management decisions of the several states, including in addition to wilderness, roadless and essentially roadless study areas, primitive, wild and scenic rivers, and other administrative and statutory designations for areas managed in a highly restrictive manner resulting in de facto wilderness; and

WHEREAS, each of these programs, and others, creates an allocation of the natural resources within the states without regard to state policy decisions, state objectives or economic well being; and

WHEREAS, these federal program decisions, from which state policy makers are excluded, work to subvert the abil-
ity of the states and their citizens to govern themselves and reduce employment opportunities in the private sector; and

WHEREAS, the Roadless Area Review Evaluation II Study (RARE II) apparently has, as its purpose, the expansion of the wilderness system by the inclusion of additional large tracts of western lands, which is to be accomplished without sufficient responsiveness to, or consultation, communication or involvement with the state and local governments affected; and

WHEREAS, while federal lands belong to the entire citizenry of the nation and should be managed under multiple use concepts consistent with the Multiple Use-Sustained Yield Act of 1960 for the benefit of all and state interests should be of the highest priority followed by regional and national except in cases of national security.

NOW, THEREFORE, BE IT RESOLVED by the Legislature of the State of Idaho, the Senate and the House of Representatives concurring therein, that we urge adoption of a federal policy governing all programs to manage and allocate the resources within the states to involve local decision makers. Specifically, we urge that no additional lands, waters, or other resources be set aside or withdrawn without the specific approval of the Governor and the Legislature of the affected states. This policy shall be applicable to all federal programs involving further encroachment upon natural resources located within the states, and should be universally adopted by the Congress and the Administration in recognition of the proper role of the states within the federal system.

BE IT FURTHER RESOLVED, those lands presently inventoried for study as to wilderness suitability and which are not presently designated wilderness shall be immediately returned to multiple use management consistent with the Multiple Use-Sustained Yield Act of 1960; and

BE IT FURTHER RESOLVED, those areas presently in the National Wilderness Preservation System be reevaluated for their possible return to multiple use management. In order to accomplish the review of suitability of any lands in the National Wilderness Preservation System, we urge the Congress through its appropriate committees, to confer with and seek the cooperation and participation of the state and local governments affected by such action.

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, Jimmy Carter, the Honorable Secretary of the Interior, Cecil D. Andrus, the Honorable Secretary of Agriculture, Robert S. Bergland, the President of the Senate and
the Speaker of the House of Representatives of the Congress of the United States, and the Representatives and Senators representing the State of Idaho in the Congress assembled.

A JOINT MEMORIAL

TO THE HONORABLE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED.

We, your Memorialists, the Senate and House of Representatives of the State of Idaho assembled in the Second Regular Session of the Forty-fourth Idaho Legislature, do respectfully represent that:

WHEREAS, in 1950, we were virtually self-sufficient in oil; and
WHEREAS, America's self-sufficiency in oil supply has been eroded since 1950, with oil imports rising from 23% in 1970, to 33% in 1972, to 44% in 1976; and
WHEREAS, in 1970, we paid nearly three billion dollars for imported oil (or approximately $15.00 per person), and in 1976, this already staggering tribute to foreign oil suppliers increased to $35 billion, or $160 for every man, woman and child in this nation; and
WHEREAS, the main dependable and available energy resources are coal and uranium; and
WHEREAS, oil and natural gas represent 6% of our identified primary energy reserves but together constitute 75% of our energy consumption; and
WHEREAS, on the other hand, coal is our most abundant fossil fuel with American coal reserves estimated at more than 1-1/2 trillion tons -- enough to last for 500 years; and
WHEREAS, coal comprises 93% of our fuel reserves, yet supplies only 17% of our total energy requirements; and
WHEREAS, solar energy and wind energy also represent potentially unlimited power resources deserving of vigorous development; and
WHEREAS, the increased energy supplies available through the development of our water resources is even now being demonstrated through the use of low head turbines to generate hydroelectric power on previously unharnessed low-fall streams; and
WHEREAS, as oil and natural gas shrink in supply and rise in price, the energy salvation of this nation must depend upon the maximum development and use of our coal and uranium reserves and the full realization of the energy potential present in the sun, the wind and our water resources.

NOW, THEREFORE, BE IT RESOLVED by the members of the
Second Regular Session of the Forty-fourth Idaho Legislature, the Senate and House of Representatives concurring, that we most respectfully urge the Congress of the United States to act now to break the chains of dependence on foreign oil supplies.

BE IT FURTHER RESOLVED that we most respectfully submit to the Congress of the United States that it must act immediately to promote and encourage the development of all sources of energy, with emphasis on coal and nuclear power, and further energy conservation if America's energy freedom is to be restored.

BE IT FURTHER RESOLVED that the Secretary of the Senate be, and he is hereby authorized and directed to forward copies of this Memorial to the President of the Senate, the Speaker of the House of Representatives of Congress, and to the Senators and Representatives representing this state in the Congress of the United States.

Adopted by the Senate January 26, 1978.
Adopted by the House March 17, 1978.
A JOINT MEMORIAL

We, your Memorialists, the Senate and House of Representatives of the State of Idaho assembled in the Second Regular Session of the Forty-fourth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, the federal government is developing proposals for a federal urban policy with specific recommendations for ways to help cities; and

WHEREAS, these proposals include the establishment of criteria for federal review and certification of local and regional development strategies designed to achieve national goals in housing, employment and economic stability; and

WHEREAS, cities would be required to develop such certified strategies in order to qualify for the receipt of certain federal revenues; and

WHEREAS, this proposal will have the effect of strengthening large metropolitan regions at the expense of our nation's smaller cities and rural areas; and

WHEREAS, we believe that local goals in Idaho are best established at the local level.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Forty-fourth Idaho Legislature, the Senate and the House of Representatives concurring therein, that we urge the President and the Congress to reject any proposal which would mandate federal criteria for the development of any sort of state, local or regional development strategies or make establishment of such strategies a criteria for receiving federal revenues at the state or local level.

BE IT FURTHER RESOLVED that the Secretary of the Senate be, and she is hereby authorized and directed to forward copies of this Memorial to the President of the United States, the Secretary of the Department of Housing and Urban Development, to the President of the Senate and Speaker of the House of Representatives of Congress and to the Senators and Representatives representing this State in the Congress of the United States.

Adopted by the Senate February 27, 1978.
Adopted by the House March 16, 1978.
A JOINT MEMORIAL


We, your Memorialists, the Senate and House of Representatives of the State of Idaho assembled in the Second Regular Session of the Forty-fourth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, gasohol is a fuel mixture of 10% anhydrous ethanol and 90% unleaded gasoline, and is currently in developmental stages; and

WHEREAS, tests have shown that this mixture is capable of increasing the octane rating of the original gasoline, increasing the volume, increasing the mileage compared to the original unleaded fuel, and emitting fewer pollutants when in use; and

WHEREAS, gasohol is produced through the use of wheat, barley, potatoes, sugar beets, wood and wood by-products, and tests have shown that the process works equally well even when such products are wet, mouldy, distressed or of low grade; and

WHEREAS, valuable by-products of the gasohol process include extracts of food protein which may be developed for human consumption; and

WHEREAS, gasohol represents a unique opportunity for an agricultural economy such as the State of Idaho to develop a viable alternative to increasing dependence upon foreign oil; and

WHEREAS, a federal test program is now under consideration by the Congress of the United States, and it is in the best interests of the citizens of the State of Idaho that the State should be considered for participation in such a program.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Forty-fourth Idaho Legislature, the Senate and the House of Representatives concurring therein, that, acting on behalf of the people of the State of Idaho, we endorse the concept of further development of gasohol, and submit that the State of Idaho should be actively considered in the placement of future pilot gasohol projects. Such a program is ideally designed for a
state such as Idaho, and this is an opportunity for the State to assist in development of a product for the benefit of all citizens of this nation.

BE IT FURTHER RESOLVED that the Secretary of the Senate be, and she is hereby authorized and directed to forward copies of this Memorial to Robert S. Bergland, Secretary of the Department of Agriculture, 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 8, 1978.
Adopted by the House March 14, 1978.
A JOINT MEMORIAL


We, your Memorialists, the Senate and House of Representatives of the State of Idaho assembled in the Second Regular Session of the Forty-fourth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, the Republic of China was a founding member of the United Nations and has always been a law abiding member of the community of nations; and

WHEREAS, the people of the Republic of China have built a successful, prosperous, free economy out of the ashes of a half century of revolution, invasion and civil war and now serve as an important trading partner of the American people; and

WHEREAS, the Republic of China is of great strategic importance in the defense of east Asia and the Pacific and had always utilized its military power in the interests of the free world; and

WHEREAS, the people of the Republic of China have been among the most trusted friends and allies of the people of the United States since the founding of the Chinese Republic in 1912; and

WHEREAS, President Jimmy Carter has repeatedly stated that he will pursue an open and just foreign policy, based on morality; and

WHEREAS, President Jimmy Carter has also repeatedly stated that he will not compromise the freedom and security of the people of the Republic of China and will stand by the United States commitments to that country.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Forty-fourth Idaho Legislature, the Senate and the House of Representatives concurring therein, that this body strongly endorses the positions of President Jimmy Carter as stated above.

BE IT FURTHER RESOLVED that the government of the United States and the Congress are strongly urged to maintain diplomatic relations and the mutual defense treaty with the Republic of China.
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, Jimmy Carter, Secretary of State, Cyrus R. Vance, the Ambassador of the Republic of China to the United States, and 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 Senate March 8, 1978.
A JOINT MEMORIAL


We, your Memorialists, the Senate and House of Representatives of the State of Idaho assembled in the Second Regular Session of the Forty-fourth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, the Soil Conservation Service, established in 1935 within the Department of Agriculture, was created and designed to serve the interests of the public by providing technical service and assistance to the public on private lands through local soil conservation districts; and

WHEREAS, this pattern of service to the public has grown and prospered through more than forty years and provides an excellent delivery system of service to soil, water and related natural resource problems, not only in Idaho, but to all fifty states; and

WHEREAS, this operation of the Soil Conservation Service and Department of Agriculture has developed realistic working relations, at the local field level, with the fifty-one soil conservation districts in Idaho and almost three thousand such districts nationwide; and

WHEREAS, the 95th Congress passed amendments to the Federal Water Quality Act (PL 95-217) committing the Department of Agriculture, Soil Conservation Service and other agencies in the Department of Agriculture to provide additional assistance and service to clean water programs, through soil conservation districts and state soil conservation commissions; and

WHEREAS, removing the Soil Conservation Service from the Department of Agriculture would destroy PL 95-217, adversely affecting existing cooperative working relations and service and delivery systems to the local soil conservation districts at the grass roots level where all good conservation practices must take place; and

WHEREAS, proposals are now under consideration to transfer the Soil Conservation Service from the Department of Agriculture to the Department of Interior or some other
WHEREAS, we believe the present structure has served well for more than four decades and we urge the Congress to carefully consider this long history of service and the many conservation accomplishments.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Forty-fourth Idaho Legislature, the Senate and the House of Representatives concurring therein, that we urge the Congress of the United States and the President to reject proposals for transfer of the Soil Conservation Service from the Department of Agriculture.

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, Jimmy Carter, the Secretary of the Department of Agriculture, Robert S. Bergland, the Secretary of the Department of Interior, Cecil D. Andrus, 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 13, 1978.
Adopted by the House March 16, 1978.
A JOINT MEMORIAL
TO THE HONORABLE CECIL D. ANDRUS, SECRETARY OF THE INTERIOR,
AND THE HONORABLE ROBERT BERGLAND, SECRETARY OF AGRICUL-
TURE, THE HONORABLE SENATE AND HOUSE OF REPRESENTATIVES
OF THE UNITED STATES IN THE CONGRESS ASSEMBLED, AND THE
SENATORS AND REPRESENTATIVES REPRESENTING THE STATE OF
IDAHO IN THE CONGRESS OF THE UNITED STATES.
We, your Memorialists, the House of Representatives and
Senate of the State of Idaho assembled in the Second Regular
Session of the Forty-fourth Idaho Legislature, do hereby
respectfully represent that:
WHEREAS, increases in grazing fees on federal lands
administered by the Bureau of Land Management and the Forest
Service are now pending and subject to review by the Con-
gress of the United States; and
WHEREAS, the proposed fee structure constitutes a
twenty-five percent increase over existing fees; and
WHEREAS, the livestock industry in the State of Idaho is
heavily dependent upon grazing programs on federal lands; and
WHEREAS, the livestock industry is facing depressed prices and, consequently, serious financial conditions under existing market conditions and is operating with costs exceeding profits even with the present fee structure; and

WHEREAS, it is incumbent upon the Congress to consider not only the direct impact of the proposed rate structure upon the livestock industry, but also the related effects upon all phases of the economy of a state such as Idaho where livestock production is at the foundation of the economic health of the State.

NOW, THEREFORE, BE IT RESOLVED by the Legislature of the State of Idaho, the House of Representatives and the Senate concurring therein, that we urge the Congress to reject the proposal now pending for increases in the grazing fees as submitted by the Secretary of the Interior and the Secretary of Agriculture, and to extend a moratorium upon increases in the fees until a thorough study has assessed the impact upon the livestock industry and the western economy. Any study should consider the financial conditions now facing the industry and potential consequences of additional agricultural failures on the national economy and our citizens.

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 Honorable Cecil D. Andrus, Secretary of the Interior, the Honorable Robert Bergland, Secretary of Agriculture, the President of the Senate and the Speaker of the House of Representatives of Congress, and the Senators and Representatives representing the State of Idaho in the Congress of the United States.

Adopted by the House February 6, 1978.
Adopted by the Senate February 10, 1978.
A JOINT MEMORIAL

TO THE HONORABLE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED, AND TO THE SENATORS AND REPRESENTATIVES REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES.

We, your Memorialists, the House of Representatives and Senate of the State of Idaho assembled in the Second Regular Session of the Forty-fourth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, recent court decisions and impending administrative actions have been directed toward a reinterpretation of the 1902 Reclamation Act, and a strict application of a 60 acre limitation per unit; and

WHEREAS, many persons have expressed concern that imposition of a limitation of 160 acres upon agricultural units will work a severe hardship upon agriculture in western states such as Idaho; and

WHEREAS, the economics of agriculture today demand large investments in the tools of production and this investment must be considered when discussing the imposition of a limit upon the size of farm units; and

WHEREAS, many farm families have worked, in good faith, based upon the state of the law and administrative dictates, to develop and build productive farms from reclamation lands in the true pioneer spirit; and

WHEREAS, we owe these farm families at last a thorough and careful consideration of the impact upon their existence, as well as the impact upon American agricultural productivity, if there is a sudden change in federal policy toward reclamation land developments; and

WHEREAS, legislation is now pending to provide a one year moratorium on federal administrative enforcement of the 160 acre limitation upon agricultural units.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Forty-fourth Idaho Legislature, the House of Representatives and the Senate concurring therein, that we endorse the concept of a moratorium, as provided in S.J.Res. 93 and S.J.Res. 96, now pending before the Senate of the United States. We urge adoption of a moratorium to allow study of the impact of the 160 acre limitation in view of the realities of agricultural produc-
tion in the 1970s. We believe that, while many Idaho farm families will suffer personal financial hardship, all American consumers will eventually feel the brunt as prices increase due to economically impractical and unworkable farms if the 160 acre limit is actually enforced.

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 Senators and Representatives representing the State of Idaho in the Congress of the United States.

Adopted by the Senate February 3, 1978.
A JOINT MEMORIAL
HONORING THE MEMORY OF A DEDICATED AND SKILLED RESIDENT OF THE STATE OF IDAHO, JOHN R. MARKS, M.D., M.P.H.

We, your Memorialists, the House of Representatives and Senate of the State of Idaho assembled in the Second Regular Session of the Forty-fourth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, Dr. John R. Marks, a resident of Idaho, was an active leader in the field of mental retardation, and dedicated much of his life to the improvement of services to the handicapped citizens of the State of Idaho; and

WHEREAS, Dr. John R. Marks was known for his support and personal contributions of time and leadership at both the state and national level; and

WHEREAS, Dr. John R. Marks provided the inspiration and leadership for the development of the Child Development Centers in the State of Idaho; and

WHEREAS, Dr. John R. Marks gave willingly of his expertise to all handicapped people, and responded generously to requests for assistance and advice from members of the Legislature; and

WHEREAS, Dr. John R. Marks was a well-known and respected member of his community.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Forty-fourth Idaho Legislature of the State of Idaho, the House of Representatives and the Senate concurring, that the members of the Legislature take this opportunity to recognize and memorialize the contributions of Dr. John R. Marks to the State of Idaho and direct that the Department of Health and Welfare contribute to his memory by dedicating the facility currently under construction at the Idaho State School and Hospital in his name.

BE IT FURTHER RESOLVED that the Clerk of the House of Representatives be, and he is hereby authorized and directed to forward copies of this Memorial to Dr. Marks' widow, Mary; his children, John, Nancy, Matthew and David; to Milton G. Klein, Director, Department of Health and Welfare; and to the Idaho State School and Hospital.

Adopted by the House February 2, 1978.
Adopted by the Senate February 9, 1978.
A JOINT MEMORIAL


We, your Memorialists, the House of Representatives and Senate of the State of Idaho assembled in the Second Regular Session of the Forty-fourth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, the United States Forest Service, established in 1905 within the Department of Agriculture, was created and designed to serve the interests of the public through the management of the forest resources of this nation; and

WHEREAS, over the span of nearly three-quarters of a century, members of the agricultural community have participated with the Forest Service in beneficial use of forest lands, including grazing of livestock and harvesting of timber in ways which contribute to a sound economy and a wise management of resources; and

WHEREAS, a long tradition of operation through the Department of Agriculture should not be disturbed without a significant demonstration that the existing organizational structure has failed to serve the public interest; and

WHEREAS, proposals are now under consideration which would transfer the Forest Service to the Department of Interior or other possible umbrella agency and interrupt the history of service and progress which has served the people of the State of Idaho and of this Nation.

WHEREAS, we find that the existing structure has served well for nearly seventy-five years, and we encourage the Congress to carefully consider this history of service and accomplishment.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Forty-fourth Idaho Legislature, the House of Representatives and the Senate concurring therein, that we urge the Congress and the President to reject proposals for the transfer of the Forest Service from the Department of Agriculture.

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, Jimmy Carter, the Honorable Secretary of the Department of Agriculture, Robert S. Bergland, the Honorable Secretary of the Department of Interior, Cecil D. Andrus, 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 20, 1978.
Adopted by the Senate March 11, 1978.
A JOINT MEMORIAL
TO THE HONORABLE PRESIDENT OF THE UNITED STATES, THE HONORABLE SECRETARY OF THE DEPARTMENT OF TRANSPORTATION, TO THE HONORABLE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED, AND TO THE HONORABLE SENATORS AND REPRESENTATIVES REPRESENTING IDAHO IN THE UNITED STATES CONGRESS.

We, your Memorialists, the House of Representatives and Senate of the State of Idaho assembled in the Second Regular Session of the Forty-fourth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, the National Highway Traffic Safety Administration (NHTSA) of the United States Department of Transportation has proposed fuel economy standards for new model year 1980-81 light trucks weighing less than 8500 pounds (gross vehicle weight rating); and

WHEREAS, NHTSA proposes that said light trucks achieve a fleet average fuel economy of at least 19.2 mpg in 1980 and 20.5 mpg in 1981; and

WHEREAS, these proposed standards will apply to all light duty vehicles including public utility trucks, rescue vehicles, delivery vans, many types of farm vehicles, pickup trucks, four-wheel drive vehicles, and most types of vans; and

WHEREAS, the people of the State of Idaho are particularly dependent on these vehicles for their livelihood, especially in farming, ranching, construction, and small and large business; and

WHEREAS, testimony given at public hearings on these proposed standards indicates that the standards are not now technologically feasible or economically practical; and

WHEREAS, if these standards are promulgated, the only light trucks which might be available would be too small and too light to meet the needs of Idaho agriculture and business; and

WHEREAS, these proposed standards could work a hardship on the consuming public as well as have a serious economic impact on the state and national economies.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Forty-fourth Idaho Legislature, the House of Representatives and the Senate concurring therein, that we oppose the promulgation by NHTSA of the proposed fuel economy standards for new model year...
1980-81 light trucks, vans, and utility vehicles.

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 Honorable Jimmy Carter, President of the United States, the Honorable Brock Adams, Secretary of the Department of Transportation, the President of the Senate and the Speaker of the House of Representatives of Congress, and the Honorable Senators and Representatives representing the State of Idaho in the Congress of the United States.

 Adopted by the House February 20, 1978.
 Adopted by the Senate March 2, 1978.
A JOINT MEMORIAL

We, your Memorialists, the House of Representatives and the Senate of the State of Idaho assembled in the Second Regular Session of the Forty-fourth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, the production of sugar beets and of beet sugar is important in the State of Idaho and makes significant contributions to the State's economy; and

WHEREAS, legislative and administrative actions taken thus far have not been adequate to restore the needed stability to sugar markets for domestic producers; and

WHEREAS, sugar beet producers and beet sugar processors are not receiving prices for their product which allow them to remain in business on a profitable basis; and

WHEREAS, the loss of sugar beet growing and beet sugar processing would have serious repercussions in the economy of the State.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Forty-fourth Idaho Legislature, the House of Representatives and the Senate concurring therein, that we respectfully request and urge the Congress of the United States to consider and enact legislation to insure the continued existence, stability and profitability of the total domestic nutritive sweetener industry, and that the President sign and administer such legislation.

BE IT FURTHER RESOLVED that the Clerk of the House of Representatives be, and he hereby is, authorized and directed to forward copies of this Memorial to the President of the United States, Jimmy Carter, the Secretary of Agriculture, Robert Bergland, the President of the Senate and the Speaker of the House of Representatives of Congress, and the Congressional delegation representing the State of Idaho in the Congress of the United States.

Adopted by the House March 1, 1978.
Adopted by the Senate March 7, 1978.
A JOINT MEMORIAL
URGING THE CONGRESS OF THE UNITED STATES TO ACT TO PREVENT PROPOSED UNITED STATES INTERNAL REVENUE SERVICE REGULATIONS FROM BECOMING EFFECTIVE WHICH WILL ELIMINATE PUBLIC EMPLOYEE DEFERRED COMPENSATION PLANS.

We, your Memorialists, the House of Representatives and Senate of the State of Idaho assembled in the Second Regular Session of the Forty-fourth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, the Internal Revenue Service, U. S. Department of Treasury, has filed notice of intent to promulgate rules and regulations relating to public employee deferred compensation plans; and

WHEREAS, the rules are intended to change the Internal Revenue Service position on public employee deferred compensation plans to the extent that contrary to prior Internal Revenue Service rulings, if a public employee chooses to have payment of some portion of his current income deferred and paid in a later year, the amount will be treated as received in the earlier taxable year; and

WHEREAS, deferred compensation, as a principal, has been clearly established by congressional action and has been made available to the majority of American workers; and

WHEREAS, over twenty-five states and hundreds of local government jurisdictions have adopted, pursuant to statute, deferred compensation plans for public employees; and

WHEREAS, the public employer through these plans can offer encouragement of voluntary savings for retirement, help ease pressure on the Social Security System and qualified public pension systems, and enhance its employee fringe benefit package at no additional cost to the public employer; and

WHEREAS, some Idaho local governments are operating deferred compensation programs for the benefit of their employees; and

WHEREAS, the State of Idaho has enacted legislation to make available deferred compensation plans for its public employees; and

WHEREAS, the Internal Revenue Service regulations may adversely impact over 40,000 Idaho public employees, their public employers and thereby the citizens of the State of Idaho.

NOW, THEREFORE, BE IT RESOLVED by the members of the
Second 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 act to prevent the proposed Treasury Department regulations from becoming effective, to maintain the integrity of public employee deferred compensation plans, and to encourage their operation.

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 March 7, 1978.
Adopted by the Senate March 11, 1978.
CERTIFICATE OF SECRETARY OF STATE

UNITED STATES OF AMERICA )
STATE OF IDAHO ) ss.

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, Second Regular Session thereof, which convened January 9, 1978, and adjourned March 18, 1978, as they appear in the enrolled acts and resolutions on file in this office, all of which are published by authority of the Laws of the State of Idaho.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Great Seal of the State of Idaho. Done at Boise City, the Capital of Idaho, this 20th day of April, 1978.

[Signature]
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.
EXECUTIVE ORDERS
EXECUTIVE ORDER NO. 77-1

PROHIBITING THE USE OF STATE FUNDS TO PAY FOR PROFESSIONAL DUES, FEES AND MEMBERSHIPS IN PROFESSIONAL ASSOCIATIONS

Recognizing that there is no uniform state policy in regard to the payment of professional dues, fees, and memberships for state employees, I find it essential to make a policy for all state employees in the executive department.

Therefore, as Governor of the State of Idaho, I proclaim the following policy:

No state money shall be used to pay for any kind of professional, occupational or trade license, certificate, permit or occupational registration for any state employee or officer; nor shall any state monies be used to pay for any kind of dues to any professional, occupational or trade association in which membership is restricted to persons who are licensed, certified or registered under Idaho law. This policy does not preclude the state or state departments from paying dues to organizations relating to their responsibilities in state government.

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-sixth day of April, in the year of our Lord nineteen hundred seventy-seven, and of the Independence of the United States of America the two hundred seventy-seven, and of the Statehood of Idaho the eighty-seventh.

/s/ JOHN V. EVANS
GOVERNOR OF THE STATE OF IDAHO

/s/ PETE T. CENARRUSA
SECRETARY OF STATE
EXECUTIVE ORDER NO. 77-2

DESIGNATING THE IDAHO TRANSPORTATION DEPARTMENT AND ITS DIRECTOR, DARRELL V. MANNING, AS THE RECIPIENT OF FEDERAL GRANTS FOR RAIL SERVICE ASSISTANCE

WHEREAS, the Federal Government, under sections 5(f) through 5(o) of the Department of Transportation Act, as amended, is authorized to provide financial assistance to states to improve rail service; and

WHEREAS, such aid has been offered to Idaho; and

WHEREAS, it is necessary that an agency of the State of Idaho be designated and authorized to receive and expend such financial assistance;

NOW, THEREFORE, I, JOHN V. EVANS, Governor of the State of Idaho, by the authority vested in me by Section 5, Article 4, of the Idaho Constitution and Section 67-802 of the Idaho Code, do hereby designate the Idaho Transportation Department and Darrell V. Manning, its director, to receive and expend monies from the Federal Government for rail service assistance as provided under the applicable Federal Statutes.

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 nineteenth day of May, in the year of our Lord nineteen hundred seventy-seven, and of the Independence of the United States of America the two hundred first and of the Statehood of Idaho the eighty-seventh.

/s/ JOHN V. EVANS
GOVERNOR OF THE STATE OF IDAHO

/s/ PETE T. CENARRUSA
SECRETARY OF STATE
EXECUTIVE ORDER NO. 77-3

PROVISIONS FOR THE NECESSARY AND APPROPRIATE STATE COORDINATION AND PARTICIPATION WITH THE FEDERAL INSURANCE ADMINISTRATION UNDER THE NATIONAL FLOOD INSURANCE ACT OF 1968, AS AMENDED, AND RULES AND REGULATIONS PROMULGATED THEREUNDER

WHEREAS, uneconomic uses of the State's flood plains are occurring and potential flood losses are increasing despite substantial efforts to control floods; and

WHEREAS, national, state and local studies of areas and property subject to flooding indicate a further increase in flood damage potential and flood losses, even with continuing investment in flood protection structures; and

WHEREAS, the State of Idaho has continuing programs for the construction of buildings, roads, and other facilities and annually acquires and disposes of lands in flood hazard areas, all of which activities significantly influence patterns of commercial, residential, and industrial development; and

WHEREAS, the availability of flood insurance under the National Flood Insurance Program, as provided by the National Flood Insurance Act of 1968, as amended is dependent upon State coordination of Federal, State and local aspects of flood plain, mudslide (i.e., mudflow) area and flood-related erosion area management activities in the State; and

WHEREAS, the Department of Water Resources is the State agency responsible for State level programs for flood prevention, flood control and flood protection; and

WHEREAS, the Bureau of State Planning and Community Affairs is the State agency responsible for assisting with local regulations necessary for flood insurance provided by the National Flood Insurance Act of 1968 under the Idaho Code, Title 67-1911 through 1917; and

WHEREAS, the Federal Insurance Administration has promulgated and adopted rules and regulations governing eligibility of State and local communities to participate in the National Flood Insurance Program, which participation depends on State coordination and the designation of an agency in the State of Idaho to be responsible for coordinating Federal, State and local aspects of flood plain, mudslide (i.e., mudflow) area and flood-related erosion area...
management activities in the State of Idaho;

NOW, THEREFORE, I, JOHN V. EVANS, Governor of the State of Idaho, by virtue of the authority vested in me do hereby order as follows:

Section 1. The Department of Water Resources is hereby designated as the agency to provide implementation of Section 1910.12, Rules and Regulations of the Federal Insurance Administration, and will encourage a broad and unified effort to prevent uneconomic uses and development of the State's flood plains and in particular, to lessen the risk of flood losses in connection with State lands and installations and State financed or supported improvements. Specifically:

1. Under the leadership and direction of the Department of Administration, all State agencies directly responsible for the construction of buildings, structures, roads, or other facilities shall preclude the uneconomic, hazardous, or unnecessary use of flood plains in connection with such facilities. In the event of construction in the flood plain, the flood plain management criteria set forth in Sections 1910.3, 1910.4, and 1910.5 of the National Flood Insurance Regulations shall apply as applicable. Flood proofing measures shall be applied to existing facilities in order to reduce flood damage potential.

2. All State agencies responsible for the administration of grant or loan programs involving the construction of buildings, structures, roads or other facilities shall evaluate flood hazards in connection with such facilities and, in order to minimize the exposure of facilities to potential flood damage and the need for future State expenditures for flood protection and flood disaster relief, shall preclude the uneconomic, hazardous, or unnecessary use of flood plains in such connection.

3. All State agencies responsible for the disposal of lands or properties shall evaluate flood hazards in connection with lands or properties proposed for disposal to other public instrumentalities or private interests and, in order to minimize future State expenditures for flood protection and flood disaster relief, shall notify those instrumentalities and private interests that such hazards exist.

4. All State agencies responsible for programs which
affect land use planning, including State permit programs, shall take flood hazards into account when evaluating plans and shall encourage land use appropriate to the degree of hazard involved.

Section 2. As may be permitted by law, the head of each State agency shall issue appropriate rules and regulations to govern the carrying out of the provisions of Section 1 of this order by his agency to be coordinated with the Department of Administration.

Section 3. This order shall take effect on the 6th day of July, 1977.

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 fifth day of July, in the year of our Lord nineteen hundred seventy-seven, and of the Independence of the United States of America the two hundred second, and of the Statehood of Idaho the eighty-eighth.

/s/ JOHN V. EVANS
GOVERNOR OF THE STATE OF IDAHO

/s/ PETE T. CENARRUSA
SECRETARY OF STATE
ASSIGNMENT OF DISASTER/EMERGENCY PREPAREDNESS AND RESPONSE FUNCTIONS TO STATE AGENCIES FOR NATURAL, MAN-MADE, AND NUCLEAR DISASTERS REPEALING EXECUTIVE ORDER NUMBER 75-5

WHEREAS, widespread disaster resulting from floods, fires, storms, earthquakes, hazardous materials, tornadoes, landslides, mudslides, drought, explosion, riot, hostile military actions, or other catastrophe is an ever present possibility in this State; and

WHEREAS, Chapter 10, Title 46 of the Idaho Code requires the protection of lives and property of the residents of the State in any type of natural or man-made disaster, enemy attack, sabotage or other emergency that might conceivably confront the State; and

WHEREAS, it is the duty of all State officials to assume active leadership in disaster preparedness, response, and recovery operations; and

WHEREAS, the legislature has directed the development of such State emergency preparedness, response, and recovery plans; and

WHEREAS, effective State preparedness, response, and recovery planning requires the identification of functions that would have to be performed during such emergencies, the assignment of responsibility for performance of these functions, the assignment of responsibility for developing the capability to implement these plans;

NOW, THEREFORE, I, John V. Evans, Governor of the State of Idaho by virtue of the powers and authority vested in me by the Constitution and laws of this State, and in accordance with the provisions of Section 46-601 of the Idaho Code, do hereby assign emergency preparedness, response, and recovery functions to the various agencies. Each department and agency with essential functions, whether expressly identified in the Order or not, shall:

1. GENERAL ASSIGNMENTS
   a. Develop and maintain disaster/emergency operation plans to carry out effectively the agency's disaster/emergency functions, including assignment of disaster/emergency duties to all subdivisions and personnel. Plans shall be kept current and a copy placed on file in the office of the Bureau of Disaster Services.
   b. Appoint a disaster coordinator and furnish that
name to the Bureau of Disaster Services.

c. When a major disaster or an emergency requires the activation of the State Emergency Operations Center, the agency head or representative will be directed to report to that facility to serve as a member of the Governor's staff. The representative will provide continuing liaison with the Governor and other agencies and establish immediate contact with the Bureau of Disaster Services.

d. Make resources and facilities available for essential emergency use.

e. Provide coordination and support during disaster or emergency operations as required by the State of Idaho Emergency Plan.

f. Grant and/or use waivers in accordance with the applicable Idaho Code for necessary response to and recovery operations from a disaster/emergency.

g. Provide for training of personnel in appropriate disaster preparedness, response, and recovery functions.

2. SPECIFIC ASSIGNMENTS

a. OFFICE OF THE ATTORNEY GENERAL

(1) Provide legal advice and assistance to all executive officers of State government and to all offices or agencies of the State government and to all offices or agencies of the State upon any question of law relating to their respective functions.

(2) Provide consumer protection assistance.

b. MILITARY DIVISION, (Office of the Adjutant General)

(1) Provide executive supervision and policy guidance to the Bureau of Disaster Services.

(2) Coordinate the activities of all State agencies on behalf of the Governor. (Section 46-1006, Idaho Code).

(3) Provide military support and advise and made recommendations to civil authorities on the employment of military forces during a disaster/emergency in accordance with Federal and State laws and regulations.

(4) Provide specific guidance as required for emergency preparedness planning and programming for State military forces.

(5) Order into the active service of the State, the National Guard or any part thereof as directed by the Governor in the event a state of extreme emergency has been declared. (Section 46-601, Idaho Code).

(6) Establish a statewide military emergency communications system. During emergencies, maintain communications between the State Emergency Operations Center and
State military headquarters. Develop a capability for utilization of radio communications between the State military forces, State highway districts, and civil law enforcement agencies. Provide a mobile communications center for joint military/civil use as required at the scene of operations during emergencies.

(7) Through the Coordinator, Bureau of Disaster Services:

(a) Coordinate operations of all State agencies during a natural, man-made, or enemy caused disaster.

(b) Establish and maintain an Emergency Operations Center for controlling and directing emergency operations.

(c) Coordinate plans with local officials for the search, rescue, care and treatment of injured persons who are lost, entrapped, victimized or threatened by a disaster. When ground search assistance is requested by a county sheriff, the Bureau of Disaster Services will designate a State Coordinator.

(d) Develop and coordinate the preparation and implementation of plans and programs for emergency preparedness, response, and recovery which are consistent with national plans and programs.

(e) Ensure the effective coordination and control of State resources in support of radiological emergency response activities concerning fixed nuclear facilities and other nuclear and hazardous materials incidents during transport.

(f) Provide for mutual support between the State's civil government and Federal agencies.

(g) Assist local governments in the development of their emergency disaster preparedness planning.

(h) Coordinate all requests from local governments for disaster assistance.

(i) Administer Federal programs of disaster planning and assistance pertinent to State and local government.

(j) Coordinate use of communications and warning systems in the State Emergency Communications Center.

(k) Provide for annual testing of the State Emergency Plan and training of State agency personnel for damage assessment, damage survey and radiological monitoring.
c. **DEPARTMENT OF ADMINISTRATION**

(1) Through the Administrator, Division of General Services:

(a) Maintain liaison with the communications media, i.e., radio and television, and State agencies for improving and maintaining warning and emergency communications systems.

(b) Develop plans for use of all nonmilitary communications and warning systems within the State during an emergency.

(c) Assist other State and local agencies in procuring communications and warning equipment required to fulfill emergency responsibilities.

(d) Prepare communications and warning studies to improve emergency communications.

(2) Through the Administrator, Division of Public Works:

(a) Provide personnel for damage assessment and damage survey teams.

(b) Provide assistance to State and local health authorities with emergency sanitation problems.

(c) Assist in planning for emergency use of public lands, hospitals, institutions and other buildings.

(d) Supervise and coordinate the securing of construction equipment and personnel as pertains to essential facilities and housing.

(3) Provide administrative and logistical support services.

(4) Provide contractual assistance and guidance to local governments.

d. **DEPARTMENT OF AGRICULTURE**

(1) Coordinate with local officials for the evacuation of domestic livestock, animals, and pets, and the establishment of evacuation reception areas for appropriate animal care.

(2) Coordinate feeding requirements for livestock and other animals.

(3) Coordinate dead animal removal.

(4) Provide personnel for radiological monitoring.

(5) Coordinate with the Department of Health and Welfare in the control of pesticides.

(6) Provide technical assistance concerning livestock health, disease control, and preventive medicine.
(7) Coordinate with appropriate agencies in the distribution of medical supplies for livestock, other animals, and pets.

(8) Provide for emergency management and operation of the food resource control group.

e. STATE BOARD OF EDUCATION

(1) State Department of Education.
   (a) Provide guidance and coordinate plans for ensuring the safety of the school population in time of emergency.
   (b) Develop and coordinate plans with local school districts for use of buses for emergency transport.
   (c) Develop and coordinate plans for the utilization of school facilities for reception, shelter, mass feeding, and Disaster Assistance Centers during natural or man-made disasters.
   (d) Provide personnel to assist in the damage assessment of public school facilities.

(2) The Office of the State Board of Education.
   (a) Assist in coordinating activities for damage assessments and damage surveys for higher educational and area vocational-technical facilities.
   (b) Assist in coordinating the utilization of higher educational facilities for reception, shelter, mass feeding, and Disaster Assistance Centers during natural or man-made disasters, if required.

f. DEPARTMENT OF EMPLOYMENT

(1) Survey manpower resources and requirements.
(2) Provide recruitment and utilization of the labor force.
(3) Identify areas and occupations of labor shortages and supply.
(4) Provide unemployment insurance claims service for the disaster victims in the Disaster Assistance Centers.
(5) Provide reemployment assistance to individuals unemployed as a result of a natural or man-made disaster.

g. DEPARTMENT OF FINANCE

Provide for operation of the economic stabi-
lization control group, which includes money, credit and banking, price and rent controls, and consumer rationing.

h. **DEPARTMENT OF FISH AND GAME**

(1) Provide personnel to be used as auxiliary police during emergencies.
(2) Assist in search and rescue operations.
(3) Assist the Department of Health and Welfare in determining environmental impact of proposed emergency operations and suggest alternative methods or actions to keep resulting environmental damage to a minimum.
(4) Provide personnel for damage assessment and damage survey teams and radiological monitoring.
(5) Provide emergency communications assistance.

i. **DEPARTMENT OF HEALTH AND WELFARE**

(1) Coordinate emergency welfare, medical, and health services throughout the State. Such responsibility includes the developing of general plans for public health and sanitation, emergency medical assistance, identification and mortuary services, mass care and feeding, food stamp distribution, crisis counseling, emergency social services, evacuation of sick and injured, use of hospitals and other medical facilities, protection from radiological, chemical, biological, and other hazardous materials, and environmental health and sanitation.
(2) Responsible for assuring adequate supplies of potable water and coordinating with other appropriate State agencies for assistance.
(3) Maintain and control the use of packaged disaster hospitals.
(4) Responsible for general emergency planning, implementation, and direction of radiological emergency response operations activities in support of fixed nuclear facilities, nuclear waste incidents during transport, and other nuclear incidents.
(5) Provide personnel for damage assessment and damage survey teams.
(6) Responsible for the environmental impact analysis of proposed emergency operations and for the suggesting of alternative methods or actions to keep resulting environmental damage to a minimum.
(7) Provide emergency communications assistance.
(8) Provide food stamp and disaster welfare services and personnel for receptionists, registrars, and exit interviewers in the Disaster Assistance Centers.
(9) Develop an emergency organization for the coordination of disaster operations at the Regional level.
under the supervision of the Regional Director.

j. **DEPARTMENT OF INSURANCE**

(1) Provide insurance counseling services for the disaster victims in the Disaster Assistance Centers.
(2) Prepare the insurance certifications that are required prior to receiving Federal disaster assistance.

k. **DEPARTMENT OF LABOR AND INDUSTRIAL SERVICES**

(1) Provide inspectors for determining compliance with State Building Codes and Standards.
(2) Provide personnel for damage assessment and damage survey teams.

l. **DEPARTMENT OF LANDS**

(1) Cooperate with Federal and local governments in developing plans for and directing activities relating to the prevention and control of fires in the rural areas of the State.
(2) Designate a State Fire Coordinator for rural fire suppression.
(3) Develop plans and direct activities for the emergency protection, management and utilization of land resources, and facilities under the State's jurisdiction. Also, develop plans for the emergency protection and processing of forest products in cooperation with other Federal, State and private agencies.
(4) Provide emergency communications assistance.
(5) Assist in search and rescue operations.

m. **DEPARTMENT OF LAW ENFORCEMENT**

(1) Coordinate all requests for additional law enforcement personnel.
(2) Operate a statewide emergency communications system which will be designated as the primary system during an emergency.
(3) Operate the National Warning System (NAWAS) insofar as it relates to the State, until relieved by activation of the State Emergency Operations Center.
(4) Support the Bureau of Disaster Services and Bureau of Communications by developing, operating, and maintaining a warning system for alerting State and local governments.
(5) Develop and implement plans for statewide emergency traffic control measures, to include evacuation.
(6) Provide damage assessment and information on disaster incidents to the State Emergency Operations Cen-
(7) Assist with hazardous materials incidents.
(8) Provide brand inspection personnel to determine ownership of animals.
(9) Provide public information assistance.
(10) Assist in search and rescue operations.
(11) Develop an emergency organization for the coordination of disaster operations at the district level under the supervision of the District Lieutenant.
(12) Provide for mobile radiological monitoring.

n. DEPARTMENT OF PARKS AND RECREATION
(1) Assist the Department of Lands in preventing and combating fires in rural areas.
(2) Cooperate with the Department of Health and Welfare in providing appropriate departmental lands and facilities as mass care and feeding centers during emergencies.
(3) Provide personnel for damage assessment and damage survey teams and radiological monitoring.
(4) Assist in search and rescue operations.

o. DEPARTMENT OF REVENUE AND TAXATION
Provide tax counseling services for the disaster victims in the Disaster Assistance Centers.

p. DIVISION OF TOURISM AND INDUSTRIAL DEVELOPMENT
(1) Prepare and maintain a complete inventory of Idaho industries.
(2) Provide public information assistance.

q. DEPARTMENT OF TRANSPORTATION
(1) Develop an emergency organization for the coordination of disaster operations at the district level under the supervision of the District Engineer.
(2) Provide personnel for damage assessment and damage survey teams and radiological monitoring.
(3) Provide engineering services, repair and maintenance of public roads, bridges, airfields, and debris clearance.
(4) Assist with hazardous materials incidents.
(5) Provide for emergency highway traffic regulations.
(6) Provide emergency management of resources pertaining to construction and transportation.
(7) Coordinate aviation activities within the State, to include the requirement for restricted air space within the disaster area.

(8) Provide aviation resources for evacuation, search and rescue operations, and aerial radiological monitoring.

(9) Operate a statewide communications system which will be designated as an alternate during an emergency.

(10) Provide public information assistance.

(11) Coordinate the activation of "Plan Bulldozer".

(12) Provide for emergency management of the construction and transportation resource control group.

r. DEPARTMENT OF WATER RESOURCES

(1) Supervise dam safety during times of flooding or imminent failure by coordinating regulation of releases or emergency maintenance and repair to protect life and property. Advise Emergency Operations Center of impending emergency conditions, either as a result of imminent failure or of other conditions.

(2) Coordinate operations of water control structures to minimize flood damage during impending or actual occurrence of a disaster.

(3) Establish procedures to grant stream channel protection waivers to entities involved in emergency flood fight situations or when channel work is necessary on an emergency basis to protect life and property.

(4) Assist agencies and individuals in obtaining emergency authorization from the Corps of Engineers, U.S. Army, under Public Law 92-500, to conduct flood control activities in waterways.

(5) Provide trained personnel to recommend emergency actions before, during, and after flood emergencies.

(6) Assist the Department of Health and Welfare in determining environmental impact of proposed emergency operations and suggest alternative methods or actions to keep resulting environmental damage to a minimum.

(7) Provide personnel for damage assessment and damage survey teams.

(8) Act as responsible agency to coordinate State efforts in drought disasters.

(9) Provide assistance in finding and obtaining alternative water supplies during drought emergencies.

(10) Assist the Department of Health and Welfare in assuring adequate supplies of potable water.

(11) Act as the State Coordinating Agency for the Flood Insurance program.

(12) Provide emergency communications assis-
(13) Provide for emergency management and operation of the water resource control group, when directed.

3. EMERGENCY ACTIONS

Any emergency preparedness function under this Order, or parts thereof may be transferred from one governmental agency to another with the consent of the heads of the agencies involved and with the concurrence of the Chief, Bureau of Disaster Services. Any new emergency preparedness function may be assigned to the head of a governmental agency by the Chief, Bureau of Disaster Services, by mutual consent.

The head of each governmental agency is hereby authorized to delegate the functions assigned to him by this Order.

This Order does not confer authority to put into effect any emergency plan, procedure or policy until my proclamation of a state of extreme emergency under the provisions of and as defined in Section 46-601, subparagraph (a), Idaho Code, and/or my proclamation of a disaster emergency under the provisions of Section 46-1008 of the Idaho Code, is issued.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho, at Boise, the Capital, the twelfth day of August in the year of our Lord nineteen hundred seventy-seven and of the State, the eighty-eighth, and of the Independence of the United States of America, the two hundred second.

/s/ JOHN V. EVANS
GOVERNOR OF THE STATE OF IDAHO

/s/ PETE T. CENARRUSA
SECRETARY OF STATE
WHEREAS, Executive Order No. 72-3, dated the first day of May 1972 created six official and uniform state planning regions to be utilized by all state departments and agencies; and

WHEREAS, state departments and agencies continue to rely on divergent regional patterns for planning, administrative, technical assistance and data gathering activities; and

WHEREAS, the need to coordinate the activities of state departments and agencies on a regional basis continues to exist; and

WHEREAS, the establishment of the aforementioned official and uniform state planning regions continues to result in a reduction of confusion among local public officials and in the more efficient delivery of services to the citizens of the State of Idaho by local governmental units; and

WHEREAS, the increase in the activities and involvement of the departments and agencies of the United States has intensified the need for the unimpeded cooperation among federal, state and local programs; and

WHEREAS, Public Law 90-577, the Intergovernmental Cooperation Act of 1968 and Part IV of U.S. Office of Management and Budget Circular No. A-95, Revised, encourages the states "to exercise leadership in delineating and establishing a system of planning and development districts or regions in each state, which can provide a consistent geographic base for the coordination of Federal, State and local development programs";

NOW, THEREFORE, by virtue of the powers vested in me as Governor of the State of Idaho, I do now issue this Executive Order continuing the official and uniform state planning regions to be utilized by all state departments and agencies. Six major regions shall continue to be as follows:

Region I: Boundary, Bonner, Kootenai, Benewah and Shoshone Counties (Panhandle Region)
Region II: Latah, Clearwater, Nez Perce, Lewis, and Idaho Counties (Clearwater Region)
Region III: Adams, Valley, Washington, Payette, Gem, Canyon, Boise, Ada, Elmore, and Owyhee
Region IV: Counties (Southwest Region)
Camas, Blaine, Gooding, Lincoln, Jerome, Minidoka, Twin Falls, and Cassia Counties
(Magic Valley Region)

Region V: Bingham, Power, Bannock, Oneida, Franklin, Caribou, and Bear Lake Counties
(Southeast Region)

Region VI: Lemhi, Custer, Butte, Clark, Jefferson, Fremont, Madison, Teton, and Bonneville Counties (Eastern Region)

It is hereby ordered and directed that all state agencies continue to conduct planning activities, collect data, compile reports, and report program progress on the basis of the State Planning Regions.

It is further ordered and directed that all agencies within the Executive Branch of Government continue to take the above Regional Districts into consideration in the future establishment and revision of all applicable state plans and programs.

It is further ordered and directed that state agencies may continue, with the written authorization of the Governor, to group or combine whole State Planning Regions into agency-designated larger geographic areas, but shall continue to utilize the six regions with the nomenclature and numerical designations established by this order for purposes of data gathering and reporting.

However, where warranted, special exceptions may be granted to those state agencies whose immediate compliance to these exact regional boundaries would bring undue expense, hardship, or significantly decreased efficiency to the operation of that agency, or because of other special circumstances. Exemptions will be considered and may be granted by the Governor to those state agencies showing just cause for exemption. Agencies seeking exemption must submit:

(a) A map depicting those regions which can be utilized and those where a modification from existing boundaries is deemed necessary.

(b) A written statement or justification citing statutes, federal regulations or guidelines, personnel difficulties, unreasonable workload assignments, existing investments in field facilities, or other major factors indicating sufficient cause for delay in adoption of the State Multi-County Regions specified herein.
(c) A timetable for eventual agency compliance with this order.

All state agencies utilizing administrative districts are encouraged to continue to bring their administrative district boundaries into conformity with the boundaries of the six state planning regions.

FURTHERMORE, local governmental units are encouraged to continue joint participation in regional councils of governments within this system of districts to enhance intergovernmental cooperation for the purposes of comprehensive planning and development and the administration of state and federally supported programs within the State of Idaho as authorized by the provisions of law.

This order contemplates that, if subsequent circumstances and developments warrant changes in the six regional boundaries due to the continuing process of local regional organization, appropriate revision of this order will be undertaken.

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-sixth day of September, in the year of our Lord nineteen hundred seventy-seven, and of the Independence of the United States of America the two hundred second, and of the Statehood of Idaho the eighty-eighth.

/s/ JOHN V. EVANS
GOVERNOR OF THE STATE OF IDAHO

/s/ PETE T. CENARRUSA
SECRETARY OF STATE
ESTABLISHMENT OF HEALTH SERVICE AREAS FOR THE STATE OF IDAHO, REPEALING EXECUTIVE ORDER NO. 75-4

WHEREAS, the Second Session of the 93rd Congress of the United States of America did enact the National Health Planning and Resources Development Act of 1974; and

WHEREAS, the President of the United States of America did concur with the Second Session of the 93rd Congress by signing into law the National Health Planning and Resources Development Act of 1974; and

WHEREAS, it is the stated purpose of the Act to "facilitate the development of recommendations for a national health planning policy, to augment areawide and state planning for health services, manpower, and facilities, and to authorize financial assistance for the development of resources to further that policy"; and

WHEREAS, the President and Congress of the United States of America did, through the enactment of the National Health Planning and Resources Development Act of 1974, direct the Governors of the several states to designate the boundaries of health service areas within the several states, and did further direct the Governors of the several states to submit their designations to the Secretary of Health, Education and Welfare within one hundred and twenty days of the date of enactment of the Act; and

WHEREAS, in pursuance of his obligation to designate the boundaries of health service areas in the State of Idaho, the Governor of the State of Idaho did cause an Ad Hoc Task Force to be formed to define the alternatives available to the Governor in the designation of health service areas in the State of Idaho; and

WHEREAS, in the discharge of its responsibilities, the Governor of the State of Idaho did direct the Ad Hoc Task Force to conduct public hearings throughout the State to solicit and receive statements and opinions of the public at large; and

WHEREAS, members of the Ad Hoc Task Force and the public at large have expressed the need for efficiency, effectiveness, productivity, and a lack of duplication in health planning in the State of Idaho; and
WHEREAS, a significant majority of the public at large have clearly stated the desire to preserve, strengthen, and guarantee effective and decisive local input in health planning in the State of Idaho;

NOW, THEREFORE, I, JOHN V. EVANS, Governor of the State of Idaho, by authority vested in me by law, do hereby establish six (6) health service subareas within the State of Idaho, the boundaries of which shall conform with the official and uniform state planning regions created by Executive Order No. 72-3.

Further, for the purposes of the National Health Planning and Resources Development Act of 1974, the six (6) health service subareas established by this Executive Order shall collectively constitute the health service area for the State of Idaho.

It is the explicit intent of this Executive Order to promote efficiency and to prevent duplication in health planning in the State of Idaho, but only in such a manner as to guarantee and actively promote decisive local input in the health planning process.

For that reason, I do further direct the establishment of six (6) subarea health councils, one in each of the six (6) health service subareas within the State. The membership of these councils shall conform with the requirements of Section 1512 of the National Health Planning and Resources Development Act of 1974, and shall be appointed only after consultation with the chief elected official of each local political subdivision within the boundaries of the respective health service subareas.

In order to protect and promote effective local input in health service planning within the State of Idaho, I do further direct that the Health Systems Agency established within the State of Idaho for the purposes of the National Health Planning and Resources Development Act of 1974 shall be composed of eighteen (18) members comprised of three (3) members each from the six (6) subarea councils, plus any appropriate State and Federal officials.

In order to assist in the prompt and orderly implementation of the provisions of this Executive Order, I do hereby designate the State Department of Health and Welfare as the State Health Planning and Development Agency pursuant to Section 1521 of the National Health Planning and Resources Development Act of 1974.
IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho, at Boise, the Capital, the twenty-sixth day of September, in the year of our Lord nineteen hundred seventy-seven, and of the Independence of the United States of America the two hundred second, and of the Statehood of Idaho the eighty-eighth.

/s/ JOHN V. EVANS
GOVERNOR OF THE STATE OF IDAHO

/s/ PETE T. CENARRUSA
SECRETARY OF STATE
EXECUTIVE ORDER NO. 77-7

DESIGNATING THE IDAHO TRANSPORTATION DEPARTMENT AND ITS DIRECTOR, DARRELL V. MANNING, AS THE RECIPIENT OF FEDERAL GRANTS FOR PUBLIC TRANSPORTATION ASSISTANCE

WHEREAS, the federal government, under section 9 of the Urban Mass Transportation Act, as amended, is authorized to provide financial assistance to states to improve public transportation; and

WHEREAS, such aid has been offered to Idaho; and

WHEREAS, it is necessary that an agency of the State of Idaho be designated and authorized to receive and expend such financial assistance;

NOW, THEREFORE, I, JOHN V. EVANS, Governor of the State of Idaho, by the authority vested in me by section 5, article 4 of the Idaho Constitution and section 67-802 of the Idaho Code, do hereby designate the Idaho Transportation Department, Darrell V. Manning, its Director, to receive and expend monies from the federal government for public transportation assistance as provided under the applicable federal statutes.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho, at Boise, the Capital, the twenty-eighth day of September, in the year of our Lord nineteen hundred seventy-seven and of the State, the eighty-eighth, and of the Independence of the United States of America the two hundred second.

/s/ JOHN V. EVANS
GOVERNOR OF THE STATE OF IDAHO

/s/ PETE T. CENARRUSA
SECRETARY OF STATE
ESTABLISHING A RISK MANAGEMENT ADVISORY COMMITTEE

WHEREAS, the State of Idaho has found it necessary to purchase casualty and property insurance to properly protect State-owned property and to cover exposures of the State where potential risk of loss exists; and

WHEREAS, the cost of said insurance has increased substantially during the past several years; and

WHEREAS, Chapter 57, Title 67 of the Idaho Code has designated the Bureau of Risk Management, Department of Administration, as the State agency responsible for the administration of State insurance programs of all kinds, other than life and disability insurance; and

WHEREAS, it is desirable that the State receive professional advice on the management of risks and the administration and procurement of insurance;

NOW, THEREFORE, I, JOHN V. EVANS, Governor of the State of Idaho, by the authority vested in me by Section 5, Article 4, of the Idaho Constitution and Section 67-802 of the Idaho Code, do hereby establish the "Risk Management Advisory Committee" to act in an advisory capacity to Department of Administration in the areas of risk and insurance management for the State of Idaho.

SECTION 1. COMPOSITION OF THE COMMITTEE.

The Risk Management Advisory Committee shall consist of three (3) members appointed by the Governor. Members of the Committee shall serve for a term of three (3) years and, of the first three (3) members of the Committee to be appointed, one (1) member shall be appointed for a term of one (1) year, one (1) member shall be appointed for a term of two (2) years and one (1) member shall be appointed for a term of three (3) years, beginning January 1. Committee members shall serve without remuneration but shall receive their actual expenses of travel and lodging to meetings and be reimbursed for meals as allowed by Idaho laws and regulations.

Committee members will be selected from private industry or the general public and must have insurance experience that will be valuable to the Committee. To maintain the integrity of the Committee, Committee members may not be associated with or employed by any insurance company, insur-
ance agency, or consulting firms providing insurance or risk management consulting services to the State of Idaho.

The Director of the Department of Administration, or his designee, shall serve as chairman of the Risk Management Advisory Committee. The Department of Administration shall provide a secretary to record all actions taken by the Committee. The chairman will not have a vote in the decisions of the Committee except in the event of a tie vote.

The Committee may not meet and transact business without a quorum present. A quorum shall be two (2) members and the chairman.

SECTION 2. COMMITTEE SUBJECT TO STATE RULES.

The Risk Management Advisory Committee shall be subject to all laws, rules and regulations of the State of Idaho. All meetings shall be open to the public and reasonable notice shall be given to the public of such meetings. Minutes shall be kept of all Committee meetings and will be available for public inspection after approval by the Committee.

SECTION 3. COMMITTEE RESPONSIBILITIES.

The Risk Management Advisory Committee shall be responsible for advising the State on risk management and insurance matters. Duties of the Committee shall include, but are not limited to:

A. Review and advise on safety and loss prevention programs.
B. Review and advise on risk exposures.
C. Review and advise on risk handling programs.
D. Review and advise on insurance specifications, insurance proposals from companies and/or agents, and the procurement of insurance.
E. Review and advise of self-insurance programs.
F. Review and advise on dealings with insurance companies and insurance agents.

The Risk Management Advisory Committee shall be advisory in nature only, and the advice of the Committee shall be given all due accord. The ultimate responsibility for risk management shall remain with the State Risk Manager and with
the Department of Administration as provided by law.

The Risk Management Advisory Committee shall cease to exist and this Executive Order shall cease to be effective after November 23, 1979, or at such earlier date as it is determined that the need for the Risk Management Advisory Committee no longer exists.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho, at Boise, the Capital, the twenty-third day of November, in the year of our Lord nineteen hundred seventy-seven, and of the Independence of the United States of America the two hundred second, and of the Statehood of Idaho the eighty-eighth.

/s/ JOHN V. EVANS
GOVERNOR OF THE STATE OF IDAHO

/s/ PETE T. CENARRUSA
SECRETARY OF STATE
EXECUTIVE ORDER NO. 77-9

PROHIBITING THE USE OF IMPORTED BEEF PRODUCTS BY STATE AGENCIES REPEALING EXECUTIVE ORDER NO. 75-1

WHEREAS, the beef industry represents the largest cash receipt agricultural product in the State of Idaho; and

WHEREAS, 34 percent of net disposable income in the State of Idaho is attributable to the cattle industry and its related ancillary industries; and

WHEREAS, the average cattle producer in the State of Idaho raises less than 100 head of beef cattle; and

WHEREAS, the growing importation of foreign beef products represents the largest threat to the continuation of a viable cattle industry in the State of Idaho;

NOW, THEREFORE, I, JOHN V. EVANS, Governor of the State of Idaho, by the authority vested in me by law, do hereby prohibit the use of foreign beef products by state governmental agencies. State agencies which, upon issuance of this Executive Order, may be utilizing foreign beef products in their food service functions are directed to exhaust existing supplies and to refrain from any further use of such products.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho, at Boise, the Capital, the first day of December, in the year of our Lord nineteen hundred seventy-seven, and of the Independence of the United States of America the two hundred second, and of the Statehood of Idaho the eighty-eighth.

/s/ JOHN V. EVANS
GOVERNOR OF THE STATE OF IDAHO

/s/ PETE T. CENARRUSA
SECRETARY OF STATE
EXECUTIVE ORDER NO. 77-10

PROHIBITING THE USE OF IMPORTED DAIRY PRODUCTS BY STATE AGENCIES REPEALING EXECUTIVE ORDER NO. 75-2

WHEREAS, the sale of milk and cream by dairy producers in Idaho during 1975 represented sales of one hundred twenty-two million dollars; and

WHEREAS, approximately twenty-five percent of the total beef marketed within Idaho is drawn from dairy herds; and

WHEREAS, the average dairy producer's capital investment in land, equipment and cattle equals between one hundred and five hundred thousand dollars; and

WHEREAS, 1,939,000,000 pounds of milk equivalent products were imported into the United States during 1976;

NOW, THEREFORE, I, JOHN V. EVANS, Governor of the State of Idaho, by the authority vested in me by law, in order to meet the obligation of state government to alleviate problems facing an important segment of the economy, do hereby prohibit the use of foreign dairy products by state governmental agencies. State agencies which, upon issuance of this Executive Order, may be utilizing foreign dairy products in their food service functions are directed to exhaust existing supplies and to refrain from any further use of such products.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho, at Boise, the Capital, the first day of December, in the year of our Lord nineteen hundred seventy-seven, and of the Independence of the United States of America the two hundred second, and of the Statehood of Idaho the eighty-eighth.

/s/ JOHN V. EVANS
GOVERNOR OF THE STATE OF IDAHO

/s/ PETE T. CENARRUSA
SECRETARY OF STATE
ESTABLISHMENT OF A STATE DATA PROCESSING COMMITTEE

WHEREAS, the State of Idaho seeks to provide the best possible service at a reasonable cost to the taxpayers and desires, as part of the continuing effort, to improve that service and to evaluate new technological innovations on an objective cost/benefit basis; and

WHEREAS, Section 67-1910, Idaho Code, authorizes and directs the Division of Budget, Policy Planning and Coordination of the Office of the Governor to approve the lease, purchase or installation of any electric data processing equipment and facilities for any officer, board, department, agency or institution of state government; and

WHEREAS, the discharge of this responsibility requires coordination among state agencies in the development of plans and policies for the development of automated data processing systems and for the procurement of data processing equipment that can be used to best support the goals, objectives, functions and activities of the State of Idaho; and

WHEREAS, intermediate and long-term plans and policies must be developed to provide a coordinated statewide approach to automated data processing within the State of Idaho;

NOW, THEREFORE, I, JOHN V. EVANS, Governor of the State of Idaho, by the authority vested in me by Section 5, Article 4, of the Idaho Constitution and Section 67-802, Idaho Code, do hereby establish the State Data Processing Committee to act in an advisory capacity to the Division of Budget, Policy Planning and Coordination as set forth below.

FURTHERMORE, the Committee shall be chaired by the Administrator of the Division of Budget, Policy Planning and Coordination and shall consist of other members appointed by the Governor to represent both those state agencies using and providing data processing service and appropriate representatives of private industry.

FURTHERMORE, the Committee shall have as its goal to recommend to the Administrator such plans, policies and procedures as are necessary to assist the Division of
Budget, Policy Planning and Coordination in the development and coordination of data processing by the State.

FURTHER, the Division of Budget, Policy Planning and Coordination is hereby directed to serve as a professional staff resource to the Committee.

1. GENERAL

a. The State of Idaho shall develop a planned and controlled approach to the management of data processing resources on a statewide basis. To this end, a coordinated statewide automated data processing master plan, including all state agencies within the State of Idaho, shall be developed and maintained. State agencies are directed to submit reports as required on the use and cost of existing data processing systems and installations and on the anticipated use and estimated cost of proposed systems and installations to the Division of Budget, Policy Planning and Coordination for use in planning and preparation of a coordinated statewide automated data processing master plan.

b. All proposals for the purchase, rental or other acquisition or disposal of data processing equipment, acquisition of data processing software or services, or initiation of systems development projects affecting more than one agency, shall be subject for the approval of the Administrator of the Division of Budget, Policy Planning and Coordination and subject to the review and recommendations of the State Data Processing Committee as necessary.

c. State agencies are directed to submit such information as prescribed by the Administrator of the Division of Budget, Policy Planning and Coordination for the purposes of carrying out this Order.

The State Data Processing Committee shall cease to exist and this Executive Order shall cease to be effective after December 1, 1979, or at such earlier date as it is determined that the need for the Committee no longer exists.
BY THE GOVERNOR:

/s/ JOHN V. EVANS
GOVERNOR OF THE STATE OF IDAHO

/s/ PETE T. CENARRUSA
SECRETARY OF STATE
ESTABLISHING THE IDAHO ELECTRICAL CONSUMERS OFFICE

WHEREAS, the State of Idaho stands at the crossroads between continued growth and adequate supplies of electrical energy for all of the citizens of Idaho; and

WHEREAS, it is evident current electrical resources available to the people of Idaho must in the future be supplemented either by the purchase of electricity or through construction of further generating facilities; and

WHEREAS, economic growth in Idaho and consequent shift from the current base load hydroelectricity poses a potential for increases in electrical rates far in excess of the ability of the consumer to economically absorb such increases without undue hardship being placed on various groups of citizens within our society; and

WHEREAS, the development of commerce and industry in Idaho has been facilitated by the use of inexpensive hydroelectric power and changes in this system, if not thoroughly reviewed, will be devastative to those sectors of Idaho's economy; and

WHEREAS, there exists a need for consumers from throughout the State of Idaho to express their position in an articulate, forceful and meaningful fashion before not only the Idaho Public Utilities Commission but also before those out-of-state regulatory bodies that deal with requests from utilities that serve customers within Idaho;

NOW, THEREFORE, I, JOHN V. EVANS, Governor of the State of Idaho, by the authority vested in me by Section 5, Article 4, of the Idaho Constitution and Section 67-802, Idaho Code, do hereby create and establish within the Office of the Lieutenant Governor the Idaho Electrical Consumers Office. The Office shall have the following duties and responsibilities:

1. Make general factual assessments of the impact of proposed electric utility rate changes and other proposed regulatory actions upon consumers, including residential consumers;

2. Provide technical and/or financial assistance to eligible consumer groups in the presentation of its position and participation in cross-examination in a proceeding; and
3. Advocate, on its own behalf, a position which it determines represents the position most advantageous to consumers, taking into account developments in electric utility rate design reform.

The Idaho Electrical Consumers Office shall cease to exist and this Executive Order shall cease to be effective after December 9, 1979, or at such earlier date as it is determined that the need for the Office no longer exists.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho, at Boise, the Capital, the ninth day of December, in the year of our Lord nineteen hundred seventy-seven, and of the Independence of the United States of America the two hundred second, and of the Statehood of Idaho the eighty-eighth.

/s/ JOHN V. EVANS
GOVERNOR OF THE STATE OF IDAHO

BY THE GOVERNOR:

/s/ PETE T. CENARRUSA
SECRETARY OF STATE
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**SENATE JOINT MEMORIALS**

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**HOUSE JOINT MEMORIALS**

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APPENDIX
ELECTED OFFICIALS

CONGRESSIONAL

UNITED STATES SENATORS
Frank Church (D)
James A. McClure (R)

REPRESENTATIVES IN CONGRESS
Steven D. Symms (R), First District
George Hansen (R), Second District

Mailing Address: 304 N. 8th, Boise, Idaho 83702

STATE

GOVERNOR
John V. Evans (D) ............... 1805 North 21st, Boise, Idaho 83702

LIEUTENANT GOVERNOR
William J. Murphy (D) .......... Murray Star Route, Wallace, Idaho 83873

SECRETARY OF STATE
Pete T. Cenarrusa (R) .......... 2400 Cherry Lane, Boise, Idaho 83705

STATE AUDITOR
Joe R. Williams (D) .......... 801 North 20th, Boise, Idaho 83702

STATE TREASURER
Marjorie Ruth Moon (D) .......... 2227 Heights Drive, Boise, Idaho 83702

ATTORNEY GENERAL
Wayne L. Kidwell (R) ........... 1479 Rimrock Court, Boise, Idaho 83702

SUPERINTENDENT OF PUBLIC INSTRUCTION
Roy Truby (D) ............... 4625 Morris Hill, Boise, Idaho 83704
IDAHO STATE LEGISLATORS 1977-78

1 – BOUNDARY & BONNER COUNTIES

Kermit V. Kiebert, Senate (D)  
Box 187, Hope 83836  264-5430  
Contractor Educator  Wife-Diane  
COMMITTEES: Res/Env,St Aff  
Minority Caucus Chairman

Marion Davidson, House (D)  
Route 3, Bonners Ferry 83805  
Home 267-2719 Bus. 267-2741  
Contractor  Wife-Frances  
COMMITTEES: Approp,Bus,W/M  
Minority Caucus Chairman

Don Maynard, House (D)  
Clark Fork 83811  266-1244  
Retired  Wife-Margaret  
COMMITTEES: Res/Con,Agric Aff

2 – KOOTENAI COUNTY

Art Manley, Senate (D)  
1109 11th, Coeur d’Alene 83814  664-3390  
Realtor  Wife-Margaret  
COMMITTEES: Fin,Res/Env

Gary J. Ingram, House (R)  
3530 Highland Dr.,  
Coeur d’Alene 83814  667-8528  
Chemical Sales  Wife-Maureen  
COMMITTEES: Chm-Loe Gov,Res/Con,St Aff

L. C. (Jack) Spurgeon, House (D)  
2921 N. 6th St., P.O. Box 820,  
Coeur d’Alene 83814  
Home 664-4970 Bus. 667-4658  
Cr. Union Mgr./Wage Earner Trustee  Wife-Evelyn  
COMMITTEES: Bus, Educ, Loc Gov

3 – KOOTENAI & BENEWAH COUNTIES

C. C. Chase, Senate (D)  
201 11th, St. Maries 83861  245-2057  
Auto Dealer  Wife-Verdie  
COMMITTEES: Comm/Lab,St Aff  
Minority Leader

Emery E. Hedlund, House (D)  
1746 Main Ave., St. Maries 83861  
Home 245-2640 Bus. 245-2951  
Merchant  Wife-Vera  
COMMITTEES: Approp,Res/Con

B. E. (Bud) Lewis, House (R)  
Route 3, St. Maries 83861  
Home 245-3120 Bus. 245-3312  
Merchant  Wife-Joan  
COMMITTEES: Res/Con,St Aff,W/M,Transp  
Majority Caucus Chairman

4 – KOOTENAI & SHOSHONE COUNTIES

Dorothy H. McCann, Senate (D)  
Murray Star Route, Wallace 83873  682-3080  
Health Services  
COMMITTEES: HEW,Jud,Loc Gov

Louis J. Horvath, Jr., House (D)  
Box 888, Pinehurst 83850  
Home 682-2587 Bus. 784-1371  
Guidance Counselor, Kellogg HS  Wife-Joyce  
COMMITTEES: Educ,Jud,Health/Wel

Thomas M. Snyder, House (D)  
Route 1, Cataldo 83810  682-2075  
Tavern Opr.  
COMMITTEES: Res/Con,Transp

5 – LATAH COUNTY

Norma Dobler, Senate (D)  
1401 Alpowa St., Moscow 83843  882-3318  
Homemaker  Husband-Clifford  
COMMITTEES: HEW,Res/Env

Tom Boyd, House (R)  
Route 1, Genesee 83832  285-1578  
Rancher  Wife-Beverly  
COMMITTEES: Agric Aff, Educ, Jud

Robert E. Hosack, House (D)  
820 West C St., Moscow 83843  882-3664  
Retired  Wife-Nancy  
COMMITTEES: Print,St Aff,Jud

6 – NEZ PERCE COUNTY

Mike P. Mitchell, Senate (D)  
316 Skyline Dr., Lewiston 83501  
Home 743-7753 Bus. 746-0114  
Wholesaler  Wife-Arlene  
COMMITTEES: Fin,Jud

Ronald V. Harlow, House (D)  
604 Burrell Dr., Lewiston 83501  743-7130  
Educator  Wife-Dawn  
COMMITTEES: Loc Gov,Rev/Tax,W/M  
Asst. Minority Leader

Joe N. Wagner, House (D)  
2828 Sunset Dr., Lewiston 83501  743-0900  
Antiques  Wife-Fern  
COMMITTEES: Approp,Bus

7 – CLEARWATER, LATAH & NEZ PERCE COUNTIES

Claud R. Judd, Senate (D)  
Route 3, Orofino 83544  435-4380  
Farmer  Wife-Evita  
COMMITTEES: Agric Aff,St Aff,Transp

Carl P. Braun, House (D)  
Box 752, Orofino 83544  476-5655  
Retired  Wife-Elvita  
COMMITTEES: Agric Aff, St Aff

Lester V. Clemm, House (D)  
Route 1, Box 103, Troy 83871  835-2528  
Farm Business  Wife-Oma Vee  
COMMITTEES: Agric Aff, Res/Con, Rev/Tax

8 – LEWIS, NEZ PERCE & IDAHO COUNTIES

Michael S. Black, Senate (D)  
Box 296, Craigmont 83523  924-5956  
Minister  Wife-Peggy  
COMMITTEES: Agric Aff,HEW,Loc Gov

K. Jim Ries, House (D)  
P.O. Box 42, Grangeville 83530  
Home 983-1410 Bus. 983-2835  
Barber-Stylist  Wife-Judy  
COMMITTEES: Educ,Transp,Print

Harold W. Reid, House (D)  
Route 2, Box 34, Craigmont 83523  937-2514  
Agriculture  Wife-Louise  
COMMITTEES: Agric Aff,Rev/Tax
IDAHO STATE LEGISLATORS 1977-78

9 – ADAMS, BOISE, GEM, VALLEY, IDAHO, ADA & CANYON COUNTIES

David Little, Senate (R)
P.O. Box 68, Emmett 83617 365-4821
Livestock Rancher Wife-Geraldine
COMMITTEES: Fin,Res/Con

Herbert G. Fitz, House (R)
Box 317, New Meadows 83654 347-2256
Pharmacist Wife-Ruth
COMMITTEES: Health/Wel,Res/Con

Morgan Munger, House (R)
Ola 83657 627-4232
Rancher Wife-Ellen
COMMITTEES: Loc Gov,Print,Rev/Tax

10 – PAYETTE & WASHINGTON COUNTIES

Larry E. Craig, Senate (R)
Midvale 83645 355-2402
Rancher
COMMITTEES: Agric Aff,HEW,Comm/Lab

George G. Danielson, House (R)
Cambridge 83610 267-3456
Storeowner Wife-Lois
COMMITTEES: Chm-Print,St Aff

Wallie E. Little, House (R)
Route 1, New Plymouth 83655 278-5504
Rancher Wife-Evelyn
COMMITTEES: W/M,St Aff

11 – CANYON COUNTY

W. Dean Abrahams, Senate (R)
116 S. 7th Ave., Caldwell 83605
Home 459-1320 Bus. 459-3141
I.O.N. Cattle Co.
COMMITTEES: Agric Aff,Comm/Lab,Transp

Carroll W. Dean, House (R)
Box 145, Notus 83656 459-9161
Retired Wife-Erma
COMMITTEES: Chm-Agric Aff, Educ

Dorothy L. Reynolds, House (D)
1920 Howard, Caldwell 83605
Home 459-2553 Bus. 459-0847
Educator Husband-Hal E.
COMMITTEES: Educ,Health/Wel,Res/Con

12 – CANYON COUNTY

Leon H. Swenson, Senate (R)
Route 2, Box 2121, Nampa 83651 466-4088
Farmer Wife-Dorothy
COMMITTEES: HEW,Chm-St Aff

Steven F. Scanlin, House (D)
Route 3, Caldwell 83605
Home 459-4306 Bus. 459-4641
Medical Social Worker
COMMITTEES: Health/Wel,St Aff

Kenneth Stephenson, House (R)
Route 5, Box 5629, Nampa 83651 466-4722
Retired Wife-Lillian
COMMITTEES: Health/Wel,Print,Res/Con

13 – CANYON COUNTY

Philip E. Batt, Senate (R)
Box 428, Wilder 83676
Home 337-3102 Bus. 482-7380
Farmer Wife-Jacque
COMMITTEES: St Aff

Virginia D. Smith, House (R)
Route 6, Caldwell 83605 459-7192
Fruit Farmer Husband-Willard L.
COMMITTEES: Agric Aff,Jud,St Aff

Percival A. Wesche, House (R)
323 19th Ave. S., Nampa 83651 466-2243
Educator Wife-Marjorie
COMMITTEES: Educ,Health/Wel,Jud

14 – ADA COUNTY

Vernon K. Brassey, Senate (R)
3200 Treasure Dr., Boise 83703 342-0242
Residential Rentals Wife-Isabel
COMMITTEES: Chm-Comm/Lab,Fin

J. Michael Gwartney, House (R)
6400 Pierce Park Lane, Boise 83703
Home 345-1285 Bus. 384-8250
Boise Cascade Corp. Wife-Beck
COMMITTEES: Bus,Loc Gov,Rev/Tax

Lawrence C. (Larry) Jackson, House (R)
3300 Bogus Basin Rd., Boise 83702
Home 343-4763 Bus. 345-9622
Life Insurance Sales Wife-Dinah
COMMITTEES: Chm-Approp

15 – ADA COUNTY

Edith Miller Klein, Senate (R)
P.O. Box 475, Boise 83701
Home 344-5402 Bus. 343-3676
Lawyer
COMMITTEES: Chm-Jud,Comm/Lab,Loc Gov

Peggy Bunting, House (R)
944 Lewis, Boise 83702 342-3147
Housewife Husband-Clyde
COMMITTEES: Loc Gov,St Aff

16 – ADA COUNTY

Lyle R. Cobb, Senate (R)
7211 Court Ave., Boise 83704 375-2400
Realtor Wife-Donna
COMMITTEES: Chm-Loc Gov,HEW

Paul W. Worthen, House (R)
6414 Robertson Dr., Boise 83705
Home 375-6135 Bus. 344-8446
Prof. Elec. Engineer Wife-Billie
COMMITTEES: Approp

James D. Golden, House (R)
8365 Amherst, Boise 83704
Home 375-8196 Bus. 345-8721
Stock Broker/Invest. Counselor Wife-Diane
COMMITTEES: Bus,Health/Wel
IDAHO STATE LEGISLATORS 1977-78

17 – ADA COUNTY
Ron J. Twilegor, Senate (D)
One Capital Center, Suite 1102, Boise 83702
Home 345-7976  Bus. 345-3460
Businessman-Attorney Wife-Elizabeth
COMMITTEES: Comm/Lab,St Aff
Asst. Minority Leader
Kathleen W. (Kitty) Curnsey, House (R)
1111 W. Highland View Dr.,
Boise 83702  343-1780
Housewife Husband-Vern L.
COMMITTEES: Appropr
Larry W. Harris, House (R)
1925 Montclair Dr., Boise 83702  344-6242
Retired Wife-Jane
COMMITTEES: Jud,St Aff

18 – ADA COUNTY
James E. Risch, Senate (R)
Route 3, S. Cole Rd., Boise 83705
Home 375-7575  Bus. 344-0000
Attorney Wife-Vicki
COMMITTEES: Jud,St Aff
Majority Leader
Wendy A. Ungrich, House (R)
5302 Aztec Circle, Boise 83705  362-3265
Homemaker Husband-Samuel K.
COMMITTEES: Educ,Jud
Jack C. Kennevelch, House (R)
1 Mesa Dr., Boise 83705  343-2136
Insurance Wife-Mary Anne
COMMITTEES: Bus,St Aff,W/M
Asst. Majority Leader

19 – ADA & OWYHEE COUNTIES
Walter H. Yarbrough, Senate (R)
Box 216, Grand View 83624  834-2727
Rancher/Contractor Wife-Lucy
COMMITTEES: Fin,St Aff,Transp
Majority Caucus Chairman
John F. Reardon, House (R)
3100 N. Five Mile Rd.,
Boise 83704  375-3824
Mech. Engineer Wife-Blanche
COMMITTEES: Res,Con,Chm-St Aff
Lyman G. Winchester, House (R)
Route 1, Kuna 83634  922-5750
Rancher Wife-Lena
COMMITTEES: Agric Aff,Res,Con,St Aff

20 – CLARK, CUSTER, JEFFERSON & LEMHI COUNTIES
Pearl C. Crystal, Senate (R)
Route 6, Box 232,
Idaho Falls 83401  754-4705 (Rigby)
Rancher/Rodeo Producwr Wife-Brenda
COMMITTEES: Agric Aff,Loc Gov
Ray E. Infanger, House (R)
Route 1, Box 174, Salmon 83467  756-3649
Heating Contractor Wife-Vera
COMMITTEES: Appropr
Wayne E. Tibbitts, House (R)
Lorenzo Route, Box 212, Rigby 83442  745-7550
Farmer Wife-Lela
COMMITTEES: Agric Aff,Rev/Tax,
Chm-W/M,Res/Con

21 – BLAINE, LINCOLN & MINIDOKA COUNTIES
John J. (Jack) Bell, Senate (D)
1143 Link St., Rupert 83350  436-3246
Retired Wife-Emily
COMMITTEES: Agric Aff,HEW,Res/Env
Steve Antone, House (R)
1141 Link St., Rupert 83350  436-3927
Farmer
COMMITTEES: Chm-Rev/Tax,Transp
Mock Wm. Neibaur, House (R)
Route 1, Box 142, Paul 83347
Home 532-4175  Bus. 532-4240
Farming Wife-Edna
COMMITTEES: Educ,Jud,Transp

22 – CAMAS, ELMORE, GOODING & TWIN FALLS COUNTIES
J. Wilson Steen, Senate (R)
P.O. Drawer B, Glens Ferry 83623  366-7956
Railroad Engineer Wife-Hazel
COMMITTEES: Jud,St Aff,Transp
Asst. Majority Leader
Don Kelly, House (R)
930 N. 10th E., Mtn. Home 83647
Home 587-5426  Bus. 587-4435
Teacher Wife-Roberta (Bobbi)
COMMITTEES: Edusc,Agric Aff
Virgil L. Kraus, House (R)
500 N. 11th E., Mtn. Home 83647  587-3652
Merchant Wife-Geri
COMMITTEES: Chm-Bus,Rev/Tax,Transp

23 – JEROME, LINCOLN & GOODING COUNTIES
Kenneth Bradshaw, Senate (R)
P.O. Box 485, Wendell 83355  536-2471
Self-employed
COMMITTEES: Loc Gov,Res/Env,Transp
John H. Brooks, House (R)
Route 2, Box 233, Gooding 83330  934-5183
Rancher Wife-Sharon
COMMITTEES: Agric Aff,Print,Rev/Tax
Gordon R. Hollifield, House (R)
Route 3, Box 115, Jerome 83338  324-4220
Farmer Wife-Jean
COMMITTEES: Agric Aff,Rev/Tax

24 – TWIN FALLS COUNTY
John M. Barker, Senate (R)
Route 4, Box 422, Buhl 83316
Home 543-5617  Bus. 543-4372
Realtor/Insurance Wife-Rose
COMMITTEES: Chm-HEW,Jud
Noy E. Brackett, House (R)
Box 403, Twin Falls 83301  733-4823
Rancher Wife-Ruby
COMMITTEES: Res,Con,Rev/Tax,Transp
Lawrence Knigge, House (R)
Route 1, Filer 83328  326-4252
Farming Wife-Marilyn
COMMITTEES: Educ,Health/Wel,Res/Con
<table>
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<th>IDAHO STATE LEGISLATORS 1977-78</th>
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<tr>
<td><strong>25 – TWIN FALLS COUNTY</strong></td>
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<tr>
<td><strong>Richard S. High, Senate (R)</strong></td>
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<tr>
<td>802 Sunrise Blvd. N., Twin Falls 83301 733-0992</td>
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<td>Farmer Wife-Laura</td>
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<td>COMMITTEES: Chm-Fin</td>
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<td><strong>T. W. Stivers, House (R)</strong></td>
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<td>144 N. Juniper, Twin Falls 83301</td>
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<td>Home 733-7127 Bus. 733-3821</td>
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<td>Title Insurance Wife-Winifred</td>
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<td>COMMITTEES: Chm-Jud,Educ,Loc Gov</td>
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<td><strong>Ralph Olmstead, House (R)</strong></td>
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<td>Route 2, Twin Falls 83301</td>
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<td>Home 733-3047 Bus. 733-6799</td>
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<td>Farmer Wife-Jackie</td>
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<td>COMMITTEES: Approp</td>
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| **26 – CASSIA & MINIDOKA COUNTIES** |
| **Dean VanEngelen, Senate (R)** |
| P.O. Box 98, Burley 83318 |
| Home 678-8187 Bus. 678-5602 |
| Retail Merchant Wife-Evonne (Sally) |
| COMMITTEES: Fin,Res/Env |
| **J. Ward Chatburn, House (R)** |
| Box 97, Albia 83311 673-6661 |
| Rancher Wife-Eva |
| COMMITTEES: St Aff,Chm-Res/Con |
| **Ernest A. Hale, House (R)** |
| 725 E. 16th, Burley 83318 678-7394 |
| Quarry Opr. Wife-Elizabeth |
| COMMITTEES: Educ,Print,Transp |

| **27 – BINGHAM COUNTY** |
| **Israel (Is) Merrill, Senate (D)** |
| 581 N. Stout St., Blackfoot 83221 785-3375 |
| Operating Engineer Wife-Lois |
| COMMITTEES: Comm/Lab,HEW,Transp |
| **Allan F. Larsen, House (R)** |
| Route 5, Box 33, Blackfoot 83221 684-4911 |
| Farmer/Implement Dealer Wife-Barbara |
| Speaker of the House |
| **Darwin L. Young, House (R)** |
| Route 5, Box 99, Blackfoot 83221 684-4654 |
| Farmer Wife-Pearl |
| COMMITTEES: Bus,Health/Wel,Rev/Tax |

| **28 – FREMONT & MADISON COUNTIES** |
| **Dick Smith, Senate (R)** |
| 226 E. Main, P.O. Box 82, Rexburg 83440 356-5959 |
| Farmer Wife-Marilyn |
| COMMITTEES: HEW,St Aff,Jud |
| **F. Melvin Hammond, House (D)** |
| 149 Elm Ave., Rexburg 83440 356-3725 |
| Educator Wife-Bonnie |
| COMMITTEES: Bus,St Aff |
| **Doyle C. Miner, House (R)** |
| 310 N. 7 E., St. Anthony 83445 624-7388 |
| Pharmacist Wife-Doris |
| COMMITTEES: Approp |

| **29 – BUTTE, BINGHAM & BONNEVILLE COUNTIES** |
| **J. Marsden Williams, Senate (R)** |
| 1950 Carmel Dr., Idaho Falls 83401 524-1922 |
| Rancher/Realtor/Loan Off. Wife-Phyllis |
| COMMITTEES: Chm-Res/Env,Fin |
| **Kurt L. Johnson, House (R)** |
| Route 6, Box 407, Idaho Falls 83401 522-7959 |
| Farmer Wife-Lucille |
| COMMITTEES: Agric Aff,Chm-Educ,Res/Con |
| **C. Wendell Miller, House (D)** |
| 791 N. Skyline Dr., Idaho Falls 83401 |
| Home 523-1192 Bus. 528-0111, Ext. 3437 |
| Instrument Specialist Wife-Alene |
| COMMITTEES: Transp,St Aff |

| **30 – BINGHAM & BONNEVILLE COUNTIES** |
| **Dane Watkins, Senate (R)** |
| 2975 Fieldstream Lane, Idaho Falls 83401 |
| Home 522-4855 Bus. 523-0800 |
| Farm Equipment Dealer Wife-Sherry |
| COMMITTEES: Loc Gov,Chm-Agric Aff |
| **Ronald K. Lechelt, M.D., House (D)** |
| 247 Harts Dr., Idaho Falls 83401 |
| Home 524-0459 Bus. 523-3060 |
| Pediatrician Wife-Nancy J. |
| COMMITTEES: Educ,Health/Wel,Print |
| **Elaine Kearnes, House (R)** |
| 3040 Gustafson Circle, Idaho Falls 83401 |
| Home 522-2266 Bus. 522-6875 |
| Accountant Husband-E. Jay |
| COMMITTEES: Chm-Health/Wel,St Aff |

| **31 – TETON, BONNEVILLE & MADISON COUNTIES** |
| **Richard A. Egbert, Senate (D)** |
| Tetonia 83452 456-5831 |
| Rancher/Businessman Wife-Altta |
| COMMITTEES: Fin,Transp |
| **Linden B. Bateman, House (R)** |
| Route 1, Box 442, Idaho Falls 83401 |
| Home 524-0927 Bus. 523-1823 |
| High School Teacher Wife-Deann |
| COMMITTEES: Loc Gov,Res/Con,St Aff |
| **John O. Sessions, House (R)** |
| Box 152, Driggs 83422 354-2508 |
| Retailer Wife-Alice |
| COMMITTEES: Bus,Educ,Chm-Transp |

| **32 – BEAR LAKE, CARIBOU & FRANKLIN COUNTIES** |
| **Reed W. Budge, Senate (R)** |
| 231 S. 1st E., Soda Springs 83276 547-3096 |
| Rancher Wife-Gwen |
| COMMITTEES: Chm-Transp,Res/Env,HEW |
| **Robert C. Geddes, House (R)** |
| Route 3, Box 107, Preston 83263 852-1376 |
| Farmer Wife-Carla |
| COMMITTEES: Health/Wel,Print,Rev/Tax |
| **Russell A. Westerberg, House (D)** |
| 170 Keystone, Soda Springs 83276 |
| Home 547-4170 Bus. 547-3391 |
| Mechanic Wife-Lucille |
| COMMITTEES: Res/Con,Rev/Tax,Transp |
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33 – ONEIDA & BANNOCK COUNTIES

Lester A. Hartvigsen, Senate (D)
255 E. 155 S., Malad 83252  766-4106
Farmer  Wife-Edris
COMMITTEES: Jud,Loc Gov

Kent S. Walker, House (R)
Route 2, Inkom 83245  775-4930
Insurance  Wife-Lou Jean
COMMITTEES: Bus,Loc Gov,Rev/Tax

Myron Jones, House (R)
Route 1, Box 123C, Malad 83252  766-4291
Farmer/Rancher  Wife-Nola
COMMITTEES: Educ,Transp,Res/Con

34 – BANNOCK COUNTY

James A. Leese, Senate (D)
1075 East Elm, Pocatello 83201
Home  232-7583  Bus.  232-8231, Ext. 200
Retired  Wife-Louise
COMMITTEES: Jud,Loc Gov

Gary Gould, House (D)
541 S. 7th, Pocatello 83201
Home  232-6859  Bus.  236-2756
Dir., Financial Aid, ISU  Wife-Marcy
COMMITTEES: Loc Gov,Rev/Tax

Patricia McDermott, House (D)
P.O. Box 3, Pocatello 83201
Home  232-3162  Bus.  232-3162
Attorney
COMMITTEES: Jud,St Aff,W/M
Minority Leader

35 – POWER, BINGHAM & BANNOCK COUNTIES

C. E. (Chick) Bilyeu, Senate (D)
Route 1N, Box 48, Pocatello 83201  237-3158
Educator  Wife-Diane
COMMITTEES: Fin,Transp

W. Rusty Barlow, House (R)
557 Franklin, Pocatello 83201
Home  232-2637  Bus.  233-0962
Elec./Plbg./Htg. Contractor  Wife-Andrea
COMMITTEES: Transp,Print,Rev/Tax

Max Kendell, House (R)
Aberdeen 83210  397-4844
Ranching  Wife-Edith
COMMITTEES: Approp